



**City of Newport
Planning Commission Minutes
February 11, 2016**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 6:00 P.M.

2. ROLL CALL

Commissioners Present – Anthony Mahmood, Kevin Haley, Matt Prestegaard, Marvin Taylor, David Tweeten (arrived at 6:02 p.m.)

Commissioners absent –

Also present – Deb Hill, City Administrator, Renee Eisenbeisz, Asst. to the City Administrator, Sherri Buss, TKDA Planner.

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the January 14, 2016 Meeting.

Motion by Haley, seconded by Prestegaard to approve the January 14, 2016 Meeting Minutes. With 4 ayes, 0 Nays, motion carries.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider a request from Kim Brown for an interim Use Permit for property located at 1675 Kolff Street

Sherri Buss, TKDA Planner, presented on this item as outlined in the February 11, 2016 Planning Commission packet.

The Public Hearing opened at 6:13 p.m.

Peder Wallace, 1651 11th Ave. –Spoke about pasture concerns. Manure handling, # of animals in pasture. Bad smell in the summer time when wind is out of the north. Concerned about the amount of flies from the manure. Also concerned about groundwater contamination from the manure. Peter asked Sherri if there are any environmental studies that could be done on the site. Peter said that he has a private well that is located about 150 feet from the pasture and is concerned that it could be affected. He is also concerned about his close proximity to Kim Brown’s property affecting his property value and overall quality of life. He said that he would be fine with her having two horses but no more. Peter does not support allowing her to have more horses than allowed in the existing ordinance. He also asked about the process for grading on Kim Brown’s property. Does not like the manure dust blowing on his property.

Commissioner Prestegaard– Asked Sherri Buss to clarification on the reasoning behind the six animal limit in the City’s animal ordinance.

Ms. Buss – Stated that the six animal limit is in the animal ordinance and not the zoning ordinance. She then asked Asst. to the Administrator Eisenbeisz to talk about the City Council’s amendment of the animal ordinance.

Asst. to the Administrator Eisenbeisz – Talked about the City Council’s amendment of the animal ordinance in December which allows one animal per acre.

Commissioner Prestegaard – Asked about getting more information on the grading process.

Kim Brown, 1675 Kolff St. – Spoke about grading. She has 10 horses right now, three leaving this weekend. She said that the grading process breaks apart the manure into very fine pieces. It is an 8 x 8 metal drag that she drags around the pasture. She said that the current number of horses is temporary and a number of the horses will be leaving the property shortly. She is asking for 16 horses altogether but does not plan on having 16 horses.

Ms. Buss – Stated that other cities have ordinances that give an exemption to animals under 6 months of age from being counted as an animal under the ordinance. She said that counting only adult horses over the age of 3 or 6 months may be something that could be considered.

Kim Brown – She said that she would be in favor of such an ordinance.

Chairperson Mahmood – Asked Kim about the number of horses she currently has on the property and if she does this as a hobby or to make a living.

Kim Brown – She stated that there are currently 10 horses on her property and she does this to make a living.

Chairperson Mahmood – Wants to make sure that the grading issue has been addressed. Asked Kim if she had a plan for taking care of the manure issue.

Kim Brown – She stated that she does have a plan for addressing the manure issue. She also said that the specific method would depend on the weather. Stated that there may still be a smell when it's wet but there shouldn't be a smell when it's dry.

Vice Chair Haley – Asked if she could move the pasture.

Kim Brown – She said that she could move the pasture.

Commissioner Prestegaard – Stated that there were some other complaints from neighbors to the north of Kim Brown's property.

Ms. Buss – Stated that the other person that submitted a complaint could not be at the meeting. Testified during the barn's variance meeting.

Vice Chair Haley – Said that he encouraged her to pick up the manure instead of raking it.

Kim Brown – Said that she would be willing to pick it up instead of raking it. She said that the piles sit for about 4 months in the winter when they're frozen and about a month in the summer.

Commissioner Tweeten – Asked if the manure was being covered or not.

Kim Brown – Said that it was not being covered but she would be willing to cover it with a tarp.

Vice Chair Haley – Asked if the person who picks up the manure would be able to leave a container for her to put the manure in.

Kim Brown – Said that she fills the manure container when the manure person comes to pick up the manure. She also stated that the manure person will not leave the container on the property so she would have to purchase a manure container. The cost for such a container may be \$2,000 to \$3,000.

Vice Chair Haley – Stated that he did not believe covering the manure would improve the situation. He told Kim that a possible solution may be to dispose of the manure more often. He also warned that if there are more complaints in the future, the City has the ability to stop the Interim Use Permit.

Chairperson Mahmood – Raised concern about the possibility of the Interim Use Permit not being renewed after Kim puts money into buying more horses. He asked Ms. Buss to clarify the amount of time Kim would have to remove the additional horses from her property if the Interim Use Permit were to be terminated.

Ms. Buss – If the City received complaints and substantiated that she was not meeting the requirements and people were experiencing odors and problems with flies, there would be a hearing on the Interim Use Permit. At that point, the City Council would decide how long she has to get rid of the horses. She said that it is typically 30 days but it can vary.

Chairperson Mahmood – Stated that the City is already hearing complaints about odors and flies and is concerned that if the complaints continue and she loses her Interim Use Permit she will be out the money for the additional horses. He said that he has yet to hear a solution for the flies and odor.

Kim Brown – She said that she does not have a problem with flies on her property.

Virgil Voller, 1685 Kolff St. – Smells rendering in South St. Paul. Refinery not horses. He said that he has had flies on his property since he moved there. He does not believe there is an issue with odors or flies coming from Kim Brown's property. He said that he also gets bad smells from the refinery depending on the wind.

Mike Mickelson, 1310 Woodbury Rd. – He said that he supports Kim Brown's request for an Interim Use Permit. He said that Kim has been a very good neighbor. He has not had any issues with odors coming from the property. He hopes that her request is granted.

Kris Wallace, 1651 11th Ave. – She said that Kim is a good neighbor but she has an issue with multiple horses being on one acre of land. She believes that the horses are well taken care of. The only issue she has is with the one acre of land in close proximity to their deck and patio. She said that this one acre of land has multiple horses on it and the manure smell and flies are terrible. She said that the 6 to 10 horses have created problems already.

Vice-Chairperson Haley – He suggested that Kris speak with Kim to work on a resolution to the problem. He stated that Kim has agreed to work on solving the fly and odor problem and has been cooperative. He asked Kris if she would be willing to give Kim the opportunity to resolve the issue.

Kris Wallace, 1651 11th Ave. – She said that she would not be willing to give Kim the opportunity to resolve the issue if she has that many horses. She also said that some of the things Kim says are being done are not actually being done.

Peter Wallace, 1651 11th Ave. – He said having 16 animals on your property should be considered farming and thinks that this type of activity should not be allowed in a residential area. He said that he wants agrees with the ordinance and does not want to keep having to come to public hearings regarding an Interim Use Permit.

Chairperson Mahmood – Asked Ms. Buss about the zoning district in this neighborhood.

Ms. Buss – She stated that this was considered a RE (Residential Estates) District with a minimum lot size of 2 acres. She also said that Kim Brown's parcel is the largest parcel in the neighborhood. The surrounding parcels are in the 2-5 acre range.

Public Hearing closed at 6:38 p.m.

Commissioner Taylor – Asked what the City Council's rationale was for allowing 1 animal per acre to be included in the animal ordinance. He asked why the Council did not go with the 2 acres per animal unit that is recommended by Washington County. He also asked if steep slopes and other non-usable land would be considered grazeable land.

Asst. to the Administrator Eisenbeisz – She said that she took animal unit tables from Washington County and the City of Cottage Grove. She also said that the Council chose one acre per animal unit because the county's recommendation included grazing land which did not apply to Newport.

Ms. Buss – Said that the county’s standard is based off of waste management. She also said that sloped land would not be considered grazable.

Commissioner Taylor – Raised concern that the City Council would approve one animal per acre and questioned the effectiveness of the ordinance on properties other than Kim Brown’s. He recommended using the county’s 1 animal per 2 acre standard.

Ms. Buss – Brought up the county’s process with the townships that requires property owners to submit a manure removal plan whenever the 1 animal per 2 acre limit is exceeded. She said that an official from the conservation district assists the owner with the waste removal plan. She brought up the option of tabling the issue and having someone from the conservation district work with Kim Brown on a waste removal plan. She raised concern that the word “grazable” was not put into the ordinance when it was updated.

Commissioner Taylor – He said that he believes the ordinance is susceptible to abuse.

Ms. Buss – Proposed some options for dealing with additional animals exceeding the animal ordinance limit. One option is to ask for more information to determine if the parcel can handle the extra animals and if a waste management plan should be instituted to prevent impacts to neighbors. Another option is to determine that she is handling the waste problem appropriately and will review in the future. Another option would be to reject the Interim Use Permit based on the complaints from neighbors and the determination that allowing more animals would only make the situation worse.

Commissioner Tweeten – He asked if the Interim Use Permit could have additional restrictions like some “and/or” language and some language concerning when the use can be lost.

Ms. Buss – She said that those restrictions could be put into the Interim Use Permit. Another option would be to issue the Interim Use Permit for 3 months or 6 months with inspections and require that she renew the IUP.

Vice Chair Haley – He believes that they have the appropriate options to deal with the situation. He thinks there might be an issue with enforcement. He said that he thinks the manure problem can be managed but questions if it is going to be managed effectively. He believes the Interim Use Permit would be the best way to handle the issue because it allows the City to stop it if neighbors continue to complain. He believes that the people in the Residential Estate area should be able to use the land that they have.

Ms. Buss – Asked Asst. to the Administrator Eisenbeisz if a Home Occupation permit was required for Kim Brown’s property.

Asst. to the Administrator Eisenbeisz – Stated that a Home Occupation permit is not required.

Commissioner Prestegaard – He spoke about the fact that the number of animals permitted in the ordinance has been increased a couple of times and thought that the City should concentrate more on resolving the current complaints before allowing more animals on the property. He also said that he questioned whether the urgency to change the ordinance was the City’s problem or the property owner’s problem.

Vice Chair Haley – He brought up the option of allowing only adult horses to count under the ordinance since the new horses will be newly born. He proposed considering those horses over 6 months as adults.

Kim Brown – She said that she currently has 9 adult horses. She also said that she thought that the complaints concerned the number of horses in the pasture. She also said that out of the 14 horses she will have, 4 will be gone within 3 months, 2 of them are babies. She said that no one needs to worry about anything and that she is managing it herself.

Vice Chair Haley – Brought up the possibility of using an adult horse designation on the Interim Use Permit.

Ms. Buss – She said that it would be possible to allow 8 or 9 adult horses and have requirements for manure management on the Interim Use Permit.

Kim Brown – She said that the problem was that everyone is worried about the pasture.

Vice Chair Haley – He said that he is not worried about the pasture. He said that he is concerned about the smell.

Kim Brown – She said that she can take care of the smell and that it will not be an issue. She said that Gerten's and Land O' Lakes wants the manure and it will be gone.

Vice Chair Haley – He asked Kim Brown if allowing 9 adult animals and 9 animals less than 6 months on the permit would work for her.

Ms. Buss – She added that the conditions regarding manure management should be put in the permit due to the fact that it is such a large increase over what she has now.

Commissioner Prestegaard – Stated that the whole situation was not an accident. He raised concerns about increasing the animal limit so dramatically and the possibility of requests for further increases in the future.

Kim Brown – She responded by saying that she was not looking to increase the animal limit beyond her current request.

Vice Chair Haley – Proposed an Interim Use Permit allowing 9 adult horses and 6 horses under 6 months old with a manure management requirement. He asked the neighbors and Kim Brown if they would be in favor of this. He told Kim Brown that the City would be inspecting her property. He also stated to Kim Brown that she would be under scrutiny. Trained professionals will help and make recommendations regarding the manure management. He also stated that if neighbors continue to complain the City will have to deal with it.

Ms. Buss – She stated that if the inspections were approved, Kim would have to pay for those inspections.

Vice Chair Haley – He asked Kim Brown if she would agree to an Interim Use Permit with these conditions.

Kim Brown – She said that she would agree to the conditions of the proposed Interim Use Permit.

Commissioner Taylor – Raised concern over the animal unit language in the ordinance and the horses under 6 months being considered animal units.

Ms. Buss – She said that the ordinance will need to be updated to remove this language and add the designation of adult horse.

Commissioner Taylor – He believes that the City Council should be considered before changing the animal unit language in the ordinance. He also said that horses under 6 months old would be considered an animal unit.

Ms. Buss – She stated that for an animal to be considered an animal unit it has to produce a certain amount of waste. She said that a cow is 1.5 animal units, a horse is 1 animal unit, and a chicken is 1/100 of an animal unit. Washington County has a list of animals and their number of units. She said that these figures are based on adult animals. Horses under 6 months would not be producing as much waste as adults, based off of agriculture findings.

Commissioner Taylor – He said that he thought the City needed to include a number of animal units allowed in the animal ordinance and not just the number of animals allowed. He said that he thought people could abuse the ordinance by having a large numbers of foals because they would not count as animals in the ordinance.

Ms. Buss – She raised the point that since foals (horses under 6 months) would only be young enough to be excluded from the ordinance for a short time, it would not be unlikely that someone would abuse the ordinance.

Chairperson Mahmood – He asked Ms. Buss if the entire issue should be handled by the City Council.

Ms. Buss – She said that the City Council had put this in the Planning Commission’s “lap” because Interim Use Permits need to be approved by the Planning Commission. She says that the rules on animals are in the City’s nuisance ordinance.

Chairperson Mahmood – He proposed looking more in-depth at the Interim Use Permit that was proposed by Vice Chair Haley. He also said that he did not feel a decision would be made tonight.

Commissioner Prestegaard – He said that he was not feeling any urgency to come to a decision and wondered how the City got into this situation. He said that there are a lot of variable to discuss including the fence.

Chairperson Mahmood – He stressed the fact that they need to come to a decision that is good for the entire City. He said he doesn’t like this “jerk of the knee” stuff and that they need to figure it out for the long-term.

Vice Chair Haley – He proposed tabling the issue since a consensus was not being reached.

Ms. Buss – She asked if there was any additional information the Planning Commission would like before the issue is revisited.

Vice Chair Haley – He said he would like more information on manure handling and the amount of animals in the pasture at any given time. He said that he is also concerned about the raking of manure and thinks that it should be picked up instead. He would also like more information on containment.

Ms. Buss – She stated that she can ask the conservation district staff if they have any more recommendations for this parcel.

Chairperson Mahmood – He asked if the issue could be brought back to a workshop.

Ms. Buss – She responded by saying that it could be brought to a workshop or a special workshop meeting could be scheduled.

Asst. to the Administrator Eisenbeisz – Stated that a special workshop meeting could be scheduled after the next Planning Commission meeting. It would require 10 days notice.

Chairperson Mahmood – He proposed scheduling a special workshop for the issue.

Commissioner Prestegaard – He agreed to a special workshop and stated that there are too many variables to come to a decision tonight.

Ms. Buss – She proposed scheduling the special workshop for sometime at the end of February. She also said that she would get more information from experts in this field. She proposed inviting someone from the conservation district to the next meeting.

Commissioner Prestegaard – He said that he hopes there will be more dialogue between the parties before the next meeting.

Ms. Buss – She said that it would be possible for the Planning Commission to make a recommendation and give feedback to the City Council based on what was learned from this meeting.

Motion by Haley, seconded by Tweeten to table the request from Kim Brown for an interim Use Permit for property located at 1675 Kolff Street until the Planning Commission meeting on March 10, with 5 Ayes, 0 Nays, the motion carried.

B. Public Hearing – To consider a request from Scannell Development Company for a Conditional Use Permit and Variance for property located at 910 Hastings Avenue

Sherri Buss, TKDA Planner, presented as outlined in the February 11, 2016 Planning Commission packet.

Vice Chair Haley – He said that the possible improvements to accommodate increased traffic are not of real concern to the City because the county will be conducting the traffic study and all of improvements should be paid for by the county. He also said that someone is going to have to figure out if more lanes will be needed for the increase in traffic.

Ms. Buss – She responded by saying that the traffic study will determine if they need additional turn lanes, stop signs, or direction on where the trucks should come and go from.

Commissioner Prestegaard – He raised concerns over truck noise affecting homes to the north of the property.

Ms. Buss – Stated that there is some concern with possible truck noise affecting homes to the north but there is more concern with the fact that there are 3 left turns required when exiting onto the Glen Road interchange. The trucks will be using the Glen Road interchange but the corners are tight. The engineer and developer are concerned about these turns being too tight for trucks to make those turns which causes safety concerns, problems for other drivers, potential damage to curbs and streets if trucks are not able to make those turns. They believe that it would not be much of a concern with just a few trucks but would be a big concern with a maximum number of trucks. The county will know more after the traffic study which will be conducted after tenants have been selected for the building. The county requests that the developer submit a plan to address the sight line issues to the south of the property.

Vice Chair Haley- He said that a common complaint he hears from people in Minnesota is that we put islands in our parking lots. It makes it more difficult to plow.

Public Hearing opened at 7:21 p.m.

Bill Sumner, 737 21st St. – Spoke in favor. He said that he is happy to have this group come in and make a proposal for building on a site in the south end of Newport. It is a very attractive opportunity for us. He hopes that we could support them with these fairly minor requests based on the topography and so forth. He does believe that the City made a request, a traffic variance change for 4th avenue to keep the refinery trucks from coming down that street and thinks the City can have some kind of influence over traffic patterns. At this point I would hope that they could use the more southerly route because it will be more conducive and easier for semis to come in but I am in favor of allowing it as a request and not a demand. If we find that there is a problem, he thinks that the City could come back and reroute that traffic with a change through the Council. He hopes that the Planning Commission will support their request and is looking forward to having excellent new neighbors.

Daniel Madrigal, 2100 Meander Court, Medina, MN, Scannell Properties – Thank you all for your consideration. He has enjoyed working with Deb, Sherri, and everyone at the City and has had a positive experience. He is relatively new to Scannell Properties which works on a national level in a lot of different cities and states. He wished that the other cities were as open for discussion as Newport. Brief background on Scannell Properties, they are based out of Indianapolis and have an office in Medina. They currently have industrial parks going in Lakeville which is 175 acres with Serta mattresses as their main tenant. They have another project going in Rogers where FedEx is the main tenant. They are about to break ground in Brooklyn Park on a large 238 acre parcel with a couple different tenants. He also stated that Scannell has property across from the large Amazon distribution center in Shakopee. They are familiar with Minnesota and the large national tenants and feel that they have a good opportunity for success here. As far as the truck routes, he agrees with the southerly traffic pattern which makes the most sense and seems most likely but they just want to keep their options open. They find that with tenants, the more they tell them “no” on the front end even if it is something they do not need or want, they get scared away. Scannell at least wants it as an option even if it does not make much sense.

Bill Sumner, 737 21st St. – He stated that there is a gas station near the property which might be a reason for some truckers to come fill up with fuel. That could be one reason why they would want access to that route.

Public Hearing closed at 7:25 p.m.

Motion by Haley, seconded by Prestegaard, to approve Resolution No. 2016-5 with the amendments. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

Vice Chairperson Haley reported on old Public Works site. A developer is looking at putting multi-family housing on the site. It would need a zoning change to R-3. It is close to the schools, roads, etc.

Ms. Buss – Stated that there had been resistance to this proposal in the past on this site because of what is called “spot zoning” which is done by taking a relatively small parcel out of a zoning district and turns it into a different use that is not compatible with the comp plan and does not provide any real benefits to the community. There are a number of different criteria that the courts use to identify “spot zoning”. It is not strictly about the size of the parcel or the type of use, it has to do with how compatible it is with the comp plan, the surrounding neighborhood, if it is being done to benefit the owner of the parcel, and impacts on the surrounding area. She said that she has outlined some of this and has asked the City Attorney to determine whether it would be “spot zoning” or not.

Admin. Hill – She said that the City Attorney signaled to her that judging by the first glance, it would be difficult to rezone the parcel. She said that she can ask him to go into more depth on that if needed.

Commissioner Tweeten – Do we have a stance in the comp plan regarding high-density residential development?

Ms. Buss – What the comp plan says about that site is that it should be single-family residential use and should be looking at in-fill in the old town area as long as it is compatible with adjacent uses. One option would be to extend MX to include this parcel and another would be to extend R-3 into this parcel. You could also amend the comp plan to allow for multi-family residential on the parcel.

Deb Hill – A developer has expressed interest in building 9 single-family homes but is concerned about the costs to improve the road and other infrastructure.

Commissioner Tweeten – Asked how the improvements to the road would affect the City and if the City needed to be involved.

Admin. Hill – She said that the City needed to be involved and that the developer interested in multi-family housing on this site would be willing to bear some of the costs to improve the infrastructure. The City would go ahead with the project if development was imminent on the parcel.

Ms. Buss – Talked about MX and the development rules associated with that zoning designation. She said that the Planning Commission may be seeing a proposal for development on the site adjacent to the transit station. The developer believes that it would be a good site for affordable housing. This site would not need TIF. Anything south of the spur rail line, the HRA believes that TIF will be needed to bring development. The Met Council rejected a grant request for a prior proposal on this site but the current developer believes it will be in line with the Met Council’s development goals for this site.

8. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--|-------------------|-----------|
| 2. City Offices Closed for Presidents’ Day | February 15, 2016 | |
| 3. City Council Meeting | February 18, 2016 | 5:30 p.m. |
| 4. City Council Meeting | March 3, 2016 | 5:30 p.m. |
| 5. Planning Commission Meeting | March 10, 2016 | 6:00 p.m. |

9. ADJOURNMENT

Motion by Tweeten, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 7:41 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Andrew Brunick
Administrative Intern/Administrative Assistant

Renee Eisenbeisz

From: Deb Hill
Sent: Monday, February 08, 2016 3:53 PM
To: Renee Eisenbeisz
Subject: FW: Interim Use Permit-1675 Kolff Street

Renee,

Please print and distribute to the planning commission.

Thanks,

Deb

From: Russell Schweih [\[mailto:UnitedMarketingPartners@comcast.net\]](mailto:UnitedMarketingPartners@comcast.net)
Sent: Monday, February 08, 2016 3:50 PM
To: Deb Hill
Subject: Interim Use Permit-1675 Kolff Street

Ms. Hill:

I live at 1260 Kolff Court, Newport, MN. As such, my home is probably the closest residence to the structure. As we discussed, I will be out of town on Thursday so I won't be able to attend the meeting.

I have experienced both additional noise and the smell of horse dung in my backyard since the structure was built. Undoubtedly, doubling the number of animals will exacerbate the situation. Furthermore, this is a business tucked within a residential area. I bought my home 25 years ago because of the peacefulness and privacy it offered. Having a commercial business next door is not what I signed up for.

Thanks,

Russell P. Schweih
President
United Marketing Partners, Inc.
651-253-6689-Cell
651-501-7856-Office

February 10, 2016

Dear City of Newport Planning Commission Members,

We are writing about an agenda item for your Feb 11 meeting: Kim Brown's request for an Interim Use Permit to house 16 horses on her property. We live about 1200 feet from her property and get our water from a well. We are deeply concerned that horse manure from her property could contaminate the groundwater that supplies our well and the wells of our neighbors. In addition, we are concerned about odor and flies.

We support the right of Newport citizens to keep farm animals on their property under reasonable conditions. However, this request is beyond reasonable. The Washington County standard for townships is a maximum of 1 farm animal / 2 grazable acres; Newport generously set the requirement at a maximum of 1 farm animal / 1 acre. This request is for 1 farm animal / 0.5 acres, 4 times that allowed by the County. Ms. Brown's lot is not on the outskirts of the metro area, but is in the middle of a residential zone in a first ring suburb.

We have read the memo in your meeting packet from Planner Sherri Buss and believe that the conditions suggested in the memo to be imposed if the request is granted are not sufficient. Non-compliance with the conditions could lead to lasting contamination of ground water as well as damage to the property that would need to be re-mediated if/when the property is sold.

One suggested condition is monthly inspections for the first 6 months and annual inspections thereafter. It's quite possible to meet strict standards (e.g. cleaning the barn 4 times/day, no more than 6 horses in the pasture at once, manure loaded into dumpster monthly) for a short period and then relax after that short period (think New Year's Resolutions). Further, we question if it is possible to know whether the groundwater is being contaminated after only 6 months.

For these inspections to have any meaning, they need to be done by a trained inspector, not City staff with little or no knowledge of the risks. And unannounced inspections would have to continue at 2-4 month intervals for the entire three years.

We also wonder if "dense, vegetated cover" can be maintained on the sloping pasture if it is being graded twice a week as well as grazed. Repeated traffic on vegetation inhibits its growth, limiting its ability to prevent erosion and control stormwater runoff.

On the basis of maintaining the RE zone as a residential district, we ask that you do not recommend granting this IUP.

Sincerely,

Mike Wolesky and Susan Lindoo
1280 Wild Ridge Trail, Newport, MN 55055

Negative Impacts

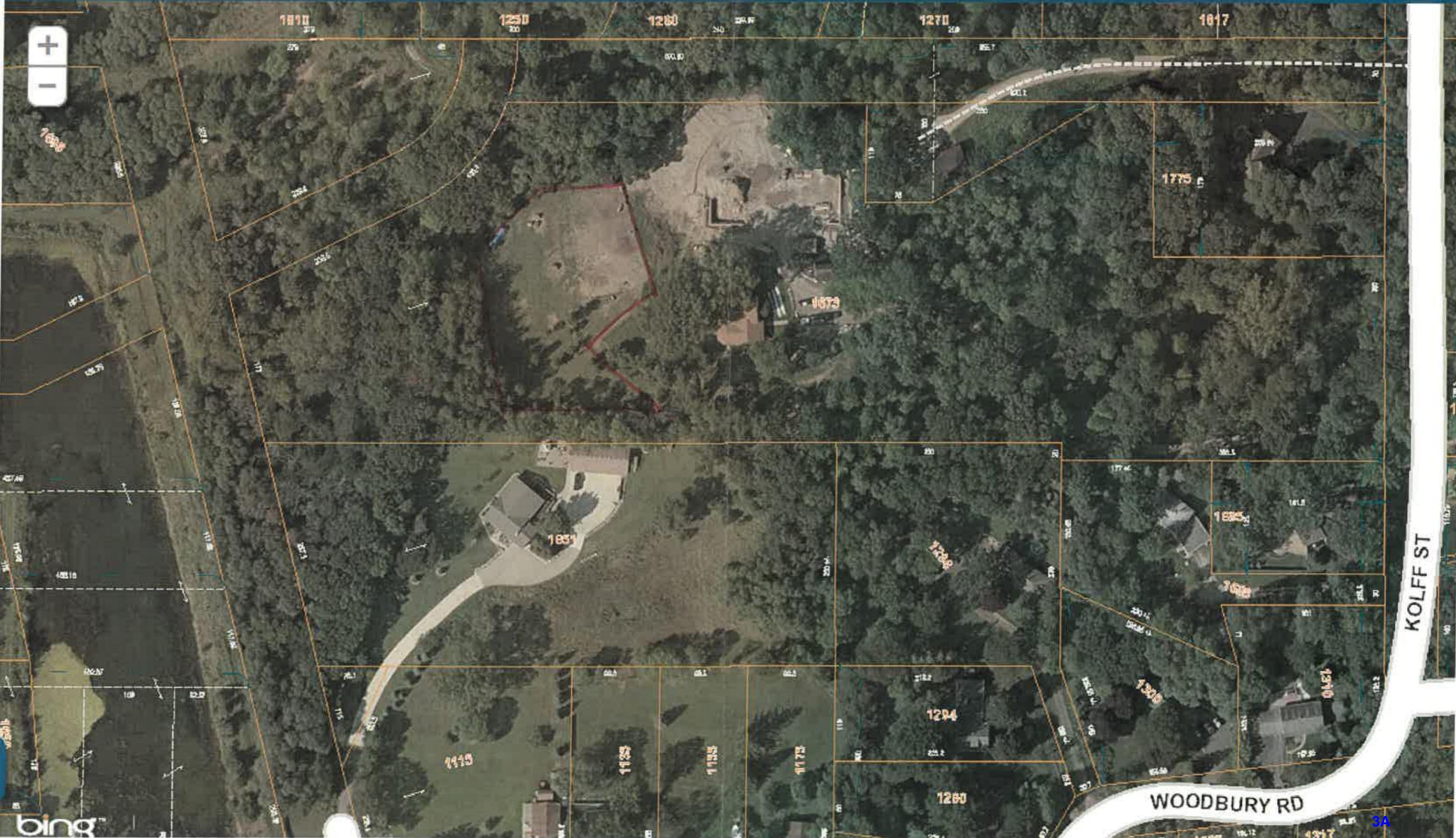
- **Manure smell and stink-** Any wind out of the North or West is driven directly into our home. Please see map attached.
- **Bitng flies-**These flies have been terrible and when we sit outside on our deck in the summer we are constantly swatting flies and getting bitten.
- **Ground water contamination from manure and urine.** We have a private water well (not city water) and we are concerned about contamination and who will pay for the water testing to make sure it is safe to drink.
- **Environmental study for watershed-** All pasture areas are pitched downhill toward the Glen Road holding pond and then ultimately into the Mississippi River.
- **Property Value-** I believe the valuation of my house and property is significantly negatively impacted because potential buyers will not want to purchase a home that smells like manure.
- **Dust-** Grading the pasture will produce vast amounts of dust during every grading procedure. This dust will migrate towards our home.

Background information on the Kim Brown Horse Farm

- She started out with two horses in the pasture without inside shelter before her pole barn was built.
- She is granted a C.U.P. for a pole barn and builds a nice building.
- She then added up to four horses out in the pasture just 30 feet North of our property. This is when the manure smell and flies started to get out of control.
- Kim claims that the pasture is graded twice per week and I do question whether that is actually occurring. Also, I don't believe grading will make any difference because the pasture is absolutely not bigger than one acre in size. There is not enough surface area to properly spread the manure out for drying.
- Kim's pasture from our experience should not have more than two horses at any one time. Any more than that would cause a drastic rise in smell and flies.
- My wife and I have lived in Newport for 23 years and we did not sign on to live next to a full blown horse farm in a residential neighborhood.
- We are tolerant of the original ordinance allowing 6 horses but anything more is not acceptable in a residential neighborhood.
- We do not support adding any horses that will allow more than two total horses in the pasture at any one time.

Everything about Kim's horse farm is non-conforming. The pole barn was non-conforming thus she had to get a C.U.P. and now she needs an I.U.P. for added horses. This business is NOT suitable for a residential neighborhood. This housing development is not zoned for commercial farming activities.

Property Viewer





Imagery ©2016 Google, Map data ©2016 Google 50 ft

#1



Notes

This map shows the pasture land of one acre is located directly north of the Wallace Family Home. The pasture fence is 30' from the property line



16

17th Ave



© 2016 Microsoft Corporation © 2016 HERE

