

PROCEEDINGS OF THE STEARNS COUNTY PLANNING COMMISSION

A regular meeting of the Stearns County Planning Commission was held on Thursday, May 18, 2017 in Room 121 of the Stearns County Service Center, 3301 County Road 138, Waite Park, MN at 7:00 p.m.

All Members Present: LeRoy Gondringer, Ken Massmann, Mike Proell, Jeff Bertram, Bob Spicer, John Krehbiel, Shawn Blackburn and Commissioner Joe Perske (ex-officio member).

Staff Present: Heidi Winskowski, Amber Mielke, Angie Berg and Lynette Nicholson from Environmental Services.

Chair LeRoy Gondringer opened the meeting.

The Pledge of Allegiance was recited.

Public Hearings

1. To consider a rezoning request submitted by Triple D Enterprises for Kathleen Dietman, Kimball MN to rezone approximately 3.5 acres from the Agricultural 40 zoning district to the Commercial zoning district in accordance with Section 4.10 of Stearns County Land Use and Zoning Ordinance #439. The property under consideration is part of the SW1/4 SE1/4, lying easterly of 88th Ave in Section 11 of Maine Prairie Township (122/29). The property address is 18036 88th Ave, Kimball.

Brian Dietman, Randy Dietman, with Trevor Dietman, were present representing the application.

Heidi Winskowski reviewed the following from the staff report: The request to rezone approximately 3.52 acres from the Agricultural 40 zoning district to the Commercial zoning district. This request was tabled at the April Planning Commission meeting in order to re-notice the request as a rezoning to Commercial instead of Industrial. There is currently a granite countertop sales and fabrication business located within an existing structure on the property operated as a home extended business. The property owner would like to expand this structure. This is an illegal non-conforming use in the Agricultural 40 zoning district because it has grown beyond the scope of a home extended business. If the rezoning is approved, a conditional use permit in the Commercial zoning district is required. The property currently has access from 88th Avenue, a Township road. The property proposed to be rezoned contains the entire building site and some lawn. There are approximately 12 homes and 1 feedlot containing 125 animal units within ½ mile of property. There is also one commercially zoned property within ½ mile for mini storage units. The current residential density allowed in the A-40 1. Residential dwelling are not permitted in the commercial district. Any home existing on the property cannot be used as a dwelling. Land Evaluation Site Assessment Score (LESA) scores is 72.0 for the 3.5 acres. Maine Prairie Township approved the rezoning request on March 7th, 2017.

Robert Spicer asked is anyone was living on the property? Brian Dietman stated "no it is vacant right now". Mike Proell stated "he saw a gentleman out there and it must have been your dad" Randy Dietman stated "it was". Leroy asked "if it could be a dwelling or could it had been grandfather in"? Heidi stated not if they were rezoning it to commercial. If it was pre-existing and the County zoned it as commercial that home would be grandfathered in. But now that they are asking to rezone the property to make it a commercial property residents are not allowed. We can't create a nonconformity so, they will not be able to use the house as a dwelling. Leroy asked "how long has the business been on the property"? Trevor stated "21 years". John asked "did the owner apply for a variance to keep the home that they wanted"? Heidi answered, you can't apply for a use variance. Variances are for setbacks and lot size. Chair Gondringer opened the public hearing. There was no one present to speak at the public hearing. John Krehbiel moved to close the public hearing. Seconded by Mike Proell and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the rezoning of Triple D Enterprise addition as follows:

1. The proposal is consistent with the Comprehensive Plan, specifically, Land Use Plan Goal 2 Objective 1 and Goal 3 Objectives 1 and 2 and Economic Development Plan Goal 1 Objective 2.
2. The proposal is not consistent with the land uses in the area however the business has been in operation at this property for 21 years.
3. Environmental impacts will be addressed through the permitting process.
4. There will be no change to property values in the area as a result of the proposal.
5. There will be no change to public health, safety or traffic generation impacts or to existing public services and facilities as a result of the proposal.

Moved by Bob Spicer to recommend approval to rezone approximately 3.5 acres from the Agricultural 40 zoning district to the Commercial zoning district to the County Board of Commissioners. Seconded by John Krehbiel and motion unanimously carried.

2. To consider a request for a **conditional use permit** submitted by **Thomas and Anita Dobmeier**, Albany MN according to Sections 4.4, 4.6, 4.8, 4.14, 6.7 and 9.3 of Stearns County Land Use and Zoning Ordinance #439 to expand an existing animal feedlot facility within 300 feet of a lake classified as Shoreland, the expansion will consist of a 36'x56' dairy bar, 14'x30' dry cow barn, 47'x104' heifer barn and an increase from 98.4 Animal Units (AU) consisting of mature dairy cows over 1,000 pounds, dairy heifers, dairy calves and horses to 179.5 AU consisting of mature dairy cows over 1,000 pounds, dairy heifers, dairy calves and horses. The property under consideration is located in the E1/2 SE1/4 (Government Lot #3) of Section 3, Farming Township (124/31). The property address is 31367 Mapleview Road, Albany.

Thomas Dobemeir and Austin Dobemeir were present representing the application.

Amber Mielke reviewed the following from the staff report: Section 6.7.3 D requires a conditional use permit for expansions or modifications to existing animal feedlots and existing manure storage areas, structures or facilities within 300 feet of a lake classified as shoreland. The feedlot has remained registered with the county and state since July 20, 1999 and meets all state and county registration requirements. The feedlot is currently registered for a total of 98.4 animal units. The applicant is requesting to increase to 179.5 animal units after the expansion. On March 16, 2017, Environmental Services Department (ESD) staff completed a compliance inspection and the site was deemed compliant according to MN Rule 7020 and Stearns County Ordinance #439. While on the site, staff discovered an unpermitted open lot (horse arena), the lot meets all required setbacks and will be added to the current permit. Building numbers 13 and 14 are grandfathered-in and will be added to the permitted facilities onsite. The surrounding properties are zoned R-10 and A-40. There are 50 residences and 10 existing feedlots located within 1 mile of this feedlot and proposed construction. The nearest residence to the feedlot is located approximately 748 feet to the north. There are no EAW, EIS, NPDES or SDS permits required. Feedlot Review Committee recommended approval on April 26, 2017. Leroy asked Amber did she receive any corresponded, Amber stated no she did not receive any back. Robert stated the FRC had a question about the sizing of the manure pit. Thomas stated it was designed for once a year usage, but with their own equipment they are able to haul it out more often.

Chair Gondringer opened the public hearing. There was no one present to speak at the public hearing. Moved by John Kerhbiel to close the public hearing. Seconded by Shawn Blackburn and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the request for a conditional use permit submitted by Thomas and Anita Dobmeier as follows:

1. The Conditional Use Permit would be consistent with Stearns County Zoning Ordinance #439 Sections 4.4, 4.8, 4.14, 6.7 and 9.3.
2. There was no EAW, EIS, NPDES, or SDS permits required.
3. The proposed use is consistent with these sections of the Stearns County Comprehensive Plan:

LAND USE PLAN (Pg 3-9)

Goal 1: Sustain agriculture as a desirable land use for the long term.

- Objective 1: Nurture and preserve a sound agricultural economy.

Goal 2: Minimize land use conflict between agriculture and other land uses.

Goal 5: Use existing infrastructure & resources efficiently.

NATURAL RESOURCES PLAN (Pg 4-12)

Goal 3: Protect the county's agricultural natural resources

- Objective 2: Encourage sustainable agricultural practices that protect agricultural soils and waters for future generations.

ECONOMIC DEVELOPMENT PLAN (Pg 7-25)

Goal 1: Maintain and strengthen economic diversity.

- Objective 1: Promote and retain agriculture in areas with highly valued agricultural land or economically viable animal agriculture operations.
- Objective 6: Provide for the continued viability of the rural small town as an agricultural service center.

Goal 3: Strengthen and diversify the agricultural economy.

- Objective 1: Strive for and support higher farm profitability and family farm stability.
4. The site configuration, number and type of animals on site and prevailing wind conditions shouldn't have an impact on residential areas, schools, parks, traffic and public safety.
 5. The proposal would not impact of the property values of the area in with the animal feedlot expansion, modification or new construction is proposed.
 6. The Feedlot Review Committee and Feedlot Staff recommendations have all been reviewed and Feedlot Review Committee recommended to approve.
 7. The staff recommendations if this application is approved, staff recommends the following conditions:

1. The owner shall maintain compliance with Minnesota Rules, Chapter 7020 and Stearns County Ordinance #439 or successor rules.
2. The owner shall construct all proposed improvements according to plans, specifications, and guidelines submitted with the application, unless otherwise approved by the Environmental Services Department.
3. Empty the manure pit more than once a year.

Moved by Shawn Blackburn to recommend approval of the conditional use permit to expand an existing animal feedlot facility within 300 feet of a lake classified as Shoreland, the expansion will consist of a 36'x56' dairy bar, 14'x30' dry cow barn, 47'x104' heifer barn and an increase from 98.4 Animal Units (AU) consisting of mature dairy cows over 1,000 pounds, dairy heifers, dairy calves and horses to 179.5 AU consisting of mature dairy cows over 1,000 pounds, dairy heifers, dairy calves and horses.

Seconded by John Krehbiel and motion unanimously carried.

3. Minutes of April 20, 2017

Moved by Shawn Blackburn to approve the minutes of May 18, 2017 as written. Seconded by John Krehbiel and motion unanimously carried.

Adjournment

Moved by Rob Spicer to adjourn the meeting at 7:30 p.m. Seconded by Mike Proell and motion unanimously carried.