

PROCEEDINGS OF THE STEARNS COUNTY PLANNING COMMISSION

A regular meeting of the Stearns County Planning Commission was held on Thursday, July 20, 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, Jody Kappahn, John Krehbiel, Shawn Blackburn, Commissioner Joe Perske (ex-officio member) and Jeff Bertram came during the first agenda item.

Staff Present: Heidi Winskowski, David Nett, Chelle Benson and Lynette Nicholson from Environmental Services.

The Pledge of Allegiance was recited

Chair LeRoy Gondringer opened the meeting.

Public Hearings

1. To consider a conditional use permit application for a Major Shoreland Alteration submitted by Gary Konsor on behalf of Richard and Gwenthia Konsor Trust of Avon, MN according to the requirements of Section 10.2.14 D. of Stearns County Land Use and Zoning Ordinance #439, to fill two areas on the property for lessening the slope steepness for a future lawn area and to reclaim a ravine that has been washed out. The property under consideration is located at 38403 Tamarack Lane, Avon, MN 56310 on 5.28 Acres of Government Lot 4, Section 31, T126N, R30W, Holding Township.

Gary Konsor was present representing the application.

David Nett reviewed the staff report. Staff recommended two conditions as listed in staff report.

Commissioner Massmann questioned the timing of the projects. The house was recently constructed making the requested alteration of the site much more difficult due to the location of the house and the steep slope. Mr. Konsor mentioned that his parents had altered a part of the slope a long time ago which will allow access down the slope, as shown on the site sketch. It was noted that all of the trucks will have to go around the house and based on the amount of material that could be over 100 truckloads. Commissioner Massmann inquired about the signs on the road. Mr. Konsor said he put up the signs to slow down the trucks that would be coming to the site. Commissioner Perske asked how the ravine was created, natural drainage or a washout? Gary said it was formed from the water that previously flowed through the area, but has since been diverted to the southeast after Treehouse Road was built up.

Chair Gondringer opened the public hearing. There was no one present to speak at the public hearing. Moved by Commissioner Proell to close the public hearing. Seconded by Commissioner Krehbiel and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the Conditional Use Permit for a Major Shoreland Alteration submitted by Gary Kosnor as follows:

- 1) The proposal is consistent with Sections 10.2.14 D. and 10.2.14F. (1) & (4-12) of Land Use and Zoning Ordinance # 439.
- 2) The proposed project must meet the two conditions.
 - a) Silt fence must be constructed as proposed prior to any authorized fill being moved.
 - b) All disturbed areas created by this fill project must be seeded and covered with double sided erosion control blanket by September 1, 2017.
- 3) The proposed is compatible with the present and future land use in the area.
- 4) The potential environmental impacts of the proposal are being address through the permitting process and the two conditions.
- 5) The proposal will have no impact on the property value in the area.
- 6) The proposal does not affect the general health, safety and welfare of the residents.
- 7) The proposal conforms to the goals and objectives of the County Comprehensive Plan.
- 8) Financial assurance to guarantee reclamation or cleanup is not required.

Commissioner Kapphahn moved to recommend approval of the Conditional Use Permit for a Major Shoreland Alteration with the two conditions to the Board of Commissioners. Seconded by Commissioner Krehbiel and motion carried. Commissioner Bertram abstained from voting since he was not present for discussion of the full agenda item, and motion carried.

- 2) To consider a conditional use permit application for a Major Shoreland Alteration submitted by Benjamin Stockinger of Scenic Specialties Landscape Professionals on behalf of Susan Schmidt of St. Cloud, MN, according to the requirements of Sections 10.2.11 B. (3) (a), 10.2.14 B (1) and 10.2.14 I. (2) (c) of Stearns County Land Use and Zoning Ordinance #439 to construct six new concrete block retaining walls more than four feet in cumulative height for ornamental purposes and to construct new stairways. The property under consideration is located at 29564 Lilac Rd., St. Joseph, MN 56374 on 1.50 Acres of Government Lot 7 in Section 16, T124N, R30W, Collegeville Township.

Benjamin Stockinger of Scenic Specialties was present representing the application.

David Nett reviewed the staff report. Staff recommends five conditions as listed in the staff report as listed in the staff report.

Commissioner Kapphahn asked if you have any issues with starting on the lakeside. Benjamin replied that's the way we had planned on installing it. The Chair asked the applicant if the September 15th timeline is fine. Benjamin replied that is the date unless we get a lot of rain. He plans on starting as soon as the permit is issued. He stated if we can start on August 2nd we will not have an issue finishing the project by that date

Chair Gondringer opened the public hearing. There was no one present to speak at the public hearing. Moved by Commissioner Bertram to close the public hearing. Seconded by Commissioner Krehbiel and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the Conditional Use Permit for a Major Shoreland Alteration submitted by Benjamin Stockinger as follows:

- 1) The proposal is consistent with Sections 10.2.11B. (3) (a), 10.2.14I. (2) (c) and 10.2.14 F. (1-12). Of Land Use and Zoning Ordinance #439.
- 2) The proposed project must meet the four conditions.
 - a) Silt fence must be installed downslope of the disturbed areas prior to earth moving work commencing.
 - b) All proposed new stairways cannot exceed 4 feet in width.
 - c) All proposed work and disturbed areas created by the project on the lakeward side of the home shall be completed and hydro-seeded before commencing work on the landward or roadside of the home.
 - d) The project shall be complete and all disturbed areas stabilized with seed and double sided erosion control blanket, sod or hydro-seeded and submitted planting plant implemented by September 15, 2017.
- 3) The proposal is compatible with the present and future land use in the area.
- 4) The potential environmental impacts of the proposal are being address through the permitting process.
- 5) The proposal will have no impacts to the property value in the area.
- 6) The proposal will be an improvement to the general health, safety and welfare to the residents.
- 7) The proposal conforms to the goals and objectives of the County's Comprehensive Plan.
- 8) Financial assurance to guarantee reclamation or cleanup is not applicable.
- 9) Other issues pertaining to this matter are that the Planning Commissioner requires the existing disturbed area due to septic system construction, is stabilized as part of this project.

Commissioner Kaphahn moved to recommend approval of the Conditional Use Permit for a Major Shoreland Alteration with the five conditions to the Board of Commissioners. Seconded by Commissioner Blackburn and motion unanimously carried.

- 3) To consider a conditional use permit application for a Major Shoreland Alteration submitted by Randy West of WW Services on behalf of David Metz of Shorewood, MN, according to the requirements of Sections 10.2.14 D and 10.2.14 I (2) (C) of Stearns County Land Use and Zoning Ordinance #439 to excavate to clean out and deepen an existing drainageway for more storage capacity and to construct five new fieldstone boulder retaining walls. The property under consideration is located at 18602 Edgeview Rd., Richmond, MN 56368 on 5.20 Acres of Government Lot 5, Section 31, T123N, R30W, Wakefield Township.

Randy West, WW Services was present representing the application.

David Nett reviewed the staff report. Staff recommends three conditions as listed in the staff report. No correspondence was received related to this request.

Mr. West indicated that this project was to clean out the area and create a spillway for the water that flows through this area. Commissioner Gondringer asked how would they address heavy rain? Mr. West stated he intends to use Turf Reinforcement Mat (TRM) to ensure the site will be stable, it is designed for use in high volume areas. Staff agreed that use of that material is appropriate for the site, it is very durable. Commissioners Bertram asked if Mr. West is licensed to do this work. Staff replied yes.

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

The Planning Commission reviewed the following findings of fact for the Conditional Use Permit for a Major Shoreland Alteration submitted by Randy West as follows:

- 1) The proposal is consistent with Sections 10.2.14 D, 10.2.14 I. (2) (c) and 10.2.14 F. (1-12) of Stearns County Land Use and Zoning Ordinance #439.
- 2) The applicant must obtain an erosion control permit through Sauk River Watershed District and meet the four recommended conditions.
 - a) Silt fence shall be constructed downslope of the retaining wall construction area in addition to the proposed silt fence near the lake for the drainageway area. Silt fence shall be constructed prior to earth moving work commencing.
 - b) As- built certification shall be submitted by retaining wall design engineer by November 1st, 2017, indicating that wall construction was completed as designed.
 - c) Project shall be complete and all disturbed areas stabilized (seeded and blanketed) by September 1, 2017.
 - d) Applicant shall provide financial guarantee in the amount of \$16,250 for stabilization of drainageway area.
- 3) The proposal will be compatible with the present and future land use of the area and will have no impact on scenic view.
- 4) The potential environmental impacts of the proposal are being addressed through the four conditions.
- 5) The proposal will have little impact to property values in the area for which it is proposed.
- 6) The proposal will improve the safety of the residents.
- 7) The proposal conforms to the goals and objectives of the County's Comprehensive Plan.
- 8) The applicant must provide financial guarantee in the amount of \$16,250 for stabilization of the drianageway area.

Commissioner Kapphahn moved to recommend approval of the Conditional Use Permit for a Major Shoreland Alteration with three conditions to the Board of Commissioners. Seconded by Commissioner Blackburn and motion unanimously carried.

- 4) To consider a request for a conditional use permit application for a Major Shoreland Alteration submitted by John McDowall, St Augusta, MN according to the requirements of Sections 10.2.11 B. (3) (a), 10.2.14 B. (1) and (3) and 10.2.14 I. (2) (c) of Stearns County Land Use and Zoning Ordinance #439 to place natural fieldstone rock riprap along the shoreline, to excavate and level an area for a paver patio, to construct two new fieldstone boulder retaining walls more than four feet in cumulative height for ornamental purposes and to construct a new stairway to access the shoreline. The property under consideration is located at 17612 Waters Edge Ct., Cold Spring, MN, 56320 on Lot 2, Block 2, Conservation On Big Fish, Section 29, T124N, R30W, Collegetown Township

Jerry Konz was present representing the application.

David Nett reviewed the staff report. Staff recommends six conditions as listed in the staff report. No Correspondence was received regarding this request.

Commissioner Kapphahn asked how far is the septic system from the lake? David replied the septic system is located south of the home. Dave noted that while inspecting the site he found an old tank/cistern on the property within the area of the proposal. That tank will be required to be properly abandoned. Dave has notified the contractor of this requirement. Commissioner Kapphahn asked if there is enough room to the north side of the house for the equipment. Jerry responded yes. Commissioner Perske asked if DNR has any limitations related to the amount of riprap that can be placed on the shoreline? Dave indicated that the DNR standards relate to the size of the riprap not the amount to be placed. Commissioner Perske asked if the entire length of the shoreline could be covered? Dave indicated yes. Chelle Benson informed the Commission that the Ordinance speaks to bio-engineering being the preferred solution to prevent and mitigate the risk of erosion. Rock riprap should be considered if bioengineering isn't feasible. Chair Gondringer asked the applicant if he could explain why he wanted to use riprap and not a bio-engineered solution. Jerry replied that it was the request of the homeowner, and it is only a portion of the shoreline and it is more commonly used. There was discussion about use of bio-engineering and what should be asked of an applicant so they are prepared to answer this question. Commissioner Blackburn was concerned about asking landowners to try bio-engineering, and if it fails then they would have to pay for the next fix. Staff indicated that if installed properly bioengineering works. An example was given to the south of this site where coconut logs were staked into the bank, they collect sediment and vegetation grows up through the log. Riprap was used on a project to north of the proposal. Staff noted that this property has had little activity up to this point but with development comes increased activity. Commissioner Bertram indicated that the Commission should move forward on this request and seek further information to discuss in the future. Commissioner Massmann stated the request is for about half of the shoreline to be riprapped and the rest would be natural. Jerry indicated that the riprap will be about 2 feet above the ordinary high and about 70 feet in length.

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

The Planning Commission reviewed the following findings of fact for the Conditional Use Permit for a Major Shoreland Alteration submitted by John McDowall as follows:

1. The proposal is consistent with Sections 10.2.11B. (3) (a), 10.2.14B, (3), 10.2.14 I. (2) (c) and 10.2.14 F, (1) & (4-12). It is inconsistent with Section 10.2.14 F, (3).
2. The applicant must obtain an erosion control permit through the Sauk River Watershed District.
3. The proposal will be compatible with the present and future land uses of the area and will have no impact on scenic views.
4. The potential environmental impacts of the proposal are being addressed through the six conditions.
 - a) Silt fence shall be installed downslope of the disturbed areas prior to earth moving work commencing.
 - b) Proposed new stairway cannot exceed 4 feet in width.
 - c) All disturbed areas created by the project shall be seeded and covered with erosion control blanket within 14 days of project commencement.
 - d) Project shall be completed and all disturbed areas stabilized with seed and double sided erosion control blanket by November 1st, 2017.
 - e) Authorized fieldstone rock riprap shall average between 6 and 30 inches in diameter and have a filter fabric underlayment.
 - f) Environmental Services staff must witness the abandonment of an existing cesspool discovered within the intended project area.
5. The proposal will increase property value in the area for which it is proposed.
6. The proposal does not affect the health, safety and welfare of the residents.
7. The proposal conforms to the goals and objectives of the County's Comprehensive Plan.
8. Financial assurance is not required.
9. Other issues pertinent to the matter are that the Planning Commission requires that Environmental Services staff witness the abandonment of an existing cesspool discovered within the intended project area.

Commissioner Bertram moved to recommend approval of the Condition Use Permit application for a Major Shoreland Alteration with the six conditions to the Board of Commissioners. Seconded by Commissioner Kapphahn and motion unanimously carried.

- 5) To consider a rezoning request submitted by Craig Ruegemer, Sartell, MN on behalf of Ronald and Janet Ruegemer, St. Joseph MN to rezone approximately 13 acres from the Agricultural 40 zoning district to the Residential 5 zoning district in accordance with Section 4.10 of Stearns County Land Use and Zoning Ordinance #439. The property under consideration is part of NW1/4 NE1/4 and NE1/4 NE1/4, IN Section 25, lying southwesterly of County Road 4, St Wendel Township (125/29). The property address is 33915 County Road 4 St. Joseph.

Craig Ruegemer was present representing the application.

Heidi Winskowski reviewed the staff report. No correspondence was received regarding this request.

Chair Gondringer asked the applicant why he's not rezoning the entire parcel. Craig replied he just wants to rezone to residential so he could build a home. Chair Gondringer asked the applicant what's going to happen with the remainder 1.7 acres. Craig stated his parents have a home on the land and he is going to buy the remaining 13 acres. Chair Gondringer asked is it going to be two separate parcels at some point. Heidi replied yes, if the rezoning is approved then they would need to go through the platting process to create two separate parcels. Chair Gondringer stated he agreed that it's not a good idea to split parcels with zones. Rezoning the entire parcel doesn't add any more entitlements and there will be no change in the use. Commissioner Bertram concurs with rezoning the entire 14.7 acres. Chair Gondringer asked if it could be done. Heidi replied yes and she reached out to St Wendel Township and they were in agreeance with rezoning the entire parcel. Chair Gondringer asked about the notice to rezone, it was for 13.7 acres can we rezone the entire 14.7 acres. Commissioner Bertram asked will it change the LESA score of 64.9? Chair Gondringer stated there's no farmland on the parcel. Heidi noted that rezoning the property allows them to make two separate lots. The reason they can't split it equally is because of wetland, and ensuring enough buildable land when they plat.

Chair Gondringer opened the public hearing. There was no one present to speak at the public hearing. Moved by Commissioner Bertram to close public hearing. Seconded by Commissioner Kapphahn and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the Rezoning Request submitted by Craig Ruegemer as follows:

1. The proposal is consistent with the County's Comprehensive Plan. The property is located within the Limited Residential area on the Future Land Use Map.
2. The proposal is consistent with Land Use and Zoning Ordinance #439. The property does not contain any tillable land.
3. Environmental impacts will be address through the platting process.
4. There will be a slight increase to property values in the area as a result of the proposal.
5. There will be a minimal impact on the public health, safety and traffic generation. An additional residential lot will create a minimal traffic increase in the area.
6. There will be no impact on existing public services and facilities as a result of the proposal.
7. The entire 14.7 acre parcel should be rezoned rather than 13 acres.

Commissioner Blackburn moved to recommend approval to rezone approximately 13 acres from the Agricultural 40 zoning district to the Residential 5 district to the Board of Commissioners. Seconded by Commissioner Krehbiel and Commissioner and motion unanimously carried

- 6) To consider a conditional use permit request submitted by Gregory Illes, Belgrade, MN according to Sections 4.8, 6.40 and 9.10.5F of Stearns County

Land Use and Zoning Ordinance #439 to operate a motor vehicle repair business in the Commercial zoning district. The property under consideration is part of the NE1/4 NE1/4, lying westerly of US Hwy 71 and southerly of County Road 13 in Section 16 of Lake George Township (124/34). The property address is 30099 County Road 13, Belgrade MN

Gregory Illes was present representing the application.

Heidi Winskowski reviewed the staff report. Staff recommended one condition as listed in the staff report. No correspondence was received regarding this request.

Commissioner Bertram asked about the height of the fence. Heidi replied the fence is 6 feet. Commissioner Bertram asked why the applicant can only sell three cars at a time. Heidi replied the ordinance only allows up to 3 vehicles to be sold at one time for motor vehicle repair businesses. Commissioner Perske replied so they won't be considered a car dealer. Chelle noted that there are limits on the number of sales that one person have before they need a dealer license, which is regulated by the state. Heidi stated they have separate standards for outdoors sales, but if the applicant wanted to sell more vehicles they would have to apply for an outdoor sales lot licenses.

Chair Gondringer opened the public hearing. There was no one present to speak at the public hearing. Moved by Commissioner Krehbiel to close the public hearing. Seconded by Commissioner Kappahn and motion unanimously carried.

The Planning Commission reviewed the following findings of fact the Conditional Use Permit submitted by Gregory Illes as follows:

1. The proposal is consistent with Sections 4.8, 6.40 and 9.10.5F of Land Use and Zoning Ordinance #439.
2. There is one condition the proposal must meet.
 - a) Salvage vehicles on the property shall not exceed the height of the fence used for screening.
3. The proposal is consistent with present and future land uses in the area. Historically this property has had a similar use and there are other industrial and commercial uses within a half mile.
4. There will be no environmental impacts as a result of the proposal.
5. There will be no change to the property values, public health, safety and traffic generation in the area.
6. There will be no effect on the general health, safety and welfare of the residents in the area.
7. The proposal conforms to the County Comprehensive Plan, specifically, Economic Development Plan Goal 1 Objective 1 and 2.
8. There will no impact on existing public services and facilities.

Commissioner Bertram moved to recommend approval of the request for the Conditional Use Permit to the Board of Commissioners. Seconded by Commissioner Krehbiel and motion unanimously carried.

- 7) To consider a rezoning request submitted by US Solar, Minneapolis, MN on behalf of John and Mary Lou Udermann, Sartell MN to rezone approximately 15 acres from the Residential 10 to the Agricultural 40 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 SE1/4NW1/4 and part of Government Lot 2, Section 33, lying westerly of County Road 1, Brockway Township (126/28)

David Watts was present representing the application.

Heidi Winskowski reviewed the staff report. No correspondence was received regarding this request.

David Watts introduced himself as a project developer for US Solar located in Minneapolis and reviewed all the information listed in the staff report for the Rezoning and the Conditional Use Permit. Commissioner Blackburn asked is there an average lifespan for the project. David stated the lifespan is around 40 years, panels are warranted for 25 years but everything is removed when the lease ends. Chair Gondringer asked if there are any questions regarding the rezoning of the 15 acres. Commissioner Blackburn asked about the existing center pivot on the property. Commissioner Krehbiel asked if the entire property should be zoned A-40 like the previous applicant. Heidi stated there would be greater impacts on his property if the entire parcel was rezoned A-40 such as losing residential density. Heidi indicated the purpose of rezoning the 15 acres from R-10 to A-40 is to allow solar on the property, it is prohibited in the R-10 district. The applicant can continue to farm the site since limited agricultural is allowed in the R-10 district. Chair Gondringer stated keeping the remaining acres R-10 would eliminate animal agricultural in that area. David stated that the current use of the property is Ag and the request on seeks to change 10% of the land. Commissioner Perske asked are the applicants planning on farming up to the fence. David replied, yes. Commissioner Krehbiel asked if it was considered spot zoning. Chair Gondringer replied it is spot zoning, but it is how it currently being used as agricultural.

Chair Gondringer opened the public hearing. Bernard Williams of Sartell was present to speak at the public hearing in favor of the proposal. John Udermann the applicant of the property was present to speak in favor of the proposal. Moved by Commissioner Bertram to close the public hearing. Seconded by Commissioner Kappahn and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the Rezoning Request submitted by US Solar as follows:

1. The proposal conforms to the County Comprehensive Plan. The property is located within the River Corridor North Policy Area.
2. The proposal is compatible with present and future land use in the area. The property is currently an agricultural field.
3. There are no environmental impacts.
4. There will be no impact to property values in the area.
5. There will be no impact to public health, safety or traffic generation in the area.
6. There will no impact to existing public services and facilities.

7. The proposed use of the property being rezoned is a solar garden. This will be adjacent to the industrial uses to the south of the property.

Commissioner Krehbiel moved to recommend approval of the request to rezone approximately 15 acres from the R-10 to the Agricultural 40 zoning district to the Board of Commissioners. Seconded by Commissioner Proell and motion unanimously carried.

- 8) To consider a conditional use permit request submitted by US Solar, Minneapolis MN on behalf of John and Mary Lou Udermann, Sartell MN according to Sections 4.8, 6.51 and 9.3.5U of Stearns County Land Use and Zoning Ordinance #439 to construct a 1MW community solar garden in the Agricultural 40 zoning district. The property under consideration is part of the SE1/4NW1/4 and part of Government Lot 2, Section 33, lying westerly of County Road 1, Brockway Township (126/28).

David Watts, US Solar was present representing the application.

Heidi Winskowski reviewed the staff report. Staff recommended seven conditions as listed in the staff report. No correspondence was received regarding this request.

Commissioner Krehbiel asked about access to the site from County Road 1. David stated the field access is further north and the solar area will have a separate access. Commissioner Perske asked if all the neighbors to the south and southeast of the property were notified. Heidi replied yes everyone in the rezoning area within a 1/2 mile was notified and for the Conditional Use Permit everyone within 1/4 mile was notified. Commissioner Krehbiel asked how large are the concrete pads? David replied there is only one concrete pad for the central transformer, and it measures about 5ft by 5ft. Commissioner Bertram asked if CUP's have end dates and Chair Gondringer stated no Conditional Use Permits do not have end dates. Heidi also replied no.

Chair Gondringer opened the public hearing. There no one present to speak at the public hearing. Moved by Commissioner Bertram to close the public hearing. Seconded by Commissioner Blackburn and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the Conditional Use Permit submitted by US Solar as follows:

1. The proposal is consistent with Sections 4.8, 6.51.2 and 9.3.5U of Land Use and Zoning Ordinance #439.
2. There are seven conditions the proposal must meet.
 - a) A qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards prior to issuing a construction site permit.
 - b) A financial guarantee in the form of a letter of credit meeting the County letter of credit requirements in the amount \$20,000 shall be submitted

- prior to issuing a construction site permit to ensure proper decommissioning of the solar garden.
- c) Complete an administrative subdivision in accordance with Section 4.2 of Subdivision Ordinance #230 prior to issuing a construction site permit.
 - d) The applicant shall install and establish ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642 and guidance as set by the Minnesota Board of Water and Soil Resources. A letter of credit meeting the County letter of credit requirements in the amount of 125% of the cost to vegetate the project area is required for the life of the project. The Solar Site Pollinator Habitat Assessment Form shall be completed to show that the beneficial habitat standard is met and submitted with the construction site permit application.
 - e) Manufacturer's specifications for the equipment shall be submitted prior to issuing a construction site permit.
 - f) Vegetative screening shall be added on the east and north sides of the solar garden in accordance with the approved plan. A financial guarantee in the form of a letter of credit meeting the County letter of credit requirements in the amount of 125% of the cost to implement the screening plan shall be submitted.
 - g) An approach permit is required from the County Highway Department prior to issuing a construction site permit.
3. The proposal is consistent with present and future land uses in the area. The scenic views will not be impacted with the proposed vegetative screening.
 4. Environmental impacts are being addressed by the conditions, specifically, the requirement that the applicant install and establish ground cover meeting the beneficial habitat standards.
 5. There will be minimal impact on property values as a result of the proposal.
 6. There will be a temporary impact on traffic in the area during construction of the solar garden.
 7. There will be a minimal impact on the general health, safety and welfare of the residents in the area.
 8. The proposal conforms to the County Comprehensive Plan, specifically, Natural Resources Plan Goal 2 Objective 4.
 9. There will be no change to existing public services and facilities as a result of the proposal.
 10. A financial guarantee is required for decommissioning of the site, vegetative cover and screening.

Commissioner Proell moved to recommend approval of the request for the Conditional Use Permit to the Board of Commissioners. Seconded by Commissioner Krehbiel and motion unanimously carried.

- 9) To consider a conditional use permit request submitted by Sam DeLeo, St. Cloud, MN on behalf of Thomas Kowalkowski Sartell, MN according to Sections 4.8 and 7.6.5 of Stearns County Land Use and Zoning Ordinance #439 to do a conventional subdivision in the Conservation Design Overlay District. Specifically, the request is to plat the entire property into 1 residential lot. The property under consideration is located in part of the NW1/4NE1/4 and

NE1/4NE1/4 in Section 08, Avon Township (124/30), lying at the west of Kalla Lake Road.

Sam DeLeo, KDL was present representing the application.

Heidi Winskowski reviewed the staff report. One letter was received in opposition of the proposal and was read during the hearing indicating that the transfer of credit should not be allowed. Chair Gondringer stated back in May we knew he wanted to transfer the credit. Chair Gondringer stated this parcel has no building credit before he transferred it, and do we know how it came about. Heidi replied that there were several farms that were split off and some were awarded building entitlements and some weren't. Chair Gondringer stated he would like to see it happened like this rather than purchasing a property and trying to rezone it to R-5.

Chair Gondringer opened the public hearing. There no one present to speak at the public hearing. Moved by Commissioner Bertram to close the public hearing. Seconded by Commissioner Kapphahn and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the Conditional Use Permit submitted by Sam DeLeo as follows:

1. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 4.8 and 7.6.5.
2. The proposal is compatible with present and future land uses in the area. There are several rural residential lots in the area.
3. Environmental impacts will be addressed through the platting and permitting processes.
4. There will be no change to property value in the area.
5. There will be no change to public health, safety or traffic generation in the area or to the general health, safety and welfare of the residents.
6. The proposal conforms to the County Comprehensive Plan. The property is located within the Avon Hills Conservation Area on the Future Land Use map.
7. There will be no impact to existing public services and facilities as a result of the proposal.

Commissioner Blackburn moved to recommend approval of the request for the Conditional Use Permit to the Board of Commissioners. Seconded by Commissioner Kapphahn and motion unanimously carried.

- 10) To consider a **conditional use permit** request submitted by **Sam DeLeo**, St. Cloud, MN on behalf of **Thomas Kowalkowski** Sartell, MN according to Sections 4.8 and 7.6.5 of Stearns County Land Use and Zoning Ordinance #439 to do a conventional subdivision in the Conservation Design Overlay District. Specifically, the request is to plat the entire property into 2 residential lots and 2 outlots. The property under consideration is Outlot B and E of AI's Airy Point Sub-Division in Section 16, Collegetown Township (16/30), lying at the east and west of Kestral Lane.

Sam DeLeo, KDL was present representing the application.

Heidi Winskowski reviewed the staff report.

Sam stated his client is trying to keep the houses up on the high ground where it is open and preserves the rest of the property. Chair Gondringer asked if each lot will be separated. Sam replied the lake lot will be combined with the non lake lots through the platting process and won't be sold as separate parcels. Heidi stated this will be part of the subdivision agreement with the plat. Commissioner Perske asked what's permitted on the outlot. Heidi replied the outlots are limited, because the area is small and any structure has to meet the setbacks. Commissioner Perske asked will the applicant be able to have a dock or a shed. Heidi replied yes, you are allowed one water oriented structure which is the maximum of 150 square feet, but it cannot be located within the bluff. The applicant is allowed a 4ft walkway down to the lake and would be able to put a dock in.

Chair Gondringer opened the public hearing. There no one present to speak at the public hearing. Moved by Commissioner Bertram to close the public hearing. Seconded by Commissioner Krehbiel and motion unanimously carried.

The Planning Commission reviewed the following findings of fact for the Conditional Use Permit submitted by Sam DeLeo as follows:

1. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 4.8 and 7.6.5.
2. The proposal is compatible with present and future land uses in the area. There are several rural residential lots in the area.
3. Environmental impacts will be addressed through the platting and permitting processes.
4. There will be a minimal impact to property values in the area.
5. There will be a minimal impact to public health, safety or traffic generation in the area or to the general health, safety and welfare of the residents.
6. The proposal conforms to the County Comprehensive Plan. The property is located within the Avon Hills Conservation Area on the Future Land Use map.
7. There will be no impact to existing public services and facilities as a result of the proposal.

Commissioner Kapphahn moved to recommend approval of the request for the Conditional Use Permit to the Board of Commissioners. Seconded by Commissioner Blackburn and motion unanimously carried.

Minutes of June 15, 2017

Moved by Commissioner Bertram to approve the minutes of June 15, 2017 as written. Seconded by Commissioner Ken Massmann and motion unanimously carried.

Adjournment

Moved by Commissioner Krehbiel to adjourn the meeting at 10:10pm. Seconded by Commissioner Blackburn and motion unanimously carried.