

PROCEEDINGS OF THE STEARNS COUNTY PLANNING COMMISSION

A regular meeting of the Stearns County Planning Commission was held on Thursday, September 21, 2017 in Room 121 of the Stearns County Service Center, 3301 County Road 138, Waite Park, MN at 6:00 p.m.

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

Members Absent: Mike Proell

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 Jeffrey and Pamela Gooding of Sartell, MN, according to the requirements of Section 10.2.14 D., 10.2.14 I. (1) (d) and 10.2.14 J. (1) of Stearns County Land Use and Zoning Ordinance #439 to excavate the slope to the Mississippi River, to construct fieldstone boulders to retain the excavated area and to place sand within the floodplain. The property under consideration is located at 2854 Winnebago Rd., Sartell, MN 56377 on Lots 12 and 13, Block 1 of Winnebago Addition, Section 10, T125N, R28W, LeSauk Township.

Pamela Gooding was present representing the application.

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

Chair Gondringer asked if sand blankets are prohibited in the area. Commissioner Bertram replied the size of the sand blanket has always been limited. David replied typically outside of a flood hazard area if excavating to create the sand area it would allow 10' landward and 30' or half a lot width whichever is less. This proposal meets the requirements even though it is within the 100 year flood zone. Commissioner Bertram asked is it because of the flood plain it's not allowed. David replied it's in the ordinance. Commissioner Bertram asked the applicant if she was aware of it being in a flood plain area and not being allowed? Pamela replied no. Commissioner Bertram asked the applicant knowing that it raises concerns, would there be a sand blanket if it was granted within the flood plain? Pam replied that she understood that it is not allowed in that area. Commissioner Kapphahn asked Pamela has she done any research on docks or lifts systems? Pamela replied no, but her husband has. Commissioner Bertram stated he would not allow it, it's not a replacement it's something new. Chair Gondringer stated when he visited the site he noticed the neighbor to the south has the same slope the applicants are asking for. Their property is up stream away from the bay and the river is

at a fairly stable level for that area. Commissioner Krehbiel replied he agrees with Chair Gondringer because he does not believe that the high water will go up with the dam being there. Chair Gondringer asked Commissioner Krehbiel was he referring to the sand blanket or the project. Commissioner Krehbiel replied the sand blanket. Chair Gondringer asked David where the sand blanket will be placed in relation to the level of the river. David replied he understood that it would be at the river level to the nearest point receding 6' landward. Chair Gondringer asked Pamela is that where it's going to be at. Pamela replied yes. Commissioner Massmann stated they're making it like a puddle, if there was a heavy rain it would come in the yard and take the sand right up to the river, and he now sees why the sand blanket is prohibited in that area. Chair Gondringer replied he believes that's why it would be prohibited. David replied its mapped flood plain and the ordinance for that area prohibited the sand blankets. Commissioner Massmann stated with that slope it could cause water from the yard to go down the hill and if there's a heavy rain it would take the sand right into the river. David replied because of the flood plain status you have fluctuating river levels, but as the river rises and recedes it can pull the sand with it. Chair Gondringer stated Commissioner Massmann is also referring to the runoff. Commissioner Blackburn stated the sand would have to be replaced every few years. Commissioner Kapphahn stated if it's prohibited than he would move to deny. Chair Gondringer asked the Planning Commission members if they were opposed to the sand blanket. All were opposed to the sand blanket. Commissioner Perske asked what the natural soil is underneath the grass, is it flax soil, mulch or sandy? He also asked if there are any DNR restrictions that we should be aware of. David replied he reached out to the DNR and was told its Environmental Services jurisdiction.

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 made the following findings of fact for the Conditional Use Permit for a Major Shoreland Alteration submitted by Jeffrey & Pamela Gooding as follows:

- 1) The proposal is consistent with Sections 10.2.14D. 10.2.14I. (1) (d), 10.214F. (1-12) and 10.2.14J. (1) of Land Use and Zoning Ordinance # 439.
- 2) The proposed project must meet the two conditions.
 - a) If approval for the project is gained, silt barrier must be constructed along the river after excavation to ensure sediment does not enter the river and must remain in place until vegetation is established on the excavated area
 - b) The disturbed areas must be dormant seeded and covered with double sided erosion control blanket, sodded or hydroseeded within 5 days of project commencement and this must occur by November 3, 2017.
- 3) The proposal is compatible with the present and future land use in the area and will have no impact on scenic views.
- 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 values in the area for which it is proposed.

- 6) The proposal will 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 is not required.
- 9) Other issues pertinent to the matter are that the Planning Commission recommends denial of the sand blanket request.

Commissioner Bertram moved to recommend approval of the Conditional Use Permit for a Major Shoreland Alteration to construct the fieldstone boulders with the two conditions to the Board of Commissioners. Seconded by Commissioner Kappahn and motion carried. Commissioner.

- 2) To consider a conditional use permit application for a Major Shoreland Alteration submitted by **Jerry Konz** of JK Landscape and Construction LLC on behalf of **Gary and Lori Kloos** of Richmond, MN, according to the requirements of Sections 10.2.11 B. (3) (a), 10.2.14 B. (3), 10.2.14 D. and 10.2.14 I. (2) (b) of Stearns County Land Use and Zoning Ordinance #439 to place natural fieldstone rock riprap along the shoreline, construct a new stairway to the lakeshore, excavate for subsurface soil corrections and to construct retaining walls more than four feet in cumulative height to replace existing walls that are failing. The property under consideration is located at 18578 Cedar Lane, Richmond, MN 56368 on Lot 4, Block 2 and Outlot A of Cedar Island Park, Section 31, T123N, R30W, Wakefield Township.

Jerry Konz was present representing the application.

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

Jerry Konz stated it's a bad situation and we are trying to catch it before it gets worse. Commissioner Bertram asked how the minor shoreland alteration permit which was received in 2002 would relate to this proposal. David reviewed the history of the property. The property had failing walls that were replaced 5 years ago and those walls have failed again. Commissioner Bertram asked Jerry did he do the walls. Jerry replied no. Commissioner Bertram asked if the November 3rd deadline would be feasible. Jerry replied yes, it's feasible. Commissioner Perske asked Jerry how much lake frontage do they have on the lot that would be disturbed? Jerry replied he guessed around 160'. Commissioner Perske asked Jerry if the entire lot is going to be done and leaving the riprap as it is. Jerry replied it is, part of the material slid under the riprap. Commissioner Perske asked if the riprap is going to be reconstructed. Jerry replied yes. Chair Gondringer asked Jerry to clarify that he's not going to riprap the whole portion of the property. Jerry replied just over 100' we are going to pull it out and fix the slope and put the riprap back. Chair Gondringer asked Jerry if the rest of the property was alright. Jerry replied yes. Commissioner Bertram stated his concerns were putting the walls up and then failing again, and if they knew why it happened. David replied the general area has sub surface blue clay issues so what tends to happens under extreme wet conditions the surface soil gets saturated and slides

off the blue clay layer and results in slumping where the slope is failing and the riprap is running into the lake. Chair Gondringer asked how do we alleviate these issues. David replied by putting in the drainage tile and the pea- rock. Chair Gondringer asked if you take out the 500 yards of soil you won't be replacing it with much. Jerry replied no.

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 Bertram and motion unanimously carried.

The Planning Commission made the following findings of fact for the Conditional Use Permit for a Major Shoreland Alteration submitted by Jerry Konz on behalf of Gary and Lori Kloos as follows:

- 1) The proposal is consistent with Sections 10.2.11B. (3) (a), 10.2.14B. (3), 10.2.14 D., 10.2.14 I. (2) (b), 10.2.14 F. (1&2), (4-10) & (12) and 10.2.14 G. (1). Of Land Use and Zoning Ordinance #439.
It is inconsistent with Section 10.2.14 F. (3)
- 2) The proposed requires an erosion control permit from the Sauk River Watershed District.
- 3) The proposal will be compatible with the present and future land use in the area and will improve the scenic view as viewed from the waterbody.
- 4) The potential environmental impacts of the proposal are being addressed through the four conditions and will hopefully stabilize the ongoing slope failure problem.
 - a) Silt fence shall be installed downslope of all disturbed areas immediately after completion of authorized rock riprap work.
 - b) Proposed new stairway cannot exceed 4 feet in width.
 - c) All disturbed areas created by the project shall be hydro-seeded within 22 days of project commencement.
 - d) Project shall be complete and all disturbed areas stabilized with seed and double sided erosion control blanket, sod or hydro-seeded by November 3, 2017.
- 5) The proposal will have minimal impact to property values in the area for which it is proposed.
- 6) The proposal will minimally affect the general 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 pertaining to this matter are that that retaining walls have failed twice before in this general location.

Commissioner Krehbiel moved to recommend approval of the Conditional Use Permit for a Major Shoreland Alteration with the four 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 **D.H. Blattner and Sons Inc.** of Avon, MN, according to the

requirements of Section 10.2.14 D. of Stearns County Land Use and Zoning Ordinance #439, to cut, fill and construct stormwater facilities on 32.9 acres. The property under consideration is located at 16767 County Road #9, Avon, MN 56310 on 51.80 acres of Government Lot 2 in Section 34, T125N, R30W, Avon Township.

Peter Styx, Ken Hover & Jon Schelkoph, AECOM were 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.

Jon stated it is his intention to comply with the recommendations for stabilization and the timeframe, and they now have a clear idea of how much grading that will need to be done and stabilized to get it done by spring. Peter stated their intentions are to get the earth work started to allow construction of the building pad. Then all the major work will begin in the spring. Commissioner Bertram asked Dave why the stormwater plan hasn't been approved. David replied the staff reviewing the plan has been out of the office. Commissioner Bertram stated he hoped the applicants would be able to meet the November 10th deadline. He then asked the applicant their plans for getting the project done. Ken stated this is a request to replace our current facility which is over 50 years old. We are looking for a better working area for our employees and service projects in the U. S. Chair Gondringer asked the applicant if he is referring to the maintenance part of the business and not office. Ken replied the maintenance and the warehouse. Peter stated that it allows the applicant to consolidate their operations for their support facility and maintenance into one location and it will provide a safer environment where they currently split their time between the two locations. It also allows Blattner Energy to expand their corporate campus in one location.

Chair Gondringer opened the public hearing.

Mildred Welch, Lake resident was concerned that the development would create more bog problems on the lake.

Richard Bresnahan, neighbor to the west was concerned that there are no setbacks related to the grading. He was concerned about the flow of water related to the intermittent stream, the culvert under the road should direct the water to pond #2 and if the re-ditching would impact his property. He proposed a 10' setback and silt fence around the project area.

Jon stated they are not going to do any grading on Richard's property and if they need to make adjustments on the project they will do so. Conditions were added to address this concerns.

Commissioner Bertram questioned the location of the proposed grading.

Jon asked Commissioner Bertram if he's referring to the wetland impact.

Commissioner Bertram replied the water that runs down the road to the east of the proposed grading.

Jon stated the area he's referring to is all wetland. The ditch and the storm line will collect all the runoff in the wetland area and be transmitted underneath the

roadway. A condition was added to address this concern. Commissioner Krehbiel asked if all this information is in the permit.

David replied yes.

Commissioner Krehbiel asked David if it has to meet the final approval.

David replied it is in its final stages of being approved.

Commissioner Bertram stated with the plan not being approved the Board can make recommendations and can add to it before approved.

Jon replied he has a SWPPP plan, but not an approved plan at this time.

David stated the applicant is required to get a Minnesota National Pollution Discharge Elimination System Permit from Minnesota Control. Condition was added, CUP is conditioned on approval of stormwater plan. Condition was added, CUP is conditioned upon approval of stormwater plan.

Commissioner Bertram stated he was glad the issues of the community were received and will be adjusted if need be.

Barbara Platte, Lake Association President was concerned about where the stormwater would go, and the surrounding vegetation the bogs on the lake.

Virgil Stich, Lake resident, was concerned about his access to the lake due to the bogs, and he would like help with the cleanup of the lake.

Moved by Commissioner Bertram to close the public hearing. Seconded by Commissioner Krehbiel and motion unanimously carried.

Chair Gondringer asked the applicant if he could share some information on the bogs on the lake. Ken replied he's been with the company for 28 years and within the last 15-20 years he's noticed the bogs on the lake appear to have been there but are still moving. Peter stated he was the original architect of the office project, all of the water for this project will be controlled and directed into the ponds. There is no direct discharge to the lake. Chair Gondringer asked David would he like to share something on the bogs in general. David replied no, it's a DNR matter. Commissioner Krehbiel asked if it's because of the heavy equipment coming through the area would that have an impact on the bogs breaking loose. Ken replied it could not be a cause because of the previous businesses that were there prior. Commissioner Krehbiel asked has it been more recent that the lake has been getting more bogs with the use of the heavy equipment. Peter replied no. Commissioner Bertram asked the applicant were they aware of the bog issue on the lake. Peter replied no, they were not aware of any bog issues on the lake. There was more discussion about the activities associated with Blattner. The equipment used on site once construction is completed, will be service vehicles, semi-trucks and trailers and front end loaders.

The Planning Commission made the following findings of fact for the Conditional Use Permit for a Major Shoreland Alteration submitted by D.H Blattner & Son as follows:

- 1) The proposal is consistent with Sections 10.2.14 D., 10.2.14 F. (1) and (4-12) of Stearns County Land Use and Zoning Ordinance #439.
- 2) The proposal must meet the six conditions and requires a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency.

- a) All Best Management Practices must be implemented and maintained as designed by AECOM engineering firm.
 - b) All stabilization recommendations designed by AECOM must be followed – no deviations.
 - c) Site grading and stabilization to be complete by November 10, 2017.
 - d) Approval is conditional upon the Department approving the Stormwater Management Plan.
 - e) A culvert needs to be installed under the access road to Pond #2.
 - f) No land disturbance on neighboring properties without consent.
- 3) The proposal will be more compatible than not with the present and future land use of the area.
 - 4) The potential environmental impacts of the proposal are being addressed through the six conditions and the permit requirements.
 - 5) The proposal will have no impact to property values in the area for which it is proposed.
 - 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's Comprehensive Plan.
 - 8) Financial assurance is not required.
 - 9) Other issues pertinent to the matter are the Planning Commission recommends meeting with concerned citizens regarding a "floating bog" issue on Linneman Lake.

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

- 4) To consider an **After the Fact conditional use permit** application for a Major Shoreland Alteration submitted by **Joshua and Sarah Trisko** of Sauk Centre, MN, according to the requirements of Sections 4.15, 4.15.2, 10.2.11 B. (3) (a) and 10.2.14 I. (2) (b) of Stearns County Land Use and Zoning Ordinance #439 to leave as constructed, four natural fieldstone boulder retaining walls and a sand blanket along the shoreline. In addition, the applicants are requesting to place natural fieldstone rock riprap along the shoreline according to Section 10.2.14 B. (3). The property under consideration is located at 16621 Carnelian Rd., Kimball, MN 55353 on the Southerly 10 feet of Lot 5 and Lot 6 of First Addition to Hentges Lake Shore Lots, Section 24, T122N, R29W, Maine Prairie Township.

Joshua Trisko & Anthony Stach were 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.

Joshua stated he wanted to know what is needed to go forward and is unhappy with the excessive fees. He stated he spoke with the Sauk Centre Township and they informed him he did not need a permit. Commissioner Bertram asked Anthony if he's gotten permits from other counties. Anthony replied no, he's new to the business and in

previous times has dealt with the cities. Commissioner Bertram asked Joshua has he been charged with any After the Fact fees before. Joshua replied he had done driveways and the permits were mailed to him. Commissioner Bertram asked Joshua has he ever received or requested an After the Fact permit in Sauk Centre Township or any other Government agency? Joshua replied no. Chair Gondringer asked David wasn't there a property down from this property that received a shoreland alteration permit. David replied yes, seven houses down. Chair Gondringer asked would the property notice for this hearing have reached their house? David replied yes, property owners with ¼ mile received the notices. Commissioner Bertram asked David how he heard about the violation. David replied, he received a telephone call. Commissioner Bertram asked David what would happen if the sand blanket was left as is. David replied by ordinance the applicant is supposed to get a permit for a maintenance blanket. Chair Gondringer stated it appears when he visited the site that there was erosion under the silt fence to the left. David replied the lake has some bounce and it fluctuates freely so to figure out where the boundary was they asked the property owner to have a survey done. Commissioner Kappahn asked if one application was withdrawn because it didn't meet the 25% impervious lot coverage. David replied the property is over the threshold and there were two areas that were being required to be restore. David reviewed how the property would look after restoring it. Commissioner Perske asked were there timbers on the left side. David replied it was grass to the left. Chair Gondringer asked David when was the photo was taken. David replied he didn't know. Josh replied it was two owners before him. Chair Gondringer asked Joshua was he aware of the restoration the property would need. Joshua replied yes, and he's fine with it. Commissioner Bertram stated he was not aware of any restoration but replacing back to grass or plant material or mulch.

Chair Gondringer opened the public hearing. Eugene Bublitz a neighbor to the north of Joshua was concerned about building the wall higher and it will divert the water to his side of the property. Moved by Commissioner Bertram to close the public hearing. Seconded by Commissioner Krehbiel and motion unanimously carried.

Chair Gondringer asked if the sand blanket should be discussed. Commissioner Bertram replied the property owner has to restore other items and if the sand blanket washes out then he would need a permit to replace it. Commissioner Perske asked if they were seeing the entire 60'. Joshua replied yes. David replied it's not quite the 60' but that's a large portion of it. Chair Gondringer asked is there a shed to the right. Joshua replied that's the neighbors. The sand blanket would be considered in the request. Therefore the condition number three was eliminated.

The Planning Commission made the following findings of fact for the After the Fact Conditional Use Permit for a Major Shoreland Alteration submitted by Joshua & Sarah Trisko as follows:

1. The unpermitted alteration was done to improve aesthetics and control erosion, not to protect water quality or enhance habitat.
2. The applicant failed to obtain an alteration permit before commencing work because they were unaware they needed a permit.
3. The applicant was not required to obtain other permits for the completed work.
4. The unpermitted sand and retaining walls are within the sensitive area of the shore impact zone.

5. The unpermitted alteration is very visible from the public waterbody
6. The unpermitted alteration changes the character of the neighborhood in that, it is an improvement to the aesthetics as viewed from the lake.
7. The unpermitted alteration did not reduce or eliminate an existing buffer and it will improve the stormwater runoff situation.
8. The unpermitted alteration improved the aesthetics of the shore as viewed from the public water, the addition of the sand blanket did change the character of the neighborhood and shoreline, the vegetative buffer was eliminated but they will be restoring some impervious area, it did not change or damage an erosion or sediment control device or system, it improved upon the stormwater management device and it did not change or damage fish or wildlife habitat or water quality.
9. The applicant will be mitigating some of the change by removing some rock and restoring back to vegetation.
10. The minimum benefits to the county are far outweighed by the detriment the applicant would suffer if forced to restore because of the significant financial burden to restore.

Commissioner Kapphahn moved to recommend approval of the Condition Use Permit After the Fact for a Major Shoreland Alteration with two conditions:

1. Payment of \$525 After the Fact fee is to be submitted by October 9, 2017.
2. Project shall be complete and all disturbed areas stabilized with seed and double sided erosion control blanket, sod or hydro-seeded by November 3, 201, to the Board of Commissioners. Seconded by Commissioner Blackburn and motion unanimously carried.

- 5) To consider a **conditional use permit** request to amend the planned unit development "Stonegate on the Lake" submitted by **Benjamin Stockinger of Scenic Specialties Landscape Professionals on behalf of Staloch Properties LLC**, Austin TX, according to Stearns County Subdivision Ordinance #230 and Sections 4.8 and 10.2.22 of Land Use and Zoning Ordinance #439. Specifically, the amendment is to reconfigure the dock layout and do landscaping along the shoreline. The property is described as Stonegate on the Lake, lying southerly of Old Lake Road and northerly of Lake Koronis in Section 34 of Paynesville Township.

Ben Stockinger, Scenic Specialties Landscape Professionals was present representing the application.

Heidi Winskowski reviewed the staff report. Staff recommends four conditions as listed in the staff report. A letter was received from the DNR and was read during the public hearing.

Ben stated the owner has a Texas address but grew up in Minnesota. The property is located on Lake Koronis and Mr. Staloch has lived on it for a large portion of his life. He wants to be able to take his family on the lake and be proud of what he created. Commissioner Bertram asked why the project isn't moving faster? Ben replied the applicant has been spending the last year and half (1½) getting the permits approved

for the development, and he was not aware that he would need any more permits until I informed him a month ago. Chair Gondringer asked Heidi if she could let the Board know what the original dock layout was. Heidi replied she does not have the original layout, but can describe the layout. Commissioner Kapphahn asked was it to increase the view to the property? It appears to be blocking the view from other properties. Chair Gondringer asked if the dock was allocated to a lot. Heidi replied it is one of the open space lots. Ben stated the reason the applicant is changing the location of the docks is to have a better view of the lake. Commissioner Bertram asked how it will affect the gas pump. Ben replied the applicant is proposing the gas pumps to be moved. Commissioner Bertram stated the DNR should have involvement with the docks. Heidi replied she reached out to them and they are in agreeance with the dock layout. Heidi read the email from the DNR into record. Chair Gondringer asked for clarification on the landscaping plan, patio, retaining walls, stairways and sand beach Heidi replied all the details is outlined in the shoreland alteration application. This amendment is allowing the PUD to do that but the detail on what is done is outlined in the Shoreland Alteration permit. Chair Gondringer asked if they can approve the amendment and deny the actual permit. Heidi replied yes, but the applicant can come back with a different application.

Chair Gondringer opened the public hearing. Barbara Schmidt who lives a few lots over was present to speak at the public hearing. She was in favor of the proposal because of the erosion in the area. Moved by Commissioner Bertram to close public hearing. Seconded by Commissioner Kapphahn and motion unanimously carried.

The Planning Commission made the following findings of fact for the Conditional Use Permit submitted by Staloch Properties LLC as follows:

1. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Residential 1 and Residential 5 zoning districts.
2. There are four conditions the proposal must meet.
 - a) Obtain a shoreland alteration permit prior to beginning work on the property.
 - b) An amended subdivision agreement shall be recorded with the approved dock layout.
 - c) All other conditions of CUP P-006456 shall remain in full force and effect.
 - d) One entrance sign up to 32 square feet and setback 10' from the road right-of-way is allowed.
3. The proposal is compatible with present and future land uses in the area.
4. Environmental impacts will be address through the conditions.
5. The proposal will increase property values once construction is complete.
6. Public health, safety and traffic generation impacts of the proposal were addressed during the previous platting and conditional use permit process.
7. The proposal will have no effect on the general health, safety or welfare of the residents.
8. The proposal conforms to the County's Comprehensive Plan, specifically Land Use Plan Natural Resources Protection Goal 7.

Commissioner Bertram moved to recommend approval of Conditional Use Permit to amend the planned unit development "Stonegate on the Lake" with the four conditions to the Board of Commissioners. Seconded by Commissioner Blackburn and motion unanimously carried

- 6) To consider a **conditional use permit** application for a Major Shoreland Alteration submitted by **Benjamin Stockinger** of Scenic Specialties Landscape Professionals on behalf of **Staloch Properties** LLC of Austin, TX, according to the requirements of Sections 10.2.11 B. (3) (a), 10.2.14 D., 10.2.14 I. (2) (c) and 10.2.14 J. (1) of Stearns County Land Use and Zoning Ordinance #439 to construct a new staircase down to the shoreline, excavate the near shore area to create flat spaces for recreation, construct six new fieldstone boulder retaining walls and to create a sand beach blanket in the floodplain. The property under consideration is located at 14835 Old Lake Rd., Paynesville, MN 56362 on Outlots A, B and D of Stone Gate Lodge, Section 34, T122N, R32W, Paynesville Township.

Ben Stockinger, Scenic Specialties Landscape Professionals was present representing the application.

David Nett reviewed the staff report. Staff recommended three condition as listed in the staff report. One letter was received from DNR on this proposal and was read during the hearing.

Commissioner Bertram asked what's going to happen with the sand blanket. Chair Gondringer asked the applicant is he requesting a sand blanket where the beach was located. Ben replied yes, and his plan is to redesign the area as shown on the plan. Commissioner Blackburn asked the applicant if the plans were to have all the residents share the beach. Ben replied yes. Commissioner Krehbiel asked considering all of the shoreline could the applicant propose more beach? David replied the ordinance does not differentiate between commercial or residential in terms of sand blanket, so yes it could be bigger. Commissioner Perske stated he agrees with the location and plan and that the beach will be used by all residents. Commissioner Bertram stated there's a city owned beach two miles north and he remember having to haul sand on it. Chair Gondringer asked do we allow it. Commissioner Kapphahn read the ordinance on the requirements of a new beach and stated this is not a new beach. Chair Gondringer stated we have to keep in mind we just approved a proposal and the applicant had 60' of sand on his residence.

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

Ben stated there are a lot of existing boulders in the area and his plan is to build a wall up from the OHW and use native plantings.

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

1. The proposal is consistent with Sections 10.2.11 B. (3) (a), 10.2.14 D., 10.2.14 I. (2) (c), 10.2.14 F. (1), (4-6), (8) and (10-12) of Stearns County Land Use and Zoning Ordinance #439.
2. The proposal must meet three proposed conditions.
 - a) Silt barrier shall be constructed downslope of all disturbed areas prior to earth moving work commencing and must remain functional and in place until disturbed areas are vegetated.
 - b) All disturbed areas created by the project shall be seeded and covered with erosion control blanket, sodded or hydroseeded within 21 days of project commencement.
 - c) Applicant shall provide financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to 125% of site erosion/sediment control costs.
3. The proposal will be compatible with the present and future land uses of the area and will improve the scenic view as viewed from the waterbody.
4. The potential environmental impacts of the proposal are being addressed through the three conditions.
5. The proposal will increase property values within the development but will not affect neighboring values.
6. The proposal will not affect the general health, safety and welfare of the residents.
7. The proposal conforms to the goals and objectives of the County's Comprehensive Plan.
8. The applicant is required to provide \$12,500 financial assurance for erosion and sediment control costs.
9. No other issues pertinent to the matter.

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.

- 7) To consider a request for a **conditional use permit** submitted by **James Kuechle**, Kimball MN according to Sections 4.8 and 9.8.2A of Stearns County Land Use and Zoning Ordinance #439 to expand a general contracting business by adding a storage building in the Rural Townsite zoning district. The property under consideration is part of Government Lot 1 in Section 10 and part of the NE1/4 NE1/4 in Section 9, lying southwesterly of County Road 8, Maine Prairie Township (122/29).

James Kuechle was present representing the application.

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

James stated when he purchased the property in 2010 there were a number of sheds on the existing parking lot that have since been removed. When applying for the permit

he was told he was already over the allowed amount of impervious surface so he purchased an additional 7 acres to compensate for the amount of impervious surface.

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 made the following findings of facts for the Conditional Use Permit submitted by submitted by James Kuechle as follows:

1. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 4.8 and 9.8.2A.
2. There are no conditions the proposal must meet.
3. The proposal is compatible with present and future land uses in the area.
4. There are no potential environmental impacts from the proposal.
5. The proposal will have no impact on property values in the area.
6. There will be no change to public health, safety and traffic generation or to the general health, safety and welfare of the residents.
7. The proposal conforms to the County's Comprehensive Plan.
8. The proposal will have no impact on existing public services and facilities.

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

- 8) To consider a request for a **conditional use permit** submitted by **Capricornus Community Solar Garden, LLC**, Edina MN on behalf of **Fountain Hills Investments, LLC**, Hastings 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 on approximately 11 acres in the Agricultural 40 zoning district. The property under consideration is part of the SW1/4, Section 4, lying easterly of 293rd Avenue, Paynesville Township (122/32).

Kara Bakke, Tena Monson & Ben Adamich, from Geronimo Energy were present representing the application.

Heidi Winskowski reviewed the staff report. Staff recommended five conditions as listed in the staff report. One letter was received from MnDOT in support of the proposal and was read during the hearing.

Commissioner Bertram asked is there a limit to how much energy can go to a substation. Tena replied yes, and the capacity has not been reached. Commissioner Bertram asked if the wind farm was gone. Tena replied yes, the Paynesville Wind farm project has been terminated. Chair Gondringer asked if the proposal is located by a trail, and if the notices are sent to the residence along that trail. Heidi replied the property owners were notified within a ¼ mile of the proposal.

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 made the following findings of fact for the Conditional Use Permit submitted by Fountain Hills Investments LLC as follows:

1. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 9.3 and 6.51.
2. There are five 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 \$25,000 shall be submitted prior to issuing a construction site permit to ensure proper decommissioning of the solar garden.
 - c) 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.
 - d) Wetland impact is limited to 50 square feet unless a wetland replacement plan is approved.
 - e) Obtain approval from the Department of Natural Resources to cross the Glacial Lakes Trail for access to the solar garden.
3. The proposal is compatible with present and future land uses in the area. There are two solar farms adjacent to this property.
4. Environmental impacts are being addressed through the platting process.
5. The proposal will have no impact on property values in the area.
6. There will be traffic generation impacts during construction of the solar farm. Once construction is complete, there will be no impact to public health, safety or traffic generation.
7. The proposal will have no impact on the general health, safety and welfare of the residents.
8. The proposal conforms to the County's Comprehensive Plan, specifically Land Use Plan Agriculture Goal 1, Objective 3.
9. The proposal will have no impact on existing public services and facilities.
10. A financial guarantee for decommissioning and vegetating the site are required.

Commissioner Krehbiel 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.

- 9) To consider a request for a **conditional use permit** submitted by **Canopus Community Solar Garden, LLC**, Edina MN on behalf of **Bill Bagley**, Belgrade

MN according to Sections 4.8, 6.51 and 9.2.5T of Stearns County Land Use and Zoning Ordinance #439 to construct a 1MW community solar garden on approximately 12 acres in the Agricultural 80 zoning district. The property under consideration is part of the SW1/4 SW1/4, Section 27, lying easterly of 343rd Avenue and northerly of County Road 178, Lake Henry Township (123/33).

Kara Bakke, Tena Monson, Ben Adamich, from Geronimo Energy were present representing the application.

Heidi Winskowski reviewed the staff report. Staff recommended five conditions as listed in the staff report. No correspondence was received related to this request.

Chair Gondringer asked the applicant where do they plan on hooking up to the powerline, and do you have to go to a substation? Ben replied it would hook up to Excel Energy's existing three phase distribution line that runs on the south side of County Road 178 that is how the smaller projects have been hooking up.

Commissioner Krehbiel asked does it have the proper voltage. Ben replied yes, it does.

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

Chair Gondringer asked if the power being generated is already sold or does that come later? Ben replied they are seeking subscribers. Chair Gondringer asked if power is sold to individuals or large companies? Ben said they sell to both.

The Planning Commission made the following findings of fact for the Conditional Use Permit submitted by Scott & Bill Bagley as follows:

1. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 9.2 and 6.51.
2. There are 5 conditions that 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 \$25,000 shall be submitted prior to issuing a construction site permit to ensure proper decommissioning of the solar garden.
 - c) 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.
 - d) Obtain an approach permit from the County Highway Department.

- e) Vegetative screening shall be planted 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.
3. The proposal is compatible with present and future land uses in the area. Vegetative screening will be planted along the road sides of the project.
4. There will be no environmental impacts from the proposal.
5. The proposal will have no impact on property values in the area.
6. There will be traffic generation impacts during construction of the solar farm. Once construction is complete, there will be no impact to public health, safety or traffic generation.
7. The proposal will have no impact on the general health, safety and welfare of the residents.
8. The proposal conforms to the County's Comprehensive Plan, specifically Land Use Plan Agriculture Goal 1, Objective 3.
9. The proposal will have no impact on existing public services and facilities.
10. A financial guarantee for decommissioning, vegetating the site and screening are required.

Commissioner Krehbiel 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 request for **conditional use permit** submitted by **Stearns Solar I LLC**, Radnor PA on behalf of **Joan M. Bredeck Revocable Trust**, Albany 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 on approximately 10 acres in the Agricultural 40 zoning district. The property under consideration is part of the SE1/4, Section 10, lying westerly of County Road 10 and easterly of the Wobegon Trail, Albany Township (125/31).

Joan Bredeck & Ric Ahern were present representing the application.

Heidi Winskowski reviewed the staff report. Staff recommended three conditions as listed in the staff report. No correspondence was received related to this request.

Ric stated his company has found ways to make residential subscription financial feasible within Stearns and boarding Counties. Commissioner Krehbiel asked Ric if he managed New Munich Solar. Rick replied yes. Chair Gondringer stated the required financial guarantee for decommissioning for the last applicant was \$25,000. Heidi replied the applicants proposed \$25,000 and we accepted that amount. Chair Gondringer stated he received a call from Peter Thiesman, park director he had concerns that he was not made aware of this proposal and in the future can he be notified.

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 Kapphahn and motion unanimously carried.

The Planning Commission made the following findings of fact for the Conditional Use Permit submitted by Joan M. Bredeck Revocable Trust as follows:

1. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 9.3 and 6.51.
2. There are 3 conditions that 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) 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.
3. The proposal is compatible with present and future land uses in the area. Vegetative screening will be planted along the road sides of the project.
4. Environmental impacts are being addressed through the permitting process.
5. The proposal will have no impact on property values in the area.
6. There will be traffic generation impacts during construction of the solar farm. Once construction is complete, there will be no impact to public health, safety or traffic generation.
7. The proposal will have no impact on the general health, safety and welfare of the residents.
8. The proposal conforms to the County's Comprehensive Plan, specifically Land Use Plan Agriculture Goal 1, Objective 3.
9. The proposal will have no impact on existing public services and facilities.
10. A financial guarantee for decommissioning and vegetating the site are required.

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.

- 11) To consider a request for a **conditional use permit** submitted by **Bryan Brophy**, St. Joseph MN according to Sections 4.8, 6.38 and 9.10.5R of Stearns County Land Use and Zoning Ordinance #439 to operate a light manufacturing business, including office and showroom, in the Commercial zoning district. The property under consideration is part of the W1/2 SE1/4, in Section 35, lying north of County Rd 6, St. Joseph Township (124/29).
Application was withdrawn by applicant.

Minutes of August 17, 2017

There was a correction to the minutes on page 5. The name should be Jeanne Lommel not Julie Lommel. Moved by Commissioner Krehbiel to approve the minutes of August 17, 2017 as amended. Seconded by Commissioner Blackburn and motion unanimously carried.

Adjournment

Moved by Commissioner Blackburn to adjourn the meeting at 10:05pm. Seconded by Commissioner Kapphahn and motion unanimously carried.