

PROCEEDINGS OF THE STEARNS COUNTY PLANNING COMMISSION

A regular meeting of the Stearns County Planning Commission was held on Wednesday, July 18, 2018 in Room 121 of the Stearns County Service Center, 3301 County Road 138, Waite Park, MN at 7:00 p.m.

Members Present: Jeff Bertram, LeRoy Gondringer, Ken Massmann, Jason Weinerman, Richard Blenkush, Shawn Blackburn, Mike Proell and Commissioner Joe Perske (ex-officio member).

Staff Present: Dave Nett, Angie Berg, Amber Mielke, Nick Neuman and Kelly Lane from Environmental Services.

Chair LeRoy Gondringer opened the meeting at 7:00 p.m.

The Pledge of Allegiance was recited.

Chair LeRoy Gondringer explained the procedure that will be used for the public hearings/requests on the agenda.

The Planning Commission members then introduced themselves to the public.

1. To consider a request for an **Ag-Oriented Business Conditional Use Permit** submitted by **Mora Creamery Development Inc.**, of Melrose, MN according to the requirements of Section 4.4, 4.6, 4.8, 4.14, 6.5 and 9.2 of Stearns County Land Use and Zoning Ordinance #439 to construct a 50'x80' total confinement barn for housing of cattle and storage of solid manure. The feedlot is currently registered for 120 Animal Units (AU) consisting of slaughter cattle. The property under consideration is located at 37274 State Hwy. 237 Melrose, MN 56352 in the NE ¼ of the SE ¼ in Section 6 of Oak Township.

Ralph Klassen was present representing the application.

Amber Mielke reviewed the staff report.

Ralph Klassen gave a brief history of the business and what they do. Mr. Klassen explained that they store the manure outside, this addition will allow them to store it in a covered area. Amber Mielke added that they don't have a good area for stockpiling due to the wetlands that are close, so with it covered there will not be any run-off issues.

Chair LeRoy Gondringer opened the public hearing and no one was present to speak at the meeting. Motion was made by Commissioner Jason Weinerman, seconded by Commissioner Mike Proell and carried unanimously to close the public hearing.

The Planning Commission established the following **Findings of Fact:**

- A. The Conditional Use Permit would be consistent with Stearns County Zoning Ordinance #439 Sections 4.4, 4.6, 4.8, 4.14, 6.7 and 9.2.

- B. There was no EAW, EIS, or SDS permits required.
- C. The proposed use is consistent with these sections of the Stearns County Comprehensive Plan:

LAND USE PLAN

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

- o Objective 1: Nurture and preserve a sound agricultural economy.
- o Objective 3: Develop management methods for accommodating different types of agricultural activity.

NATURAL RESOURCES PLAN

Goal 3: Protect the county's agricultural natural resources.

- o Objective 2: Encourage sustainable agricultural practices that protect agricultural soils and waters for future generations.
- D. The site configuration, number and type of animals on site and prevailing wind conditions will not have an impact on residential areas, schools, parks, traffic and public safety.
- E. The proposal would be no change to the impact of the property values of the area in with the animal feedlot expansion, modification or new construction is proposed.
- F. The Feedlot Review Committee and Feedlot Staff recommendations have all been reviewed and Feedlot Review Committee recommended to approve.
- G. No other issues pertinent to this matter.

Motion was made by Commissioner Richard Blenkush, seconded by Commissioner Jeff Bertram and carried unanimously to **recommend approval** to the County Board with the following conditions:

- 1) The applicant shall contact the Environmental Services Department within three days of construction completion so a post-construction inspection may be completed.
- 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) The grounds and all structures shall be maintained in a clean and safe manner.
- 4) The use shall comply with all applicable Federal, State and County rules and regulations.

2. To consider a **Conditional Use Permit** application for a **Major Shoreland Alteration** submitted by **Samuel Shaum** of Sauk Centre, MN, according to the requirements of Section 10.2.14 D. of Stearns County Land Use and Zoning Ordinance #439 to excavate an area on his property for creation of a wildlife pond. The property under consideration is located at 41232 435th Ave., Sauk Centre, MN, 56378, on 40.00 acres, SE4 of the SW4 of Section 18, T126N, R34W, Sauk Centre Township.

Samuel Shaum was present representing the application.

Dave Nett reviewed the staff report.

Commissioner Jason Weirnerman questioned if the downhill side of the proposed pond would be excavated to grade as to be level with existing soils. Samuel Shaum indicated that the creek bank is higher than the pond and when that overflows it will run into the pond. Commissioner Joe Perske asked what the intended use of the pond would be. Mr. Shaum stated that it would be for fishing and they would possibly put a dock in for swimming. He mentioned that they are Mennonite, so they avoid the public beaches and the church group would use it for teaching swimming.

Chair LeRoy Gondringer opened the public hearing and no one was present to speak at the meeting. Motion was made by Commissioner Jeff Bertram, seconded by Commissioner Richard Blenkush and carried unanimously to close the public hearing.

The Planning Commission established the following **Findings of Fact**:

- A. The proposal is consistent with Sections 10.2.14 D. and 10.2.14 F. (1), (4-8), & (10-12). It is inconsistent with Section 10.2.14 G. (1)
- B. The proposal must meet the three recommended conditions.
- C. The proposal is compatible with the present and future land uses in the area.
- D. The potential environmental impacts of the proposal are being addressed through the three recommended conditions.
- E. The proposal will have no impact to property values in the area for which it is proposed.
- F. The proposal will affect the welfare of the residents by giving them the opportunity to enjoy the waterbody.
- G. The proposal conforms to the goals and objectives of the County's Comprehensive Plan, specifically Natural Resources Protection Goal 7, Objectives 1 and 3.
- H. Financial assurance is not required.

There was a short discussion on whether a fence was necessary for this project, taking into consideration that only a select group of people would be using this pond and that the general public would not be able to access this part of Mr. Shaum's property. It was noted by the Commission that there would not need to be a fence.

Motion was made by Commissioner Mike Proell, seconded by Commissioner Shawn Blackburn and carried unanimously to **recommend approval** to the County Board with the following conditions:

- 1) Silt fence or straw bales must be constructed between the proposed excavated area and the creek prior to any authorized excavation commencing.
- 2) All disturbed areas created by this project must be seeded and covered with straw mulch by September 30, 2018.
- 3) All spoils from the excavated area must be removed and placed in an upland location outside of the wetland.

3. To consider a **Conditional Use Permit** application for a **Major Shoreland Alteration** submitted by **Jeff Drown**, St. Cloud, MN, according to the requirements of Sections 10.2.14 D. and 10.2.14 I. (1) (b) of Stearns County Land Use and Zoning Ordinance #439

to cut and fill for construction of a proposed new single family residential dwelling unit and associated swimming pool and retaining wall. The property under consideration is located at 18383 Dover Rd., Clearwater, MN 55320 on 46.60 acres of Government Lots 6 and 7 and part of the SW4 of the SE4 of Section 8, T122N, R27W, Lynden Township.

Jeff Drown was present representing the application.

Dave Nett reviewed the staff report. Mr. Nett indicated that one email correspondence was received.

Chair LeRoy Gondringer opened the public hearing.

Ann Ackerman, a Supervisor on the Lynden Township Board, who composed the email that was sent to Dave Nett, read the correspondence. Ms. Ackerman stated that the Township as an entity is not providing any comments about the application, but she had received multiple inquires and concerns from township residents and thought it necessary for her to pass them along. Some of those concerns are: residents want to make sure that all required setbacks are met from both the nearby wetland and Crooked Lake, that erosion control measures are being properly implemented to protect the lake from possible run-off from the substantial excavation and construction, keeping the view from the lake with no "clear-cut" to the water's edge in order to create a view and lighting being put in that will reach beyond the property line and out onto the lake. Residents welcome this addition, but are hopeful that the property owners will exercise caution and care in meeting ordinance requirements and be mindful of the impact that any outdoor lighting would have.

Geri Neeley wanted to know when the Lumley Estate had been subdivided and if this home was a new residence or part of the old farm.

Angie Berg spoke in response to the questions Ms. Neeley had. She commented that any tract greater than 20 acres is allowed to be split by Administrative Subdivision, a certificate of survey, septic sites are evaluated, a building envelope is established and that all this occurred approximately 4-6 weeks ago. This property meets the Stearns County Subdivision Ordinance and Zoning Ordinance for the one home per 40 acres, with this being a new residence, not part of the old farm.

Jerry Powell asked what the setback from the lake is and wanted to know how far back the home was, he is concerned because this is a natural environment lake. Dave Nett responded that the required setback is 200' and the home is approximately 300' back. Also, that the permit for the dwelling and the sewage treatment system have been issued. The applicant added that some trees have been removed in order to stake out the residence but construction has not begun yet.

Motion was made by Commissioner Jeff Bertram, seconded by Commissioner Shawn Blackburn and carried unanimously to close the public hearing.

Chair LeRoy Gondringer asked for clarification in regards to the 25% tree removal. Dave Nett explained that they are allowed to establish a 50' wide view corridor, that's not a clear cut situation. That's the removal of 25% of any trees or shrubs greater than and less than 5" in diameter. Selective cutting would be allowed to establish a view corridor and any trees that are dead, diseased or invasive can be removed. Commissioner Joe Perske wanted to know how Environmental Services regulates the tree removal. Mr. Nett stated that there is an application process and the applicant has to mark the trees they wish to remove to establish the corridor. Then Environmental Services would perform a site inspection to make sure it fits within the standards.

The Planning Commission had a brief discussion in regards to ambient lighting around the applicant's pool and patio area. Angie Berg mentioned that there is lighting and glare standards in the Ordinance (section 7.15) and she continued on to read the portion that would apply to this discussion and questions the Commission might have.

The Planning Commission established the following **Findings of Fact**:

- A. The proposal is consistent with Sections 10.2.14 D., 10.2.14 F. (1), (4-12), 10.2.14 G. (1) and 10.2.14 I. (1) (b).
- B. The proposal must obtain a NPDES permit from MPCA and meet the four recommended conditions.
- C. The proposal is compatible with the present and future land uses in the area and the residential dwelling unit will be screened by the extensive vegetation on the property.
- D. There are not any significant environmental concerns with the proposal.
- E. The proposal will have minimal impact to property values in the area for which it is proposed.
- F. The proposal will not affect the general health, safety and welfare of the residents.
- G. The proposal conforms to the goals and objectives of the County's Comprehensive Plan, specifically Natural Resources Protection Goal 7, Objectives 1 and 2.
- H. Financial assurance is not required.
- I. Other issues pertinent to the matter are that the Ordinance standards regarding lighting (Section 7.15) were discussed with the applicant and an automated pool cover will be used in lieu of fencing to prevent uncontrolled access to the pool.

Motion was made by Commissioner Jason Weirnerman, seconded by Commissioner Shawn Blackburn and carried unanimously to **recommend approval** to the County Board with the following conditions:

- 1) Silt fence shall be installed as proposed prior to earth moving work commencing.
- 2) All disturbed areas created by this project shall be temporarily stabilized with oats and straw mulch by November 1, 2018.
- 3) All disturbed areas created by the project to be final stabilized by October 31, 2019.
- 4) Contractor performing earth moving work activities to be licensed as required by County Ordinance.

4. To consider a **Conditional Use Permit** application for a **Major Shoreland Alteration** submitted by **Blattner Investments Inc.** of Avon, MN, according to the requirements of Sections 4.8.10 and 10.2.14 D. of Stearns County Land Use and Zoning Ordinance #439, to amend the proposed cut and fill amounts authorized under Conditional Use Permit P-8927, issued in September, 2017. 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.

Jon Schelkoph and Eric Henery were present representing the application.

Dave Nett reviewed the staff report.

Chair Leroy Gondringer asked Jon Schelkoph to give a more detailed explanation of exactly what they are going to be doing in regards to this project. Mr. Schelkoph went into a detailed explanation referencing the site map. Commissioner Jeff Bertram asked whether the stormwater plan was a condition on the original request. Dave Nett indicated that it was and it is currently being reviewed and the final approval could be a condition that can be added as part of this request.

Mr. Schelkoph also stated that the previous encroachment issues on the north side of the Smith parcel with the access road, have been cleared up. Blattner purchased 30 feet on the north side of the Smith parcel and have installed a fence on the North side of the Bresnahan parcel. That will prevent any encroachment of any Blattner vehicles across this property. Commissioner Joe Perske asked if it is proposed to be resolved or have the encroachment issues been legally resolved. Angie Berg answered that the Smith parcel has been acquired and that's all completed and she was not aware of the fence being installed, but they had until August 1st. Environmental Services will go out to the property and verify that the fence has been put up.

Chair LeRoy Gondringer opened the public hearing and no one was present to speak at the meeting. Motion was made by Commissioner Jeff Bertram, seconded by Commissioner Richard Blenkush and carried unanimously to close the public hearing.

Chair LeRoy Gondringer wanted to clarify that the Southwest corner was going to stay higher than originally proposed and that they will not be encroaching any closer to the Bresnahan property on the West or South side then they were currently proposing. Jon Schelkoph responded that the corner was going to be higher and they will actually be farther away from the property.

The Planning Commission established the following **Findings of Fact**:

- A. The proposal is consistent with Sections 4.8.10, 10.2.14 D., 10.2.14 F. (1-12) and 10.2.14 G. (1).
- B. The proposal must meet the six recommended conditions.
- C. The proposal is compatible with the present and future land uses in the area.
- D. The proposal conforms to the MPCA, DNR and Stearns County Environmental Services requirements.

- E. The proposal will not impact property values in the area for which it is proposed.
- F. The proposal will not affect the general health, safety and welfare of the residents.
- G. The proposal conforms to the goals and objectives of the County's Comprehensive Plan, specifically Natural Resources Protection Goal 7, Objectives 1, 2 and 3 and Natural Resources and Environmental Management Plan Goal 1, Objectives 1 and 4.
- H. The bond submitted for the original project expires October 12, 2018 and will need to be extended for an additional year.
- I. Other issues pertinent to the matter are that this proposal is a revision of the original plan

Motion was made by Commissioner Shawn Blackburn, seconded by Commissioner Ken Massmann and carried unanimously to **recommend approval** to the County Board with the following conditions:

- 1) All Best Management Practices must be implemented and maintained as designed by AECOM engineering firm.
- 2) All stabilization recommendations designed by AECOM must be followed – no deviations.
- 3) Site grading and stabilization to be complete by October 1, 2018.
- 4) An as-built plan shall be submitted by the engineer with spot elevation checks every 100 feet around the perimeter of the impacted area.
- 5) The bond for the original permit (P-009152) is set to expire on October 12, 2018 and will need to be extended for an additional year.
- 6) Final approval of stormwater plan must be obtained prior to authorized work commencing.

Adjournment

Motion was made by Commissioner Jeff Bertram, seconded by Commissioner Richard Blenkush and carried unanimously to adjourn the meeting at 8:30 p.m.