

## PROCEEDINGS OF THE STEARNS COUNTY PLANNING COMMISSION

A regular meeting of the Stearns County Planning Commission was held on Thursday, July 19, 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: Heidi Winskowski, Chelle Benson, and Kelly Lane from Environmental Services.

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

The Pledge of Allegiance was recited.

The Planning Commission members then introduced themselves to the public.

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

1. To consider a **plat** entitled “**CD Addition**” consisting of two (2) residential lots submitted by **David Dingmann, Cold Spring MN on behalf of DM Dingmann Farm LLC**, Cold Spring MN according to Stearns County Subdivision Ordinance #230 and Land Use and Zoning Ordinance #439. The 5.44 acre plat is in part of the SW1/4NE1/4 lying northeasterly of 138<sup>th</sup> Avenue in Section 1, Wakefield Township (123/30). The property address is 25579 138<sup>th</sup> Ave, Cold Spring MN.

Dan Kron and David Dingmann were present representing the application.

Heidi Winskowski reviewed the staff report.

Dan Kron added that the easement for the driveway will be recorded before the final plat is done so that it's listed.

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 Shawn Blackburn and carried unanimously to close the public hearing.

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

- A. The proposal conforms to the County's Comprehensive Plan. It is located in the Agricultural area on the Future Land Use map and the Agricultural and Limited Growth Area on the Policy Area map.

- B. The proposal is consistent with Subdivision Ordinance #230, Sections 5 and 8.
- C. There are 7 conditions the plat must meet.
- D. The proposal is compatible with present and future land uses in the area.
- E. The plat conforms to Land Use and Zoning Ordinance #439.
- F. No environmental concerns have been identified.
- G. Public health, safety and traffic generation impacts have been addressed through the conditions.
- H. The proposal will have a minimal impact on existing public services and facilities.
- I. Platting Committee recommended approval of the plat.

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

1. A **Declaration of Restriction** will be required stating, in order to protect the two soil treatment areas on each lot for sewage treatment use, they shall be maintained in an undisturbed and natural state.
2. A **Subdivision Agreement** will be required stating the following:
  - a. Construction site best management practices (BMPs) shall be required during construction of any new structures in accordance with *Section 7.10 of Stearns County Land Use and Zoning Ordinance 439, or successor Ordinance.*
  - b. In order to protect them for sewage treatment use, the two soil treatment areas on each lot, as designated on the preliminary plat, shall be staked and roped off prior to any ground disturbing activity on each lot.
  - c. Due to the steep slopes and highly erodible soils on the property, an erosion and sediment control plan shall be submitted with the construction site permit application and/or prior to any ground disturbing activity for any structures or driveways on Lot 1.
  - d. The plat of CD Addition is located in an agricultural area and the construction, expansion, and operation of animal feedlots and other agricultural uses are permitted in this area. The Developers, therefore, acknowledge that future buyers may be exposed to the sights, sounds, smells, and conditions of modern agriculture.
3. A **Declaration of Restriction** is required, restricting the equivalent land area of 74.56 acres from having a residential dwelling.
4. A **Water Supply Verification** is required to be recorded with the final plat (acceptable water test results *for nitrates* shall be taken and completed by a laboratory certified by the Minnesota Department of Health. Water test results can be from within the plat boundary or from a well within 300 feet of the plat boundary). This has been submitted.
5. Ingress/egress/utility easements are required across the DM Dingmann Farm property and the Bryan and Joan Christen property. The 33' easement shall meet the following criteria: shall be granted for roadway and utility purposes, must be perpetual, be binding upon the heirs, successors and assigns, have a

defined legal description, contain provisions for construction, maintenance, repair, alteration and contain provisions for enforceability by the grantor/grantee. This shall be recorded prior to the final plat and shown on the plat.

6. Prior to final plat approval, the small shed on Lot 2 shall be relocated to be a minimum of 63' from the centerline of the easement/driveway.
7. A consent to plat from the mortgage company is required prior to final plat approval.

2. To consider a request for an **Interim Use Permit** submitted by **Joseph and Christina DeRose, Richmond MN on behalf of Thomas Virnig, New Ulm MN** according to Sections 4.18, 6.60 and 9.9.6 of Stearns County Land Use and Zoning Ordinance #439 to operate a vacation home rental in the Residential 1 zoning district. The property under consideration is part of the SW1/4SE1/4, lying northerly of Fairbourne Drive in Section 25, Munson Township (123/31). The property address is 19754 Fairbourne Dr, Richmond MN.

Joseph DeRose was present representing the application.

Heidi Winskowski reviewed the staff report.

Chair LeRoy Gondringer asked the applicant about the other vacation home rentals in that area. Joseph DeRose explained that he owns Riverside Resort and they currently have 19 lodging units, two of which have been approved as vacation home rentals. They are adjacent to the park, but are on different parcels.

Commissioner Joe Perske asked for clarification on why a water meter is required for this type of property. Heidi Winskowski stated that it's a way to monitor how much water is going into the septic. When you have people renting a property, the county needs to monitor the usage in case it would become an issue with the septic. It can also be used to monitor how many people are using the rental home at one time.

Commissioner Jason Weirnerman inquired whether the home is currently vacant. Mr. DeRose indicated that it's owned by Thomas Virnig and he stays there on weekends. Currently there is a signed purchase agreement, but it's contingent on obtaining the Interim Use Permit.

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 Land Use and Zoning Ordinance #439, specifically Sections 4.18, 6.60 and 9.9.6. Vacation home rentals are allowed as an interim use permit in the Residential 1 zoning district.
- B. There are 7 conditions the proposals must meet.

- C. The proposal is compatible with land uses in the area. There is a resort and two vacation home rentals adjacent this property.
- D. There are no environmental concerns with the proposal.
- E. There will be a minor increase in traffic as a result of the proposal.
- F. The proposal will have no impact to the general health, safety and welfare of the residents.
- G. The proposal conforms to the County's Comprehensive Plan, specifically Economic Development Plan Goal 1, Objective 3.
  - Goal 1. Maintain and strengthen economic diversity.
  - Objective 3. Acknowledge tourism's economic value and the prospective contribution of this industry to both the diversity of the County economic base and the potential for growth.
- H. The proposal will have no effect on existing public services and facilities.
- I. The applicant owns and operates a resort and two vacation home rentals adjacent to the proposed vacation home rental.

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

1. The interim use permit shall expire on December 31, 2033.
2. The maximum occupancy of the vacation/private home rental shall be 5 persons.
3. A water meter shall be installed prior to a lodging license being issued.
4. The applicant shall obtain a Lodging License from Environmental Services prior to renting the home.
5. Flow measurement readings and monitoring of the system shall be recorded monthly and records shall be made available to the Department upon request.
6. The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the Department upon request.
7. The drainfield must be identified and protected through landscaping, fencing, etc. to prevent parking in that area.

3. To consider a **Conditional Use Permit** application submitted by **Northern States Power Co.**, Minneapolis MN according to Sections 4.8 and 7.11 of Stearns County Land Use and Zoning Ordinance #439, to construct approximately 1 mile of 69 kilovolt(kV) transmission line. The proposed project is located in part of the NE1/4NE1/4 of Section 9, the W1/2SW1/4 and the SW1/4NW1/4 of Section 3, along Rimcrest Road and Heritage Court, Oak Township (125/32).

Sean Lawler, Xcel Energy, was present representing the application.

Heidi Winskowski reviewed the staff report.

Sean Lawler stated that this project connects the transmission line between Xcel energy's existing transmission line to Great River Energy's new Riverview Substation. This would create redundancy and improve the quality of the system. There were some constraints

with the route options with where the substation is located. The route that was chosen was a compromise between Xcel and the land owners. Currently there are signed easement agreements with all landowners except for the Barbara Beuning property. If that easement is not obtained, Xcel will have to exercise their right of Eminent Domain. Ken Massman stated that this project sounded like an afterthought of the substation being put in. Mr. Lawler continued with that there are two utility companies involved with this, Great River Energy and Xcel Energy. Great River Energy purchased the land for the substation a few years ago which is a permitted use in the Ag district.

Chair LeRoy Gondringer opened the public hearing.

Everett Scherping explained that the substation is directly south of his property. Mr. Scherping is not pleased with Xcel using up prime farmland and is frustrated with this whole process. He is not opposed to his request, but feels there could have been a better way to go about it or possibly to find a better route for the transmission line.

Chair LeRoy Gondringer understands that the Ordinance allows for a substation on agricultural land. This particular one is very large, the Ordinance doesn't have an acreage limit which would allow for a public hearing? Heidi Winskowski responded that substations are considered essential services in the Ordinance which are permitted in all zoning districts.

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

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

- A. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 4.8 and 7.11.
- B. There is 1 condition the proposal must meet.
- C. The proposal is compatible with present and future land uses. The 69kV line will be smaller than the CAPX line that runs nearby.
- D. There are no environmental concerns with the proposal.
- E. The proposal will have minimal impact to public health, safety and traffic generation.
- F. The proposal will have minimal effect on the general health, safety and welfare of the residents.
- G. The proposal conforms to the County's Comprehensive Plan, specifically Land Use Plan Goal 5, Objectives 1 and 2.  
Goal 5. Use existing infrastructure and resources efficiently.  
Objective 1. Coordinate infrastructure expansion with development; and encourage development where the infrastructure is adequate to serve that growth.  
Objective 2. Provide public services and infrastructure that can be sustained over time.
- H. The proposal does not conform to the County's Comprehensive Plan, specifically Land Use Plan Goal 1, Objective 1.  
Goal 1. Sustain agriculture as a desirable land use for the long term.

Objective 1. Nurture and preserve a sound agricultural economy.

- I. The proposal should have a positive effect on the utilities in the area.
- J. The substation the 69kV line is connecting to was sited prior to having an approved route for the 69kV line.

Motion was made by Commissioner Jason Weinermann, seconded by Commissioner Richard Blenkush and carried unanimously to **recommend approval** to the County Board with the following condition:

1. The conditional use permit is subject to execution and recording of easements along the entire transmission line route. The applicant shall provide a legal description of the easements prior to recording the conditional use permit.

4. To consider a **Conditional Use Permit** submitted by **Meyers Cozy Corner Campground**, Richmond MN according to Sections 4.8 and 10.2.23 of Stearns County Land Use and Zoning Ordinance #439 to construct a new bathhouse and indoor pool in the Commercial zoning district. The property under consideration is part of the NE1/4NW1/4, lying southerly of Edgeton Road, westerly of State Highway 22 and easterly of Long Lake in Section 1, Eden Lake Township (122/31). The property address is 19897 State Hwy 22, Richmond MN.

George Meyers was present representing the application.

Heidi Winskowski reviewed the staff report. Ms. Winskowski read one correspondence that was received in support of this request from Darwin Schwantes.

George Meyers informed the Commission that he will be removing the old bathhouse, so this will be a completely new building and he will be locating it on a portion of the existing parking lot.

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 Shawn Blackburn and carried unanimously to close the public hearing.

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

- A. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically Sections 4.8 and 10.2.23.
- B. There are 3 conditions the proposal must meet.
- C. The proposal is compatible with present and future land uses in the area. The bathhouse and pool are located in an existing resort.
- D. A stormwater management plan is required to address stormwater from the new bathhouse and pool.
- E. The proposal will have no impact on public health, safety or traffic generation in the area.
- F. The proposal conforms to the County's Comprehensive Plan, specifically, Economic Development Plan Goal 1, Objectives 3 and 4.  
Goal 1. Maintain and strengthen economic diversity.

Objective 3. Acknowledge tourism's economic value and the prospective contribution of this industry to both the diversity of the County economic base and the potential for growth.

Objective 4. Protect tourism and related resources from detrimental development activity and conflicting land uses.

K. The proposal will have no effect on existing public services and facilities.

L. The new bathhouse is replacing an existing bathhouse.

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

1. The state accessibility code is required to be met.
  - a) Prior to issuing a construction site permit for the project, confirmation from a licensed building official is required, stating that the building plans meet the accessibility code.
  - b) After the new construction is complete, an accessibility certification form must be completed by a licensed building official.
2. The pool shall be enclosed by a 6' fence with a self-closing gate until such time that the pool is enclosed within the building.
3. An approved erosion control and stormwater management plan is required, in accordance with *Section 10.2.23 D (7) of Stearns County Land Use and Zoning Ordinance #439* prior to issuance of the construction site permit.

5. To consider a **Conditional Use Permit** application submitted by **Novel Meyer Solar LLC, St. Paul MN on behalf of Martha Meyer**, Melrose MN according to Sections 4.8, 6.52, and 9.2.5U of Stearns County Land Use and Zoning Ordinance #439, to construct a 1MW community solar garden on approximately 10 acres in the Agricultural 80 zoning district. The proposed project is located in part of the SW1/4NE1/4 lying northerly of 345<sup>th</sup> Street in Section 19, Grove Township (125/33).

Paula Fitzgerald, from Novel Energy Solutions, was present representing the application.

Heidi Winskowski reviewed the staff report.

Paula Fitzgerald added information about screening, that there was no proposal included for this as far as trees, etc. This project is approximately 640' back from 345<sup>th</sup> Street, the area to the south of the array is crop land as well as the property to the west. The panels are the fixed access type and with a 30 degree tilt. Any trees planted to the South would not screen anything and they would have to encroach more into the farmable area. Chair LeRoy Gondringer asked if the property was wooded to the North and East. Ms. Fitzgerald indicated that it was, but also farmland and the closest dwelling is Martha Meyer's which is quite far away. Also, there is a home to the South across 345<sup>th</sup> Street which is wooded area, but no other residential uses to the East or to the South.

Chair LeRoy Gondringer opened the public hearing and no one was present to speak at the meeting. Motion was made by Commissioner Jason Weirnerman, 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 Land Use and Zoning Ordinance #439, specifically, Sections 4.8, 6.51.2 and 9.2.5U. Solar farms are allowed as a conditional use in the Agriculture 80 zoning district.
- B. There are 4 conditions the proposal must meet.
- C. The proposal is not compatible with the area but is screened from adjacent land uses.
- D. The requirement that the entire site be vegetated will address any environmental concerns.
- E. There will be a minimal impact to public health, safety and traffic generation only during construction of the solar garden.
- F. The proposal will have no effect on the general health, safety and welfare of the residents.
- G. The proposal conforms to the County's Comprehensive Plan, specifically, Land Use Plan Goal 3, Objective 1 and Natural Resources Plan Goal 2, Objective 4.  
Goal 3. Manage the impacts of growth and development on the County's rural character  
Objective 1. Discourage incompatible land uses through effective land use controls.  
Goal 2. Assure the reasonable and responsible use of the County's natural resources, including land, surface and ground water, minerals, open space, wetlands, wildlife, and woodlands.  
Objective 4. Encourage use of renewable energy systems, including wind energy and solar energy, which reduce the footprint of development on local and global natural systems.
- H. The proposal will have no effect on existing public services and facilities.
- I. A financial guarantee to ensure the site is vegetated and a financial guarantee for decommissioning are required.

Commissioner Ken Massmann commented that this doesn't seem like the right place or property for this project. Commissioner Ken Proell added that this is really prime farmland and Commissioner Shawn Blackburn pointed out that the LESA score is high at 80.7. Commissioner Richard Blenkush asked how long they were requesting the permit for. Heidi Winkowski answered that this type of permit doesn't have a set expiration date. Paula Fitzgerald stated that this is a 25 year contract with Xcel Energy. Chair LeRoy Gondringer then mentioned that after the 25 years, the contract could be renewed or the land would revert back to tillable land.

Motion was made by Commissioner Jeff Bertram, seconded by Commissioner Jason Weirnerman to **recommend approval** to the County Board. The Planning Commission **voted 5-2** to recommend approval (Commissioner Ken Massmann and Commissioner Mike Proell voted nay) with the following conditions:



1. 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.
2. A financial guarantee in the form of a cash escrow or 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.
3. 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 cash escrow or 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 a minimum of three years or until the vegetation is sufficiently established. 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.
4. Manufacturer's specifications for the equipment shall be submitted prior to issuing a construction site permit.

6. To consider an **Interim Use Permit** submitted by **Duininck, Inc., Prinsburg MN on behalf of Patrick and Janelle Schmoll**, Lake Lillian MN according to Sections 4.8, 7.17 and 9.3.6 D of Stearns County Land Use and Zoning Ordinance #439 to have a mining operation on 39.7 acres for a period of 10 years in the Agricultural 40 zoning district. The property under consideration is part of the E1/2SW1/4, lying southerly of Town Hall Road in Section 21, Crow Lake Township (123/35).

Jason Ver Steeg was present representing the application.

Heidi Winskowski reviewed the staff report. Ms. Winskowski noted that she had emailed the Commissioners a letter that was received from Matthew and Josie Dingmann, who are in opposition of the request, citing concerns of: traffic on the road, dust, noise from the operation, impacts to their well and the hours of operation.

Jason Ver Steeg pointed out they are requesting this permit for 10 years, but the project they have under contract for this summer is the Highway 55 project from Brooten to Belgrade. Mr. Ver Steeg continued to explain the details of the contract stipulations with MNDot called IDIQ (Indefinite Delivery Indefinite Quantity), it's more of an open ended contract. He also mentioned that he met with Mr. Dingmann, Ms. Dickhoff and the Township Board and talked over the details of the operation and hopefully cleared up some misconceptions to help them understand what their plans are for this work site. Commissioner Jeff Bertram wanted to know about the used tar. Mr. Ver Steeg informed him that they intend to use a portion of used tar for the project on Highway 55, but there will also be stockpiles of recycled asphalt at the site for future use.

Commissioner Jason Weirnerman inquired about the water table at the site. Mr. Ver Steeg stated they don't anticipate getting anywhere close to the groundwater elevation. If they get to a point in the mining operation where they would need to get material below the water elevation, they would be required to go the DNR to get a Water Appropriation Permit and

based on the DNR's study, they may not issue the permit. Chair LeRoy Gondringer wanted to know where they would discharge the water if they needed to. Mr. Ver Steeg stated they would go to the West into the wetland and it would be done to a stabilized discharge point with rip rap and a stabilization pond. That would be done in conjunction with the DNR and the Water Appropriation Permit. Mr. Ver Steeg continued to explain what the restoration and end use plan is going to be once they are finished with the site. Chair Gondringer wanted to know if there was an agreement with the Township as far as maintenance of the Township road. Mr. Ver Steeg said they've discussed it, but there is no formal agreement in place. They've committed to maintaining the road in the condition that it's in. The Township had areas of concern, those being the culverts that they need to cross, dust control and the creating of a snow trap with the berm that will go on the North side of the property. Duinick's have agreed to keep the berm setback at 60' from the centerline of the road, which is further back than originally planned.

Chair LeRoy Gondringer opened the public hearing.

Dan Wold, representing Crow Lake Township, stated and explained the concerns as being the dust control, the road being too narrow and not being able to handle the trucks, hours of operation, ponding and giving consideration to putting a fence or natural barrier around the water.

Kayla Dickhoff, her property is directly adjacent to the mining property. Ms. Dickhoff has concerns of the traffic with the trucks meeting on the road, dust control, noise and the safety of her children when being outside and playing in the yard. Ms. Dickhoff also gave some suggestions for hours of operation. She questioned the property value of her home, will it go down?

After much discussion of the noted items a motion was made by Commissioner Jeff Bertram, seconded by Commissioner Shawn Blackburn and carried unanimously to close the public hearing.

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

- A. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically, Sections 4.18, 7.17 and 9.3.6D. Mining operations are allowed as an interim use in the Agriculture 40 zoning district.
- B. There are 11 conditions in addition to state and federal regulations that the proposal must meet.
- C. The proposal will be screened from the adjacent residence by a berm.
- D. Environmental impacts are being addressed through the conditions.
- E. There will be an impact to public health, safety and traffic during times of hauling. This is being addressed through the conditions, including dust control and signage.
- F. The proposal will affect the general health, safety and welfare of the residents.
- G. The proposal conforms to the County's Comprehensive Plan, specifically, Natural Resources Plan Goal 2, Objective 1 and Goal 4, Objectives 2 and 3.

Goal 2. Assure the reasonable and responsible use of the County's natural resources, including land, surface and ground water, minerals, open space, wetlands, wildlife, and woodlands.

Objective 1. Provide for the managed, sustainable use of mineral, soil, water, and timber resources.

Goal 4. Protect the County's aggregate resources and provide for reasonable economic use of aggregate.

Objective 2. Manage aggregate resources to provide for the extraction of high quality aggregate prior to non-agricultural development on the site.

Objective 3. Adopt regulations to minimize nuisances from aggregate extraction that affect developed areas and that ensure restoration of extraction sites to protect other natural resources and natural functions.

H. The proposal will have an effect on existing public services and facilities. The township road will be impacted but that is being addressed through the conditions.

I. A financial guarantee for decommissioning is required.

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

1. Hours of operation shall be 7am-7pm Monday thru Friday, 7am-12pm Saturday with equipment start-up at 6am. No mining is allowed on holidays.
2. The interim use permit shall expire on December 31, 2028.
3. The applicant shall submit and maintain a financial guarantee in the amount of \$99,250 (\$2500 per acre) to ensure that the reclamation will be completed in accordance with the proposed plan and with *Section 7.17.5 of Ordinance #439, or successor ordinance.*
4. Truck hauling signs and watch for children signs shall be posted during times of hauling.
5. All performance standards contained in *Section 7.17 of County Land Use and Zoning Ordinance #439, or successor ordinance,* shall be met.
6. An informational sign is required at the entrance to the gravel pit. It must be clearly visible from the public road and must indicate the name and phone number of property owner, site operator and hauling contractor. The sign shall be installed prior to mining on the property.
7. A gate shall be installed at the entrance to the mining area prior to mining on the property.
8. A berm shall be constructed along the northwest property lines to screen the mining operation from the neighboring residence prior to mining.
9. Dust on Town Hall Road shall be controlled within 300' of the driveways located on 06.03716.0000 (Dingmann) and 06.03717.0000 (Dickhoff).
10. Recycled asphalt pavement (RAP) and/or excess materials shall be removed upon expiration of the interim use permit.
11. No topsoil shall be removed from the property.

7. To consider a request for an **Interim Use Permit** submitted by **Duininck, Inc., Prinsburg MN on behalf of Patrick and Janelle Schmoll, Lake Lillian MN** according to

Sections 4.8, 6.15 and 9.3.6 A of Stearns County Land Use and Zoning Ordinance #439 to operate an asphalt mixing facility for a period of 5 years in the Agricultural 40 zoning district. The property under consideration is part of the E1/2SW1/4, lying southerly of Town Hall Road in Section 21, Crow Lake Township (123/35).

Jason Ver Steeg was present representing the application.

Heidi Winskowski reviewed the staff report.

Chair LeRoy Gondringer opened the public hearing.

Kayla Dickhoff asked if the hours of operation could be the same as for the mining operation.

Dan Wold, representing Crow Lake Township, would also like to see the hours the same as for the mining operation. Mr. Wold also brought up the proximity of the stack to the Dickhoff residence, he would like some consideration for the smell and to have emission controls in place.

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

The Commission had a discussion regarding what would be the appropriate hours of operation for the plant. They determined those hours and they will be made part of the conditions.

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

- A. The proposal is consistent with Land Use and Zoning Ordinance #439, specifically, Sections 4.18, 6.15.1 and 9.3.6A. Temporary asphalt mixing facilities are allowed as an interim use in the Agriculture 40 zoning district.
- B. There are 5 conditions in addition to state and federal regulations that the proposal must meet.
- C. The proposal will be screened from the adjacent residence by a berm.
- D. Environmental impacts are being addressed through the conditions.
- E. There will be an impact to public health, safety and traffic but is being addressed.
- F. The proposal will affect the general health, safety and welfare of the residents during times of operation.
- G. The proposal conforms to the County's Comprehensive Plan, specifically, Natural Resources Plan Goal 2, Objective 1.  
Goal 2. Assure the reasonable and responsible use of the County's natural resources, including land, surface and ground water, minerals, open space, wetlands, wildlife, and woodlands.  
Objective 1. Provide for the managed, sustainable use of mineral, soil, water, and timber resources.
- H. The proposal will have a minimal effect on existing public services and facilities.
- I. A financial guarantee for removal of the equipment is required.  
The asphalt mixing facility will be located within the mining area on the property.

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

1. Hours of operation shall be 6am-8pm Monday thru Saturday with equipment start-up at 5 am. No operation is allowed on Sundays or federal holidays. Equipment maintenance may be outside of those hours unless complaints are received.
2. The interim use permit shall expire on December 31, 2023.
3. Truck hauling signs are required during times of hauling.
4. Recycled asphalt pavement (RAP) and/or excess materials shall be removed upon completion of operation.
5. The applicant shall submit and maintain a financial guarantee in the amount of \$5,000 to ensure that the temporary equipment and RAP be removed upon termination of the interim use permit.

8. Minutes of June 20, 2018 and June 21, 2018

Motion was made by Commissioner Jason Weinerman, seconded by Commissioner Ken Massmann and carried unanimously to approve the minutes of the June 20, 2018 and June 21, 2018 Planning Commission Meetings.

Adjournment

Motion was made by Commissioner Ken Massmann, seconded by Commissioner Shawn Blackburn and carried unanimously to adjourn the meeting at 10:10 p.m.