

APPROVED PROCEEDINGS OF THE STEARNS COUNTY PLANNING COMMISSION

A regular meeting of the Stearns County Planning Commission was held on
Thursday, October 17, 2019, 7:00 p.m.,
in Room 121 at the Stearns County Service Center, 3301 County Road 138,
Waite Park, MN.

Planning Commission Members Present: Jeff Bertram, Ken Massmann, Jason
Weinerman, Richard Blenkush, Mike Proell, Jason Kron and Joe
Perske (Ex-Officio).

Members Excused: Shawn Blackburn

Staff Present: Chelle Benson, Jennifer Buckentine, BethyJo Juetten and Alyssa
Westergren from Environmental Services.

Chair Jeff Bertram called the meeting to order at 6:59 p.m.

The Pledge of Allegiance was recited.

The Planning Commission members introduced themselves to the public.

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

Agenda Item 1:

To consider a **Conditional Use Permit** submitted by **Allium Community Solar Garden, LLC**, Edina MN **on behalf of Duininck Inc.**, Prinsburg MN according to Sections 4.8, 6.52 and 9.3.5V of Stearns County Land Use and Zoning Ordinance #439 to construct a 1MW solar garden in the Agricultural 40 (A-40) zoning district. The property under consideration is located in part of the E½ SE¼, lying west of 293rd Avenue in Section 5, Paynesville Township (122/32). The property address is 19251 293rd Avenue, Paynesville MN.

Jennifer Buckentine reviewed the staff report.

All members present, except Jason Kron and Ken Massmann, visited the site and there were no communications with the applicants.

Courtney Pelissero, with Geronimo Energy, was present representing the application.

Courtney stated they are looking to construct a solar garden on this parcel, which is surrounded by a few other solar gardens. They also wanted to note that they have staff who

will be planting the proper ground cover and they will also be checking to ensure that it is well maintained and does not become overgrown.

Chair Bertram opened the public hearing and no one was present to speak at the meeting.

No correspondence was received regarding this request.

Motion was made by **Member Mike Proell**, seconded by **Member Jason Weinerman**, 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, 6.52 and 9.3.5V. Solar farms are allowed as conditional use in the Agricultural 40 zoning district.
- B. There are 4 conditions the proposal must meet.
- C. The proposal is compatible with present and future land uses in the area. There are several solar farms in this area.
- D. Environmental concerns have been addressed. The wetland in the northeast corner will be avoided. Native/pollinator plantings will have a positive impact.
- E. No information was provided regarding the impact to property values in the area.
- F. The proposal will have minimal impact on traffic generation in the area. The applicant has contacted Paynesville Township and stated they will correct any issues that arise with using the Township road for access.
- G. The proposal will have minimal effect on the general health, safety or welfare of the residents.
- H. The proposal conforms to the County's Comprehensive Plan, specifically, Natural Resources Plan Goal 2, Objective 4.

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.

- I. The proposal will have minimal impact on existing public services and facilities.
- J. A \$25,000 financial guarantee is required to ensure proper decommissioning of the site.
- K. It was noted there are multiple solar farms in general proximity to this project.

A motion was made by **Member Jason Weinerman**, seconded by **Member Mike Proell**, and carried unanimously to **recommend approval** to the County Board 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. The Solar Site Pollinator Habitat Assessment Form shall be completed to show that the beneficial habitat standard is met and submitted, along with the planting plan, with the construction site permit application.
 - a. 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. A work and material list shall be submitted to determine the guarantee amount. The guarantee shall be kept for a minimum of three years or may be held longer if vegetation is not sufficiently established after three years. The Solar Site Pollinator Habitat Assessment Form for Established Plantings shall be completed prior to release.
 - b. The ground cover shall be maintained for the life of the project and continue meeting Habitat Friendly Solar Standards, which includes filling out the established project assessment form every 3 years.
4. Environmental Services shall be notified of any changes to project ownership, including new contact information.

Agenda Item 2:

To consider an **Interim Use Permit** submitted by **James and Joan Klaphake**, Albany MN according to Sections 4.18, 6.56.2 and 9.3.6E of Stearns County Land Use and Zoning Ordinance #439 to keep a secondary single family residential dwelling unit accessory to an agricultural operation in the Agricultural 40 zoning district. The property under consideration is located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ in Section 28 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 33, lying south of Universal Road, Krain Township (126/31). Property address is 22755 Universal Road, Albany MN.

Jennifer Buckentine reviewed the staff report.

All members present, except Mike Proell and Jason Kron, visited the site and Richard Blenkush spoke with the applicants.

Joan Klaphake and Alois Rakotz were present representing the application.

Joan Klaphake stated that she is hoping to keep the house as that is where her parents live. Her mother has health issues and having her close allows for easier coordination of appointments. They also still help with the farm when needed. Joan wanted to note that she applied for the maximum amount of years allowed because she was unsure of an appropriate number of years to ask for and would like the Planning Commission's input on the request.

Chair Bertram opened the public hearing and no one was present to speak at the meeting.

No correspondence was received regarding this request.

Motion was made by **Member Richard Blenkush**, seconded by **Member Mike Proell**, 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, 6.56.2 and 9.3.6E. Secondary homes are allowed as an interim use in the Agricultural 40 zoning district.
- B. There are 3 conditions the proposal must meet.
- C. The proposal is compatible with present and future land uses in the area.
- D. There are no environmental concerns with the proposed request.
- E. No information was provided regarding the impact to property values in the area.
- F. The proposal will not impact public health, safety or traffic generation in the area.
- G. The proposal enhances the general health, safety or welfare of the resident of this property by allowing family members to care for one another.
- H. The proposal conforms to the County's Comprehensive Plan, specifically, Land Use Plan goals/objectives.

Goal 4. Sustain the current livability and diversity of Stearns County.

Objective 4. Encourage a diversity of housing opportunities meeting the needs of both the cities and the townships.

Goal 6. Provide a variety of residential opportunities.

Objective 1. Provide a diversity of housing prices and styles, meeting the needs of residents of different ages, incomes and lifestyles.

- I. The proposal will not impact existing public services and facilities.
- J. It was noted that the property was granted an interim use permit for a second home in 2002 and this is a renewal of that permit.

A motion was made by **Member Richard Blenkush**, seconded by **Member Jason Kron**, and carried unanimously to **recommend approval** to the County Board with the following conditions:

- 1. The Interim Use Permit shall expire on December 31, 2039.
- 2. When the occupant(s) of the primary home or the secondary home are no longer farm help or family members, the property shall be subdivided so there is only one home per parcel of land or one home shall be removed.
- 3. Due to two homes being on the property, a Certificate of Transfer of Development Rights shall be recorded, to restrict an equivalent land area of 40 acres from having a residential dwelling. This shall be recorded by December 31, 2019

Agenda Item 3:

To consider a **Conditional Use Permit** submitted by **John and Dorothy Funk, LLC**, Melrose MN according to the requirements of Section 4.4, 4.6, 4.8, 4.14, 6.7 and 9.2 of Stearns County Land Use and Zoning Ordinance #439 for an animal unit increase from 765 animal units (AUs) consisting of mature dairy cattle over 1,000 pounds, beef slaughter steers and beef calves to 999 AUs consisting of mature dairy cattle over 1,000 pounds, mature dairy cattle under 1,000 pounds, dairy heifers, dairy calves, beef slaughter steers, beef feeder cattle and beef calves. Also, to consider to amend

Conditional Use Permit 99-29 to not require a crust be maintained on the manure pit at all times, except during agitation and emptying of the manure pit. The property under consideration is located in the SW ¼ SE ¼ in Section 26, Grove Township (125/33). The property address is 32952 330th Street, Melrose MN.

BethyJo Juetten reviewed the staff report.

All members present visited the site and there were no communications with the applicants.

Karl Funk was present representing the application.

Karl let the Planning Commission know that the Funk family was unaware that they were non-compliant in regards to their initial CUP from 1999. They were under the impression that once they received the approved Conditional Use Permit, they were allowed to increase their animal units and did not need to submit a copy of their manure management plan to the county annually.

Chelle Benson noted that at the time of the original Conditional Use Permit, an additional application was not required to raise the animal units. She wanted the Planning Commission to know that since that initial CUP, the Environmental Services Department processes have changed, so this new Conditional Use Permit is being submitted to ensure that all forms are completed and submitted.

Karl asked the Planning Commission to consider making an amendment to the original 1999 CUP to remove the condition of a crust needing to be on the manure pit at all times. He stated that this has been a condition that they have not been able to maintain. They have tried multiple ways to create the crust, and have not been successful. He would like to work with the Planning Commission as well as the neighbors to come up with a better way of either creating the crust or keeping smells to a minimum.

Chair Bertram opened the public hearing and no one was present to speak at the meeting.

BethyJo read correspondence received from Steve Kurtz, 33545 330th St, Melrose, MN requesting the planning commission deny the request. They do not want to see more animals added as it would increase the odor. He also stated that the increase in cattle will result in more driving on the roads and that will wreck the roads. This correspondence is on file and part of record.

Motion was made by **Member Jason Kron**, seconded by **Member Richard Blenkush**, 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. An Environmental Assessment Worksheet (EAW), Environmental Impact Statement (EIS), National Pollution Discharge Elimination System (NPDES), or State Disposal System (SDS) are not required.

C. The proposed use is consistent with these sections of the Stearns County Comprehensive Plan:

NATURAL RESOURCES PLAN

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

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

ECONOMIC DEVELOPMENT PLAN

Goal 3: Strengthen and diversify the agricultural economy.

Objective 1: Promote and retain agriculture in areas with highly valued agricultural land or economically viable animal agriculture operations.

D. Will site configuration, number and type of animals at the site and prevailing wind conditions impact any of the following areas:

Traffic: Minimally.

Public Safety: None.

Schools, Parks, Churches, and Other Municipal/Residential Areas: Minimally.

Other Impacts (Please Specify): Minimum amount from cattle and odor than what is already there.

E. No information has been provided regarding the impact to property values in the area.

F. The Feedlot Review Committee (FRC) recommendations were reviewed regarding the request to increase in animal units and Feedlot Staff recommendations were reviewed regarding the request to increase in animal units and amend CUP 99-22 by removing condition #3.

G. Other issues relevant to the application: a) discussion related to need for other permit issuance beyond approval of the CUP in 1999. b) The manure management plan (MMP) being submitted to the County each year versus it being on file at the facility. c) Feedlot Operator will work with neighbors to address odor concerns.

A motion was made by **Member Jason Weinerman**, seconded by **Member Mike Proell**, and carried unanimously to amend CUP #99-22 by removing condition number 3.

A motion was made by **Member Jason Kron**, seconded by **Member Richard Blenkush**, and carried unanimously to **recommend approval** of CUP P-014086 to the County Board with the following conditions:

1. The owner shall maintain facilities that are in compliance with Land Use and Zoning Ordinance #439.

Agenda Item 4:

To consider a **Conditional Use Permit** submitted by **Middendorf Family Farm, LLC**, Freeport MN according to the requirements of Sections 4.4, 4.6, 4.8, 4.14, 6.7 and 9.2 of Stearns County Land Use and Zoning Ordinance #439 for an animal unit increase from 698.6 animal units (AUs) consisting of mature dairy cattle over 1,000 pounds to 978.6

AUs consisting of mature dairy cattle over 1,000 pounds, to construct a 124'x148' total confinement barn, a 100'x120' total confinement barn and a 12'x203' breezeway and modifying an open lot to 3,338 square feet. The property under consideration is located in the SW¼ SW¼ in Section 24, Millwood Township (126/32). The property address is 40169 County Road 166, Freeport MN.

BethyJo Juetten reviewed the staff report.

All members present visited the site and there were no communications with the applicants.

Deana and Tom Middendorf were present representing the application.

Chair Bertram opened the public hearing and no one was present to speak at the meeting.

No correspondence was received regarding this request.

Motion was made by **Member Mike Proell**, seconded by **Member Jason Kron**, 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. An Environmental Assessment Worksheet (EAW), Environmental Impact Statement (EIS), National Pollution Discharge Elimination System (NPDES), or State Disposal System (SDS) are not required.
- C. The proposed use is consistent with these sections of the Stearns County Comprehensive Plan:
 - NATURAL RESOURCES PLAN**
 - Goal 3:** Protect the county's agricultural natural resources.
 - Objective 2:** Encourage sustainable agricultural practices that protect agricultural soils and waters for future generations.
 - LAND USE PLAN**
 - Goal 1:** Sustain Agriculture as a desirable land use for the long term.
 - Objective 1:** Nurture and preserve a sound agricultural economy
 - Goal 5:** Use existing infrastructure and resources efficiently.
- D. Will site configuration, number and type of animals at the site and prevailing wind conditions impact any of the following areas:
 - Traffic:** No impact.
 - Public Safety:** No impact.
 - Schools, Parks, Churches, and Other Municipal/Residential Areas:** No impact.
 - Other Impacts (Please Specify):** No impact.
- E. No information has been provided regarding the impact to property values in the area.
- F. The Feedlot Review Committee (FRC) and Feedlot Staff recommendations have all been reviewed.
- G. Other issues relevant to the application include: this is a long-running operation with no issues and reducing an open lot size (which is reducing the impact with increasing animal numbers).

A motion was made by **Member Jason Kron**, seconded by **Member Jason Weirnerman**, and carried unanimously to **recommend approval** to the County Board with the following conditions:

1. 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.
2. The applicant shall contact the Environmental Services Department within three days of construction completion so a post-construction inspection may be completed.
3. The owner shall not further encroach to a property line with proposed construction than what currently exists. If survey stakes are necessary to confirm this, the owner shall provide that for Environmental Services Department staff prior to the start of construction

Agenda Item 5:

To consider a **Rezoning** request submitted by **David A. Walz Revocable Trust**, St. Joseph MN according to Section 4.10 of Stearns County Land Use and Zoning Ordinance #439 to rezone approximately 20 acres from the Agricultural 40 (A-40) zoning district to the Residential 10 (R-10). The property is the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 23, lying east of 95th Avenue and north of County Road 4, St. Wendel Township (125/29).

Jennifer Buckentine reviewed the staff report.

All members present, except Jason Kron, visited the site and there were no communications with the applicants.

David Walz was present representing the application.

David stated his current living situation is more upkeep than he can handle right now. He is looking to rezone his property so he can sell the larger house and farmland and build a smaller house on one of the 10-acre parcels.

Chair Bertram opened the public hearing

David Menzhuber, 34788 95th Ave, St. Joseph, MN 56374, stated that he opposes this request because 40 acres lots are becoming limited and he doesn't want to see one being split into smaller lots. He believes that once it is divided, it will never go back to an agricultural lot again.

Gary Blascziek, 9275 Country Road 4, St. Joseph, MN 56374, stated he is neither for or against this request. Just came to keep up with that changes may be happening near his house.

No correspondence was received regarding this request.

Motion was made by **Member Jason Weinerman**, seconded by **Member Jason Kron**, and carried unanimously to close the public hearing.

Chair Jeff Bertram stated that they are having an issue with St. Wendel township, there is no clear plan on where agricultural lots should be and where residential lots should be. This creates unfair situations for the property owners.

Members of the planning commission were in agreement that due to the LESA score being so high, changing it to residential would not be a good use of this land. They believe that there might be other ways to utilize the land and still be able to downsize without rezoning.

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

- A. The proposal does not conform to the Comprehensive Plan Future Land Use map or Policy Area map. Both maps show this as remaining agricultural/limited growth. The proposal does not conform to the following goals and objectives of the Comprehensive Plan:
Land Use Plan
 - Goal 1. Sustain agriculture as a desirable land use for the long term.
 - Objective 2. Preserve highly valued farmland for agricultural pursuits.
 - Goal 2. Minimize land use conflict between agriculture and other land uses.
 - Objective 1. Maintain suitable boundaries for urban, rural residential and agricultural areas.
 - Objective 2. Provide standards to protect new and existing land uses from incompatible land uses.
 - 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.
 - Objective 2. Identify appropriate areas for commercial, industrial, and non-farm rural residential developments.
 - Objective 3. Deter premature development in rural areas and in urban expansion areas around cities.
- B. The proposed rezoning is not compatible with the present zoning in the area, which is Agricultural 40. The high LESA score of 75.45 indicates the properties relative high value for agricultural use.
- C. There are no environmental concerns to be addressed as part of this rezoning request.
- D. Information has not been provided regarding the impact to property values in the area as a result of the rezoning.
- E. There is potential for minimal impact on public safety and traffic generation in the area.
- F. The rezoning would have minimal effect on existing public services and facilities.
- G. St. Wendel Township's lack of a Comprehensive plan for growth is problematic.

A motion was made by **Member Jason Weinerman**, seconded by **Member Ken Massmann**, and carried 4-2 (Members Jason Kron and Richard Blenkush voting nay) to **recommend denial** to the County Board.

Agenda Item 7:

Approve minutes from the September 23, 2019 meeting.

A motion was made to approve the minutes from the September 23, 2019 meeting by **Member Jason Kron**, seconded by **Member Richard Blenkush**, and carried unanimously.

Agenda Item 8:

Adjourn

A motion was made to adjourn by **Member Richard Blenkush**, seconded by **Member Jason Kron**, and carried unanimously to adjourn at 8:45 p.m.