

Environmental Services Department

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STEARNS COUNTY PLANNING COMMISSION MEETING
Stearns County Service Center – Room 121(BCD)
3301 County Road 138, Waite Park, MN
Thursday, April 20, 2017
7:00 P.M.

AGENDA

Pledge of Allegiance

Public Hearings

1. To consider a **plat** entitled “**Seiler Estates 2nd Addition**” consisting of two (2) residential lots submitted by **Sharon Seiler Trust**, Avon MN according to Stearns County Subdivision Ordinance #230 and Land Use and Zoning Ordinance #439. The 5.94 acre plat is located in part of Government Lot 1, Section 25 of Oak Township (125/32), Government Lot 13, Section 30 of Albany Township (125/31) and Government Lot 4, Section 31 of Albany Township (125/31), lying easterly of Holiday Heights Plat 2 and northerly of Sand Lake.

ACTION TAKEN: The Planning Commission **unanimously recommended approval 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. An erosion control plan shall be submitted with the construction site permit application.*
 - 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. The developer is hereby made aware that a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit shall be required if one acre or more of land is disturbed as a result of construction within the entire plat of Seiler Estates 2nd Addition. This permit is obtained through the Minnesota Pollution Control Agency. Requirements of this permit include the creation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) for the construction activity.
 - d. The plat of Seiler Estates 2nd 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.
 - e. Access to Sand Lake shall be in compliance with the Wetland Conservation Act.
 - f. Prior to issuance of a construction site permit, submit and obtain approval from the local fire chief for the driveway and turnaround plan.

3. A **Declaration of Restrictions** for the equivalent land area of 74.06 acres is required.
4. A **Water Supply Verification** is required to be recorded with the final plat. Water test results have been submitted.
5. Access easement for a shared driveway for Lot 1 and Lot 2. Easement shall be a minimum of 33' wide and 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.
6. A deed for the residual parcel is required to be submitted with the final plat.
7. A temporary turnaround easement is required on the final plat.
8. Show the existing flowage easement on the final plat.

2. To consider a request for an **interim use permit** submitted by **Eric & Kaila Schmitt** on behalf of **Donald M Schmitt Disclaimer Trust**, Watkins MN according to Sections 4.18, 6.55.2 and 9.2.6E of Stearns County Land Use and Zoning Ordinance #439 to locate a secondary single family dwelling unit accessory to an agricultural operation in the Agricultural 80 zoning district. The property under consideration is located in part of the N1/2 NE1/4 and SW1/4 NE1/4 in Section 25, Luxemburg Township (122/30), lying southerly of 160th Street. Property address is 13533 160th St, Watkins MN.

ACTION TAKEN: The Planning Commission unanimously recommended approval with the following conditions:

1. The interim use permit shall expire on May 2, 2037. Upon expiration of the interim use permit, the property shall be subdivided so there is only one home per parcel of land, or the home shall be removed.
2. If either the occupant 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. A Certificate of Transfer of Development Rights shall be recorded restricting 80 acres from residential development.

3. To consider a request for an **interim use permit** submitted by **Brian & Darla Mergen** on behalf of **Agnes M Lutgen Trust**, Watkins MN according to Sections 4.18, 6.55.2 and 9.2.6E of Stearns County Land Use and Zoning Ordinance #439 to locate a secondary single family dwelling unit accessory to an agricultural operation in the Agricultural 80 zoning district. The property under consideration is located in part of the N3/4 W1/2 NW1/4 and part of Government Lot 1 in Section 15, Luxemburg Township (122/30), lying northwest of 176th St and Co Rd 21. Property address is XXXXX 176th St, Watkins MN.

ACTION TAKEN: The Planning Commission unanimously recommended approval with the following conditions:

1. The interim use permit shall expire on May 2, 2037. Upon expiration of the interim use permit, the property shall be subdivided so there is only one home per parcel of land, or the home shall be removed.
2. If either the occupant 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. A Certificate of Transfer of Development Rights shall be recorded restricting 80 acres from residential development.

4. To consider a request for a **conditional use permit** submitted by **Innovative Power Systems, Roseville MN on behalf of IMS Properties, LLC**, St. Joseph MN according to Sections 4.8, 6.51 and 9.3.5U of Stearns County Land Use and Zoning Ordinance #439 to construct a 5MW community solar garden. The property under consideration is located in part of the NE1/4 SW1/4 and in part of the SE1/4 of Section 8, St. Joseph Township (124/29), lying north of County Road 51 and southwest of Interstate 94.

ACTION TAKEN: The Planning Commission unanimously recommended approval 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. Decommissioning shall be completed in accordance with the plan submitted in the event they solar panels are not in use for 12 consecutive months.
3. A financial guarantee is required in the form of a letter of credit, cash deposit or bond in favor of the County equal to \$50,000 to meet the requirements of the decommissioning plan.
4. The applicant shall install and maintain 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. Final seed mix shall be approved by the County.
5. A financial guarantee is required in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation is sufficiently established in accordance with the requirements set forth in Ord. 439.
6. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by the Environmental Services Department. Major modifications may require review by the Planning Commission and County Board.
7. No component of the solar farm shall be located within the recorded cartway.

5. To consider a **rezoning** request submitted by **Rose Schelonka**, St. Joseph MN to rezone approximately 60 acres from the Agricultural 40 zoning district to the Residential 10 zoning district in accordance with Section 4.10 of Stearns County Land Use and Zoning Ordinance #439. The property under consideration is part of the SE1/4 of Section 23, lying easterly of County Road 2, St. Wendel Township (125/29). The property address is 34316 Co Rd 2, St. Joseph.

ACTION TAKEN: The Planning Commission unanimously recommended approval of the rezoning.

6. To consider a **rezoning** request submitted by **Triple D Enterprises for Kathleen Dietman**, Kimball MN to rezone approximately 3.5 acres from the Agricultural 40 zoning district to the Industrial zoning district in accordance with Section 4.10 of Stearns County Land Use and Zoning Ordinance #439. The property under consideration is part of the SW1/4 SE1/4, lying easterly of 88th Ave in Section 11 of Maine Prairie Township (122/29). The property address is 18036 88th Ave, Kimball.

ACTION TAKEN: The Planning Commission unanimously tabled the request so it can be renoticed as commercial instead of industrial. This will be on the May 18, 2017 Planning Commission agenda.

7. Minutes of March 16, 2017

ACTION TAKEN: The Planning Commission unanimously approved the minutes.