

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, July 19, 2018
7:00 p.m.

AGENDA

Pledge of Allegiance

Public Hearings

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 138th Avenue in Section 1, Wakefield Township (123/30). The property address is 25579 138th Ave, Cold Spring MN.
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.*
 - 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.

ACTION TAKEN: The Planning Commission **unanimously recommended approval 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).

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

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.

ACTION TAKEN: The Planning Commission unanimously recommended approval 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 345th Street in Section 19, Grove Township (125/33).

ACTION TAKEN: The Planning Commission voted 5-2 to 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. 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 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, 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).

ACTION TAKEN: The Planning Commission **unanimously recommended approval 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).

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

1. Hours of operation shall be 6am-8pm Monday thru Saturday with equipment start-up at 5am. No operation is allowed on 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 expiration of the interim use permit.
 5. The applicant shall submit and maintain a financial guarantee in the amount of \$5000, to ensure that the temporary equipment and RAP be removed upon termination of the interim use permit.
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8. Minutes of June 20, 2018 & June 21, 2018.
ACTION TAKEN: Approved
 9. Adjourn