MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday May 26, 2022

The Planning Advisory Commission convened in regular session on Thursday, May 26, 2022 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: John Messenger (C), Ivie Cooley (VC), Mark Halls, Roger Isdahl, Ron Feigum, Ted Kannegiesser, Larry Lindor (County Commissioner) and alt Paul Gerde (County Commissioner)

Other Officials Present: David Green, Jessica Hill, and Barry Bouwman (Land & Resource Management staff)

The meeting was called to order by Chairperson Messenger at 6:37 p.m. with the following items being addressed by the chair:

Additions and Corrections to the Agenda
There were no additions or corrections to the agenda

Review minutes of April 28th, 2022
The minutes of the Planning Advisory Commission meeting held on Thursday, April 28th, 2022 were submitted for approval. Motion by Lindor to accept the minutes as written. Motion seconded by Isdahl. Motion carried with no dissenting votes noted.

General Business
No general business to discuss.

Tabled/Old/Other Business:
PUD/CUP-RV Park Proposal, applicant David Schirmers

This item was tabled during the previous meeting (April 28th) to allow the applicant to supply more information for the Planning Advisory Commission to consider. The applicant was not in attendance to defend the application. Director Green presented the revised staff report which reflected any newly submitted information and comments regarding the absence thereof. In particular, the applicant has not submitted the stormwater management or erosion control plan. The staff report also included the applicant's responses to comments submitted during the April 28th Public Hearing. There was some discussion regarding PAC action options, i.e., approve, deny or table again. During PAC discussion, Cooley asked for clarification regarding the 60 Day Rule. Director Green responds by pointing out the relevant dates and states that if the PAC tabled the decision until the June meeting (06/23) of the PAC, that by time the application made its way to the Board for their July 5th meeting that we would be past that deadline. The deadline could be extended but needed the concurrence of the applicant. Cooley follows up with a question about windbreak and planting. Cooley referenced comments submitted by the MDNR Hydrologist and raised a concern regarding size of planted trees and the accuracy of additional information.

The Chairman offers to the public, in attendance, an opportunity to submit comments regarding the proposal. Mary Jean Skurat commented that she was under the impression that Schirmers would be further developing the RV park into 75 sites. There was a subsequent question regarding whether or not the irrigator will stay and continue to be permitted. Dan Willenbring stated that Emily Siira (DNR) said that he (Schirmer) has a DNR issued permit to pump up to 27,000 gallons/year. Todd Larson raised a concern about making a good decision without all of the information. At 6:56 pm the public hearing was closed.

After the close of the public hearing there was more discussion by the PAC. Cooley references the DNR comment letter again. Cooley also mentioned a concern about access to the lake and that there was not a plan showing a stairway down from the bike path. The windbreak was also mentioned again.

Cooley makes a motion to recommend denial of the application based on list of inaccuracies and lack of information requested. This motion is seconded by Isdahl who indicated timeliness and lack of information. Motion passes with Cooley, Isdahl, Messenger, Feigum and Lindor in favor. Halls and Kannegiesser oppose the motion.

Feigum makes motion directing staff to prepare findings in support of the action taken. Seconded by Isdahl. Motion carried with no dissenting votes noted.

New Business

Discussion-Ordinance Amendment – Section 10.3.6

Director Green makes statement regarding why an amendment to this portion of the Land Use Controls Ordinance is warranted. He states that there is not intent to minimize or change the standard of who does or doesn't need a permit for this land use activity. The proposed amendment will have the effect of issuance of a longer-term permit as approved by the Board as opposed to the current standard where it is an annual permit approved administratively. Director Green states that the office spends far too many hours processing these permits and the operator has to put a lot of time in as well. It would be more efficient to issue on a longer-term basis. Isdahl asks question regarding setback from tile inlet. Bouwman (staff) offers general discussion on the matter. Commissioner Gerde seeks clarification as to whether the setback from a drain tile inlet is 600 ft from inlet or 300 ft in each direction (600 ft diameter). Commissioner Lindor mentions well setback distance as mentioned in section 10.3.6.D.2.iv and v. Cooley points out that there are communities (Villard, Sedan, Westport etc.) that do not have a community well or a wellhead protection program and the residents are thereby at risk as a consequence of this type of intensive animal feeding operations. Cooley askes about testing opportunities and the application of manure between the months of February and March, followed by a grid sampling question and asks *why consider a six-year permit?* Bouwman explains the MPCA has a six-year phosphorus management plan. Cooley asks about the 2 head per acre standard within a ½ mile

of the municipality and when/why did it end up being a ¼ mile instead. Cooley also asks why the operator is not required to secure an NPDES or SDS permit? Isdahl asks *how many other counties have this type of ordinance?* Director Green indicates zero. Cooley comments on the number of cows located on sensitive soils. Halls comments that we should have more or expand the existing A-2 zoning districts. Messenger comments that *it's the rear half of the cow that deposits the manure.*

CUP-Non-Farm Residence, applicant David Wrolson

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff concludes that a recommendation of approval with conditions is appropriate.

At 7:45 p.m., the Chairperson declares the Public Hearing to be open. There was no testimony received either in support of or against the land use request. Director Green states that neither did their office receive any testimony or comment from the public in this matter. Chairperson Messenger closes the Public Hearing at 7:46 p.m.

PAC discussion includes a question from Halls: *Can the property owner do a feedlot?* Director Green states that the property is in an A-1 zoning district where a feedlot is a permissible land use activity provided that it is approved by a CUP. The maximum number permitted is limited to 200 animal units.

Site Team: Feigum states that he thinks that *it will work out and be fine.* Messenger states that *the site needs cleaning up.* Kannegiesser states that *it's a nice spot near Highway 29 and the site comes with a hummingbird.*

Kannegiesser makes the following motion: *Based upon the information and conditions as presented in the staff report, and facts as gathered this evening, I move to offer a recommendation of approval of the Conditional Use Permit.* This motion is seconded by Cooley and supported by a unanimous vote of all members.

CUP-Accessory Structure, applicants Phillip and Linette Scharmer

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff concludes that a recommendation of approval with conditions is appropriate. Commissioner Lindor asks *How are you getting to the shed?* Scharmer explains the layout of the shed and how he anticipates access.

At 7:50 p.m., the Chairperson declares the Public Hearing to be open. The only testimony received was in support of the land use request. Mr. Jim Renson, neighbor, stated that I share the private road with Scharmers. Three years ago, the Scharmers built their home and did a nice job of saving as many trees as possible. We believe that they will minimize impact to the trees. Their property is immaculate. We are in favor of the request.

Site Team: Kannegiesser states *nice jobs and the trees look nice. I see no problems*. Feigum states that he thinks that *it will be fine, no problems.* Messenger states that *the project is well thought out and see no problems.*

Feigum makes the following motion: *Based upon the information and conditions as presented in the staff report, and facts as gathered this evening, I move to offer a recommendation of approval of the Conditional Use Permit.* This motion is seconded by Kannegiesser and supported by a unanimous vote of all members.

CUP-Commercial Storage, applicants Lynn and Lisa Peterson

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff concludes that a recommendation of approval with conditions is appropriate.

Commissioner Lindor asked if the shed was open front and facing the wind and how it had weathered this last storm. Applicant stated that the storm had little or no impact to their structures. Isdahl asked *how will the assessor treat the buildings?* Kannegiesser states that *my only concern is the insurance*. Feigum asks if they are *thinking about putting doors on the south side of the building(s)?* To which the applicant replies, *no.*

At 7:57 p.m., the Chairperson declares the Public Hearing to be open. There was no testimony received either in support of or against the land use request. Director Green states that neither did their office receive any testimony or comment from the public in this matter. Chairperson Messenger closes the Public Hearing shortly thereafter.

Site Team: Feigum states that *it's a good place but worry about the snow.* Kannegiesser comments that *it's a good spot* and suggested bringing in gravel for the drive. Messenger concurs that *the location is good and should have no impact on adjacent properties or land owners.*

Halls makes the following motion: *Based upon the information and conditions as presented in the staff report, and facts as gathered this evening, I move to offer a recommendation of approval of the Conditional Use Permit.*

This motion is seconded by Cooley.

The applicant questions the storage condition indicating they cannot have outdoor storage. Discussion ensues regarding the proposed conditions. In particular, condition 6 which states that there should be no outdoor storage. The applicant and the Planning Commission discuss this matter and determine that there would be no impact to adjacent properties if there was to be some overflow outdoor storage. So, recommended condition 6 would be struck.

Halls rescinds motion, Cooley seconded.

Halls makes the following revised motion: *Based upon the information as presented in the staff report and facts as gathered this evening, I move to offer a recommendation of approval provided*

*that the conditions as identified in the staff report **and** as amended this evening are complied with.*

This motion is seconded by Feigum and supported by a unanimous vote of all members.

IUP-RV, applicant Chris Strom

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff concludes that a recommendation of approval with conditions is appropriate.

Isdahl asks question regarding licensing of the vehicle and if the tires were still on the camper. The site photos did show that the tires were still on the camper. Halls asks about the difference between a small cabin and an RV as far as permitting is concerned. Staff explained the difference between a temporary structure vs a permanent structure.

At 8:12 p.m., the Chairperson declares the Public Hearing to be open. There was no testimony received from the public either in support of or against the land use request at this time. Director Green states that there were two comments received via the Public Comment Map on the Land Use Outreach GIS Hub. One comment was from a neighbor that stated that the Strom family was very friendly and that they took good care of the lake lot. The other comment was submitted by a neighboring lot owner who was not in favor because they felt like rules were being broken on the lake and that Lake Leven is a Natural Environment lake and should remain serene and peaceful. Chairperson Messenger closes the Public Hearing shortly thereafter.

A brief discussion of these comments ensued including a comment from Kannegiesser stating that he did not notice any additional electrical outlets/RV hook ups.

Halls makes the following motions: *Based upon the information and conditions as presented in the staff report, and facts as gathered this evening, I move to offer a recommendation of approval of the Conditional Use Permit.*

This motion is seconded by Kannegiesser and supported by a unanimous vote of all members.

CUP-Accessory Structure, applicants David and Pamela Foster

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Because the structure is intended to have a dual purpose, the Director spends some time discussing the difference between guest quarters and guest house and the limitations associated with each land use. Director Green also identifies a concern relating to emergency service vehicle access (police, fire, ambulance, utility services) to the primary home structure if the garage is constructed in the location and at the size as proposed. There was discussion amongst the Planning Commission members and the applicant regarding size and placement of the structure. Kannegiesser did mention the location of the ditch and the limitations as a result.

The Chairperson declares the Public Hearing to be open. There was no testimony received either in support of or against the land use request. Director Green states that neither did their office receive any testimony or comment from the public in this matter. Chairperson Messenger closes the Public Hearing shortly thereafter.

There was further discussion regarding building location and impact to access. Foster was open to Tabling action until next month thereby giving him time to discuss this matter with local fire officials.

Halls makes motion to *table action on this CUP request until the next regularly scheduled meeting*. This motion is seconded by Isdahl and supported by a unanimous vote of all members.

Adjournment 8:30 p.m. Chairperson Messenger seeks motion to adjourn the Planning Advisory Commission meeting. Motion to adjourn is offered by Commissioner Lindor with a second by Feigum. Motion carried with no dissenting votes noted.

Respectfully submitted,

David Green

David Green/Director
Pope County Land & Resource Management