POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday, August 22, 2024

The Planning Advisory Commission convened in regular session on Thursday, August 22, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: John Messenger, Roger Isdahl, Ivie Cooley, Ted Kannegiesser, Russell Barkeim, Paul Gerde (County Commissioner) and Paul Wildman (County Commissioner /alternate)

Other Officials Present: David Green (Land & Resource Management, Director), Jessica Hill (Zoning Administrator) and Shelley Retrum (Sr. Administrative Associate)

Call to Order

The meeting was called to order by Chairman Messenger at 7:18 p.m.

Acceptance of Agenda

There were no additions or corrections to the agenda noted. Gerde made a motion to approve the agenda as presented. Motion seconded by Barkeim. Motion carries unanimously.

Review minutes of July 25, 2024

The minutes of the Planning Advisory Commission meeting held on Thursday July 25, 2024 were submitted for approval. Motion by Isdahl to accept the minutes as written. Motion seconded by Kannegiesser. Motion carried unanimously.

Tabled/Old Business/Other Business:

Director Green describes the due process nature in which the Planning Advisory Commission must act when considering requests for conditional use or interim use permits.

Old Business

Interim Use Permit (I.U.P.) #24220 Amendment to Conditional Use Permit #21170

Application by Christopher Strom on behalf of RD Offutt (PID #11-0099-000)

Applicant is seeking to add one more mobile dwelling unit to a site where two others already exist. This land use, seasonal worker housing, was permitted as a Conditional Use Permit in 2021. The approval included provision for two mobile residential structures with a condition that an additional structure would require an amendment to the order. Each of the double wide structures contained 12 inhabitable units. After several seasons of use it became apparent that each of the individual units was not of sufficient size based on the makeup of the work force. As

a consequence, RD Offutt has reconfigured each of the double wide structures such that each has only 6 individual units. The proposed structure contains 5 individual inhabitable units.

Chairman Messenger introduces the item, followed by a staff report as presented by Director Green. Director Green concludes that staff supports a recommendation of approval of the application with the conditions as presented in the staff report.

The applicant was provided time to comment on their proposed project. Christopher Strom comments *It will give more elbow room for the bedrooms than before. The original size of the bedrooms was too small considering our workers tend to bring their spouse. What we have done is eliminated 8 rooms and increased the kitchen and lounge space. We would like to add another building and we would still be at 21 bedrooms and the septic is sized for 24 bedrooms.*

Board member Isdahl comments *is this still strictly seasonal?*

Applicant Christopher Strom comments *yes, this is set up for seasonal employees.*

Gerde made a motion to recommend approval of the Interim Use Permit provided that the conditions as identified in the staff report are complied with. This motion is seconded by Isdahl. Motion carried unanimously. Conditions as follows:

1. This amendment to Conditional Use Permit 21170 is specific to the addition of one mobile residential unit. Any additional units will warrant an amendment to the Conditional Use Permit.
2. Prior to wastewater from the mobile housing unit being discharged into the existing onsite septic system it must be evaluated for compliance including available capacity.
3. Building and door identification to conform with E911 request for response purposes.
4. As this application is being considered based upon standards and procedures as established by the Pope County Land Use Controls Ordinance, the effect of this Conditional Use Permit is specific to those standards. The applicant is encouraged to familiarize themselves with any Township standards that may be applicable including setback provisions, special use permits and building permit requirements.

New Business

Conditional Use Permit (C.U.P.) #24196 Shoreland Alteration

Application by Lanoue Landscaping on behalf of Kevin & Kim Banks (PID #02-0477-000)

Lanoue Landscaping has submitted a Conditional Use Permit application on behalf of Kevin and Kim Banks for the proposed topographic alterations in a shoreland designated zoning district adjacent to the shoreline of Lake Villard in Leven Township. The information submitted with the application indicates that the proposed project involves extensive shoreline topographic alterations in an effort to stabilize erosion, to provide for access to the shoreline and to provide for ease of maintenance. The scope of work for this project includes installation of rock rip-rap, a block retaining wall, and replacement of the access stairway.

Chairman Messenger introduces the item, followed by a staff report as presented by Director Green who comments *our authority is limited to 25 feet and this is 75 feet. Todd Lanoue (Lanoue Landscaping) was able to do some of the work and provided our office with BMP's (Best Management Practices) with seeding and grass which took hold quickly. He will need this C.U.P. to finish his project for the Banks.* Director Green concludes that staff recommends that the application be approved of with conditions as presented in the staff report.

The applicant was provided time to comment on their proposed project. Todd Lanoue with Lanoue Landscaping comments *we did alter the original plan that included a water fall. There will not be a waterfall and we also removed the shed. Basically, I am looking to put in more black dirt, seed and seeking approval to install a block retaining wall.*

There is discussion in regards to the well on the site and drainage into the lake.

Chairman Messenger announces that the public hearing was in order and offers to receive comments from the audience. With no one providing comment in support of or against the application, the Chairman closed the public hearing.

Members of the PAC Site Team provided comments including a comment from Cooley indicating *the site looks really nice with the work that Lanoue Landscaping has done to this point. The grass is taking hold really nice.*

A motion is made by Gerde to recommend approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with. This motion is seconded by Cooley. Motion carried unanimously. Conditions as follows:

1. Stormwater Best Management Practices (BMPs) are to stay in place until soils are stabilized/vegetated.
2. Prior to any construction activities, all necessary permits are secured from Township, County and State agencies including a NPDES permit if necessary.

Conditional Use Permit (C.U.P.) #24199 Shoreland Alteration

Application by Matt Schmidgall on behalf of Jennifer Schmidgall (PID #09-0695-000)

Applicant is requesting a Conditional Use Permit for a shoreland alteration project to include:

1. Replacement of two (2) existing forty (40) foot long retaining walls,
2. Removal and relocation of the existing stair,
3. Construction of an access path,
4. New retaining wall,
5. Rip rap replacement, and
6. Topographic alterations (filling).

The project will extend approximately 75 feet in width, approximately 60 feet in depth, and include greater than 50 cubic yards of fill/excavation/grading.

Chairman Messenger introduces the item, followed by a staff report as presented by Director Green. Director Green concludes that staff supports a recommendation for:

- Approval of the project as proposed including the replacement of the two existing retaining walls and the access stairway but excluding the additional access path, new retaining walls, and elevation of near shore topography.

The applicant was provided time to comment on their proposed project. Matt Schmidgall gives a description of the layout of the current conditions of this parcel and comments *the rip rap is eroded and the shoreline has sluffed off. The restoration project I am proposing is not meant to be a retaining wall but to reestablish rip rap. We would also like to install an access ramp, if possible, to get to the water. We have a son with cerebral palsy and it makes it challenging for us to get him down by the water. This is a dilapidated site and it is in need of an upgrade. We would like to level out the space and reestablish with new rip rap. The shed on the property will be removed.*

Chairman Messenger announces that the public hearing was in order and offers to receive comments from the audience. With no one providing comment in support of or against the application, the Chairman closed the public hearing.

The Site Team reported with Cooley commenting *the DNR mentions that vegetation has to stay so the trees would have to stay. Keeping the green on your flat area and keeping the trees or bushes would root things down. There was also a neighbor expressing concern with potential impacts to traffic on this road and that the equipment may cause traffic to navigate off of the road and impact their property, causing ruts, etc.*

Applicant Matt Schmidgall provides comments in reference to the neighbor's concerns *I did speak with the neighbor Matt Jones and he appreciated that I had a conversation with him about the project. I assured him that if there was any damage to his property, we would restore it.*

With no other comments or questions, Barkeim makes a motion to recommend approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with. This motion is seconded by Isdahl. Motion carried unanimously. Conditions as follows:

1. Replacement wall heights as measured above finished grade shall not exceed existing dimensions.
2. The applicant's shoreland alteration permit application must include:
   (a.) construction plans completed in accordance to accepted engineering standards which ensure slope stability for the life of the project.
   (b.) plans for adequate screening of the wall/rock features as seen from the public water assuming leaf on conditions.

(c.) erosion and sediment control plans conforming to the MPCA Construction Stormwater Permit completed by a certified Stormwater Pollution Prevention Plan designer.

3. Applicant shall not significantly impact traffic and damage to the road or private property must be remediated to the satisfaction of the road authority and/or impacted landowner.

4. Prior to any construction activities, all required permits must be secured from Township, County and State agencies including a NPDES permit if necessary.

Hearing and Discussion of Proposed Cannabis Ordinance

Director Green passed out information from the Minnesota Office of Cannabis Management *A Guide for Local Governments on Adult-Use Cannabis.* Director Green comments *this information is to provide insight and to assist Pope County to make some decisions with ordinances they want to put into place. The staff of the Land and Resource Management department is currently working on using the model ordinance template to create a local ordinance regulating the land use.*

Adjournment At 8:21 p.m. a motion was made by Barkeim to adjourn the Planning Advisory Commission meeting. Motion seconded by Kannegiesser. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Retrum

Shelley Retrum, Sr Administrative Associate
Pope County Land & Resource Management