MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday June 25, 2020

The Planning Advisory Commission convened in regular session on Thursday, June 25, 2020 via telephone conference call in an effort to comply with MDH recommendations issued with the declared Peacetime Emergency in response to the spread of COVID-19 (coronavirus) in MN.

Members Present: Roger Isdahl, Ronald Feigum, Ivie Cooley (electronically), Mark Halls, John Messenger, Brian Jergenson, Larry Lindor (County Commissioner) and Cody Rogahn (C.C. alt)

Other Officials Present: David Green (Land & Resource Management Director), Jessica Hill (Land Use Specialist) and Shelley Cameron (Sr. Administrative Associate)

The meeting was called to order by Chairman Jergenson at 7:33 p.m.

The following items were addressed by the chair:

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review Minutes of May 28, 2020
The minutes of the Planning Advisory Commission meeting held on Thursday May 28, 2020 were submitted for approval. Motion by Messenger to accept the minutes as written. Feigum seconded. Motion carried with no dissenting votes noted.

CUP-Craig & Pamela Kubesh
Chairman Jergenson introduces the item. Applicants Craig & Pamela Kubesh are present. Director Green presents staff report and states "staff recommends approval with conditions stated in the staff report." Chairman Jergenson asks for any additional comments from the applicant. Applicant Pamela Kubesh states "We do not want to make it a second cabin we just want some sleeping space in the upstairs of the shop for our children. It is not our intent to rent it out and it would be just for us and our children." Comments from the site team indicate that they have no objections or concerns. Chairman Jergenson opens the public meeting and asks "is there anyone speaking for this?" None noted. Chairman Jergenson asks "is there anyone speaking against this?" None noted. Chairman Jergenson closes the public hearing. Chairman Jergenson seeks a motion. Halls states "based upon the information 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 provided that the conditions as identified in the staff report are complied with. Messenger seconded. Motion carried with no dissenting votes noted. Chairman Jergenson seeks a motion to direct staff to develop Findings based on the information considered and action taken. Isdahl makes a motion to accept. Feigum seconded. Motion carried with no dissenting votes noted.

CUP-SolarClub 03, LLC

Chairman Jergenson introduces the item. Applicant Chuck Beisner is present. Director Green presents staff report and states "staff recommends approval with conditions stated in staff report." Chairman Jergenson asks for any additional comments from the applicant. Applicant Chuck Beisner states "a clarification I would like to ask that is in reference to condition #4, is a performance bond acceptable?" Director Green states "the language says that it is in a form of a cash deposit. That would be up to the County Commissioners to decide if that is acceptable." Comments from the site team indicate that they have no objections or concerns. Chairman Jergenson opens the public meeting and asks "is there anyone speaking for this?" None noted. Chairman Jergenson asks "is there anyone speaking against this?" None noted. Chairman Jergenson closes the public hearing. Chairman Jergenson seeks a motion. Commissioner Rogahn states "based upon the information as presented in the staff report, I move to offer a recommendation of approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with." Messenger seconded. Motion carried with no dissenting votes noted. Chairman Jergenson seeks a motion to direct staff to develop Findings based on the information considered and action taken. Halls makes a motion to accept. Isdahl seconded. Motion carried with no dissenting votes noted.

CUP-Jared Spindler

Chairman Jergenson introduces the item. Applicant Jared Spindler is present (electronically). Director Green presents staff report and states "staff recommends approval with conditions stated in staff report." Chairman Jergenson asks for any additional comments from the applicant. Applicant has no further comments. Comments from the site team indicate that they have no objections or concerns. Chairman Jergenson opens the public meeting and asks "is there anyone speaking for this?" None noted. Chairman Jergenson asks "is there anyone speaking against this?" None noted. Chairman Jergenson closes the public hearing. Isdahl asks staff "does the right to farm follow the property if it sells?" Director Green states "it would stay with the property." Isdahl states "I think it is relevant to have this document recorded and the applicant should work with the Recorders Office to do this." Chairman Jergenson seeks a motion. Messenger states "I make a motion to approve with recommended staff conditions and to add the condition that the Right to Farm be recorded with the County Recorder." Halls seconded. Motion carried with no dissenting votes noted. Chairman Jergenson seeks a motion to direct staff to develop Findings based on the information considered and action taken. Commissioner Rogahn makes a motion to accept. Feigum seconded. Motion carried with no dissenting votes noted.

Tabled/Old Business

CUP-Josh Boyer

Chairman Jergenson introduces the item. Applicant, Josh Boyer, is present electronically. Owner, Michael Scrafford is physically present. Director Green presents staff report and makes a statement regarding receipt of covenants that were filed with the platting of this neighborhood. The covenants were submitted by a neighboring property owner with a request

that they be shared with the Planning Advisory Commission. Green states "I would argue that we should not be considering enforcing covenants. You are given these covenants as for information to consider and review but they are for informational purposes only. Staff recommends that the Planning Advisory Commission carefully consider all of the information that has been provided and then base their decision upon whether or not particular impacts can be mitigated or not." Chairman Jergenson asks for any additional comments from the applicant. Applicant Michael Scrafford states "my wife and I live in Lakeville and we have a vested interest in our property. We looked at properties and did a lot of research in order to raise our kids. We have five children that range from 4 to 12 years of age. We will continue to spend time here as a family. When we did our research we had a difficult time finding an adequate place to stay with our family. We want to share what we have. I am well aware of the concerns that have come forward as to having too many people there for abuse of the property. That would have a much bigger impact on my family than anyone else and we would not allow abuse of the property because we have a vested investment. We have a management firm to look after the property as a next step. We hope that we would be able to share the home with others. We respect the conditions listed and they are in line with what we would expect. Thank you for your time and consideration." Chairman Jergenson opens the public meeting and asks "is there anyone speaking for or against this?" Randy Kremin states "I would like to bring up a few things. I was the person who submitted the covenants. We also gave a copy to the Scrafford's in case they have not received them. When we bought our property we were told that it was intended for single family use as stated in the covenants. The owners are not on site and it is a direct violation of the covenants. I would ask that you consider to deny. Screening is not there currently and you can hear anything said. The quiet time there will be affected by this. You don't know who will be next door from you week to week. Your consideration is appreciated. Martin Heidelberger (electronically) states "I would like to raise two issues. First is a point of clarification and going through a little history here, there was no less than three times denied previous to the 2001 development of Lake Leven Estates by the Planning and Zoning Commission. Part of the reason was the development on a Natural Environment Lake where these lots are located in proximity of the wetland so there was considerable concern by previous zoning officials and commissioners in preventing this development from the get go. So due to this the corporation did their due diligence in putting together the covenants. I point out Article X of these covenants stating "if any lot owner or persons in possession of any of said lot shall violate or attempt to violate any of the covenants, conditions, and restrictions here in contained, it shall be lawful for any other person or persons owning any real estate situated within the Subject Property to prosecute any proceedings at law or equity against the person or persons violating or attempting to violate any such covenants, either to prevent him or them from so doing or to recover damages from such violations. The provisions contained here in shall run with and bind the Subject Property and shall inure to the benefit of and be enforceable by or against any owner of land included in Subject Property, their respective legal representatives, heirs, successors, and assigns and shall remain in full force and effect unless this instrument is signed by the majority of the then owners of Subject Property and brought before the Planning Commission & County Board of Commissioners for their approval and then recorded, agreeing to change said covenants in whole or part." So my point here is that by not following that order it should have never been

brought forward here tonight. It is null and void and should be pushed back to follow that process." Warren Buchholz states "I am next door to the VRBO currently on the lake and I know they are not supposed to be there but the fact remains and the number of people and large parties is uncontrollable. If we don't stand up sooner or later it will be out of control and they will be all around our lake. It is very loud. If they are allowed it would have to be very strict rules enforced." Dennis Stark states "I am on the Board of the Amelia, Villard, and Leven Lake Association and speaking on their behalf we are firmly opposed to short term rentals on any of these lakes. There has been a significant increase in the short term rentals across the state and we do not like what is coming. On a personal note I would say neighborhoods by definition are for neighbors not strangers. The people that would be staying there are on vacation they are whooping and hollering and having a good time. There is no peace left." Chairman Jergenson closes the public hearing. Chairman Jergenson asks does the applicant want an opportunity to respond to the comments made here tonight." Applicant Michael Scrafford states "we did a title search on the property and this declaration never came up. We have tried to follow the process unlike the folks on the other end and it seems like we are being punished for their actions because this other VRBO that has not been through the CUP process. We have the majority of the time blocked out for our own personal use." Chairman Jergenson seeks a motion. Messenger states "due to overwhelming opposition from the neighbors I move to offer a recommendation of denial for the Conditional Use Permit as requested. Halls seconded. Isdahl, Feigum, Cooley, Halls, Messenger, and Jergenson, in favor of the motion with Commissioner Lindor opposed. Motion carried. Chairman Jergenson seeks a motion to direct staff to develop Findings based on the information considered and action taken. Halls make a motion to accept. Jergenson seconded. Motion carried with no dissenting votes noted.

Ordinance Amendment Public Hearings and Discussion

Director Green gives a brief update and asks for any comments or feedback. There is open discussion by the board and Director Green. Chairman Jergenson seeks a motion. Halls makes a motion to move the ordinance amendments to the Board of County Commissioners for consideration. Feigum seconded. Motion carried with no dissenting votes noted.

Adjournment 9:15 p.m. Motion by Messenger to adjourn the Planning Advisory Commission meeting. Motion seconded by Isdahl. Motion carried with no dissenting votes noted. Special Note: Commissioner Lindor existed the meeting at 8:30 p.m.

Respectfully submitted,

Shelley Cameron

Shelley Cameron/Sr. Administrative Associate
Pope County Land & Resource Management