

Planning Advisory Commission

POPE MINNESOTA
COUNTY

January 28, 2021

Rezoning Case# 2021-01

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STAFF REPORT

Applicant Information

Applicant/Initiator: Pope County Land and Resource Management

Property Owner: Multiple

Location: Land described as being located in the north four hundred (400) feet of the SW quarter excepting the area located within 1000 feet of the west ¼ corner of Section 5, Township 123 Range 40 of Hoff Township, Pope County, Minnesota.

Parcel Size: ±15 acres

Existing Zoning: Agriculture Protection (A-2) and Shoreland Rivers and Streams (S-RS)

Existing Land Use: Non-farm rural residential and undeveloped open space

Action To Be Considered: Rezone the area identified from Agricultural Protection (A-2) to Residential.

Staff Recommendation: Approval





Background

The site is bounded on the north by County Road 2. To the east is land that is in agricultural production. South and west of the area is land that is maintained as open space and in recreational use. This land to the south and west is also encumbered by floodplain associated with the Chippewa River. The existence of non-farm residential use in this neighborhood can be verified to predate 1991 through photographic evidence. Pope County adopted county wide zoning in 1999 and designated this area as an Agriculture Protection zoning district without consideration of the existing non-farm residential housing in existence. Thus, the land use (non-farm residential) became a non-conforming use.

Applicable Statutes

Proposed zoning changes are subject to the criteria and procedures as prescribed in Section 11.7 of the Land Use Controls Ordinance and Minnesota Statute 394 including:

- 394.24 Official Controls
- 394.25 Forms of Control
- 394.26 Public Hearings,
- 394.361 Official Map

Surrounding Land Use and Zoning

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
North	Crop Production	Agriculture Protection (A-2), Shoreland (S-RS)
South	Open Space/Pasture	Agriculture Protection (A-2), Shoreland (S-RS)
East	Crop Production	Agriculture Protection (A-2)
West	Open Space/Recreational	Shoreland (S-RS)



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Staff Comments

Based on the review of the application, Staff offers the following comments:

- The current land use (non-farm residential) has not changed in over 29 years.
- The geographic area in question was an unzoned area of the county prior to 1999.
- Prior to county-wide zoning, Pope County did not regulate the use of land nor issue development permits.
- Post adoption of county-wide zoning, some townships retained planning, zoning and permitting authorities.
- Due to available acreage and sensitive environmental considerations, future development of this neighborhood is limited to possibly one more non-farm residence.
- Regardless of zoning designation, any new residence or expansion of an existing feedlot will require conformance with the reciprocal setback standard as identified in Sections 5.5 E and 7.5 E of the Pope County Land Use Controls Ordinance.
- There should be no impacts to traffic, or public facilities as a result of a zoning change in this area.



Findings

Staff offers the following findings for consideration:

1. This neighborhood has been identified by Land and Resource Management staff for consideration of a change in zoning designation based on current use;
2. Notice of Public Hearing was provided in a timely manner to the fee owners of property within one-half mile as required by Statute;
3. Notice was published in the official newspaper (Pope County Tribune) ten days prior to the hearing;
4. The proposal was presented to the appropriate county departments, township governing body and other relevant agencies;
5. The proposed rezoning does not conflict with the Comprehensive Plan;
6. The proposed rezoning promotes the purpose of the Land Use Controls Ordinance as stated in Section 1.2;
7. The proposed rezoning is compatible with existing surrounding land;
8. The proposed rezoning will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area, and will not interfere with the best interest of the surrounding area or the community as a whole;
9. The proposed rezoning will not cause traffic hazards or congestion; and
10. The Pope County Planning Advisory Commission adopts the finding of fact as presented in the staff report and recommends that the Board of County Commissioners approve of Rezoning Case# 2021-01.

REPORT APPENDIX

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Supplemental Information**
 - **Attachment 1:** *Proposed Rezoning, Hoff Township*



Routing Sheet

Comments, Concerns and Conditions

County Department

- Ag Inspector/Feedlot Officer *COMMENTS: A zoning change to Residential will not impact the current status of the nearest feedlot to the west in section 6 however any expansion may be limited to 300 animal units due to the existence of a residential structure being at less than 1320 feet from the feedlot.*

- Assessor *COMMENTS: None*

- Attorney *No comment received.*

- Auditor *COMMENTS: Per MN Statute 394.25, prior to adoption, at least one copy shall be kept for examination by the public in the office of the county auditor. Any adopted change or ordinance should also be filed in the office of the county auditor.*

- Emergency Mgt *COMMENTS: All Good*

- Recorder *COMMENTS: Please see MN Statute 507.093 Standards for documents to be recorded or filed for recording.*

Township

- Hoff *COMMENTS: The Hoff township Supervisors decided not to take a position on this issue at their regular monthly meeting on 01/04/2021. I would like an electronic invitation as township clerk just for informational purposes. Regards Joanna Rustad, Clerk, Hoff Township*

Other Comments Received

No comment received.



Public Notice

**POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE, SUITE 113
GLENWOOD, MINNESOTA 56334
(320) 634-7791**

**POPE COUNTY PLANNING ADVISORY COMMISSION
NOTICE OF PUBLIC HEARING FOR
REZONING PROPOSAL**

Notice is hereby given that a Public Hearing will take place in conjunction with Planning Advisory Commission meeting to be held at 6:00 pm or shortly thereafter on Thursday, January 28th, 2021 in the County Courthouse Community Room to consider the following rezoning proposal.

Public Hearing: A public hearing will be held to receive comments regarding proposed amendments to the Pope County Zoning Map that effect the following described area.

Legal Description/Site Location: Fifteen (15) acres (approximately) of land described being located in the north four hundred (400) feet of the NE SW quarter and part of the SW quarter of Section 5, Township 123 Range 40 of Hoff Township.

As of the drafting of this public notice, a declared Peacetime Emergency in response to the spread of COVID-19 (coronavirus) in MN is still in effect. In an effort to comply with MDH recommendations issued with the declared Peacetime Emergency and established social distancing guidelines, the Planning Advisory Commission will conduct this meeting by use of telephone and video conferencing technology. Citizens will be able to participate via **telephone** or **video technology as posted on the Pope County Land & Resource Management website calendar**.

Public participation will include an opportunity to:

- 1) submit written concerns and comment prior to the scheduled meeting. All such communications will be shared with the Planning Advisory Commission prior to or during the meeting;
- 2) review the staff prepared report via Pope County website;
- 3) observe and/or participate in the proceedings of the Planning Advisory Commission meeting.

Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. Thank you for your patience and consideration in this matter.

Dated: January 14, 2021

By: David Green, Director, Land & Resource Management



Supplemental Information

Supplemental Information Attachment 1:

Proposed Rezoning, Hoff Township



POPE MINNESOTA
COUNTY

**PROPOSED
REZONING
HOFF TOWNSHIP**

*This map is for general reference purposes only and should not be relied on for final determination of zoning district boundaries.

Legend

- Townships
- PLSS Quarter Sections
- Pope County Zoning Districts**
- General Zones**
- Agriculture Protection (A-2)
- Residential (R) (PROPOSED)
- Specific & Shoreland Zones**
- Shoreland-Rivers and Streams (S-RS)
- Public Water Inventory (PWI)**
- Public Water Watercourse



Esri, Community Maps Contributors, BuildingFootprintUSA, Esri, HERE, Garmin, Sat-Graph, IBM, Intel, INRIA, Intergraph, Microsoft, NOAA, USGS, EPA, NPS, US Geological Survey, VITO

Publish Date: 1/12/2021

Spatial Reference:
Datum: NAD 1983 HARN Adj MN Pope
Projection: Lambert Conformal Conic

