

Planning Advisory Commission

POPE MINNESOTA
COUNTY

January 28, 2021

Rezoning Case# 2021-03

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STAFF REPORT

Applicant Information

Applicant/Initiator: Pope County Land and Resource Management

Property Owner: Multiple

Location: East six hundred sixty feet (660) of the NE quarter of Section 23, Township 125 Range 39 and the west six hundred sixty feet (660) of the NW quarter of Section 24, Township 125 Range 39 White Bear Lake Township, Pope County, Minnesota

Parcel Size: ±69 acres

Existing Zoning: Non-Intensive Agriculture (A-1)

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

Action To Be Considered: Rezone the area identified from Non-Intensive Agriculture (A-1) to Residential.

Staff Recommendation: Approval





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Background

The area in question is bisected by the north south running State Highway 114. The site is bounded on the north, east and west by open space and agricultural use. To the south is the city limits of Starbuck. There are at least sixteen existing residential structures in the identified area. Within the identified area is a subdivision known as County Auditor Subdivision 10 which was recorded in 1971. Based on the size of the lots described it appears that residential use was the anticipated development pattern. This pattern of residential development that has taken place over the past three decades is substantiated through photographic evidence. It appears that when Pope County adopted county wide zoning (1999) there was no consideration given for the existing development pattern. Thus, resulting in non-conforming uses in this area of the county. Such consideration may have been forgone due to acknowledgement of township planning and zoning activity.

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	Open space/Crop Production	Non-Intensive Agriculture (A-1)
South	Residential	Municipality (Starbuck)
East	Open Space/Crop Production	Non-Intensive Agriculture (A-1)
West	Open space/Crop Production	Non-Intensive Agriculture (A-1)



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Staff Comments

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

- The current land use in the area is dominated by non-farm residential use and has been trending in that direction for three decades.
- The geographic area in question was an unzoned area of the county prior to 1999 but had begun to be developed into non-farm residential uses.
- 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.
- 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 6.5 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# 2021-03.



REPORT APPENDIX

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Supplemental Information**
 - **Attachment 1:** *Proposed Rezoning, White Bear Lake Township, North of Starbuck*
 - **Attachment 2:** *Plat Of County Auditor's Subdivision No. 10*



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Routing Sheet

Comments, Concerns and Conditions

County Department

Ag Inspector/Feedlot Officer *COMMENTS: A zoning change to Residential would be compatible with the current agricultural use in the A-1 Zone. The adjacent area is primarily cropland with a small cow/calf operation to the west. Several land owners maintain a few head of cattle that do not require registration. Feedlot proposals would require a conditional use permit with a limit of 200 animal units and a reciprocal setback to existing homes.*

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: OK*

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

Township

White Bear Lake No comment received.

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: Sixty-Nine (69) acres (approximately) of land described being located in the east six hundred sixty feet (660) of the NE quarter of Section 23, Township 125 Range 39 and the west six hundred sixty feet (660) of the NW quarter of Section 24, Township 125 Range 39 White Bear Lake 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



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Supplemental Information

Supplemental Information Attachment 1:

*Proposed Rezoning Map
White Bear Lake Township,
North of Starbuck*



POPE MINNESOTA
 COUNTY
**PROPOSED
 REZONING
 STARBUCK NORTH**

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

Legend

- Townships
- Pope County Zoning Districts**
- General Zones**
- Residential (R)
- Non-Intensive Agriculture (A-1)
- Residential (R) (PROPOSED)
- Not Subject to County Zoning**
- Municipalities



Publish Date: 12/28/2020
 Spatial Reference:
 Datum: NAD 1983 HARN Adj MN Pope
 Projection: Lambert Conformal Conic

Pope County
 Land & Resource Management

Esri, Community Maps, Contributor, Building Footprints, USA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Starbuck



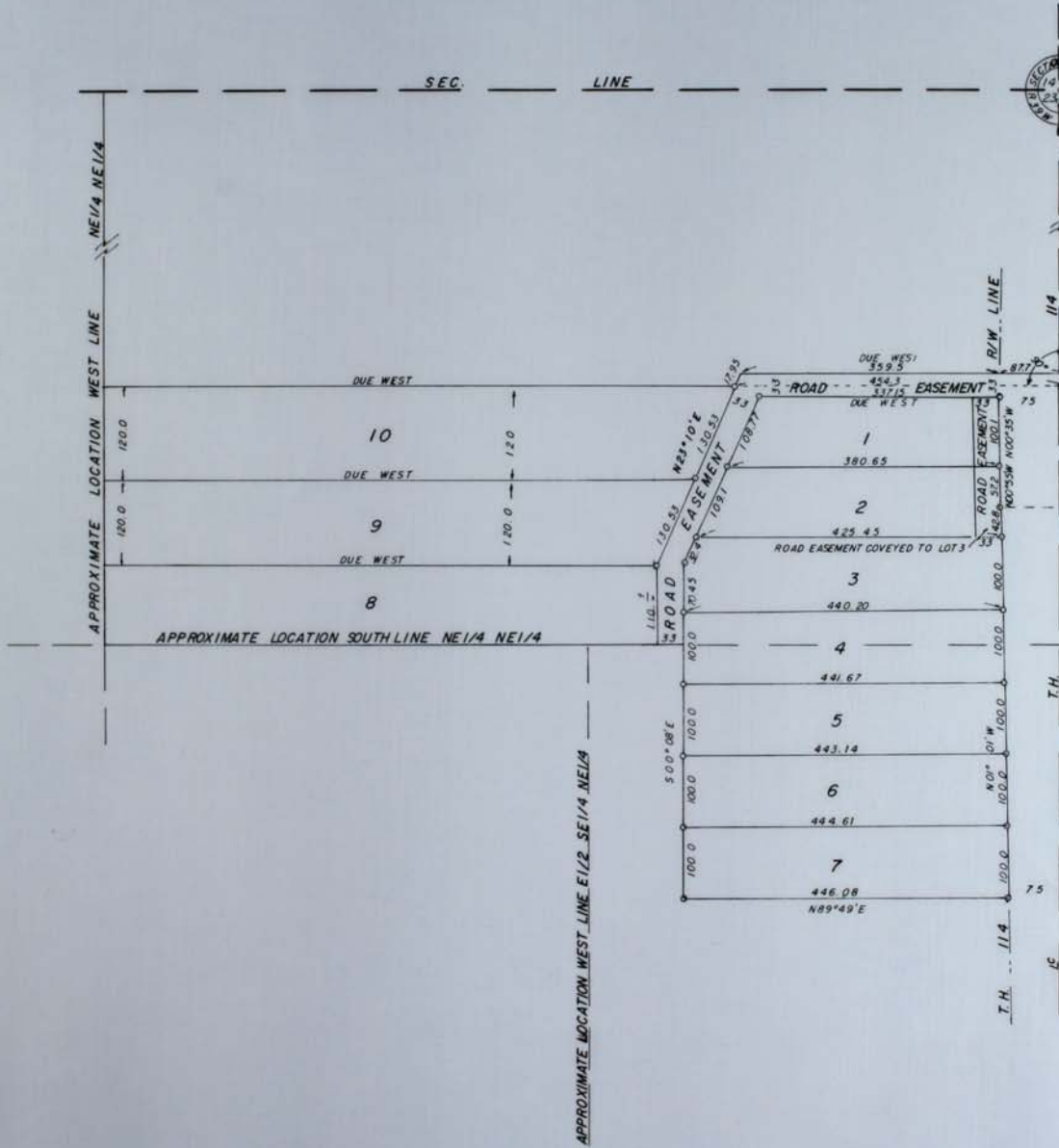
Supplemental Information

Supplemental Information Attachment 2:

Plat Of County Auditor's Subdivision No. 10

PLAT OF COUNTY AUDITOR'S SUBDIVISION NO. 10 A PART OF THE NE1/4 NE1/4 & E1/2 SE1/4 NE1/4, SEC. 23 - 125-39

SCALE 1" = 100'
"O" DENOTES IRONS
BEARINGS SHOWN ARE ASSUMED



SURVEYOR'S CERTIFICATE
Having been duly notified by the County Auditor of Pope County, Minnesota, to subdivide and make a plat of the following parcel of land located in the Northeast Quarter of the Northeast Quarter and the East Half of the Southeast Quarter of the Northeast Quarter of Section 23, Township 125, Range 39, County of Pope, State of Minnesota, described as follows to-wit: Beginning at a point which is 956.3 feet South as measured along the East line of said Section 23 and 87.7 feet West perpendicular to the East line of said Section 23, said point of beginning being on the westerly right-of-way line of Trunk Highway No. 114 as the same is laid out and maintained; thence deflect to the left in a southerly direction along the said right-of-way line and along the circumference of a circle whose radius is 17263.73 feet delta angle 2°38' for a distance of 190.3 feet; thence South 01°01' East along the said right-of-way line a distance of 542.8 feet; thence South 89°49' West a distance of 446.08 feet; thence North 00°08' West to the South line of the said Northeast Quarter of the Northeast Quarter of section 23; thence West along the South line of the said Northeast Quarter of the Northeast Quarter to the southeast corner of the said Northeast Quarter of the Northeast Quarter; thence North along the West line of the said Northeast Quarter of the Northeast Quarter to a point which is 972.8 feet South of the northeast corner of said Section 23 and perpendicular to the East line of said Section 23; thence East along the last aforesaid line to a point which is 972.8 feet South of the northeast corner of said Section 23 and 454.3 feet West and perpendicular to the East line of said Section 23; thence North 23°10' East a distance of 17.95 feet; thence due East a distance of 359.5 feet to the point of beginning.

P.I. = 66 + 50.8
Δ = 2°38' RT
D = 0°20'
T = 395.1
L = 790.0
R = 17188.73
P.C. = 62 + 55.7

I as County Surveyor of Pope County, Minnesota, hereby certify that on the 4th day of March, 1971, have surveyed and properly described above according to the records on file in the office of the Register of Deeds within and for Pope County, Minnesota, that all lots on the above plat were on record and the distances and bearings were recorded and are shown in feet and decimals of feet except lots number 1, 2, 4, 5, 6 and 7 which lot sizes and bearings were determined by survey and personal contact with the owner of said land and that the outside boundaries are correctly shown on the plat and that the monuments have been correctly placed in the ground and are shown thus "O". There are no wet lands or highways other than shown on the plat.

Richard D. Gesser
Richard D. Gesser
Pope County Surveyor

STATE OF MINNESOTA
COUNTY OF POPE

On this 5 day of March, 1971, before me, a notary public within and for said county and state, personally appeared Richard D. Gesser, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

CERTIFICATE
I hereby certify that the platting of County Auditor's Subdivision No. 10 has been accepted and approved by the Board of County Commissioners of the County of Pope, State of Minnesota, at a regular meeting of said Board of County Commissioners.

Witness my hand and official seal this 8 day of March, 1971.

Walter R. Rupp
County Auditor, Pope County, Minnesota

135711

OFFICE OF THE REGISTER OF DEEDS, POPE COUNTY, MINNESOTA

Filed for record this 3 day of August, 1971, at 10 o'clock A. M. and recorded in Volume 7 of Plats on Page 14.

Richard C. Eide
Register of Deeds, Pope County, Minnesota