

Planning Advisory Commission

POPE MINNESOTA
COUNTY

January 28, 2021

Rezoning Case# 2021-02

S:\12. BOA-PAC\2021\1. January 28th\6. PAC\2. Rezoning - Starbuck South\3. Staff Report\PAC Rezoning Case 2021-02 Staff Report.docx

STAFF REPORT

Applicant Information

Applicant/Initiator: Pope County Land and Resource Management

Property Owner: Multiple

Location: E ½ of the SE quarter of Section 35, Township 125, Range 39 of White Bear Lake Township, Pope County, Minnesota.

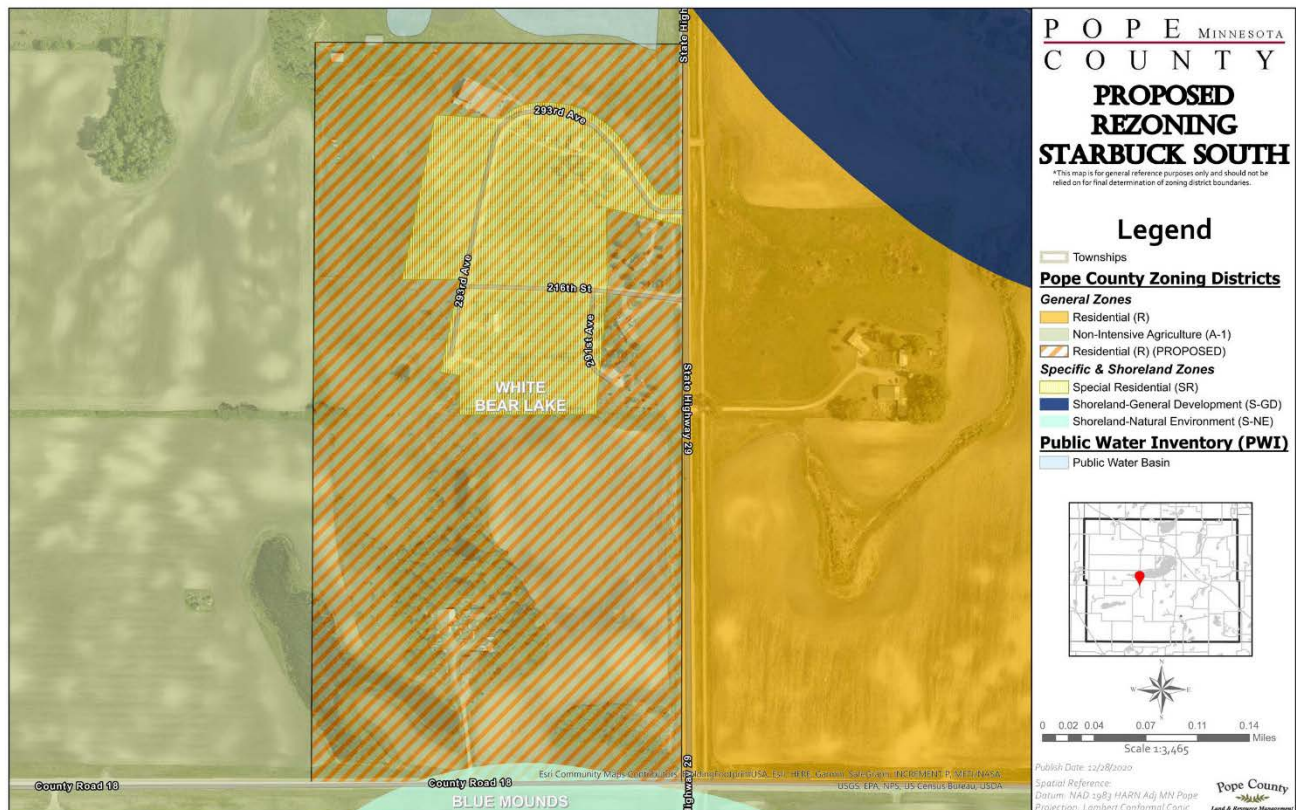
Parcel Size: ±80 acres

Existing Zoning: Non-Intensive Agriculture (A-1) and Special Residential (SR)

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) and Special Residential (SR) to Residential.

Staff Recommendation: Approval





Background

The site is bounded on the north by open space and a drainage creek. To the east is land that is zoned as Residential. To the south and west is land that is zoned agricultural (A-1). Much of this area is maintained as open space and is in agricultural use. In December of 1993, Pope County approved of a three-lot plat known as Aaberg Addition, located in the NE ¼ SE ¼ of S35 T125 R39. This is directly adjacent to and on the west side of State Highway 29. These parcels were intended for residential development. Subsequently (1999), Pope County adopted county wide zoning and designated this area as a Non-Intensive Agriculture (A-1) zoning district. Shortly after the adoption of county wide zoning, (early 2000), Palmer Aaberg petitioned the Board to consider two concurrent requests. The first was to create 15-acre Special Residential area which would incorporate the previously platted area of Aaberg Addition and some additional acreage directly west of that subdivision. The second action was to approve of a preliminary plat (Aaberg’s Second Addition) of the rezoned parcel. The Board approved of the rezoning request on May 1, 2000. The plat was finalized and recorded in late 2002. Because Special Residential is an overlay district, the underlying Non-Intensive Agriculture still exists. Furthermore, any stricter standards associated with that zoning district apply. Consequently, there are two zoning districts which burden the individual property owners in this area.

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	Open Space/Crop Production	Non-Intensive Agriculture (A-1)
East	Open Space/Crop Production	Residential (R)
West	Crop Production	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 in the NE SE ¼ is dominated by non-farm residential use and has been trending in that direction for two decades.
- The current land use in the SE SE ¼ remains unchanged.
- 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# 2021-02.

REPORT APPENDIX

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Supplemental Information**
 - **Attachment 1:** *Proposed Rezoning, White Bear Lake Township, South of Starbuck*
 - **Attachment 2:** *Aaberg Addition*
 - **Attachment 3:** *Aaberg's Second Addition*



Routing Sheet

Comments, Concerns and Conditions

County Department

Ag Inspector/Feedlot Officer *COMMENTS: This area of the A-1 Zone is primarily cropland with several parcels having a few head of livestock not requiring registration and one former dairy that is now feeding cattle in the residential zone one half mile to the east. This operation is capped at present animal units and compatible with surrounding ag, residential and shoreland use. The proposed zoning change does not impact current agricultural uses adjacent to it.*

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: Eighty (80) acres (approximately) of land described as being located in the E ½ of the SE quarter of Section 35, Township 125 Range 39 of 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



Supplemental Information

Supplemental Information Attachment 1:

Proposed Rezoning Map

South of Starbuck

White Bear Lake Township



POPE MINNESOTA
COUNTY

**PROPOSED
REZONING
STARBUCK SOUTH**

*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)
- Specific & Shoreland Zones**
- Special Residential (SR)
- Shoreland-General Development (S-GD)
- Shoreland-Natural Environment (S-NE)
- Public Water Inventory (PWI)**
- Public Water Basin



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

Pope County
Land & Resource Management

County Road 18

County Road 18

BLUE MOUNDS

Esri Community Maps Contributors; BingFootprintUSA; Esri; HERE; Garmin; SafeGraph; INCREMENT P; MFTI/NASA; USGS; EPA; NPS; US Census Bureau; USDA



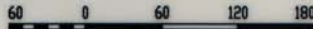
Supplemental Information

Supplemental Information Attachment 2:

Plat of Aaberg Addition

AABERG ADDITION

SCALE IN FEET



Scale: 1"=60'

- DENOTES IRON PIPE PLACED THIS SURVEY; CAPPED RLS. NO. 13334.
 - ✕ DENOTES IRON MONUMENT FOUND IN PLACE THIS SURVEY.
 - U.E. DENOTES UTILITY EASEMENTS.
 - ⊕ INDICATES BROKEN SCALE.
- THE EAST LINE OF THE SE1/4; BEARING OF: N00°04'05"W; IS AN ASSUMED BEARING.
- | | |
|--------------------|--------------|
| LOT ONE; BLOCK ONE | 1.20 ACRES |
| LOT ONE; BLOCK TWO | 1.02 ACRES |
| LOT TWO; BLOCK TWO | 1.11 ACRES |
| OUTLOT "A" | 0.89 ACRES |
| PUBLIC ROAD | 1.04 ACRES |
| TOTAL ACRES | = 5.26 ACRES |

Prepared by:

RONALD ENGELMEYER, LAND SURVEYOR
 MINNESOTA REGISTRATION NO. 13334.
 307A EAST MAIN STREET
 MELROSE, MINNESOTA 56352
 TELEPHONE: (612) 256-7298

KNOW ALL MEN BY THESE PRESENTS: That Palmer B. Aaberg and Joy Y. Aaberg, husband and wife and Raymond G. Haack and Janet L. Haack, husband and wife, owners and proprietors of the following described land, situated in the State of Minnesota, County of Pope, to-wit:

That part of the NE1/4 of Section 35; Township 125; Range 39; Pope County; Minnesota described as follows: Beginning at the southeast corner of said NE1/4; thence North 00 degrees 04 minutes 05 seconds West (assumed bearing); along the east line thereof; 673.21 feet; thence North 76 degrees 48 minutes 10 seconds West; 277.54 feet; thence South 00 degrees 38 minutes 00 seconds East; 272.04 feet; thence North 82 degrees 39 minutes 50 seconds West; 66.06 feet; thence South 04 degrees 57 minutes 25 seconds West; 474.91 feet; to the south line of said NE1/4; thence North 89 degrees 58 minutes 38 seconds East; along said line; 374.55 feet; to the point of beginning. Containing 5.26 acres more or less.

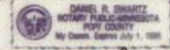
have caused the same to surveyed and platted as AABERG ADDITION and do hereby donate and dedicate to the public; for public use forever; the public road and the utility easements as shown on the plat.

In agreement herewith, we have hereto set our hands this 11 day of Dec, A.D. 1993.

Palmer B. Aaberg Joy Y. Aaberg
 Palmer B. Aaberg Joy Y. Aaberg

STATE OF MINNESOTA
 COUNTY OF POPE: The foregoing instrument was acknowledged before me this 11 day of Dec, A.D. 1993
 by Palmer B. Aaberg and Joy Y. Aaberg, husband and wife.

Daniel R. Swartz
 Notary Public

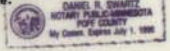


In agreement herewith, we have hereto set our hands this 11 day of Dec, A.D. 1993.

Raymond G. Haack Janet L. Haack
 Raymond G. Haack Janet L. Haack

STATE OF MINNESOTA
 COUNTY OF POPE: The foregoing instrument was acknowledged before me this 11 day of Dec, A.D. 1993
 by Raymond G. Haack and Janet L. Haack, husband and wife.

Daniel R. Swartz
 Notary Public



I hereby certify that I have surveyed and platted the land described hereon AABERG ADDITION, that this is a correct representation of said survey, that all distances are correctly shown on the plat in feet and decimals of a foot, that the monuments for the guidance of future surveys are correctly placed in the ground as shown on the plat, that the outside boundaries are correctly shown on the plat and that there are no wetlands or public highways to be designated on the plat other than shown thereon.

Ronald Englemeyer
 RONALD ENGELMEYER, LAND SURVEYOR.
 MINNESOTA REGISTRATION NO. 13334.

STATE OF MINNESOTA
 COUNTY OF STEARNS

This surveyor's certificate was acknowledged before me this 24th day of November, A.D. 1993, by Ronald Englemeyer, Minnesota Registration No. 13334.



Sheila A. Kellermann
 Notary Public

Approved by the Pope County Board of Commissioners this 21st day of December, 1993.

Donna Mary Poehle
 Chairperson Attest: County Auditor

I hereby certify that the taxes are paid for all the years prior to the year 1993 on the land described in the owners certificate of this plat of AABERG ADDITION.

December 21, 1993 Mary Poehle
 Date County Auditor, Pope County by Deputy Auditor

I hereby certify that the taxes on the land described hereon are paid for the year 1993.

Dec 21, 1993 Daniel Traas
 Date County Treasurer, Pope County by Deputy Treasurer

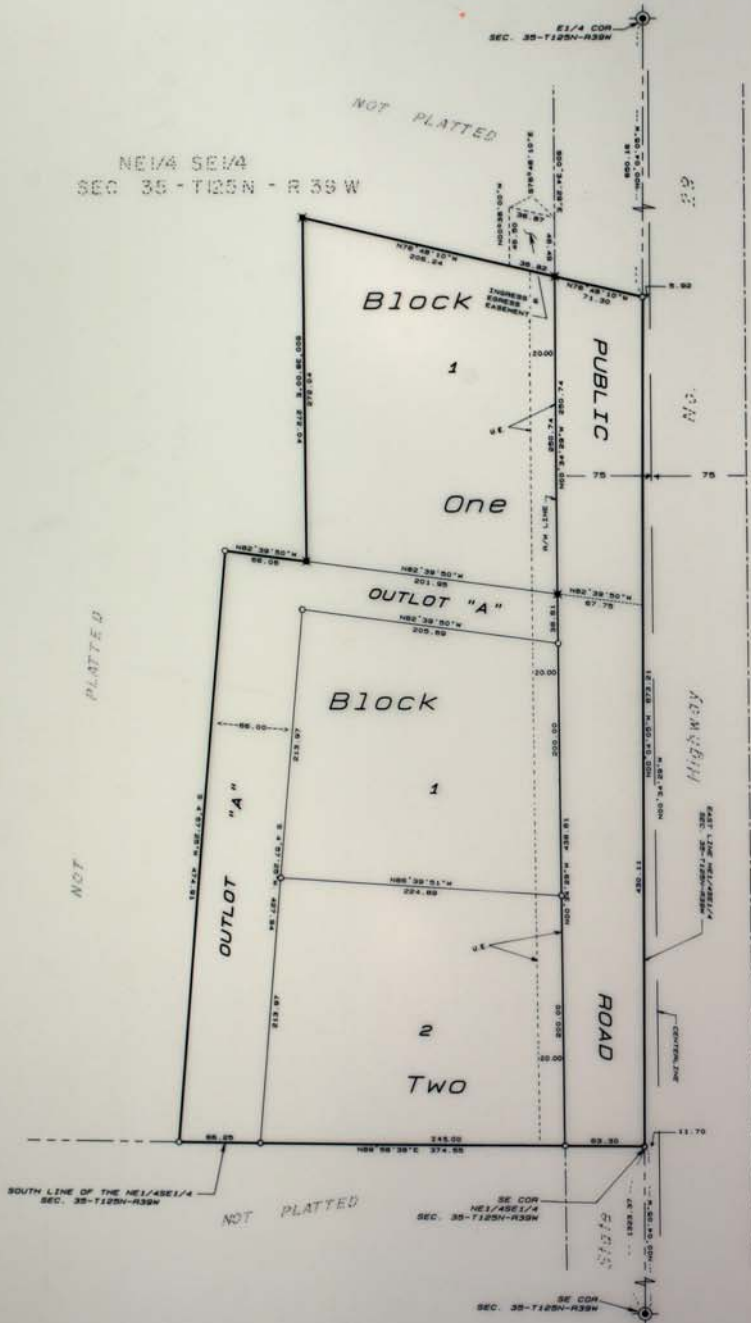
I hereby certify that proper evidence of title had been presented to and examined by me, and I hereby approve this plat as to form and execution.

Attorney for Pope County

Document Number 189073

I hereby certify that the within instrument was filed for record on this 27 day of Dec, A.D. 1993 at 9:05 o'clock, A.M. and was duly recorded in Book E of Plats on Page 382.

Shirley Anderson Lois Anderson
 County Recorder by Deputy





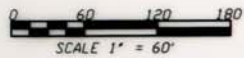
Supplemental Information

Supplemental Information Attachment 3:

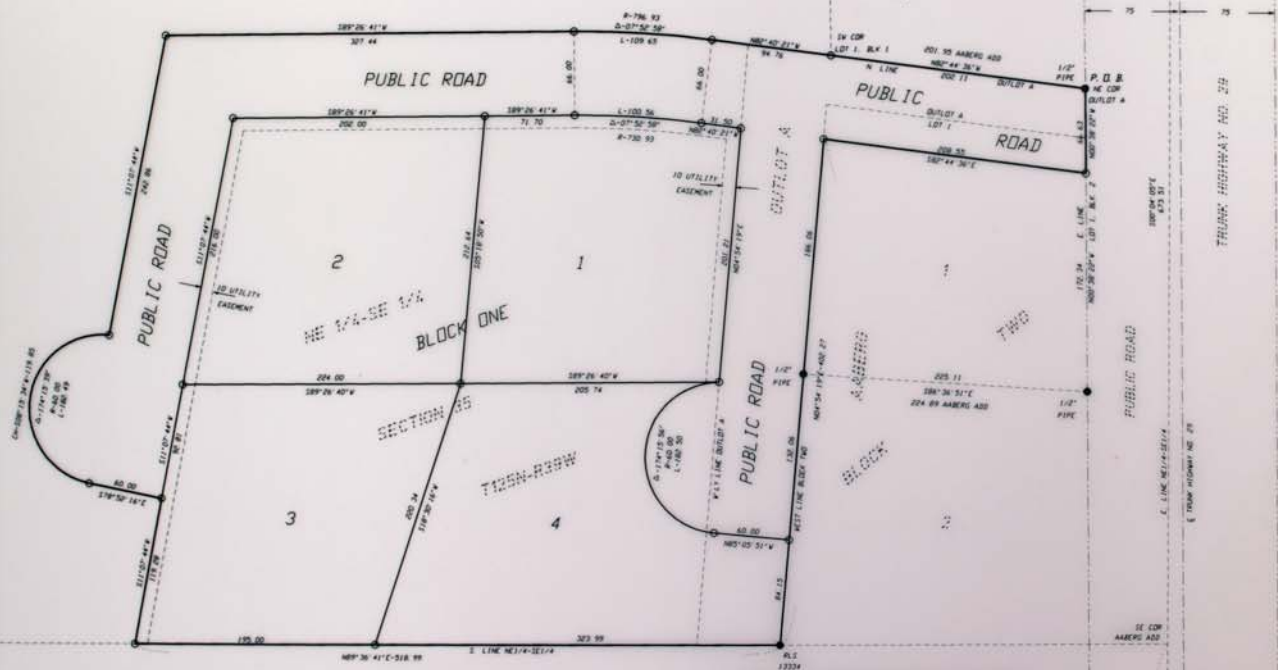
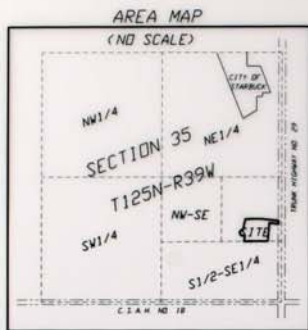
Plat of Aaberg's Second Addition

AABERG'S SECOND ADDITION

POPE COUNTY, MINNESOTA



SYMBOLS---
 ● = IRON MONUMENT OF RECORD FOUND IN PLACE
 ○ = 1/2" IRON PIPE SET MARKED WITH A PLASTIC CAP NUMBERED ALS 13077



NOTE: THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, WHICH HAS A RECORDED BEARING OF SOUTH 00 DEGREES 04 MINUTES 05 SECONDS EAST.

---AREA BREAKDOWN---

BLOCK ONE	
LOT 1	42,838 SQ. FT.
LOT 2	45,055 SQ. FT.
LOT 3	43,587 SQ. FT.
LOT 4	49,181 SQ. FT.
ROAD	99,788 SQ. FT.
TOTAL	280,449 SQ. FT. 6.44 ACRES±

KNOW ALL MEN BY THESE PRESENTS

That Palmer B. Asberg and Joy T. Asberg, husband and wife, and David A. Dero and Debra F. Dero, husband and wife, owners and proprietors of the following described property situated in the County of Pope, State of Minnesota, to wit:

That part of Lot 1, Block Two and that part of OUTLOT A, both of ABERG ADDITION, according to the recorded plat thereof and that part of the Northeast Quarter of the Southeast Quarter, Section 35, Township 125 North, Range 39 West, Pope County, Minnesota, described as follows:

Commencing at the East Quarter corner of said Section 35;

thence on a record bearing of South 00 degrees 04 minutes 05 seconds East along the east line of said Section 35 a distance of 450.00 feet to the northeast corner of said ABERG ADDITION;

thence North 74 degrees 50 minutes 51 seconds West along the north line of said ABERG ADDITION 71.24 feet to the northeast corner of Lot 1, Block One of said ABERG ADDITION;

thence South 00 degrees 38 minutes 22 seconds East along the east line of said Lot 1, Block One a distance of 250.75 feet to the point of beginning of the land to be described, said point being the northeast corner of said OUTLOT A;

thence North 82 degrees 44 minutes 36 seconds West along the north line of said OUTLOT A 202.11 feet to the southwest corner of said Lot 1, Block One;

thence North 82 degrees 40 minutes 21 seconds West 94.76 feet;

thence westerly along a tangential curve, concave to the south, radius 796.93 feet, central angle 07 degrees 52 minutes 58 seconds, 109.65 feet;

thence South 89 degrees 26 minutes 41 seconds West on tangent 327.44 feet;

thence South 11 degrees 07 minutes 44 seconds West 242.86 feet;

thence southerly along a non-tangential curve, concave to the east, radius 60.00 feet, central angle 174 degrees 15 minutes 39 seconds 180.49 feet, the chord of said curve bears South 08 degrees 15 minutes 34 seconds West 118.85 feet;

thence South 78 degrees 52 minutes 16 seconds East on tangent 60.00 feet;

thence South 11 degrees 07 minutes 44 seconds West 119.28 feet to the south line of said Northeast Quarter of the Southeast Quarter;

thence North 89 degrees 36 minutes 41 seconds East along said south line 518.99 feet to the west line of said Block Two;

thence North 04 degrees 54 minutes 19 seconds East along said west line 402.27 feet;

thence South 82 degrees 44 minutes 36 seconds East 208.55 feet to the east line of said Lot 1, Block Two;

thence North 00 degrees 38 minutes 22 seconds West along said east line and the east line of said Outlot A 56.63 feet to the point of beginning.

Have caused same to be surveyed and platted into Block One, Lots 1 thru 4, inclusive and to now and hereafter be known as ABERG'S SECOND ADDITION and do hereby donate and dedicate to the public for public use forever the utility easements as shown on this plat for utility purposes only and the road as shown on this plat for road purposes only.

In testimony whereof said Palmer B. Asberg and Joy T. Asberg, husband and wife and David A. Dero and Debra F. Dero, husband and wife have hereunto set our hands this 21st day of August, 2022.

Palmer B. Asberg
 Palmer B. Asberg

Joy T. Asberg
 Joy T. Asberg

David A. Dero
 David A. Dero

Debra F. Dero
 Debra F. Dero

STATE OF MINNESOTA
 COUNTY OF POPE

The foregoing was acknowledged before me this 21st day of August, 2022, by Palmer B. Asberg and Joy T. Asberg, husband and wife, and David A. Dero and Debra F. Dero, husband and wife.

James R. Bower
 Notary Public, Pope County, MN
 My Commission expires 1-31-25

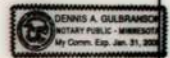
I hereby certify that I have surveyed and platted the property described on this plat as ABERG'S SECOND ADDITION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly delineated on the plat, and that there are no set lands as defined in MS 505.02, Subd. 1, or public highways to be delineated other than as shown.

Curtis J. Storkel
 Curtis J. Storkel
 Minnesota Licensed Land Surveyor
 License Number 13077

STATE OF MINNESOTA
 COUNTY OF DOUGLAS

The foregoing Surveyor's Certification was acknowledged before me this 29th day of August, 2022, by Curtis J. Storkel, Minnesota License No. 13077.

Dennis A. Gulbranson
 Dennis A. Gulbranson
 Notary Public, Douglas County, MN
 My Commission expires 1-31-25



I hereby certify that proper evidence of TITLE has been presented to and examined by me and I hereby approve this plat as to form and execution.

Edie Dull
 Edie Dull
 Pope County Attorney

No acknowledgment, deed and transfer entered this 29th day of August, 2022.

Mary Pachter
 Mary Pachter
 Pope County Auditor
 By Deputy

Approved by the Pope County Board of Commissioners on this 23rd day of October, 2022.

Edward Brannon
 Edward Brannon
 Chairman, Pope County Board of Commissioners

Attest:

Mary Pachter
 Mary Pachter
 Pope County Auditor

Taxes for the current year are paid this 23rd day of October, 2022.

Mary Pachter
 Mary Pachter
 Pope County Treasurer

I hereby certify that the within instrument was filed in this office for record on the 24th day of October, 2022, at 1:05 P.M., and was duly recorded as Record Number 21860 and Instrument Number 241A.

Jarby Bowen by Marrett Chang
 Jarby Bowen by Marrett Chang
 Pope County Recorder
 By Deputy

I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of Chapter 505, Minnesota Statutes.

John H. Zick
 John H. Zick
 Minnesota Licensed Land Surveyor
 License No. 13145