MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday March 23, 2023

The Planning Advisory Commission convened in regular session on Thursday, March 23, 2023 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, Ivie Cooley, John Messenger, Mark Halls, Ted Kannegiesser, Russell Barkeim, Larry Lindor (County Commissioner) and Paul Gerde (C.C. alt)

Other Officials Present: David Green (Land & Resource Management Director) and Shelley Retrum (Land & Resource Management staff)

Call to Order

The meeting was called to order by Chairman Messenger at 6:05 p.m.

Additions and Corrections to the Agenda

There were no additions or corrections to the agenda noted.

Review minutes of January 26, 2023

The minutes of the Planning Advisory Commission meeting held on Thursday; January 26, 2023 were submitted for approval. Motion by Commissioner Lindor to accept the minutes as written. Motions seconded by Cooley. Motion carried with no dissenting votes noted.

Public Hearings and Other Matters for Discussion

Preliminary Plat Review, applicants Micah Radach (not present) on behalf of Jason & Karin Tank (PID 02-0241-602)

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommend approval of the application with the following conditions:

1. Providing proof of Type 1 sewage treatment capabilities on each parcel prior to final plat submittal.
2. Subdivision/plat proposal is to be submitted to the local road authority (Leven Township) for review and approval.
3. Applicant shall submit the final plat within 12 months of approval of the preliminary plat by the County Board.
4. The final plat shall substantially conform to the preliminary plat and any requirements or improvements that are a condition of approval.

Isdahl asks staff to comment on lake access. Director Green relates that the parcels do not come with a dedicated access lot but rather the parcel owners will have access via the public access. Commissioner Lindor points out comment relating to previous platting attempt. Director Green

states that he found no record of this. Halls asks about stormwater runoff. Director Green responds that the act of recording a plat will have no effect on stormwater runoff but rather the issue of stormwater is to be addressed at the point of receipt of a development proposal. Applicant Jason Tank adds that if you look at the soils that are part of the staff report, no wetlands are present. Director Green points out that there was recently a second survey submitted that indicates a ten-foot access on one of the parcels that could create some conflict. If it was intended to be an access route, the width would need to be at least 33-foot. After some discussion, it was recognized that the remaining unplatted portion of the parcel did have other access options from dedicated public rights of way. At 6:23 p.m., Chairman Messenger opens a public hearing and seeks comments for or against the proposal. Local resident, Mark Beito stated a concern about the use of the parcels to locate and construct metal pole sheds without a primary residential structure on the lot. He felt that this is already starting to happen in this area. He comments that parcels in the Shoreland Recreational Development zoning district, should be used for single family residential homes type development and not just single pole sheds. He has no problem if you had a pole shed or storage shed as an accessory structure but with a residential home on the lot as well. He states that he is not in favor of the platted subdivision if the intent is for storage shed development. With no other comments offered from the public in attendance, Chairman Messenger closes the Public Hearing. There is site visit report with no concerns. Following the site team report, Chairman Messenger seeks a motion on the application. Motion in support of a recommendation of approval is presented by Cooley with a second by Barkeim. Motion passes unanimously.

CUP-Commercial Firearms, applicant Matthew Zempel (PID 17-0025-000)

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommend approval of the application with the following conditions:

1. The business space is limited to occupying no more than 25% of the garage/utility area.

2. No onsite employees other than the home occupants.

3. Hours of operation will be 4 pm to 9 pm weekday evenings and 8 am to 4 pm on weekends.

4. All outside lighting must be hooded and directed straight down.

5. Any sign advertising the business must be located on the structure and be not free standing, may be no larger than ten (10) square feet, and may be no more than twelve (12) feet in total height. The sign may not be electronically/digitally lit.

6. All other state and local permits and approvals shall be obtained and maintained for the operation of the business.

7. Any change in the use (other than the permitted uses in the zoning district or what is included in this permit) hours of operation, or expansion of the business (including construction of additional buildings) shall require a conditional use permit.

Applicant Matthew Zempel is not present. At 6:39 p.m., Chairman Messenger opens the public hearing and seeks comments for or against the proposal. There were no comments offered from the public in attendance. The Public Hearing was followed by a site visit report as presented by Messenger, Barkeim and Kannegiesser. No concerns from the site team. Motion in support of recommendation of approval with staff recommended conditions is presented by Isdahl with a second by Kannegiesser. The motion is upheld by a majority of the Planning Advisory Commission members. Messenger withheld support. Motion passes.

CUP-Anaerobic Digester/Biofuel Conversion Facility, applicant BIOGASCO RNG LLC (PID 01-0119-000)

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommend approval of the application with the following conditions:

1. Prior to any construction activities all necessary permits are secured from Township, County and State agencies including:
    - NPDES permit, major modification (MPCA); and
    - Land Use Permit (Pope County) for the construction of an anaerobic digester and biofuel conversion facility.

2. Receipt of finalized engineering drawings and specifications prior to submittal to the Board for consideration.

3. Any change in the use) other than the permitted uses in the zoning district or what is included in this permit), including modification to co-digestion, hours of operation, or expansion of the business (including construction of additional buildings) shall require an amendment to the conditional use permit or a new conditional use permit as deemed appropriate.

4. Failure to meet any of the conditions listed above may result in revocation of this permit following procedures established by and listed in the Pope Count Land Use Controls Ordinance.

Director Green comments that he will need to correct Findings number five (5) as far as the height of the structure. Commissioner Gerde ask if the digestor will work similarly to the one at the Riverview Dairy site. Applicant Aaron Evens with BIOGASCO RNG LLC states that this particular digestor will work the same but on a much smaller scale that the Riverview facility. He goes on to give a summary as to how this operation works stating it is not intended to generate but rather

to capture methane to create Natural Gas. Once captured, the gas will be transported to a nearby receiving station with it ultimately being piped through the Dooley's natural gas distribution system. All manure will be going underground and moved by the pipeline and then moved into the lagoon. This will provide 90% less order and 90% less harmful green-house gas. It will be contained by putting a dome over it. The gas production is enough to heat 262 homes in the area. There is further discussion regarding the details of how this operation will work including a question from Isdahl regarding how many transports per will are estimated. Evens responds that there will be approximately 2 ½ transports of natural gas per week. Other questions included one from Barkeim about chance of manure leaking from piping system onsite, another from Isdahl about noise created by the onsite compressor and one from Lindor about C02 emissions. At 7:04 p.m. Chairman Messenger opens a public hearing and seeks comments for or against the proposal. Speaking in favor is Todd Malecha who commented that this digestor will be located on his property. He went through great lengths to research anerobic digestor, including an operational one that he had visited in Mexico City. "We witnessed how well this operation works, we do not want junk on our property or it not working right. I feel very confident working with BIOGASCO". Jacquelyn Kirckof stated concerns with being the closest neighbor and the amount of noise the compressor will make. As neighbors, they can currently hear noises associated with the feedlot operation and would like to have something in place to help with noise reduction created by the anaerobic digestor. Aaron Evens with BIOGASCO comments that he has spoken with Jacquelyn (Kirckof) and understands her concerns. Aaron comments that he has spoken with the manufacturer and stated that the compressor cannot be completely enclosed because it needs fresh air for cooling. They could certainly put up a sound barrier to help reduce the noise. There is further discussion on what would be appropriate sound barrier. Todd Malecha commits to working with his neighbor to address the sound issue. With no other comments from the public, Chairman Messenger closes the Public Hearing. Chairman Messenger asks for a site visit report presented by Messenger, Barkeim and Kannegiesser. Messenger comments that it is a logical location and Barkeim comments that we are not creating more manure and seems like a very good solution. Following the site team report, Chairman Messenger seeks a motion on the application. Cooley makes a motion in support of a recommendation of approval with conditions identified in staff report and as amended to add a sound reduction to the conditions of approval. Seconded by Halls. Motion passes unanimously.

CUP-Expand an existing feedlot to a capacity of 700 animal units, applicants Tony and Dean Reichmann (PID 02-0115-000)

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommend approval of the application with the following conditions:

1. The facility must comply with MN Rules Chapter 7020 and the Pope County Land Use Controls Ordinance by implementing planned changes to the facility that will eliminate the following safety hazard:
    - For Liquid Manure Storage Areas (LMSAs) not under a barn: there is a perimeter fence, or berms/sidewalls at least 5 feet tall per MPCA Chapter 7020.0205 I.

2. That prior to an increase in the stocking density, all necessary permits are secured from Township, county and State agencies including all requirements of Minnesota Pollution Control Agency Rules, Chapter 7020 that pertain to animal feedlots with over 300 animal units.

3. That the feedlot may not exceed 700 **animal units** (beef-slaughter/stock cows) at any time and must remain compliant with township, county and state rules at all times.

4. All technical aspects of the plans submitted to the County Feedlot Officer for approval of the Construction Short Form permit must be implemented prior to increasing the number of animal units at the facility.

5. The applicant must maintain a manure management plan to accommodate manure produced by the number of animals registered for the site. The plan must be written to address all items regulated in MPCA Chapter 7020.2225 and all additional requirements of this permit. The manure management plan must be approved in writing the County Feedlot Officer or their designee before the plan may be implemented.

6. All aspects of the approved manure management plan must be followed at all times during the operation of the feedlot. Any changes to the plan must be submitted in writing to the Land & Resource Management Office (Feedlot Officer or Director) for review and approval thirty (30) days prior to the proposed changes taking affect. Proposed changes to the manure management plan must be approved in writing by the County Feedlot Officer or their designee before the plan may be implemented.

7. All manure applications must comply with MPCA Chapter 7020.2225 and the Pope County Land Use Controls Ordinance Section 10.22 regulating the application of soil nutrients.

8. That all uses on -site are to be compliant with provisions of the Pope County Land Use Controls Ordinance.

Applicants Tony and Dean Reichmann are present and give a brief summary of their current operation and the proposed improvements to the facilities. At 7:25 p.m. Chairman Messenger opens a public hearing and seeks comments for or against the proposal. William Malecha comments that he has done some custom work for them and it is a nice, well-kept operation and

that he is in favor of the proposed improvements. With there being no other comments offered from the public in attendance, Chairman Messenger closes the Public Hearing. The site visit report is presented with no identified concerns. Following the site team report, Chairman Messenger seeks a motion on the application. Motion in support of a recommendation of approval is presented by Halls with a second by Cooley. Motion passes unanimously.

Proposed Ordinance Amendment

Director Green presents a draft of a proposed Solid Waste Designation Ordinance. He explains that the effect of the ordinance is to regulate that all waste that has been created in Pope County must be disposed of or processed in Pope County. The underlying purpose is to make sure that waste is properly routed through the Pope Douglas Solid Waste Facility purpose for burning in the incinerator. Steam is captured from incinerator which is a marketable byproduct. The revenue generated helps to offset day to day costs and the cost of facility improvements. Though a Public Hearing was scheduled and properly noticed, there were no members of public in attendance. Further discussion ensued between the Planning Advisory Commission and Director Green. No action was taken at this time. Director Green stated that a final draft would be presented at a subsequent meeting at which time the Planning Advisory Commission would be asked to take action.

Tabled/Old/Other Business:

There was no tabled or old business to discuss.

Adjournment 7:54 p.m. Motion by Cooley to adjourn the Planning Advisory Commission meeting. Motion seconded by Commissioner Lindor. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Retrum

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