MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday May 25, 2023

The Planning Advisory Commission convened in regular session on Thursday, May 25, 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: Land & Resource Management staff, David Green (Director) and Jessica Hill (Land Use Specialist)

Call to Order

The meeting was called to order by Chairman Messenger at 6:49 p.m.

Additions and Corrections to the Agenda

There were no additions or corrections to the agenda noted. Motion to approve of the agenda made by Lindor with second by Halls. Motion carried with no dissenting votes noted.

Review minutes of April 27, 2023

The minutes of the Planning Advisory Commission meeting held on Thursday; April 27, 2023 were submitted for approval. Motion by Cooley to accept the minutes as written. Motion seconded by Isdahl. Motion carried with no dissenting votes noted.

Old Business

None

Public Hearings and Other Matters for Discussion

C.U.P. #23079 Shoreland Alterations, application by Les Kalina on behalf of Leslie & Sharie Kalina Etal (PID 03-0003-105)

Kalina is seeking permission to reconstruct a boat launch that was damaged in a storm event and to include stormwater and erosion mitigation strategies. The amount of grading and fill activities in the shore impact zone is in excess of 50 cubic yards so a conditional use permit is necessary. 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. Stormwater Best Management Practices (BMPs) are to stay in place until soils are stabilized/vegetated.
2. That prior to any construction activities that all required permits are secured from Township, County and State agencies including a NPDES permit if necessary.

A brief discussion from the Planning Commissioners ensued. Halls inquires as to the total amount of grading and fill activities and engineering. Kalina defends application stating that *the existing*

boat ramp is about 12 feet wide and was originally installed in 2004. Storm events from the past several years have caused serious damage to the ramp. He is working with the Pope County SWCD and their contract engineers to develop the reconstruction plans. At 6:56 pm, Chairman Messenger opens a public hearing and seeks comments. There were no comments offered from the public in attendance, for or against the proposal at this time. The Public Hearing was followed by the Site Team report who all agreed that the ramp needed to be fixed and the erosion issue corrected. Motion is made by Halls to recommend approval of the C.U.P. request. The motion is seconded by Cooley and is supported by a unanimous vote of all members.

Proposed Zoning Map Amendment #23042, application by Paul Koubsky, (PID# 03-0179-000)

Chairman Messenger introduces the item followed by staff report as presented by Director Green. This is a rezoning request initiated by the property owner. Staff does not object to the rezoning of the eighty-acre parcel as there are no changes in use anticipated. The area impacted includes eighty (80) acres of land described as being located in the East half (E ½) of the Northeast Quarter (NE¼) Section 33, Township 126 (Reno), Range 38, Pope County, Minnesota. At 7:04 pm, the Chairman opened a public hearing on the matter. There were no comments offered from the public in attendance, for or against the proposal at this time. With no comments to consider, Chairman Messenger declares the public hearing closed. The Site Team reported that *it was a neat location and that there should be no impact to the existing agricultural uses*. Isdahl inquired as to why such rezoning requests were not appropriate in other cases. Director Green replied that *each case is site specific and that the County needs to be considerate of "spot zoning" issues*. Halls asks about impacts to existing and future feedlots. Director Green responded that the Feedlot Officer did review the proposal and did not feel that they were any conflicts with existing feedlot locations. The nearest feedlot was already impacted by existing nonfarm residential uses. A motion to recommend approval of the zoning amendment is put forth by Kannegiesser and seconded by Barkeim. The motion is supported by a unanimous vote of all members.

C.U.P. #23040 Non-farm Residence, application by Paul Koubsky (PID# 03-0179-000)

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. Rezoning of the parcel to the Non-Intensive Agriculture (A-1) zoning district.
2. That the Agriculture Zone (Right-to-Farm) Acknowledgement form be signed and returned to the Land & Resource Management office prior to the application being considered by the County Board.
3. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.
4. That prior to any construction activities, all necessary permits are secured from County and State agencies.

At 7:15 pm, Chairman Messenger opens a public hearing and seeks comments. There were no comments offered from the public in attendance, for or against the proposal at this time. The Public Hearing was followed by the Site Team report who stated that it was a *neat spot for a home or cabin and that no agricultural uses will be impacted.* Following the site team report, Chairman Messenger seeks a motion on the application. Motion in support of a recommendation of approval of the C.U.P. is presented by Lindor and seconded by Isdahl. The motion is supported by a unanimous vote of all members.

C.U.P. #23055 Non-farm Residence, application by Mark Martinson (PID# 05-0020-001)

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff concludes that a recommendation of approval with the following conditions is appropriate:

1. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.
2. That prior to any construction activities, all necessary permits are secured from County and State agencies.

At 7:18 p.m., Chairman Messenger declares the Public Hearing to be open. There was no testimony received in support of or in opposition to the proposal. The Site Team reported that *its a former farmhouse site that's a neat spot with a cool view.* With no other discussion or comments being made, Isdahl makes the following motion: *Based upon the information and conditions 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.* This motion is seconded by Kannegiesser. The motion is supported by a unanimous vote of all members.

C.U.P. #23059 – Accessory Structure, application by Mark and Jill Heggestad (PID 09-1221-600)

The Heggestad's are seeking permission to construct a 2160 square foot accessory structure on their non riparian back lot in the Smith's Back Rolling Acres subdivision. Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff concludes that a recommendation of approval with the following conditions is appropriate:

1. That the structure is located to meet all setback provisions of the Pope County Land Use Controls Ordinance unless a variance has been granted.
2. That no water features (i.e., bathrooms) are to be included in the structure without the benefit of a permitted septic system as designed by a MPCA certified professional.
3. Any change in the use (other than the permitted uses in the zoning district or what is included in this permit) shall require a conditional use permit.

4. The owner understands that future development of this site is conditioned upon compliance with all provisions of the Pope County Land Use Controls Ordinance.
5. 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 County Land Use Controls Ordinance.
6. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.

Applicant Mark Heggestad defends his application request stating that the shed has no living quarters and is only intended to store all of their lake stuff under one roof as well as have a wood shop in the future. At 7:24 p.m., Chairman Messenger declares the Public Hearing to be open. There was no testimony received in support of or in opposition to the proposal. Chairman closes the public hearing and move on to the Site Team report. The Site Team reported that *its apparent that there were other such accessory structures in the neighborhood and of similar size.* They liked that he moved the shed further back on the property so as to minimize impact on the adjacent property owner. Halls inquires as to stormwater runoff impacts. Because this is a large lot located at least 350 feet from the lake, there should be minimal impacts from stormwater runoff created as a result of the locating of this structure. Motion is made by Cooley to recommend approval of the C.U.P. request. The motion is seconded by Barkeim and is supported by a unanimous vote of all members.

C.U.P. #23061 – Accessory Structure, application by Christopher and Nicholette Hanson in conjunction with Thomas Johnson (PID 08-0137-105)

Applicant is seeking permission to construct a 60' x 120' (7,200 square foot) accessory structure on a lot less than five (5) acres in a Shoreland-Recreational Development zoned district. Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff concludes that they do not support a recommendation of approval as they cannot make at least two of the necessary Findings. Lindor asks *what are the Findings in question*? Green responds that staff could not establish the appropriate Findings for items #3 and # 5 that would support a recommendation of approval. Isdahl question *what size is too big*? Green responds that *anything that is larger than is administratively approvable is not a question for staff but rather a question for the Board.* Cooley questions *for what purpose is the building?* To which it is replied by Johnson that it is *for storage of classic cars, tractors, boats and other possessions.* Halls asks *how far from the lake is the structure to be?* Green replies, *approximately 500 feet.* Cooley asks about other structures of this size that may have been permitted in the past. Green states that *while there have been some large garages and accessory structure permitted in the past, none are comparable to this one in overall size.* Green also stated that *the department has received complaints about those structures after they were constructed.* At 7:45 p.m., Chairman

Messenger declares the Public Hearing to be open. There was one neighborhood property owner, Marita Hickman, speaking in opposition to the proposal stating *that the structure would be many times larger than any other in the neighborhood. This structure will be not 1x, 2x, not 6x but 7 times larger than what is permissible. It's way too huge and the use is inappropriate.* With no other comments received, Chairman Messenger declares the Public Hearing portion of the meeting to be closed. Site Team member Kannegiesser stated that *it's a nice spot to put the shed and it would look nice but no neighbors were in favor of this use*. Barkeim stated that *these larger sheds are a trend in the county and that this is a unique property but that it is in shoreland and I like shoreland.* Messenger stated that it is a *beautiful property but that it will take a lot of excavation to bury it.* After the Site Team report more discussion ensued. Lindor stated that *we need to rely on the facts*. Messenger reiterates that the recommendation from staff is to not approve. Cooley points out the factual comments that were submitted by the neighboring property owners. Chairman Messenger seeks a motion. Motion by Cooley to recommend denial of the application. The motion is seconded by Barkeim. The motion is supported by a majority of the Planning Commissioners (Cooley, Barkeim, Messenger and Isdahl) with Lindor, Halls and Kannegiesser voting not in support of the motion.

C.U.P. #23062 – Accessory Structure, applicant Scott Northuis (PID 07-0429-00)

Applicant is seeking permission to construct a 40' x 40' (1600 square foot) accessory structure on a lot less than five (5) acres in size located in a Shoreland-General Development designated zoning district. Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommends that the item be tabled so that additional information can be obtained regarding the existing septic system, and for further analysis of the stormwater. Staff also wanted to address timelines with the property owner regarding vacation and removal of existing structures such as the boat house and the garage with living quarters in it. The applicant engaged in conversation and debate with staff over his proposal. After some back and forth discussion it was suggested by Halls that the applicant and staff should discuss this proposal outside of the Planning Advisory Commission meeting and come to some resolution before the Planning Advisory Commission is asked to take action to approve or deny. Motion by Cooley and second by Halls to table the issue until the next regularly scheduled Planning Advisory Commission meeting. Motion carried with no dissenting votes noted.

Adjournment 8:30 p.m. Motion by Lindor to adjourn the Planning Advisory Commission meeting. Motion seconded by Commissioner Cooley. Motion carried with no dissenting votes noted.

Respectfully submitted,

David Green

David Green, Director
Pope County Land & Resource Management