

**MEETING MINUTES**  
**POPE COUNTY PLANNING ADVISORY COMMISSION**  
**Thursday August 24, 2023**

The Planning Advisory Commission convened in regular session on Thursday, August 24, 2023 at the Pope County Courthouse, 3<sup>rd</sup> floor Meeting Room.

**Members Present:** Roger Isdahl, John Messenger, Ted Kannegiesser, Russell Barkeim, and Larry Lindor (County Commissioner)

**Other Officials Present:** Land & Resource Management staff, David Green (Director), Jessica Hill (Zoning Administrator) and Shelley Retrum (Sr. Administrative Associate)

**Call to Order**

The meeting was called to order by Chairman Messenger at 6:44 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 Kannegiesser. Motion carried with no dissenting votes noted.

**Review minutes of July 27, 2023**

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

**Public Hearings and Other Matters for Discussion**

**I.U.P. #23213 Locate RV for intermittent use greater than ninety days**, application by Sandy Lesmeister (PID 02-0183-111)

Applicant is seeking to be able to have a Recreational Vehicle (RV) onsite on their non riparian parcel located on the east side of Lake Amelia. Ownership of this particular parcel includes deeded interest in Outlot A which provides for lake access. The RV unit will be connected to an onsite subsurface sewage treatment system. Lake Amelia is designated as a Recreational Development Lake. Messenger introduces the item followed by staff report as presented by Zoning Administrator, Jessica Hill and comments *this site has a septic system which was inspected in 2021. There is a deck located there currently that is properly permitted and meets all the setbacks.* Staff recommends approval of the application with the following conditions.

1. The Interim Use Permit being in effect for a period of 3 years. At that time, the site is to be re-evaluated by the Land & Resource Management department for compliance with use, septic, setbacks and other defined performance standards. If compliant, the Director may continue the permit for an additional 3-year period.
2. **Any** additional RVs are subject to the time limitation of seventy-two (72) hours as prescribed in Section 10.15.B.5.

3. Wastewater from the RV is not to be discharged to the ground surface.
4. No part of this parcel or development is to be advertised to the public as a for fee campground or for any type of vacation rental offering.
5. As this application is being considered based upon standards and procedures as established by the Pope County Land Use Controls Ordinance, the effect of this Interim Use Permit is specific to those standards. The applicant is encouraged to familiarize themselves with any Township standards that may be applicable including setback provisions, special use permits and building permit requirements.
6. 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.

There is discussion on how long the I.U.P. is valid for and how it is maintained after the interim use is expired. Lesmeister was in attendance and offered an opportunity to defend her application. Lesmeister comments *I would like to be able to keep my camper on my lot for intermittent use and enjoy my lot and the lake. I do have both water and septic. I also do have deeded interest in another lot that gives me lake access.* 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. Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger, Kannegiesser and Barkeim. The site team comments *you meet all the setbacks and have a septic and well. As a property owner you should be able to enjoy your property.* Motion is made by Isdahl to recommend approval of the C.U.P. request with conditions identified in the staff report. The motion is seconded by Kannegiesser. Motion passes with Barkeim opposed.

**C.U.P #23199 Operate an agriculturally related commercial business**, application by Eric Paulson of Belgrade Cooperative Association (PID 07-0151-001)

The applicant, Belgrade Cooperative, proposes to locate and operate a supply facility which provides seed, fertilizer (including anhydrous ammonia) and liquid propane to the local agricultural community. The site for the proposed facility is described as being located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter, Section 21 of White Bear Lake Township. A full build out of the site would include water tanks, bulk fuel tanks (propane and NH<sub>3</sub>) and a warehouse facility with an office. This business venture requires conformance with state and federal standards for handling of hazardous materials. The applicant anticipates that business activities will take place between 8 am and 5 pm with seasonably extended hours (April-November). The site is to be equipped with security and safety measures. Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommends that if the Planning Advisory Commission recommends approval of this land use proposal, that consideration be given to the following conditions:

1. The applicant shall abide by all laws regarding the storing and distribution of propane and

anhydrous ammonia.

2. The applicant shall secure and maintain all necessary state (MN Pollution Control Agency (MPCA), MN Department of Agriculture (MDA), MN Occupational Safety and Health Administration (MNOSHA), etc.) and local permits for the operation of the business.
3. A full onsite septic system, including tank and drainfield. Design, permitting, and installation must be in conformance with the Pope County Subsurface Sewage Treatment System Ordinance and MN Administrative Rules Chapter 7080.
4. The applicant needs to provide a stormwater management plan.
5. The applicant needs to update contacts in their Incident Response Plan to include local personnel and phone numbers.
6. Belgrade Coop is to sponsor NH<sub>3</sub> training for local fire department.
7. Hours of operation will be 8 am to 5 pm with seasonable extended hours (April-November).
8. All outside lighting must be hooded and directed straight down.
9. Any sign advertising the business must be located on the structure and not be 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.
10. 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.

Eric Paulson was in attendance and offered an opportunity to defend his application. Paulson comments *I am the general manager of Belgrade Cooperative Association and as a commercial Ag business we offer services to Stearns and Pope Counties. We have OSHA requirements and go through an approval process. We maintain compliance across the board. Our goal is to service a larger customer basis and service our farming community. We ensure that employees and customers are safe. We work with the Department of Ag and abide by all setback requirements and operate within these guidelines.* There is discussion on the setback requirements. Lindor comments *will there be a security fence?* Paulson comments *we do not have a fence but have security cameras in place.* Lindor comments *how did you decide this is the best location?* Paulson comments *We looked at the state highway for our business but to allow for a turn lane and the safety factor with trucks was taken into consideration. The county road itself is well maintained and safety came into play for this location.* Director Green directs the Planning Commission members to the Highway Engineer's comments located in the staff report for consideration. Barkeim comments *how many employees do you anticipate?* Paulson comments *approximately 40 employees with the main working season being from October 15<sup>th</sup> until the ground freeze. We service roughly 500 tons to Pope County that comes from our Villard and Belgrade locations which averages to about 150 trucks.* Messenger questions *has there been any issues with your Villard or Belgrade locations?* Paulson comments *we have not had any issues and maintain health*

*and safety at all times. There is further discussion on if there would need to be improvements to the road with extra traffic. Barkeim comments do you foresee any expansion in the future? Paulson comments We are in communication to possibly purchase an additional 20 acres for possible expansion. We do not plan to do this in year one. We need to see if it is necessary to expand. The safety piece is to be located as close to the location that we have to service and for transporting. Chairman Messenger opens a public hearing and seeks comments. Irene Hagen comments I am concerned if this will lower the value of the houses in the neighborhood. I can tell you that I have land that is not very far away and I am not in favor for this location being near where I live. Kerby Strickler comments I live kiddy-corner from this location and I did stop and talk to a realtor as far as the values of the homes and they commented that it would more than likely decrease the value of the homes in the neighborhood. The likelihood to have multiple people interested would be diminished. We love the scenery we have and this is why we moved here. 1000 feet is not far enough for safety reasons to our home. I also question is there going to be a local person to manage the facility right on site. We ask if it could be moved to a different location on the property because we have grandkids and safety concerns. Josh Phillips comments we just purchased from my father and mother in-law. Safety is our concern. In Iowa there was a NH<sub>3</sub> tank that exploded. This one exploded due to weather because it was too hot. We are concerned and worried about our children, the extra traffic and property values as well as the safety concerns. It could potentially put us all in the hospital if it were to explode. Jim Wesen comments this really isn't a good spot for hazardous material in a residential area. There is no one that would want to look out their window and see this. The one in Villard is not by residents at all. CHS has a facility already there and maybe they could combine with them for safety issues and it is quicker for the fire department to react if necessary. We have to be concerned about the residences with this proposal. This is not an adequate plan. There needs to be a much more drawn-out design and more explanatory. House values will also be affected and I am concerned about the wells in the area. If this is even to be considered, I think it should be tabled for more information and better design. We should be concerned about the people who live there. Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger, Kannegiesser and Barkeim. Kannegiesser from the site team comments it is a flat area and it makes sense to put product closer to where it will be used. I get the concerns about drift and road use. I think it should be tabled. There is further discussion on possible options on location. Motion is made by Kannegiesser to table action on this C.U.P. request until the next regularly scheduled meeting. The motion is seconded by Barkeim. Motion is tabled with all in favor and Lindor abstained for personal conflict.*

**C.U.P #23211 Construct/locate a non-farm residence in the Agriculture Protection (A-2) zoning district, application by Daman Terhaar (PID 11-0041-601)**

Applicant is seeking right to construct/locate a non-farm residence in the Agriculture Protection (A-2) zoning district. Greg and Daman Terhaar (brothers) purchased the 20-acre family farm site from Virginia Terhaar (mother) with the intent of keeping the farmstead in the family. Greg and his family occupy the existing farmhouse. The new residence would be for Daman and his family.

There are no other residences in the quarter section. Messenger introduces the item followed by staff report as presented by Zoning Administrator, Jessica Hill. Staff recommends approval of the application with the following conditions.

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

Applicant Greg Terhaar was in attendance and offered an opportunity to defend the application. Terhaar comments *our family has owned this property since 1946. Our dream is to be back home living on the home site to carry on a third generation and to be good stewards of the land.* 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. Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger, Kannegiesser and Barkeim. The site team comments *no concerns, it is a great location. There is a nice grove and already a farm site. You are not taking any ag out of production.* Chairman Messenger seeks a motion. Motion is made by Isdahl to recommend approval of the C.U.P. request with conditions identified in the staff report. The motion is seconded by Kannegiesser. Motion passes.

**C.U.P #23207 Construct/locate a non-farm residence in the Agriculture Protection (A-2) zoning district, application by Gary, Mavis and Jesse TeBrake (PID 19-0393-000)**

Applicant is seeking right to construct/locate a non-farm residence in the Agriculture Protection (A-2) zoning district. On this site are the remnants of an old farmstead, including barn and silo structures. Messenger introduces the item followed by staff report as presented by Zoning Administrator, Jessica Hill. Staff recommends approval of the application with the following conditions.

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

Applicant Gary TeBrake was in attendance and offered an opportunity to defend the application. TeBrake comments *we bought the farm about 10 years ago and it is in the RIM program so it*

would never be farmed again. We always had intentions to build for myself and the kids. 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. Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger, Kannegiesser and Barkeim. The site team comments *it is an existing farm site going back many years and to reuse farm sites is always good. Beautiful spot. No concerns.* Chairman Messenger seeks a motion. Motion is made by Barkeim to recommend approval of the C.U.P. request with conditions identified in the staff report. The motion is seconded by Isdahl. Motion passes.

**C.U.P #23208 Locate, construct and operate a Distillery in the Agriculture Protection (A-2) zoning district, application by Gary, Mavis and Jesse TeBrake (PID 19-0393-000)**

Applicant proposes to locate, construct and operate a Distillery. The business will include the distilling of locally sourced grains (corn, rye, wheat, barley) to produce whisky, bourbon, rye and gin. The processing will take place inside of a built facility that will have the appearance of a typical machine shed. Messenger introduces the item followed by staff report as presented by Director Green. Staff recommends approval of the application with the following conditions.

1. The applicant shall abide by all laws regarding the manufacture, distribution and sale of alcohol.
2. The applicant shall secure and maintain all necessary state (MPCA, MDA, etc.) and local (Pope County and Horizon Public Health) permits for the operation of the business.
3. A full onsite Type I septic system, including tank and drainfield. Design, permitting and installation in conformance with the Pope County Subsurface Sewage Treatment System Ordinance and MN Administrative Rules Chapter 7080.
4. A licensed mobile food truck is allowed as an accessory use.
5. Hours of operation will be 8 am to 8 pm, Monday through Saturday.
6. All outside lighting must be hooded and directed straight down.
7. Any sign advertising the business must be located on the structure and not be 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.
8. 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 Jesse TeBrake was in attendance and offered an opportunity to defend the application. TeBrake gives a brief summary of how the distillery operation will operate and create whisky, bourbon, rye and gin from locally sourced grains and comments *the distillery will produce about 250 barrels and approximately 192 batches a year and we will be bonded and licensed. We would*

*like to eventually be up to 1000 barrels. There is no waste as this will be used as fertilizer.* Brianna Zuber Beckwith with Zuber Law on behalf of the TeBrake family comments *the TeBrake's would also like consideration to allow for tastings and tours of the facility eventually. It is for production only for now; however, they would like your permission to include tastings and tours to be included with the C.U.P. being presented tonight.* Chairman Messenger opens a public hearing and seeks comments. Gary Gravley comments *I am opposed to a distillery and I don't see any good to the community.* Chairman Messenger closes the public hearing. The public hearing was followed by a site visit report as presented by Messenger, Kannegiesser and Barkeim. The site team comments *no concerns and like using a local product to make a local product.* Chairman Messenger seeks a motion. Motion is made by Kannegiesser to recommend approval of the C.U.P. request with conditions identified in the staff report. The motion is seconded by Barkeim. Motion passes.

**C.U.P #23212 Accessory structure greater than 1100 square feet in a Shoreland-Recreational Development (S-RD) zoning district, application by Jim and Carol Lehman (PID 02-0241-602)**

Applicant would like to construct a 2,400 square foot (40 feet x 60 feet) accessory structure type building with 14-foot side walls. Messenger introduces the item followed by staff report as presented by Director Green. Staff recommends approval of the application with the following conditions.

1. That the structure is located as far west on the property as possible so as to provide for a building envelope for a future residential structure on the parcel.
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 Jim Lehman was in attendance and offered an opportunity to defend the application. Lehman comments *we live on Lake Amelia just down the road from this site. After seeing the comments from the public, I would like to add that we could build a residence with the storage structure. It will look very nice and be aesthetically pleasing. There are other buildings similar in size and width in the area. We initially proposed 14-foot sidewalls but we would be willing to reduce to 12-foot sidewalls, just tall enough to put trailers and boats in it. Our intent is to put a septic and well in.* Isdahl comments *could you possibly put trees to accommodate concerns from*

*your neighbors? Lehman comments absolutely. We could do this to help screen it. Chairman Messenger opens a public hearing and seeks comments. Mark Beito comments I have a lake home in the area. I do not like how the Land & Resource Management office is handling this use. This is non-conforming to this area because there is no residence. In 2021 there was an ordinance amended and adopted to justify the C.U.P permit process and it cleaned it up and added the word accessory structure. It defines it is secondary to a primary structure on the same site or the same parcel. The applicant's residence is 3000 feet away from this site. Chairman Messenger closes the public hearing. Motion is made by Barkeim to table action on this C.U.P. request until the next regularly scheduled meeting. The motion is seconded by Kannegiesser. Motion passes with Lindor opposed.*

**Tabled/Old/Other Business:**

There was no tabled or old business to discuss.

**Adjournment** 8:31 p.m. Motion by Isdahl to adjourn the Planning Advisory Commission meeting. Motion seconded by Kannegiesser. Motion carried with no dissenting votes noted.

Respectfully submitted,

A handwritten signature in cursive script, reading "Shelley Retrum", followed by a horizontal line extending to the right.

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