

Planning Advisory Commission

September 28, 2023

Rezoning Case# 2023-02

POPE MINNESOTA COUNTY

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STAFF REPORT

Applicant Information

Applicant/Initiator: Pope County Land and Resource Management

Property Owner: Multiple

Location: Land described as approximately 19.15± acres of land described as O’Larry’s Addition, Section 2, Township 125 (Minnewaska), Range 38, Pope County, Minnesota.

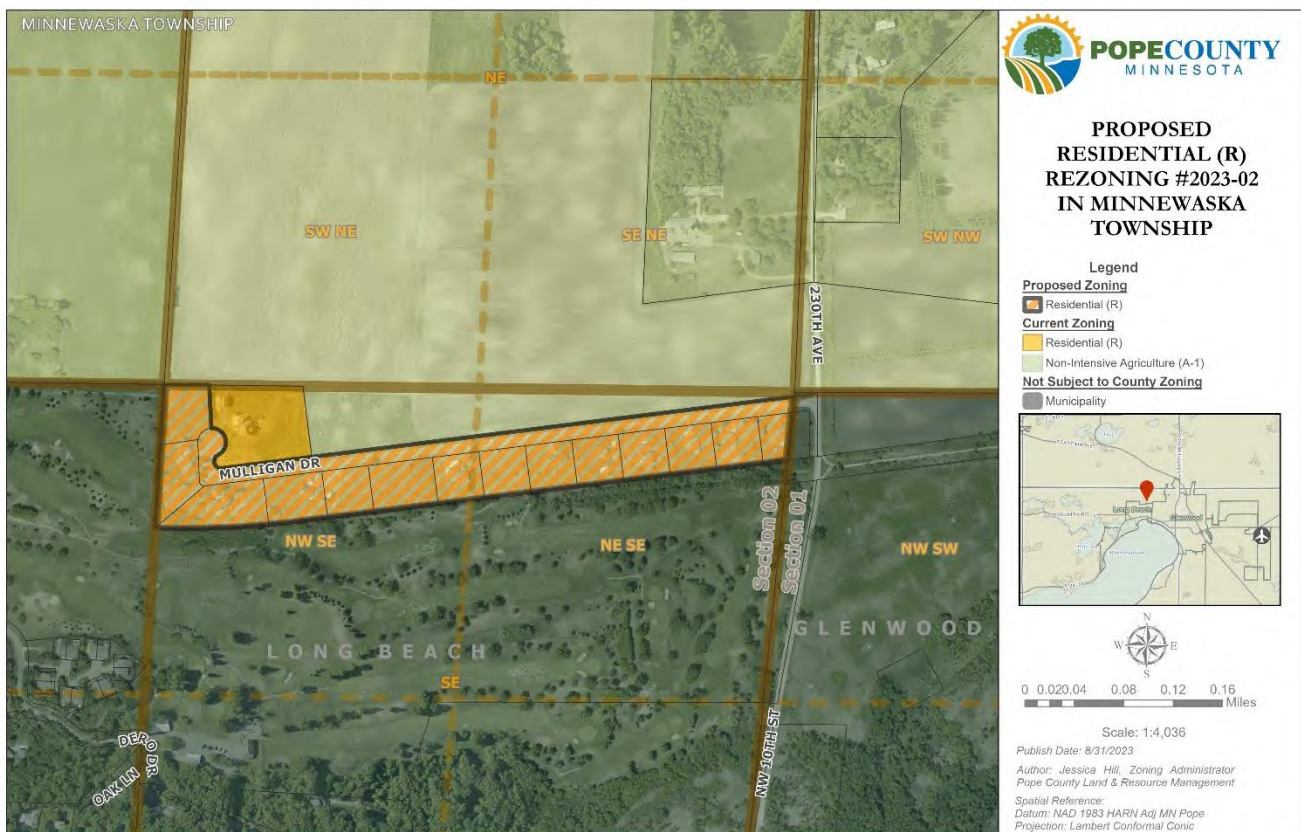
Parcel Size: ±19.15 acres

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

Existing Land Use: Residential use

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

Staff Recommendation: Approval





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Background

The area under consideration for zoning change is bounded on the south and west by the City of Long Beach and on the east by the City of Glenwood, where the existing adjacent land uses are recreational in nature. North of this area is open space land that is currently in agriculture production use, as well as one residential lot (Parcel#08-0004-003), which was re-zoned Residential (R) from Non-Intensive Agriculture (A-1) in 2010 (REZ-10-002).

The existence of non-farm residential use in this neighborhood can be verified to predate 2003 through photographic evidence, with septic permits being issued by the County beginning in 1996. O’Larry’s Addition was platted and approved by the Pope County Board of Commissioners in 1995. Pope County adopted county wide zoning in 1999, after the plat was approved, and designated this area as an A-1 zoning district, apparently without consideration of the existing residential land uses or plat that was created in this area for residential development.

Currently, of the area in question, in the Northwest Quarter of the Southeast Quarter (40 acres) there are four non-farm residences and in the Northeast Quarter of the Southeast Quarter (40 acres) there are six non-farm residences. As the Pope County Land Use Controls Ordinance only allows for two residential structures (farm or non-farm) in any quarter quarter section (40 acres) in the A-1 zoning district, these non-farm residences became non-conforming when the county wide zoning adopted the A-1 zoning district for this area. By amending the zoning district to be Residential (R), the current non-conforming uses would become conforming as residential dwellings are a permissible use in the R zoning district.

This initiative is brought forth by the Pope County Land and Resource Management Department in recognition of the discrepancy between the existing uses and the designated zoning district.



Applicable Statutes

Local Ordinance

- Land Use Controls Ordinance
 - Section 11.7 Petition for Rezoning and Amendment

State Statute/Rule

- Minnesota Statute Chapter 394. Planning, Development, Zoning; including:
 - Section 394.24 Official Controls
 - Section 394.25 Forms of Control
 - Section 394.26 Public Hearings
 - Section 394.361 Official Map

Surrounding Land Use and Zoning

	Existing Land Uses	Existing County Zoning
North	Non-farm residential/Agricultural	Residential and Non-Intensive Agriculture (A-1)
South	Recreational/Golf Course	Municipality
East	Non-farm residential/Agricultural	Municipality
West	Recreational/Golf Course	Municipality

Staff Comments

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

- The current land use (non-farm residential) has not changed in over 27 years.
- The geographic area in question was an area of the county that did not have a zoning district prior to 1999.
- 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.
- There should be no impacts to traffic, or public facilities as a result of a zoning change in this area.

POPE MINNESOTA COUNTY

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REPORT APPENDIX

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Supplemental Information**
 - **Attachment 1:** *Proposed Residential Rezoning, Case #2023-02, in Minnewaska Township*



Routing Sheet

Comments, Concerns and Conditions

County Department

- Assessor No comment received.
- Attorney No comment received.
- Recorder *COMMENTS: The Recorder's office doesn't find any issues with the request to change the zoning in this are. If anything it makes perfect sense based on the land use in this area to zoned as Residential.*

Municipality

- City of Glenwood No comment received.
- City of Long Beach No comment received.

Township

- Minnewaska 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, September 28th, 2023 in the County Courthouse 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. The area identified for rezoning is currently zoned as Non-Intensive Agriculture (A-1). The parcels are currently in residential use; therefore, rezoning to a Residential (R) zoning district would bring the parcels into conformance with the Land Use Controls Ordinance.

Legal Description/Site Location: Approximately 19.15± acres of land described as O’Larry’s Addition, Section 2, Township 125 (Minnewaska), Range 38, Pope County, Minnesota.

Public participation by interested parties and citizens 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) submit concerns and comments via Pope County’s Public Comment web map (<https://popecounty.maps.arcgis.com/apps/webappviewer/index.html?id=22a203912a864a77b4cdabe672e35e3f>)
- 3) review the staff prepared report via Pope County website;
- 4) 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: September 1, 2023

By: Jessica Hill
Zoning Administrator, Land & Resource Management



Supplemental Information

Supplemental Information Attachment 1:

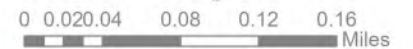
Proposed Residential Rezoning, Case #2023-02, in Minnewaska Township

MINNEWASKA TOWNSHIP



PROPOSED RESIDENTIAL (R) REZONING #2023-02 IN MINNEWASKA TOWNSHIP

- Legend**
- Proposed Zoning**
- Residential (R)
- Current Zoning**
- Residential (R)
 - Non-Intensive Agriculture (A-1)
- Not Subject to County Zoning**
- Municipality



Scale: 1:4,036

Publish Date: 8/31/2023

Author: Jessica Hill, Zoning Administrator
Pope County Land & Resource Management

Spatial Reference:
Datum: NAD 1983 HARN Adj MN Pope
Projection: Lambert Conformal Conic

