POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday, September 26, 2024

The Planning Advisory Commission convened in regular session on Thursday, September 26, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, John Messenger, Ivie Cooley, Mark Halls, Russell Barkeim, Paul Gerde (County Commissioner) and Paul Wildman (County Commissioner /alternate)

Other Officials Present: David Green (Director, Land & Resource Management) and Jessica Hill (Zoning Administrator, Land & Resource Management)

Call to Order

The meeting was called to order by Chairman Messenger at 6:45 p.m.

Acceptance of Agenda

There were no additions or corrections to the agenda noted. Gerde made a motion to approve the agenda as presented. Motion seconded by Barkeim. Motion carries unanimously.

Review minutes of August 22, 2024

The minutes of the Planning Advisory Commission meeting held on Thursday August 22, 2024 were submitted for approval. Motion by Barkeim to accept the minutes as written. Motion seconded by Isdahl. Motion carried unanimously.

Review minutes of Special Meeting, September 13, 2024

The minutes of the special Planning Advisory Commission meeting held on Friday, September 13, 2024 were submitted for approval. Motion by Cooley to accept the minutes as written. Motion seconded by Halls. Motion carried unanimously.

Tabled/Old Business/Other Business:

Old Business

Cannabis Ordinance

Director Green provides background on the cannabis legislation, ordinance, maps, types of uses, and the permittable zoning districts as identified in the Land Use Controls Ordinance.

Board member Halls asks *is this considered ag?* Director Green states *no.* Commissioner Gerde comments *I see this as a big headache.* Director Green replies *yes.* Commissioner Gerde comments *people are applying to the state for licenses now. What if they came back to Pope County, then what?* Director Green responds *you have 30 days to respond to the state, if you don't respond, they*

get their licenses. Commissioner Gerde comments *I heard Alex decided to make changes to their ordinance.* Director Green comments *we'll look into what they have. I think the market is going to drive this. Cultivation may be more likely here.* Board member Cooley asks *has the state of Minnesota defined this as not agricultural?* Director Green states *the federal government considers it a drug, the state has not defined it as ag.* Board member Cooley asks *do the city or townships have ability to be more restrictive?* Director Green explains the limitations on the allowed setbacks. Board member Messenger asks *what about a tasting room similar to a brewery?* Director Green responds *we found it should be limited to the Industrial and Commercial zones. We need to look closely at events, our ordinance does currently have standards on gatherings, etc. We may need to look at modifying that portion of the ordinance in regard to cannabis.* Board member Halls asks *if we have a legalized place will it effect illegal sales?* Director Green responds *the cost to get in the business may be cost prohibitive.* Board member Messenger comments *that may be affected by home cultivation.* Director Green comments *everybody can grow 8 plants in their yard.*

Board Chair Messenger opened the hearing for public comment. Hearing no comments, the public hearing portion was closed.

New Business

Rezoning Application #24236 from A-2 to R

Application by William O'Leary (present) (PID #14-0058-001)

William O'Leary has submitted a Rezoning application for Section 11 of Blue Mounds Township. The request is to rezone the Southeast Quarter of the Northwest Quarter from Agriculture Protection (A-2) to Residential (R).

Board Chair Messenger introduces the item, followed by a staff report as presented by Zoning Administrator Hill.

The applicant, Mr. O'Leary was provided time to comment on the proposed project. The applicant indicated that he had nothing further to add.

Board member Isdahl enquires *what would happen today if these non-farm residences built without a Conditional Use Permit?* Director Green responds *it wouldn't happen, before we issue a land use permit to build a non-farm residence we check to be sure the use is permittable in the zoning district in question. Hence, we would require a conditional use permit be obtained for a non-farm residence in this zoning district prior to any land use/building permits being issued.* Board member Barkeim asks *would those surrounding feedlots be limited?* Director Green responds, *they are already limited* (by existing residential uses). Board member Halls asks *if it was residential* (zoning district) *would they be required to sign an Ag Zone Acknowledgement?* Director Green responds *no.* Board member Cooley asks *if the zoning didn't change, they couldn't develop here?* Director Green responds, *it would be a variance question* (for residential development). Board member Cooley asks *how did they* (the existing residences) *get permitted?* Director Green explains *the staff at the time extended their authority beyond what they had.* Board Chair Messenger enquires, *they*

are illegal-nonconforming, would they run into issues if they sell? Director Green responds *I doubt it would affect the mortgage.* Board Chair Messenger asks the Board if they have anything to add. Board member Barkeim asks, specific to the parcel in question, *is there anything farmed?* Applicant O'Leary comments *just apple trees that died.* Commissioner Gerde asks *is it pastureland?* Applicant O'Leary says *yes.* Board member Cooley asks *do you know adjoining property owners.* Applicant O'Leary responds *no.*

Board Chair Messenger announces that the public hearing was in order and offers to receive comments from the public. Jeremy Jorgenson offers comment In Favor of the proposal, *I wanted to provide further context of Mr. O'Leary's property and proposed plan. This property already has a well, it had a shed permitted, and power was brought to the road. This land is not farmable, it's highest and best use would be to have people who would want to live in the country. The only spots to build would be on the ridge, approximately 3-4 lots. It's highly erodible land.*

Board Chair Messenger asks for public speaking in opposition to the application.

Jim Wulf comments *I feel sorry for you guys, you have a tough job. Once the housing comes in, 50 years from now, who could be the residents there? I couldn't build a feedlot illegally then ask for it to be legal.*

Chuck Meixel comments *I agree with what Jim Wulf said. We grain farm, raise sugar beats and operate machinery all hours of the night. I'd be concerned the people who would move in would not understand this.*

Mark Johnson comments *How many residents are going to complain about feedlots being established?*

Ted Razink comments *When we did title opinion, nothing said it was illegal. I have concerns with traffic issues with the addition of more residents. I moved out to the country to be in the country, not in a residential development.*

Pat Winter/Michelle Moen comment *We do want animals out there, we have kids that ride the school bus and they don't stop on 29. More driveways will be a big problem.*

Jeremy Jorgenson offers clarification *only one driveway would come off the road.*

Applicant O'Leary adds further clarification *the State DOT was involved in the permitting of the existing approach.*

Susan Barsness comments in opposition, *its ag land, we need to protect our resources, livestock producers could use it.*

Dave Thompson comments in opposition, *I'm providing you a copy of the A-2 protection ordinance. "The purpose of this district is to maintain and enhance agricultural land in the County which is and has historically been farmed, and to protect the agricultural and natural resource land from scattered residential development and land use conflicts resulting from such development. Residential development in this zone is strongly discouraged." I'd like to explain the*

parcel history, in 1975 Mr Nordseden built the lower right residence on parcel 14-0048-004. At the end of 1980 all the farmland had been sold off. The Land Ordinance came into effect in 1999. In 2002 the second residence was added in clear violation of the ordinance. In 2008 the third residence was established. Now I'd like to read out the notice of public hearing, it reads "The area identified for rezoning is currently zoned as Agriculture Protection (A-2). 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." You set a dangerous precedence, people may start requesting this all over the place. I've had a very personal experience with a city resident moving out to the area near my farm, they complained about the noise, odor, smell. There is farmland on all four sides of this 40 acre piece of land. Normal farming practices make noise, chemical applications, robotic tractors could be out in field all night with bright lights. I would respectfully request the PAC reject this application.

Hearing no further public comments, the Chairman closed the public hearing.

Members of the PAC Site Team provided comments including a comment from Cooley indicating *I feel conflicted and feel the ordinance protects ag use. If you had one of the 3 hobby farms, what would be the limitation?*

Jim Wulf enquires to Director Green *when does it go from pasture to feedlot?* Director Green explains *if its enclosed and not able to grow vegetation it's a feedlot.* Ted Razink asks *so can I have 10 cows in a residential zone?* Director Green answers *you can have ag as long as it doesn't create a feedlot.*

Board member Halls comments *we had the same issue on Grove Lake. The operator started off small and had to move because he grew into a feedlot and was too close to existing residences.*

Director Green also comments, *Reciprocal agreements should be recorded on the deed if they were made.*

Board Chair Messenger comments in regard to the site team visit *its good land for sheep.*

A motion is made by Board member Halls to recommend denial of the Rezoning request. This motion is seconded by Gerde. Motion carried unanimously.

Adjournment At 8:05 p.m. a motion was made by Gerde to adjourn the Planning Advisory Commission meeting. Motion seconded by Barkeim. Motion carried with no dissenting votes noted.

Respectfully submitted,

Jessica Hill, Zoning Administrator
Pope County Land & Resource Management