POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday, February 27, 2025

The Planning Advisory Commission convened in regular session on Thursday, February 27, 2025 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, John Messenger, Kathy Christiansen, Ted Kannegiesser, Mark Halls, Russell Barkeim, Paul Gerde (County Commissioner) and alt. Paul Wildman (County Commissioner).

Other Officials Present: David Green (Land & Resource Management, Director), Galen Gruber (Land Use Specialist II)

Call to Order

The meeting was called to order by Chairman Messenger at 6:33 p.m.

Additions and Corrections to the Agenda

There were no additions or corrections to the agenda. A motion to accept the agenda as prepared was made by Commissioner Gerde and seconded by Commissioner Christiansen. Motion carried unanimously.

Review minutes of January 23, 2025 Regular Meeting of the PAC

The minutes of the Planning Advisory Commission meeting that was held on January 23, 2025 were submitted for approval. Motion to accept the minutes as written was made by Commissioner Barkeim and seconded by Commissioner Christiansen. Motion carried unanimously.

General Business

Director Green addressed those in attendance, providing a brief overview of the Planning Advisory Commission's role, the applicants responsibility and the general process of the public hearing.

Tabled/Old Business

None.

New Business

Rezone Request #REZ-25-001, **Kevin Anderson** (present) PID# 09-0371-601

The applicant seeks permission to rezone ±14 acres of the subject parcel currently zoned as Non-Intensive Agricultural (A-1) to Residential (R).

Director Green presented the applicant's request and staff report. Director Green provided background on the most recent zoning efforts in the area (1999) as well as an overview of residential/non-farm residential development standards for the A-1 zoning district.

Director Green noted that staff does not feel the proposed rezone would negatively impact existing uses of the area and noted that the proposed rezone is adjacent to a large area currently zoned Residential.

Director Green noted that the proposed rezone did not appear to impact the nearest feedlot as it is not in proximity of the reciprocal setbacks and that the proposed rezoning would not likely have any impact on existing or future feedlots given the current use of the area.

Director Green said that staff does not feel there is a basis to deny the request.

Planning Commissioner Isdahl asked about existing lots to the north and whether they have existing residences and what the properties are zoned. Director Green showed on the map where the neighboring residences are located and the corresponding zoning districts.

Commissioner Halls requested Director Green zoom out on the map and asked about nearest properties with existing agricultural uses. Director Green panned around the map showing adjacent properties and nearest properties with apparent agricultural uses with the nearest agricultural fields being approximately 0.25 miles east and the nearest potential feedlot occurring over 0.5 miles southeast.

Applicant Kevin Anderson was present and was given an opportunity to provide additional information and comments. Anderson commented that he intends to split off a parcel for friend to build on and to reserve a building location for himself. He stated that there was no other future development planned at this time.

Planning Advisory Commission Chair Messenger opened the hearing for public comment noting that each member of the public who wished to speak would be limited to 3 minutes.

David Sibell provided public comment. Sibell addressed the Chair asking where the propose structure was going to be placed. Messenger answer that he understood that the applicant had indicated that the proposed building site would east of the existing Residential zoning district which extends 400 feet east of Highway 104.

David Sibell noted that the two existing residences within the ¼ ¼ Section were located in Residential zoned property and asked why then the applicant couldn't build a non-farm residence in the area of the subject parcel that is currently zoned A-1. Chairman Messenger directed Sibell's question to Director Green who spoke to the non-farm residence language of the ordinance and noted that the existing residences took up the non-farm residences allowed in that ¼ ¼ Section. Sibell said that he disagreed with that interpretation.

David Sibell presented the Chair with a number of written comments that he had collected. Chairman Messenger read the presented comments:

- Heather and Chad Koziol expressed a concern about the proposed impacting traffic and

taxes.

- Matt Daniels expressed a concern about the proposal impacting traffic and taxes.
- Bill and Wendie Engebretson expressed a concern about the proposed having a negative impact including an increase in trespassing, 4-wheelers and snowmobile traffic, dogs chasing deer, illegal deer baiting, negative impacts to their wells with the additional wells being drilled in the area, and impacts to the quiet solitude from traffic.

David Sibell addressed Applicant Kevin Anderson asking him about the number of residences proposed. Anderson responded that he intends to construct two homes but asked why he should be limited to more.

David Sibell read two additional comments [not submitted for the record] expressing concern about annexation by the City of Glenwood and concerns about bee operation.

David Sibell asked why the Applicant couldn't be given a variance rather than rezone the area to Residential and noted that too much farm land was going out of production.

Craig Stamschror provided public comment. Stamschror noted that he resides on the adjoining parcel to the north of the subject parcel. Addressing the Chair, Stamschror asked, if the applicant was proposing only two structures, does the applicant need to rezone the entire parcel. Director Green noted that the applicant could request to rezone only a portion of the subject property. Stamschror asked if there was a need to rezone the entire parcel to which Chairman Messenger responded that the proposed was the applicant's request.

Stamschror asked if the property were rezoned to Residential then how many [dwellings] would be allowed. Director Green noted that, in general, the number of allowed residences depend allowed uses and minimum lot size for that zoning district but that there are a number of other factors that come into play when reviewing a property for potential subdivisions such as access, road dimensions, platting process, and public hearings. Director Green noted that this rezoning proposal, if approved, does not mean that he has the approval to plat or develop a maximum number of lots. A proposal to plat a multiple lot development is likely to include an additional public hearing and Board of County Commissioner approval.

Stamschror said that he was concerned about urban feel with more residences and the loss of the quiet feel.

Neil Sibell provided public comment. N. Sibell addressed the Chair noting that the applicant did not commit to just 2 residences. N. Sibell asked the Chair how the proposed rezone would affect the property values in the area. Chairman Messenger answered that he did could not say. Director Green addressed the Chairman stating that he believed property values are a function of adjacent and onsite uses as well as construction type rather than the zoning district of the property.

Darrin Schwieters provided public comment saying that he was concerned about the increase in traffic and safety. Schwieters addressed the Chair asking if he would be afforded the same opportunity to which the Chair responded that he believed it would be well within Mr.

Schwieters' right to make application for a rezone. Schwieters said the he has a deer stand and asked if he would not be able to use it. Planning Commission member Barkeim responded by saying that that would be a question for the Department of Natural Resources.

John Oeltjen provided public comment saying that he has a shallow well, that he's aware that one of his neighbors' well is over 200 feet, and that he's concerned about new wells impacting his well. Oeltjen said that he was concerned that the zoning change will affect the peace and quiet of the area.

David Sibell provided another public comment and said that he spoke with Pope County Assessor Mike Wacker about the proposed zoning change and that Mr. Wacker had told Sibell that property values would increase.

Hearing no further comments, the public hearing portion was closed.

The Planning Advisory Commission site team, comprised of members, Barkeim, Kannegiesser, and Messenger, provided comment about their onsite observations. Barkeim said commented on the residential nature character of the area and said that the proposed area seemed like a good place for a dwelling. Kannegiesser said that if he owned the property that he would probably do the same as the Applicant. Messenger commented on the current use noting that there appeared to be alfalfa planted on the property.

Commissioner Isdahl asked if the County had plans for rezoning this area to Residential in the future given the existing uses in the area. Director Green said that there was no plan currently to change the zoning in this area to Residential but that as changes in use and the desires of the landowners changed there could potentially be a zoning change in the future. Director Green reiterated that there was no staff initiated rezoning plan (specific to this parcel) currently under consideration. Isdahl noted that this corridor seemed to be a desirable location for residential uses.

Commissioner Halls asked how many residences could be allowed if the zoning districts remained unchanged. Director Green said that a variance would need to be granted to allow additional dwellings in the ¼ ¼ Section.

Commissioner Christiansen asked, given the public comments, whether there should be discussion about limiting the allowed number of dwellings and asked Director Green what the process was for obtaining permits for additional residences. Director Green noted that this was a rezoning request and that and consideration regarding the limiting of the number of potential dwellings would not be appropriate at this time. Director Green covered the process for applicants to obtain permits for dwellings and subdivide properties noting that development of a residential subdivision would likely require approval through the platting process.

Hearing no further discussion, Chairman Messenger called for a motion.

Motion:

Planning Commissioner Barkeim made motion to recommend approval of the rezone request as submitted. This motion seconded by Christiansen. Motion carried with Halls and Kannegiesser opposed.

Conditional Use Permit #CUP-25-001 **Adam and Holly Gibson** (present) PID# 09-0868-600

The applicant seeks a conditional use permit for the permission to topographically alter a slope feature including vegetation removal for purposes of developing the lot for residential use. Parcel is located on the east side of Lake Minnewaska off of Halwood road.

Land Use Specialist II Galen Gruber presented the application and staff report and comments on the history of permitting and development on this particular property. Gruber concludes that staff *is not opposed to the issuance a conditional use permit in this case* and presents some conditions of approval for the Planning Advisory Commission to consider.

Applicant Adam Gibson is present and given an opportunity to provide additional information and comments that it is *their goal to construct a home on the parcel but that they needed to address the topographic alteration first.*

Chairman Messenger fields several questions including from;

Commissioner Barkeim who asks at what point do you have to put in a retaining wall?

Commissioner Isdahl who asked about the possibility of reshaping the existing access path and expressed concern about purchasing marginal land and then changing the topography. Gibson responds that *the topography is shape by the glaciation of the area and more recently by aggregate extraction activities* and that *he just wants to reshape the land into a more user-friendly parcel.*

Commissioner Halls who ask how wide is your lot. Gibson responds with *about 113 feet.*

At 7:40 pm, Chair Messenger opened the hearing for public comment. Hearing no comments, the public hearing portion was closed.

The Site team, comprised of members Kannegiesser, Barkeim, and Messenger, provided comment about their onsite observations with Kannegiesser stating that *what was being proposed made sense and that Its was a cool spot.* Barkeim said that *I don't have a problem with it.* Messenger pointing out that the provided engineering plan *was nicely done.*

Barkeim seeks more information relating the engineered drawings and the conditions of approval as proposed by staff.

Motion:

Planning Advisory Commission Chair Messenger seeks a motion on the matter. Planning Commissioner Christiansen made motion to approve the conditional use permit in accordance with the conditions as presented in the staff report. Conditions as follows:

1. The applicant's shoreland alteration permit application must include:

   (a.) Construction plans completed in accordance to accepted engineering standards which ensure slope stability for the life of the project.

   (b.) Erosion and sediment control plans conforming to Section 10.24.

2. That land within the shore impact zone and steep slopes lakeward and outside of the described area in Section 4.6.10.D.3, and the designated shoreline access/viewing corridor; be established with native shoreland vegetation.

3. Prior to any construction activities, all required permits must be secured from Township, County and State agencies, including a NPDES permit if necessary.

This motion was seconded by Commissioner Kannegiesser. With no further discussion, motion carried with Isdahl opposed. Findings as follows:

1. **The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted:**

   Finding: Yes, with the condition of establishing vegetation within the shore impact zone and steep slopes outside of the proposed access/viewing corridor.

2. **The use is not in conflict with the County Comprehensive Land Use Plan:**

   Finding: Yes, though the Comprehensive Land Use Plan does outline the need to identify areas within our shoreland zoning district which, due to topographic limitations, may not be suitable for development, our Land Use Controls Ordinance does currently outline standards for vegetative alterations and shoreline access. Adherence to the conditions to the approved project will help mitigate negative impacts and reduce the loss of shoreland habitat.

3. **That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area and will not interfere with the best interest of the surrounding area or the community as a whole:**

   Finding: Yes, the project as proposed and as conditioned by the Planning Advisory Commission is not anticipated to have any additional impacts than already exist to other properties in the surrounding area.

4. **The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area:**

   Finding: Yes, the use is not expected to have a negative impact on public infrastructure.

5. **The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:**

   Finding: The project as proposed, with the recommended conditions of the Planning Advisory Commission, does not appear that it will have a significant adverse appearance to adjoining properties beyond what currently exists.

6. **The road on which the project is proposed is adequate to handle increased traffic during operation, and that the use will not cause traffic hazards or congestion:**

   Finding: The proposed project is not anticipated to have an impact on local roads and traffic.

7. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor, or general unsightliness:**

   Finding: This shoreland alteration/landscaping project is not expected to cause noise, glare, odor or general unsightliness.

8. **That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area:**

   Finding: The proposed project will not impede orderly development of adjacent properties.

9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:**

   Finding: There are no constructed utilities necessary or applicable.

10. **That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater, and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result:**

    Finding: Proper erosion and sediment controls are expected to be implemented to reduce impacts to surface water. Construction equipment will be the only source of noise, fumes, vibrations, etc., and will be limited in duration. The project, after completion, is not expected to cause a nuisance to neighboring properties.

Conditional Use Permit #CUP-25-007 **Jeremy Gilbert** (present) PID# 20-0058-002

The applicant seeks a conditional use permit for a non-farm residence in the Agricultural Protection (A-2) zoning district.

Director Green presented the application and staff report. Director Green provided background on the existing approved CUP for a hunting shack, discussed setback issues with the registered feedlot (Reed), and noted that the applicant had recently submitted a recorded document signed by the feedlot owner (Reed) which appears to waive the protections for the setback. Director

Green noted that this document was submitted after staff had completed the staff report and staff has not had much time to review the document.

Director Green noted that the Township was not in favor of the proposed but said that the Township has authority to adopt and enforce their own zoning standards which could prevent non-farm residences within the township.

Commissioner Isdahl asked feedlot owner John Reed about his thoughts on future homeowners causing issues for his feedlot. Reed said he worked with the applicant and feels the document addresses future concerns and believes the property is far enough away. Reed said that all his major concerns have been addressed by the document.

Applicant Jeremy Gilbert was present and was given an opportunity to provide additional information and comments. Gilbert said that he worked with his attorney to make sure the document applies to everyone who owns the property. Gilbert said that he plans to sell the property and said that this person was a local individual; Steve Mueller. Gilbert said that he's owned the property since 2006 and with the existing CUP he could have built a 2,000sqft hunting shack but wants to go through the right process for the next owner.

Commissioner Kannegiesser asked the applicant if the future owner knows about feedlot smells. Gilbert said yes, the buyer is local and understand the smells of the country.

Commission Chair Messenger opened the hearing for public comment. Hearing no public comments, Messenger closed the public hearing.

The Planning Advisory Commission site team, comprised of members, Barkeim, Kannegiesser, and Messenger, provided comment about their onsite observations. Messenger noted that the property did not have much developable land. Barkiem said that the property did not have much for farmland or developable land. Kannegiesser said that the large marsh onsite is limiting and there is likely a high-water table.

Commissioner Halls asked Director Green about the difference between a hunting shack and a dwelling. Director Green said that the current ordinance no longer supports the "hunting shack" language but that likely the difference is the seasonal nature of a hunting shack.

Commissioner Halls said that, in his experience, he has problems with houses that close to his feedlot.

Commissioner Isdahl asked if a hunting shack could be serviced by a septic system. Director Green said that the ordinance does not have language for hunting shacks.

Hearing no more discussion, Commission Chair Messenger called for a motion.

Motion:

Commissioner Kannegiesser made motion to recommend approval of the conditional use in accordance with the conditions as presented in the staff report. Conditions as follows:

1. Conformance with section 7.6.E of the Land Use Controls Ordinance as evidenced by submittal of a recorded covenant which waives the protections for the setback and consents to the applicants proposed use.
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 including E911 rural addressing are secured from County and State agencies.

This motion seconded by Commissioner Christiansen. With no further discussion, motion carried with Halls and Gerde opposed. Findings as follows:

1. **The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted:**

   Finding: Yes, the locating of a non-farm structure on this parcel cannot meet the minimum setback distance from an approved feedlot location. The applicant has provided a recorded covenant with the Reed feedlot in compliance with Section 7.6 E.

2. **The use is not in conflict with the County Comprehensive Land Use Plan:**

   Finding: Yes, the proposed use is not in conflict with the Comprehensive Plan. The Comprehensive Plan notes that not all uses are compatible and that there should be consideration as to separation, siting, development requirements and operating standards. Section 7.3 K of the Land Use Control Ordinance notes that non-farm residences should be located in areas such as wooded and or other untilled or unsuitable land for raising crops. The proposed location is on a property which is primarily covered in wetlands with almost no agricultural value in terms of growing crops or raising animals. Section 7.6 E allows the County to grant a conditional use permit for non-farm residence within the reciprocal setback to feedlots conditioned upon the applicant obtaining a covenant from the feedlot owner. In this way, the proposed addresses the concerns and intent of the Comprehensive Land Use Plan goals of reducing conflict and appropriate siting of development.

3. **That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area and will not interfere with the best interest of the surrounding area or the community as a whole:**

   Finding: Yes, the proposed land use is not anticipated to prevent the use and enjoyment of other properties in the area. A residential dwelling is not anticipated to reduce values and conflicts with feedlots setback appear to have been addressed.

4. **The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area:**

   Finding: Yes, the use is not expected to have a negative impact on public infrastructure.

5. **The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:**

   Finding: Yes, the proposed residential dwelling use is not expected to have an adverse appearance.

6. **The road on which the project is proposed is adequate to handle increased traffic during operation, and that the use will not cause traffic hazards or congestion:**

   Finding: Yes, 110th Avenue is adequate to handle traffic associated with a non-farm residence.

7. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor, or general unsightliness:**

   Finding: Yes, potential negative impacts have been addressed by the recorded document as required by Section 7.6 E

8. **That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area:**

   Finding: Yes, the proposed use is not anticipated to have a significant impact.

9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:**

   Finding: Yes, any necessary utilities, drainage, septic systems or other facilities will be addressed prior to and as a condition of issuance of any land use permit.

10. **That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater, and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result:**

    Finding: Yes, a residential dwelling use is not anticipated to be a source of nuisances or environmental impacts that are not addressed by land use controls specific to the use.

Adjournment

Motion by Commissioner Isdahl to adjourn the Planning Advisory Commission meeting with a second by Commissioner Gerde. Motion carried unanimously. Meeting adjourned at 8:05 p.m.

Respectfully submitted,

David Green, Director
Pope County Land & Resource Management

Galen Gruber, Land Use Specialist II
Pope County Land & Resource Management