POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday, April 24, 2025

The Planning Advisory Commission convened in regular session on Thursday, April 24, 2025 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green (Land & Resource Management, Director), Galen Gruber (LUS II) and Pual Wildman (County Commissioner).

Call to Order

The meeting was called to order by Chairman Messenger at 6:36 p.m.

Additions and Corrections to the Agenda

Director Green requested agenda item number three be removed from the agenda. Member Grede made motion to adopt the agenda as amended. Motion seconded by Barkeim Motion carried unanimously.

Review minutes of March 27, 2025 Regular Meeting of the PAC

The minutes of the Planning Advisory Commission meeting that was held on March 27, 2025 were submitted for approval. Motion to accept the minutes as written was made by Member Christiansen and seconded by Member Isdahl. Motion carried unanimously.

Tabled/Old Business

None.

New Business

Interim Use Permit #IUP-25-002, **Kevin Anderson** PID# 08-0028-000

The applicant seeks permission to extract, process and store aggregate, sand, and gravel in the Non-Intensive Agriculture zoning district in Section 4, Minnewaska Township, Pope County.

Director Green presented the staff report and noted that staff recommends the commission request the applicant provide evidence of a wetland delineation or consultation with the local WCA official and proof of a Natural Heritage Review request to the DNR prior to a recommendation of approval.

Member Isdahl asked about the 500ft setback to dwelling and noted that there is a dwelling located within 300ft of the proposed use. Green noted that the local ordinance requires a 500ft setback between a residence and mineral processing. If that setback cannot be met then the

operator would need to seek a reciprocal waiver of the setback provision in order to continue processing. This is a similar procedure as is used for setback distances between a residence and a feedlot.

Member Halls asked about mining on your own property. Director Green noted that the proposed use and amount that triggers need for permitting

Applicant Anderson was present and was given an opportunity to provide additional information and comments. Anderson commented that they are not asking for a "gravel pit" but that they are looking to create a site for him and his son to extract material for jobs such as fill or a gravel driveways. Anderson noted that the amount that they are planning to remove is not going to be much more than "this room" in one year. Anderson said that he's not sure the amount of paperwork is worth it. Anderson said that they area wanting to establish a building site at this location and so rather than simply excavate a building site, they are choosing to extract and sell the material.

Member Barkiem asked about the amount of material 500 cubic yards per year. Director Green confirmed that more than 500 cubic yards per year trigger permitting needs.

Chairman Messenger opened the hearing for public comments at 6:49 p.m.

Gary Hammer said he is across the street. He is in favor. He said that dust, noise and traffic is the main concern and that some assurance for addressing these is necessary. Kevin Anderson said he'd like to avoid those concerns. Hammer noted that leveling the site could also provide an agricultural use since tilling the steep slopes currently is an issue.

Keith Nygaard, Minnewaska Township Chair, expressed a concern about the amount of traffic associated with extracting 6,000 cubic yards. Nygaard expressed concerns with crushers but noted that Anderson's comments here tonight seem to indicate a much less impactful site. Nygaard said that the Township is not really opposed but would like assurance with mitigating impacts.

Hearing no additional comments, Chairman Messenger closed the public hearing at 6:52 p.m.

The Planning Advisory Commission Site Team provided comment. Members Barkeim said that the proposed site doesn't look like it would lend itself to a large mining operation. Member Christiansen said that even if the property changed hands, she didn't see the operation being very large. Member Messenger noted that the proposed makes sense with future development either dwelling or for agricultural use.

Member Kannegiesser asked about extent of operation as to whether the applicant intends to put a crusher onsite. Anderson said that they don't intend to have a crusher onsite but they do have a screen.

Member Halls asked Director Green to pan out on the map to view the surrounding land use. Anderson noted that there was an old pit just to the west but they quite because there wasn't much to extract.

Member Isdahl asked about the option to rescind the request if the applicant would limit the use for less then 500 cubic yards. Anderson said that he would like to continue with the request as proposed in case they have an extra busy year and would like to exceed 500 cubic yards in a year.

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

Motion:

Member Christiansen made motion to recommend approval of the Interim Use Permit provided that the conditions as identified in the staff report are complied with. Conditions are as follows:

1. Acceptance that the mining operation may be subject to compliance inspection and monitoring pursuant to law, regulation, rule, or ordinance, by city, township and county officials which may include:
    a. On site visits; and/or
    b. Collecting photographic evidence including the use of Unmanned Aerial Vehicles (UAVs) (drones) and other technologies as available.
2. Prior to mining, an inventory of all wells, including shallow disposal systems, shall be conducted within the proposed mining area. Any such well located within the proposed mining area shall be reviewed by a licensed well driller to determine if the well(s) require repair or sealing in accordance with MN Chapter 4725.
3. Secondary containment barriers shall be located below any onsite fuel tanks to prevent potential contamination of soils and ground water supply.
4. An asphalt batch plant is not permitted to be located in the extraction area unless specifically approved by the Board of County Commissioners as part of this interim use permit or as a separate interim use permit.
5. No subsurface sewage treatment system is to be installed in the mining and extraction area.
6. Operator to provide an on-site bathroom facility, such as a Porta John, for the safe storage and disposal of human waste.
7. Compliance with the operating standards as specified in Section 10.2.3.D of the Pope County Land Use Controls Ordinance.
8. Compliance with the permitting requirements of Township and State agencies.
9. All stormwater erosion and sediment control Best Management Practices installed shall be maintained until the site is reclaimed and all exposed soil has been permanently stabilized. Permanent stabilization via vegetative means shall mean vegetative ground cover of at least 50%, or hydro seeding or erosion control blankets are used to cover the bare soil areas.
10. Reclamation, rehabilitation and revegetation is to be in accordance with plan as approved by the County Board. *(details necessary)*

11. Applicant/Operator to provide evidence of assurance in an amount and form acceptable to the Board of County Commissioners. *(staff recommends $5,000 per acre)*
12. The provisions of the MN Noxious Weed Law must be followed on all areas of the facility.
13. No waste materials may be disposed of on the property including trees, stumps, asphalt, concrete, metal, construction materials, or plastics.
14. Access roads: Operator is expected to maintain a clean roadway surface during periods of operation. Dust abatement must be implemented within the facility during the months of May – October when there has been no precipitation within 48 hours and there are two or more truck trips per day.
15. The Interim Use Permit is in effect for **ten (10) years**. The site is to be re-evaluated for compliance with the operation and reclamation plan at that time. If compliant, including evidence of concurrent reclamation activities, it can be reissued by the Zoning Administrator for an additional ten (10) years. However, continuance beyond twenty (20) years will require an amendment to the IUP as approved by the County Board.

This motion was seconded by Commissioner Halls. With no further discussion, motion carried with none opposed. Findings are as follows:

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

   Finding: The proposed project involving the subsurface mining and removal of aggregate will be in compliance with the setback requirements and other provisions of the Pope County Land Use Controls Ordinance for such operations unless a variance is granted. In addition, mitigation measures and additional standards are proposed to be included as conditions of the granting of this permit that will address dust and runoff from and within the facility.

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

   Finding: The proposed use does not appear to conflict with the comprehensive plan which supports aggregate mining as a use in rural, agricultural areas of the county.

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: Aggregate mining that is conducted in accordance with the standards outlined in section 10.2 of the Land Use Controls Ordinance and in locations away from incompatible uses generally does not negatively impact neighboring properties. The aggregate mine is located in the Non-Intensive Agriculture (A-1) zoning district where agriculture is the predominant use and residential development is limited. The primary adjacent land use is agricultural production, recreational use, and residential. The mining operation is not likely to diminish or impair uses on neighboring properties or interfere with the surrounding community as a whole.

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: The mining operation will not affect any public facility other than the local roads. County and state highways to and from the mining site. Normal wear and tear are expected on the road surface and can be managed by routine road maintenance methods as determined by the appropriate road authority.

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

   Finding: There are no permanent structures to be located onsite. The site will consist of portable and temporary trailers and equipment as needed for processing of materials. The gravel operation site is expected to remain neat and orderly in appearance, being free of debris, waste materials, and noxious weeds.

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 access and haul roads need to be identified, as vague information was provided. The truck traffic during daylight hours is not expected to create congestion or additional hazard given the current use of the road.

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: There are no other non-farm businesses nearby. Therefore, there is no impact to existing businesses as a consequence of this mining operation.

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 aggregate mining operation is located in the A-1 (Non-Intensive Agriculture) zoning district, where the predominant adjacent use is agricultural production, recreational use, and residential. The site will be reclaimed back to open space when mining is complete.

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

   Finding: 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 including the use of portable toilets for wastewater.

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: Standards for aggregate mining and specific conditions proposed to be included in the approval of this permit are expected to mitigate and/or significantly limit any negative impacts to resources, infrastructure, and the neighboring residences. Applicant is responsible for adherence to the requirements of MPCA permits to prevent any impacts to public waters or other environmental systems.

Preliminary Plat Review #SUB-25-010 **Ryan and Cheryl Fernholz** PID# 09-0113-000, 09-0109-000

The applicant seeks approval of the preliminary plan named "Fernholz Addition".

Director Green presented the staff report and comments. Director Green noted that staff does not object to the subdivision concept but believes that there are some additional considerations that may be needed such as stormwater impacts and ability to locate septic onsite.

Applicant Cheryl Fernholz and their surveyor, Mark Jahner, were present. Jahner noted that this project has been in the works for some time and they've worked to address issues as they planned. Jahner said that they intend to address stormwater issues, that they've had a wetland delineation and a review from a septic designer. Jahner said they are looking for approval with the understanding that there will be conditions placed on the approval that they will need to address going forward. Jahner noted that they intend to develop this plat in phases to help pay for completing the plat in its entirety. Jahner said that phase two will include a full civil stormwater plan, that each lot is at least an acre in size to accommodate future stormwater mitigation plans, and that phasing the project will help pay for the future planning and implementation of stormwater management plans. Jahner said they are aware of the Torrens title issues noted in the staff report and that they would be addressing those concerns. Jahner said looking for approval of the preliminary plat with appropriate conditions for them to follow up with as they moved forward.

Member Barkiem asked about phase one lots having their own drive way to Selnes road. Jahner said yes.

Commission Chair Messenger opened the hearing for public comments at 7:09 p.m.

Mike Holland [No name or similar on sign in sheet] said he has no objection to the plat but would like covenants to ensure that construction within the plat is "neat and tidy". Holand said that they are concerned about stormwater. Fernholz said that as the developer they are wanting the site to be nice as well.

Doug Frederick said he is not against project but would like Commission to consider that the wells in the area are all artesian and that the associated excess water is a constant water that runs and so water runoff could be a huge impact given that some wells put out 10's of gallons or possibly 1000's of gallons of water.

Terry Johnson lives in Baycrest [adjacent subdivision]. Concerns with golf cart trail and easements. Concerned about Selnes road having a lot of traffic already and he is concerned that this subdivision would increase traffic.

Genie Frederick adjoining neighbor to plat. G. Frederick said that all the neighbors in that area have artesian wells and expressed similar concerns as Doug Frederick. G. Frederick noted that the area in the plat is a bit of a floodplain for the area. G. Frederick highlighted the pond in the back rises 6 inch to a foot after a 1-inch rain event and can take a month to return to normal conditions. G. Frederick said she is concerned about how the removal of trees and development will impact the wetland and the potential for flooding. G. Frederick discussed the culverts under the road and concerns with adequacy based on the proposed. G. Frederick asked about the developers plan to have a marina or dock access through applicants' other property which on the shoreline of Lake Minnewaska. Jahner said stormwater plan is anticipated to be significant in size to address concerns. Jahner pointed to phasing the development to help pay for the significant stormwater plans. G. Frederick said opposed to the phased development since even four lots are going to have significant stormwater impacts.

Katherine Chevalier addressed the Commission and said that water starts on the other side [east] of Selnes road. Chevalier said that her father developed the Baycrest subdivision and said that that the ponds within the proposed plat were put in as settling ponds for the Baycrest subdivision. Chevalier said sees a challenge with putting dwellings on those lots given the amount of stormwater runoff issues.

Gregg Jacobson addressed the Commission and said that they've had their cabin for 30 years and that they've seen more high-water issues in the area in the last 7 years than they've ever had before and he contributes the extra water to development upstream of them. Jacobson said he's concerned with stormwater from development.

Mary Jacobson addressed the Commission and said that water runs across her driveway in the spring. She said that one inch of rain and they see significant water rise and that she believes water is a very big concern.

Greg Jacobson said watershed needs to be address before any approval and that he is opposed to approval of a phase one without stormwater being addressed.

Hearing no additional comments, Commission Chair Messenger closes the public hearing. 7:22 p.m.

Commission Chair Messenger asked for comment form the Site Team. Member Christiansen said the site looks like a huge challenge and that she is concerned with water issues. Member Christiansen said she believes the water issues need to be addressed first. Member Barkiem said the site is low wetlands that are not much above the lake level of Lake Minnewaska. Member Barkiem said he would like to hear how the applicant is planning to handle stormwater. Commission Chair Messenger noted the low lands onsite and said that he believes stormwater needs to be addressed.

Member Barkiem noted how the watershed for the area extends to the east side of side of Selnes road and said they would like to hear about how the stormwater would be addressed. Jahner said that the engineer will address stormwater impacts and that, by rule, they are not going to be

allowed to have stormwater leave the lot so the plan would address that. Jahner said they are not opposed to developing a stormwater plan with phase one of the plat development.

Member Halls asked if the Commission tabled the request, if the applicant could produce a stormwater plan for the next meeting. Jahner asked if that could be a condition of approval rather than producing the stormwater plan without the approval given the level of financial commitment.

Member Barkiem asked if the approval is just for the first four lots. Director Green clarified that the request is for the entire plat not just the mentioned phase. Director Green noted some issues that staff would like addressed prior to preliminary approval such as access through lot seven.

G. Fredrick addressed the Commission asking about the required agency reviews noted in the staff report and asked if the Commission could approve the preliminary plat without those requirements addressed.

Member Christiansen noted that she would like to see a plan to address the stormwater plan first before preliminary approval of the entire plat.

Motion:

Commission Chair Messenger seeks a motion on the matter. Member Christiansen made motion to table the proposed to allow the applicant to develop a stormwater plan.

Member Halls said that the stormwater plans cost a lot of money and that not giving the applicant a chance that even four of the lots would work would be hard for him to support.

Member Barkeim asked about separating those four lots from the entire plat and if the applicant could be asked for approval of just those four. Jahner said that yes, they would be in favor of approving just those four lots.

Member Isdahl addressed Director Green and asked if procedurally the applicant would need to submit a new application. Director Green said that he didn't' believe they would need to submit a new application and that the commission could support a recommendation to approve the preliminary plat limited to just the four lots; 1, 2, 11, 12. Director Green said that the applicant would then need to come back for preliminary approval of the balance.

Member Christiansen stated that her motion to table stands. Commission Chair Messenger asked for a second. Hearing none, Commission Chair Messenger said that the motion fails.

Commission Chair Messenger asked for additional motions. Member Halls made motion to approve the preliminary plat limited to lots 1, 2, 11, 12 and a stormwater management plan be provided by the applicant along with the conditions as presented in the staff report.

Conditions are as follows:

1. Providing proof of Type I sewage treatment feasibility on each parcel prior to final plat

submittal.

2. Submittal of professionally developed preliminary road grade and stormwater plans.
3. Applicant/owner to register/contract with the Minnesota Department of Natural Resources for the purpose of a NHIS report for the areas to be impacted by this proposed development.
4. Subdivision/plat proposal is to be formally submitted to Glenwood Township for review and approval.
5. Evidence of Glenwood Township approval for direct accesses off of Selnes Road.
6. Applicant shall submit the final plat within 12 months of approval of the preliminary plat by the County Board unless an extension of the timeline is granted by the Board.
7. The final plat shall substantially conform to the preliminary plat and any requirements or improvements that are a condition of approval.

This motion was seconded by Member Gerde. With now further discussion, motion carried with Members Kannegiesser and Christiansen opposed.

Findings are as follows:

1. Coordination with existing nearby development: The proposed subdivision does not deviate from other existing development nearby as it is residential in nature.
2. Consistent with Comprehensive plan: The proposed development is consistent with the Pope County Comprehensive Plan, and it meets the requirements for lot dimensions in the zoning ordinance which are designed to protect water quality and shoreland areas from impacts associated with residential development.
3. Land/soil suitability: Based on the Web Soil survey, the soils may be problematic for residential development purposes. Further evaluation is necessary.
4. Agriculturally Important Lands: The property is currently zoned Shoreland-General Development and Residential. It is currently undeveloped open space. However, there is nearby residential and/or seasonal recreational uses which are appropriate based on the zoning classification.
5. Conformance to Applicable Rules and Regulations: All lots, as proposed on the submitted preliminary plat, conform to the minimum zoning requirements.
6. Self-Imposed Restrictions: The developer has indicated that there will be additional restrictions or covenants. However, they have not been submitted for review.
7. Adequate Public Facilities: The lots will be served by individual wells and subsurface sewage treatment systems. Access to the lots will be by existing or a constructed public roads/right-of-way except Lot 7 which proports to use a private roadway.
8. Debris and Waste: The applicant does not propose to use any area within the development to bury debris or waste.

Adjournment

Motion by Commissioner Gerde to adjourn the Planning Advisory Commission meeting with a second by Commissioner Barkeim. Motion carried unanimously. Meeting adjourned at 7:36 p.m.

Respectfully submitted,

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