Planning Advisory Commission
May 28, 2026
CUP-26-006

POPECOUNTY MINNESOTA

S:\3. BOA-PAC\2026\5. 28 May 2026\6. PAC - 3 Items\1. 07-0075-002 Geister CUP-26-006\3. Staff Report\PAC.V.B.1. Geister CUP-26-006 Staff Report.docx

STAFF REPORT

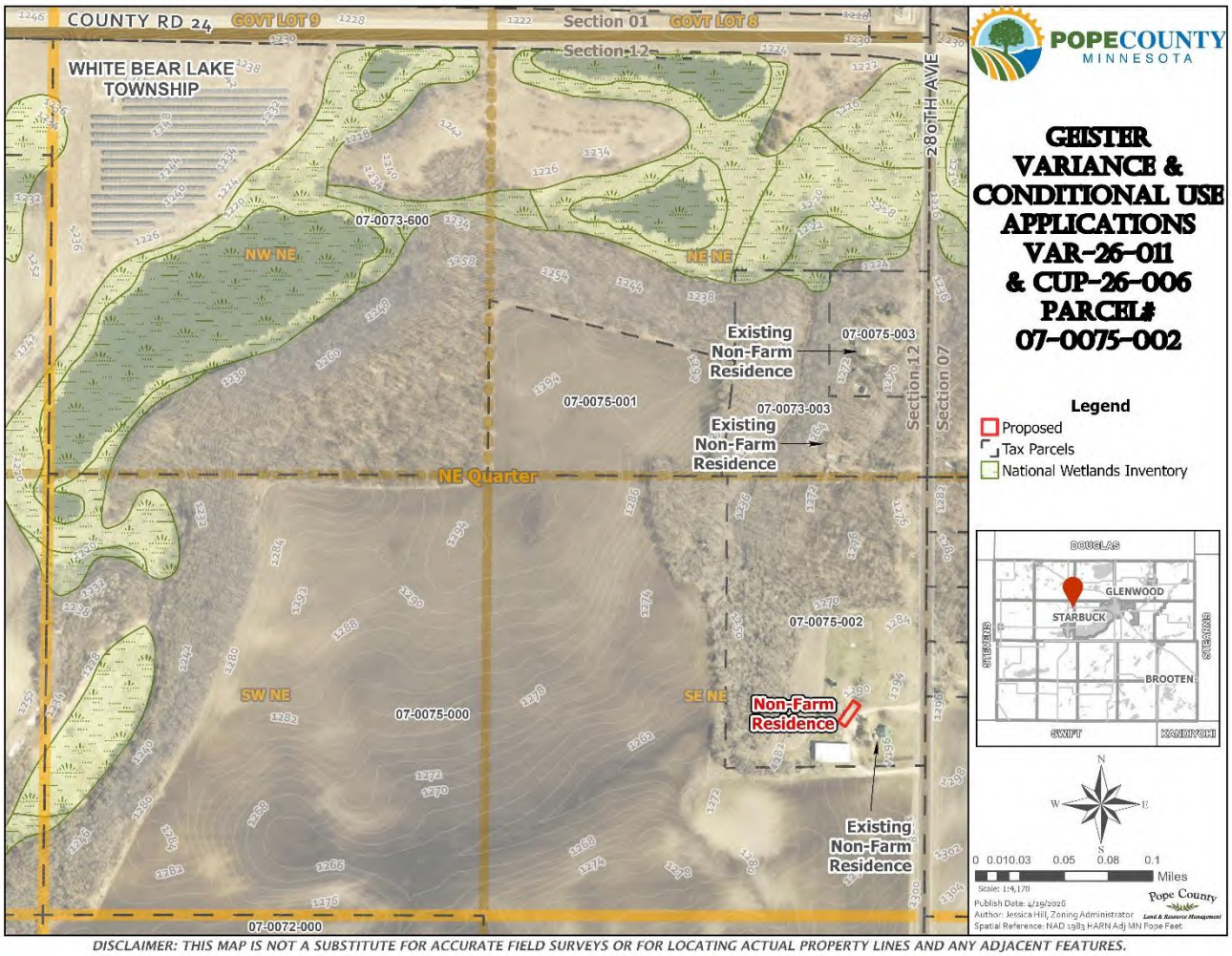
Applicant Information

Applicant: Kayla & Joshua Geister

Application: Conditional Use Permit (CUP-26-006)

Zoning: Agriculture Protection (A-2)

Location: Part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼), Section 12, Township 125 (White Bear Lake), Range 39, Pope County, Minnesota



DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Background

The applicant is requesting consideration to construct/locate a non-farm residential structure in an Agriculture Protection (A-2) zoning district. The Pope County Land Use Controls Ordinance section 7.3.K. requires a Conditional Use Permit to locate a non-farm residence in the A-2 zoning district.

The proposed home site is located on the west side of 280th Avenue and in the East half of the Southeast quarter of the Northeast quarter of Section 12 in White Bear Lake Township. County records indicate that three existing non-farm residences are already located within the applicable quarter section. Accordingly, the proposed residence would constitute a fourth non-farm residence within the quarter section and therefore requires approval of a variance in addition to the requested Conditional Use Permit pursuant to Section 7.3.K of the Pope County Land Use Controls Ordinance.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 7.3 Agriculture Protection (A-2) Zoning District *(conditional uses)*

    K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development, provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than one non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.) Prior to the issuance of a conditional use permit for a non-farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an "Acknowledgement of Agriculture Protection Zone Designation" disclosure. The acknowledgement shall be on a form provided by the Zoning Administrator and made available to the public. The disclosure forms shall be on file in the office of the Pope County Zoning Administrator.

  - Section 11.5 Conditional & Interim Use Permits *(criteria and procedures)*

State Statute/Rule

- Minnesota Statute Chapter 394 Planning, Development, Zoning *(enabling legislation)*

Staff Comments

Based on the review of the application, Staff offers the following comments relating to the proposed land use on this quarter section (160 acres) of land located in the east half of the Northeast Quarter of Section 12 in White Bear Lake Township. This parcel of land is located in an A-2 zoning district where non-farm homesteads are limited in each quarter section. All applications for non-farm residential housing are required to secure a Conditional Use Permit (CUP) as approved by the Board of County Commissioners.

There are currently three existing non-farm residences within the Northeast Quarter of Section 12.

The parcel in question is not in agricultural use, and the proposed location of the new non-farm residence would be on land already in residential use. The lands adjacent and nearby include agricultural uses, residential uses, and recreational uses.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the 11.8 acre site has six soil types, with the soil type of the proposed building area being, Waukon loam (WbB), 2 to 6 percent slopes. This soil classification is described as “All areas are prime farmland”.

Although the site contains prime farmland soils, the parcel is already developed and currently utilized for residential and recreational purposes rather than active agricultural production. The proposed residence would be located within an existing residential area on the parcel and would not substantially fragment additional agricultural land or establish a new isolated residential development pattern within productive farmland. The proposal is therefore not expected to materially reduce the availability of contiguous agricultural land for commercial farming operations.

According to the Pope County Feedlot Officer, *“There are 3 smaller feedlots in the area however, no active registrations exist for those sites.”*

Staff Recommendation

Approve with Conditions

Based on the findings of fact presented in this report, staff does not object to a recommendation of approval of the application to the County Board conditioned upon:

1. That the Agriculture Zone (Right-to-Farm) Acknowledgement form be signed and returned to the Land & Resource Management office prior to the issuance of a Land Use permit for the construction of the non-farm residence.
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.

Staff Findings

The Staff offers the following findings:

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

   Finding: Any proposed structure and/or use will necessarily be in compliance with the provisions of the Pope County Land Use Controls Ordinance as a condition of the permitting unless a variance has been granted.

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

   Finding: The current Comprehensive Plan includes goals that state a recognition of diverse and existing land uses throughout the county. It is noted that not all uses are compatible and that there should be consideration as to separation, siting, development requirements and operating standards. Based on the proposed land use including distance from sensitive environmental features, roadway and neighboring properties, the proposed use is not in conflict with the County Comprehensive Plan.

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: The proposed land use is located within the Agriculture Protection (A-2) zoning district in an area that contains existing nearby residential development within White Bear Lake Township.

   The dominant land uses in this area are agricultural, residential and recreational. This non-farm residential use should not create interference with future development on adjacent properties, nor is it expected to diminish or impair neighboring property values.

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 proposed residential use is not expected to create a significant burden on public infrastructure or public services.

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

   Finding: The proposed residential use is consistent with the character of existing nearby residential development and is not expected to adversely affect adjacent properties.

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: 280th 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: There should not be any negative impacts related to the intrusion of noise, glare, odor or general unsightliness upon nearby existing businesses.

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 predominant neighboring land use is agricultural and natural open space. The residential use will not conflict with existing uses.

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.

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: The proposed residential use is not expected to create significant impacts related to noise, dust, glare, odor, or other nuisances. Compliance with applicable County and State regulations will minimize potential impacts to neighboring properties and natural resources.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Variance Application (Kayla & Joshua Geister, 16 April 2026)*
  - **Attachment 2:** *Site Plan (Kayla & Joshua Geister, 16 April 2026)*
  - **Attachment 3:** *Geister VAR-26-011 & CUP-26-006, Parcel#07-0075-002, Farmland Classification (J.Hill (Zoning Administrator), 18 May 2026)*
  - **Attachment 4:** *Feedlot Analysis, Proposed Non-Farm Residential Structure (A.Hughes (Feedlot Officer, Land Use Specialist), 28 April 2026)*
  - **Attachment 5:** *Site Visit Photos (L&RM Staff, 18 May 2026)*

Routing Sheet

Comments, Concerns and Conditions

County Department

Attorney	No comment received.
Feedlot Officer	*COMMENTS: There are 3 smaller feedlots in the area however, no active registrations exist for those sites.*
WCA Officer	*COMMENTS: No concerns from a WCA standpoint.*

Township

White Bear Lake	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
CONDITIONAL USE REQUEST

Notice is hereby given that a Public Hearing will take place in conjunction with the Planning Advisory Commission meeting to be held at 6:00 pm or shortly thereafter on Thursday, May 28th, 2026 in the Pope County Courthouse to consider the following conditional use request.

Description of Request: Conditional Use hearing for an application by Kayla & Joshua Geister (CUP-26-006, Parcel#07-0075-002), if granted would allow applicants to locate a non-farm residence in an Agriculture Protection (A-2) zoning district per section 7.3.K the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼), Section 12, Township 125 (White Bear Lake), Range 39, Pope County, Minnesota.

Public participation 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. ***Notices of Decision*** *will be posted* ***online*** *shortly after decision making at the following Pope County webpage:*

- *https://www.popecountymn.gov/land-resource-management/boa-pac-notices-of-decision/*

Thank you for your patience and consideration in this matter.

Dated: May 1, 2026
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Variance Application
(Kayla & Joshua Geister, 16 April 2026)

CONDITIONAL/INTERIM USE PERMIT APPLICATION

POPE COUNTY MINNESOTA

RECEIVED APR 16 2026 BY:

L&RM FORM 17

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CONDITIONAL /INTERIM USE PERMIT APPLICATION

CUP-26-002

A conditional or interim use is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after public hearing provided certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district. A Conditional Use or Interim Use permit may be denied if the use is deemed incompatible with other permitted uses of the district.

Prior to submission of this application, please discuss your request with the Land and Resource Management department.

Applicant Information

Applicant Names	Kayla & Joshua Geister
[redacted]	

Property Description

Property Address	17383 280th Ave	City	Starbuck	State	MN
Zip	56381				
Township Name	White Bear Lake	Section	12	Twp	125
Range	39				
Parcel No.	07-0075-002	Associated Parcel No.			

Project Narrative

What is the conditional / interim use permit application for?	Permission to establish second residence

Provide written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:

To our knowledge, the home would have no conflicts with any existing nearby land uses.

The proposed new home would be the second dwelling on the existing property. Our son and his family will be occupying the existing home, while we would occupy the new home. This property has been in my family for over 40 years and it is our intent with this second dwelling that my family and my son's family will remain residents of this community permanently. Both structures will remain under common ownership.

This second dwelling will be appropriately sized, estimated about 2000 square feet and will be located withing the boundaries of our property lines and will be a significant distance from neighbors and existing agricultural land. The property is 11.83 acres so having two dwellings on the property will not be overcrowded. The way the current driveway works means we would have a shared driveway.

The property is served by a well, which has adequate capacity to support an additional dwelling.

A second septic system will need to be added, and that design and location is TBD, contingent on the determination of the Conditional Use Permit and Variance Applications.

Pope County Land & Resource Management
130 East Minnesota Ave | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

APPLICATION REQUIREMENTS

The following application requirements must be provided:	Description
1. The applicant for a Conditional or Interim Use Permit shall file an application in the office of the Administrator and pay a fee according to the fee schedule resolution of County Board of Commissioners.	***Two separate checks (made out to Pope County) must be provided:*** 1. ***Application Fee = $500*** 2. ***Recording Fee = $46***
2. Written description of the proposed activities, including:	
a. Type of business or activity (including scope of operations);	
b. Proposed number of employees;	
c. Days and hours of operation;	
d. Equipment and vehicles to be used for the activity;	
e. Proposed floor plan of any structure or use indicated;	
f. Sanitary sewer and water plan with estimated use per day;	
g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and	
h. Proposed exterior lighting, signage and storage.	
3. Site plan (completed by a licensed land surveyor if applicable*) including, but not limited to: a. Property lines; b. Existing topography; c. Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.); d. Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.; e. Finished grading and drainage plan; f. Existing and proposed screening; and g. Other requirements as deemed appropriate by the Administrator.	***Please <u>provide</u> on the <u>Site Plan page of this application</u> or <u>attach</u> to this application upon submittal.*** ****Please Note:*** *Applicants for Conditional Use Permit and Variance shall be required to submit a land surveyor's plot plan showing exact lot boundary and location of existing and proposed development as a part of application. Surveyor stakes shall be in place for site inspection of lot boundary and proposed development. Above policy shall be applicable for development on all lots of one acre or smaller. (ADOPTED 4 September 1985) (Land Use Controls Ordinance Section 11.6.2.H)*
4. Any additional information required by the Administrator.	

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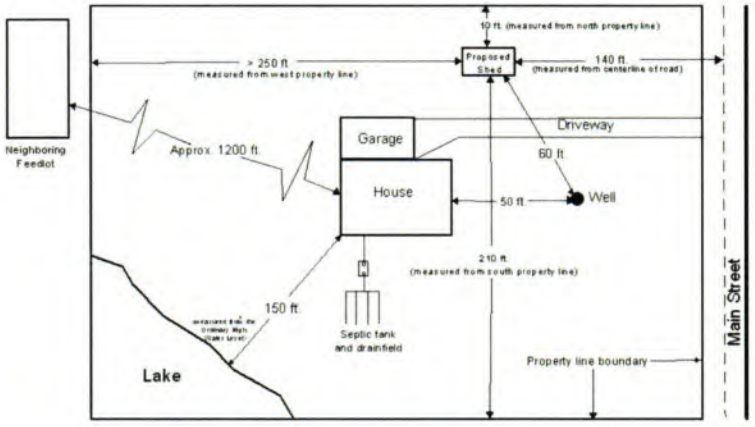
SITE PLAN

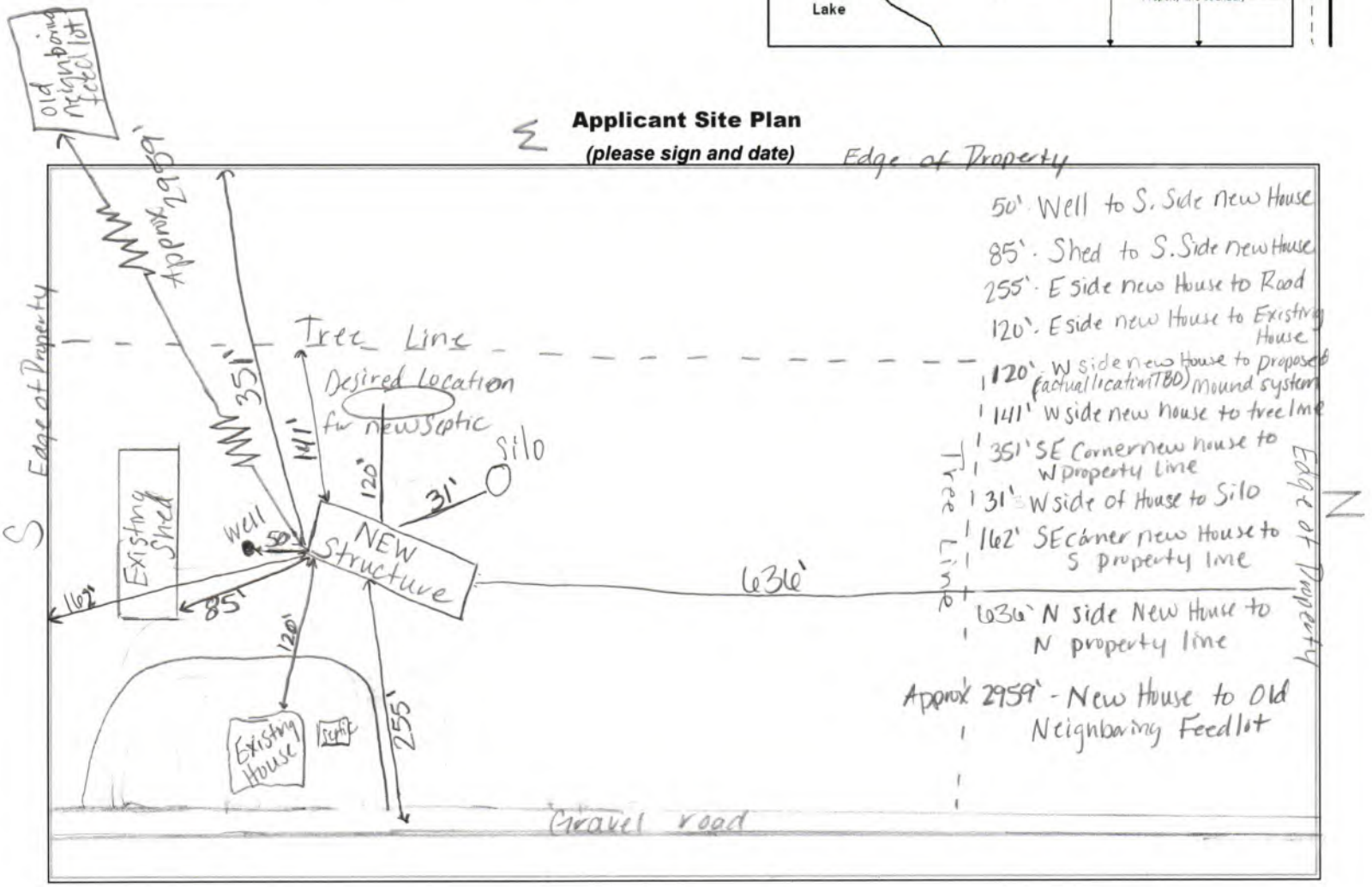
Provide the following information on a project site plan (to be completed by a licensed land surveyor if applicable):

1. *Property Lines;*
2. *Existing topography;*
3. *Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.);*
4. *Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.;*
5. *Finished grading and drainage plan;*
6. *Existing and proposed screening; and*
7. *Other requirements as deemed appropriate by the Administrator.*

SITE DRAWING EXAMPLE - New Construction: Shed



Applicant Site Plan
(please sign and date)



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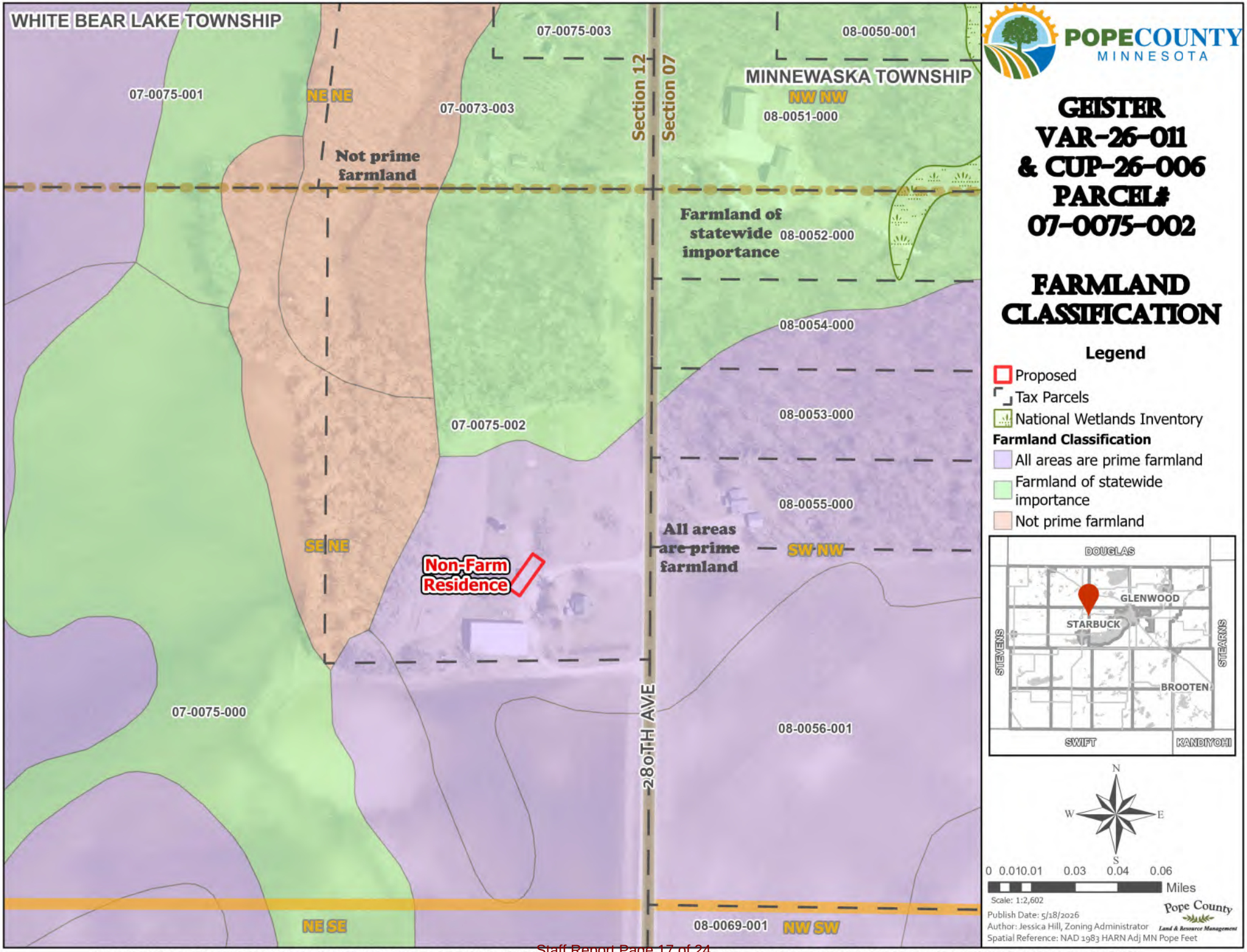
Supplemental Information Attachment 2:

Site Plan
(Kayla & Joshua Geister, 16 April 2026)

RECEIVED
MAY 06 2026
BY:
Verified by Applicant.

Supplemental Information Attachment 3:

Geister VAR-26-011 & CUP-26-006, Parcel#07-0075-002, Farmland Classification (J.Hill (Zoning Administrator), 18 May 2026)



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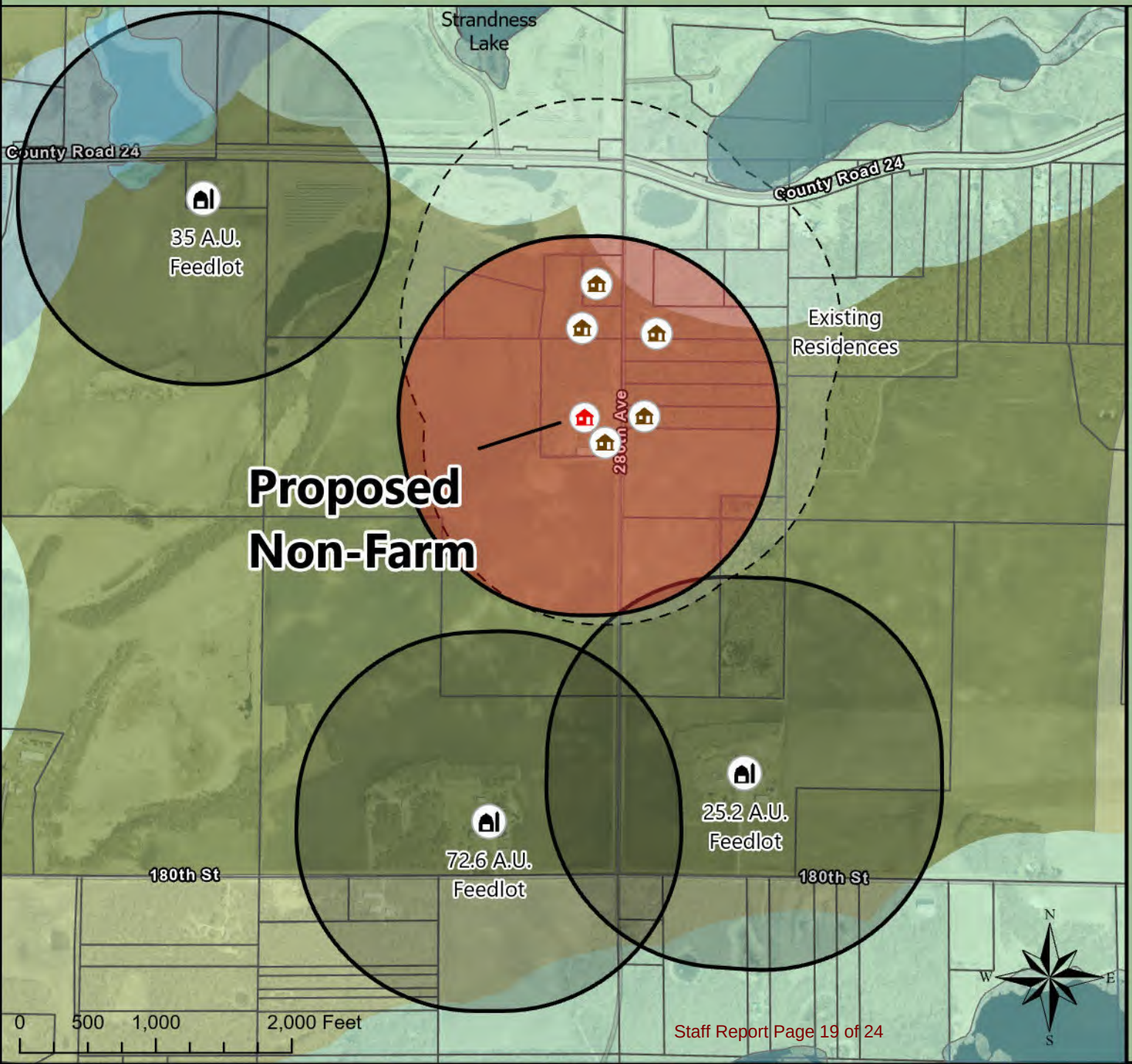
Supplemental Information Attachment 4:

Feedlot Analysis, Proposed Non-Farm Residential Structure
(A.Hughes (Feedlot Officer, Land Use Specialist), 28 April 2026)

FEEDLOT ANALYSIS

Proposed Non-Farm Residential Structure

POPE COUNTY MINNESOTA



Geister

CUP-26-006

VAR-26-011

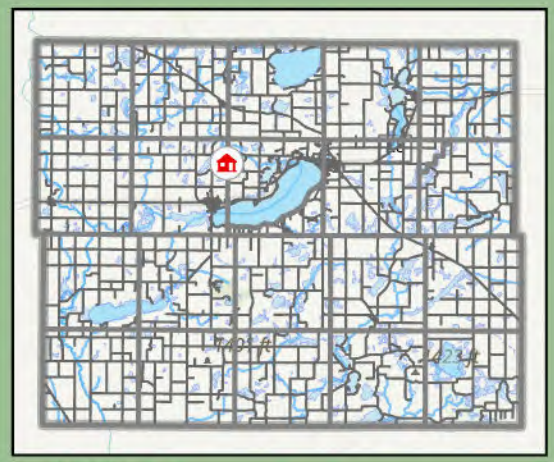
Legend

- Proposed Residence
- Proposed setback (1320 ft)
- Existing Residences
- Existing setback (1320 ft)
- Feedlots
- Feedlot setback (1320 ft)
- Shoreland-Natural Environment (S-NE)
- Shoreland-Rivers/ Streams (S-RS)
- Agriculture-Non-Intensive (A-1)
- Agricultural Protection (A-2)

Notes:

All setbacks = 1320 ft

Feedlots labelled in the map have not been updated in the last 4 years and show no evidence of expansion.



Spatial Reference

Name: NAD 1983 HARN Adj MN Pope Feet

Author: Ariel Hughes

Date Exported: April 28, 2026

Supplemental Information Attachment 5:

Site Visit Photos
(L&RM Staff, 18 May 2026)

Oasis