

**Planning Commission
MINUTES
February 10th, 2022**

PRESENT: Jerry Lang, Dan Gottwalt, Mary Jo Holewa, Scott Johnson, Warren Peschl, Art Buhs

Staff: Roxanne Achman, Karen Loehrer

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Warren moved to approve the agenda. Jerry seconded and the motion carried.
3. Dan moved to approve the minutes from the January 13th, 2022 meeting. Jerry seconded and the motion carried.
4. Andrew and Renee Schefers feedlot expansion notice. Roxanne read the “Good Neighbor Notice” from the Schefers’ regarding the expansion of their feedlot.
5. Public hearing to consider Ordinance 483 to amend the Development Code.

Roxanne stated that these proposed changes have been gone through at previous meetings. She stated that the proposed changes were in red. Definitions addressed were Auction Business, Feedlot, Temporary Sales and Transient Merchant. In Section 7 Temporary Sales/Transient Merchant were added as permitted uses in Ag, Rural Ag, Rural Service, B-1, B-2, I-1 and I-2 Districts and Auction Business was added as an interim use in Ag, Rural Ag, Rural Service, B-1, B-2, I-1 and I-2 Districts. In Section 9 there was a correction in formatting under Adult Uses. The Mining Operation IUP was lengthened to 20 years with staff review every 5 years. Performance standards were added for Auction Business, Temporary Sales and Transient Merchant Stands. Section 10 Subdivision Regulations were amended to allow the County Engineer discretion for easement width. Warren asked when a feedlot is no longer considered a feedlot. Roxanne stated that a feedlot needs to be out of commission for 10 years to not be considered a feedlot anymore.

Al Montag, Sauk Rapids Township Supervisor, stated his concern with the mining operation length. He stated that the township has its own mining ordinance. Roxanne stated that there is a small part of Sauk Rapids

Township that this ordinance would apply. She showed the areas of Sauk Rapids Township that are under the County's jurisdiction and the area of the Orderly Annexation Area that this ordinance wouldn't apply.

Art moved to close the public hearing. Jerry seconded and the motion carried.

Warren moved to recommend approval of Ord #483 to the County Board. Art seconded and the motion carried.

6. File #22-001, Donald and Sharon Beehler requesting an interim use permit to allow a second dwelling for supportive care in the Agricultural District. Pursuant to Sections 7.2.5(E), 9.19 and 11.7 of the Development Code. The affected property is described as follows: W1/2 NE1/4, Section 24, Alberta Township.

Roxanne stated that this is a request for a second dwelling for supportive care. The applicant has provided the proper documentation. The dwelling will be a manufactured home and share the same access. The property owner is exploring options to expand the existing septic or install a separate septic for the second dwelling. She showed an aerial photo of the site plan.

Randy Beehler, 13241 140th St, stated that they are requesting an interim use permit to allow a second dwelling for supportive care.

No one spoke in favor, opposition or with general comments.

Jerry moved to close the public hearing. Dan seconded and the motion carried.

Mary Jo moved that the request meets Section 7.2.5E pages 8-9, Section 9.19 page 53 and Section 11.7 page 7. Art seconded and the motion carried.

In reviewing Section 11.7 the vote was as follows:

- 1) Warren stated that the use meets the 7 criteria listed in Section 9.19.2. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Dan stated that with approval of the interim use permit, there will be no additional cost imposed on the public. The second dwelling may be easily removed from the property at any time. The vote was unanimous that there will be no additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.
- 3) Jerry stated that the second dwelling is intended for supportive care. The interim use will not create an excessive burden on existing parks, schools, streets and other public facilities. The vote was unanimous that the interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

- 4) Warren stated that the proposed second dwelling will be located to the west of the existing home. It will not impede normal and orderly development. The vote was unanimous that the interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.
- 5) Mary Jo stated that the structure will be designed to match the existing home and is separated by adequate distance from surrounding dwellings. The vote was unanimous that interim use, including any structures utilized for the use, are sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 6) Art stated that the proposed use of the property for residential purposes is an appropriate request in the Agricultural Zone. He cited A, B, C, D, E and F under Section 2.1.1 and moved to include the development conditions to File #22-001. Jerry seconded and the motion carried. The vote was unanimous that the interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.
- 7) Dan stated that the use is consistent with the Comprehensive Plan. The vote was unanimous that the interim use is consistent with the Comprehensive Plan of the County.
- 8) Jerry stated that the increase in density will be minimal and will not cause traffic hazards or congestion on adjacent public roads. The vote was unanimous that the interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.
- 9) Mary Jo stated that the proposed use will not have a negative impact on the environment and will not create any type of nuisance. The vote was unanimous that the interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

Roxanne read the findings and conditions.

Findings

Criteria 1: Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

The use meets the 7 criteria listed in Section 9.19.2

Criteria 2: There will be no additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.

With approval of the interim use permit, there will be no additional cost imposed on the public. The second dwelling may be easily removed from the property at any time.

Criteria 3: The interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

The second dwelling is intended for supportive care. The interim use will not create an excessive burden on existing parks, schools, streets and other public facilities.

Criteria 4: The interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.

The proposed second dwelling will be located to the west of the existing home. It will not impede normal and orderly development.

Criteria 5: The interim use, including any structures utilized for the use, are sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

The structure will be designed to match the existing home and is separated by adequate distance from surrounding dwellings.

Criteria 6: The interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.

The proposed use of the property for residential purposes is an appropriate request in the Agricultural Zone.

In accordance with the following items in Section 2.1.1:

(A) To promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

(B) To divide the unincorporated areas of the county into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and the use of structures and land.

(C) To promote the orderly development of residential, business, industrial, recreational and public areas.

(D) To provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structure.

(E) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

(F) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

Adopting Development Conditions for File No. 22-001

Criteria 7: The interim use is consistent with the Comprehensive Plan of the County.

It is consistent with the Comprehensive Plan

Criteria 8: The interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.

The proposed interim use will increase the density of the property minimally. The increase in density will not cause traffic hazards or congestion on the adjacent public roads.

Criteria 9: The interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

The proposed use will not have a negative impact on the environment and will not create any type of nuisance.

Conditions:

1. The applicant shall submit documentation, satisfactory to the Planning & Zoning Department, demonstrating the need for supportive care.
2. The applicant shall submit an affidavit to the Planning & Zoning Department verifying that the dwelling is still occupied by the eligible resident named in the original application.

3. The applicant shall sign a statement declaring that the second dwelling shall be removed within 90 days when the demonstrated need for supportive care no longer exists, or the resident no longer resides on the property.
4. The dwelling must be a manufactured home.
5. A Land Use Permit and Building Permit from the County shall be obtained prior to the placement of the structure on the lot and shall be consistent with the plans and specifications submitted with the interim use permit application.
6. Before the dwelling is occupied, it shall be connected to a permitted sewage treatment system.
7. Before the dwelling is occupied, documentation verifying that it meets the 31 point inspection requirement shall be submitted to the Planning & Zoning Department.
8. The second dwelling shall be removed within 90 days when the demonstrated need for supportive care no longer exists, or the resident no longer resides on the property.
9. The second dwelling is to use the same driveway as the existing dwelling.
10. Pursuant to Section 11.7.3 of the Development Code, this interim use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work.
11. This interim use permit shall expire if the approved use is inactive for one year or longer.
12. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.

Warren moved to accept the findings and conditions and grant File #22-001. Dan seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

7. File #22-012, Craig and Stacy Kapsner requesting a conditional use permit to construct a storage structure without a single-family dwelling or other principal building on a lot less than 10 acres in the Agricultural District. Pursuant to 7.2.4(LL),

9.1.2(B)(2) and 11.6. The affected property is described as follows: Lot 1, Block 1, A and G Addition, Section 9, Mayhew Lake Township.

Roxanne stated that the request is to construct a storage structure on a lot less than 10 acres in the Agriculture District prior to a residential structure. The lot is 6.32 acres. The Commission reviewed this lot as part of the two-lot plat. The plat was not recorded and the property owner decided to split off one larger lot. The landowners are proposing to build a 60'x120' storage structure and a home in the future. There are two sewerable sites. The septic would be an alternative system and the landowners are aware of that. There are two approved access points to this property.

Mike Kapsner, Craig's dad, was present representing the applicant. Mike stated that his son would like to build a shed on this property and live in the shed as his house is built. Mike asked about the driveway location. Roxanne stated that the driveway location was approved as part of the platting process. She stated that accesses from a county road are located based on spacing and safety requirements. Accesses are shared when possible. Mike asked if there could be an access from 99th St NE. Roxanne stated that he would have to talk to the Township.

Lance Bemboom, 4175 Little Rock Rd, stated that he lives across the street from this lot. He asked about removal of the existing access to the east. Roxanne stated that one would need to be removed. Lance asked if a business would be operated from this site and would the lot need to be zoned commercial. Roxanne stated that a conditional use permit would be needed to operate a business from this lot. The property doesn't need to be rezoned for a business. Lance asked if the landowner lives in the shed would the septic need to be installed. Mike stated that the septic would be installed. Roxanne stated that the landowner would not be allowed to live in the shed.

Dan moved to close the public hearing. Warren seconded and the motion carried.

Mary Jo moved that the request meets Section 7.2.4(LL) page 7, Section 9.1.2B2, pages 2-4 and Section 11.6 pages 9-12. Art seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that the use should not create a burden. The applicant plans to build a home on this lot in the future. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Dan stated that storage structures are allowed to be placed on lots in the Agricultural District on lots less than 10 acres without a single family home, provided a conditional use permit is obtained, and both a septic site and dwelling site are identified. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent

- agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Jerry stated that storage structures are common in the Agricultural District. The structure will not be dissimilar in appearance to others in the area. The vote was unanimous that the structure and site have an appearance that will not have an adverse effect upon adjacent properties.
 - 4) Mary Jo stated that yes, it is. Storage structures are common in Agricultural Districts. A septic site has been identified and there is sufficient space for a future home. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
 - 5) Art stated that the Development Code allows for storage structures in agricultural areas prior to a home being constructed and as a principal use with a conditional use permit. He cited A, B, C, D, E and F under Section 2.1.1 and moved to include the development conditions to File #22-012. Mary Jo seconded and the motion carried. The vote was unanimous that the interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.
 - 6) Warren stated that it is not. In accordance with the 2040 Comprehensive Plan the site is planned Agricultural. The site is zoned Agricultural and the construction of storage structure without a principal structure would not be in conflict with the Plan. He cited Quality of Life Goal #1: Livability and Goal #2: Housing Stock. Land Use Goal #1: Planning for Growth. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
 - 7) Dan stated that the construction of a storage structure on this site is not expected to generate additional traffic to the area. The vote was unanimous that the use will not cause traffic hazards or congestion.
 - 8) Mary Jo stated that there are no wetlands being impacted by the proposed structure. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

It should not create a burden. The applicant plans to build a home on this lot in the future.

- (2) Is the use sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

Storage structures are allowed to be placed on lots in the Agricultural District on lots less than 10 acres without a single family home, provided a conditional use permit is obtained, and both a septic site and dwelling site are identified.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

Storage structures are common in the Agricultural District. The structure will not be dissimilar in appearance to others in the area.

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

Yes, it is. Storage structures are common in Agricultural Districts. A septic site has been identified and there is sufficient space for a future home.

- (5) Is the use consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use?

The Development Code allows for storage structures in agricultural areas prior to a home being constructed and as a principal use with a conditional use permit.

In accordance with the following Sections:

- (A) To promote and protect the public health, safety, comfort, convenience, and general welfare of the people.
- (B) To divide the unincorporated areas of the county into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and the use of structures and land.
- (C) To promote the orderly development of residential, business, industrial, recreational and public areas.
- (D) To provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structure.
- (E) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

(F) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

The development conditions for file no. 22-012 are adopted.

(6) Is the use in conflict with the Land Use Plan of the county?

It is not. In accordance with the 2040 Comprehensive Plan the site is planned Agricultural. The site is zoned Agricultural and the construction of storage structure without a principal structure would not be in conflict with the Plan.

Quality of Life

Land Use

(7) Will the use cause traffic hazards or congestion?

The construction of a storage structure on this site is not expected to generate additional traffic to the area.

(8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

There are no wetlands being impacted by the proposed structure.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. Pursuant to Section 11.6.3(J) of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work as defined in the Development Code. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

4. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of approval and all other applicable statues, rules and ordinances.
5. The storage building will not be used for commercial purposes.
6. The storage building will not be used for temporary or permanent residence.
7. The septic area shall be preserved.
8. Appropriate permits shall be obtained including but not limited to: land use permit, building permit, and septic permit.

Art moved to accept the findings and conditions and grant File #22-012. Jerry seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

8. Jerry moved to adjourn at 6:45 p.m. Art seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Assistant