

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

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

Staff: Roxanne Achman

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Jerry moved to approve the agenda. Dan seconded and the motion carried.
3. Art moved to approve the minutes from the February 10th, 2022 meeting. Jerry seconded and the motion carried.
4. File #22-031, Central Applicators requesting a conditional use permit to expand an existing contractor shop in the Agricultural District. Pursuant to Sections 7.2.4(N), 9.9 and 11.6. The affected property is described as follows: part of the NE1/4, Section 14, St. George Township.

Roxanne showed an aerial of the site. The request is for an expansion and operation of an existing contractor shop. Central Applicators has been in operation since 1999 as a permitted use. Contractor shops are now a conditional use permit and the proposed expansion triggers the need for a CUP. The request is to add an additional cold storage building to the property. She showed a proposed site plan submitted by the applicants. The applicant is still deciding between the two locations shown on the site plan for the building. The site is screened by the buildings and distance from the road and the residences in the area.

Heath Farmen, Central Applicators, he resides at the site, 3190 Hwy 25 NE. They are asking to expand and receive a conditional use permit for a contractor shop. The proposed building may be downsized due to material cost. The building would be for storage for equipment so nothing is stored outside.

Kevin Stiles, 12300 School House Rd stated they live directly north of this property and have no objections to this request.

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

Gerry moved that the request meets Section 7.2.4(N), pages 4-5, Section 9.9 pages 25-26 and Section 11.6, Pages 9-12. Warren seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that Central Applicators has been operating at this site for a long time. They've never been any problem. 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 the structures are located nearly 1,000ft from Highway 25, additionally, the western most structure screens the majority of equipment and cars located on site. Surrounding properties are separated by distance and vegetation. 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 the new structure will have a similar appearance to the other structures on site. Scott stated that the commission heard no issues from one of the neighbors and that they keep a clean site. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Mary Jo stated that a contractor's shop is allowed by conditional use in the agricultural district if the business meets the criteria set forth in Sections 9.9 and 11.6. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art cited B, C, E & F under Section 2.1.1 and moved to include the development conditions. Jerry seconded. Scott asked the applicant if they agreed with the development conditions. Heath stated that they agreed. The motion carried. The vote was unanimous that the use is 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.
- 6) Gerry stated that the site is planned agricultural for farming and low density non-farm housing. The proposed use of a contractor's shop is allowed in the agricultural district with a conditional use permit. He cited Land Use Goal #2 Rural Land Use, Policy #1: Rural Land Use and Economic Development Goal #1 Resources, Policy #2: Business Retention. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Warren stated that the business is not anticipated to cause traffic hazards. No more vehicles will be accessing the site than there is now. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Dan stated that the property does not appear to have wetlands. 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?

Central Applicators has been operating at this site for a long time. They've never been any problem.

- (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?

The structures are located nearly 1,000ft from Highway 25, additionally, the western most structure screens the majority of equipment and cars located on site. Surrounding properties are separated by distance and vegetation.

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

The new structure will have a similar appearance to the other structures on site. We heard no issues from one of the neighbors and that they keep a clean site.

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

A contractor's shop is allowed by conditional use in the agricultural district if the business meets the criteria set forth in Sections 9.9 and 11.6.

- (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?

In accordance with the following Sections:

(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.

(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. 22-031 are adopted.

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

The site is planned agricultural for farming and low density non-farm housing. The proposed use of a contractor's shop is allowed in the agricultural district with a conditional use permit.

Land Use

Goal #2 Rural Land Use

Policy #1: Rural Land Use: Plan land use and provide roads and other public services so as to sustain most of the County as a low-density, rural and generally agricultural environment.

Economic Development

Goal #1 Resources

Policy #2: Business Retention: Continue to support efforts to retain and expand existing businesses.

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

The business is not anticipated to cause traffic hazards. No more vehicles will be accessing the site than there is now.

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

The property does not appear to have wetlands in the area the proposed shop is to be located, thus, the wetland provisions of MN Statute Chapter 103G will not be violated.

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 11.6.1 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. To proceed

substantially means to make visible improvements to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. 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 applicant shall obtain proper permits necessary to operate said business at the property including but not limited to a Land Use Permit and Building Permit from the County.
6. Any repair or maintenance of equipment or vehicles incidental to the business shall only be allowed if such activities are conducted completely indoors and by-products of such activities, such as used motor oil, are disposed of in accordance with County standards.
7. No operation or activity shall emit any hazardous substances in such quantity, concentration, or duration as to be injurious to human health or property. If hazardous materials are stored and used on the property, a materials management plan shall be submitted to address storage, handling, use, disposal, and potential hazards.
8. All motorized vehicles, including trucks and trailers, and machinery stored in the outside storage area shall be licensed and in operable condition.
9. Outside storage areas may not be located within the front yard.

Jerry moved to accept the findings and conditions and grant File #22-031. Warren seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

5. File #22-034, Kellie and Shawn Gallagher requesting a conditional use permit to use an alternative flood proofing method in the Residential District. Pursuant to Sections 5.2, 5.3 and 5.4 of the Flood Plain Management Ordinance and Section 11.6 of the Development Code. The affected property is described as follows: Lot 1, Block 1, Gallagher Estates, Section 11, Watab Township.

Roxanne showed an aerial of the site. The applicants recently platted this property to combine several non-conforming parcels. They are working on improving the site. The

request is to use an alternative floodproofing method to construct an addition on to their home.

Kellie Gallagher stated that they would be moving permanently to this location, 10025 Sharon Place NW. They are requesting a conditional use permit to use alternative floodproofing to construct an addition onto their house.

No one spoke in favor, opposition or with general comments. Gerry moved to close the public hearing. Art seconded and the motion carried.

Gerry moved that the request meets Section 11.6 pages 9-12 and Floodplain Management Ordinance 196 Sections 5.2, 5.3 and 5.4, pages.10-12. Jerry seconded and the motion carried.

In reviewing Section 11.6, the vote was as follows

- 1) Mary Jo stated that an addition onto an existing dwelling will have no effect on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. 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) Warren stated that the use will not change. It will prevent future damage down the line. 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) Dan stated that the structure will be similar to others in the neighborhood and meets the setback and height requirements. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Jerry stated that the primary use of the lot will remain a residential lot. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art cited D and F under Section 2.1.1 and moved to include the development conditions to File #22-034. Jerry seconded. Scott asked the applicant if they agreed with the development conditions. Kellie stated that they agreed. The motion carried. The vote was unanimous that the use is 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.
- 6) Gerry stated that the use is in accordance with the 2040 Comprehensive Plan the site is planned Rural Residential for semi-rural housing that is not expected to be annexed into a city. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Jerry stated that the use of the lot will not be changing and will have no effect on traffic hazards or congestion. The vote was unanimous that the use will not cause traffic hazards or congestion.

- 8) Gerry stated that constructing this addition will not impact wetlands. 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?

An addition onto an existing dwelling will have no effect on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

- (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?

The use of the property will not be changing. It will prevent future damage down the line.

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

The structure will be similar to others in the neighborhood and meets the setback and height requirements.

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

The primary use of the site will remain as a residential lot.

- (6) 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?

In accordance with the following items in Section 2.1.1:

(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.

(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. 22-034 are adopted.

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

It is in accordance with the 2040 Comprehensive Plan the site is planned Rural Residential for semi-rural housing that is not expected to be annexed into a city.

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

The use of the lot will not be changing and will have no effect on traffic hazards or congestion.

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

Constructing this addition will not impact wetlands.

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. A Land Use (Benton County) and Building Permit (Watab Township) shall be obtained prior to any construction and shall be consistent with the plans and specifications submitted with the conditional use permit application.
4. **Upon completion of the structure**, pursuant to Flood Plain Ordinance No. 196, Section 10.2.6, the property owner shall be **required to submit certification** by a registered professional engineer, registered architect, or registered land surveyor that the **finished building elevations were accomplished in compliance** with the provisions of this ordinance to the Benton County Planning & Zoning Department. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
5. 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 Section 11.6 of 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.

6. 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.
7. Submittal of a design certified by a registered professional engineer or architect as being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulation within these components during times of flooding.
8. Within one month of completion an as-built condition shall be submitted to the County and Certified by a registered professional engineer or architect as being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
9. Applicant utilizes appropriate erosion control devices to minimize risks of erosion entering the waterways or leaving the site.
10. A septic compliance inspection shall be completed and submitted to the Benton County Planning & Zoning Department no later than June 1, 2022.

Jerry moved to accept the findings and conditions and grant File #22-034. Dan seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

6. Art moved to adjourn at 6:30. Jerry seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Assistant
(prepared from audio)