



3. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
4. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
5. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
6. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
7. 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, and to control lighted signs and other lights in such a manner that no disturbance to neighbors properties will result
8. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota and County of Polk rules and regulations.

Snyder then asked if there were any questions. Skaug said the existing structure was put up in 1976 or 1977 and that they have been considering this project several years. The reason it must be taller is that the existing bins are hooked up with horizontal catwalks and we want to shoot grain with shoots that are sloped into them because of cost savings. Snyder said you are basically setting up what you have for larger bins.

Powers asked if any neighbors have airplanes or a landing strip? Skaug said not nearby. Jore asked if the old ones will be reused? Skaug said they will be disassembled. Vonask asked about lighting on top of tower? Snyder said FAA regulations are if over 200' lighting is required, under 200' is up to landowner. Snyder said he recommends that they put up lights as there is a lot of crop spraying. Skaug said they talked to the electrician and they will be putting a light up for safety.

Schulz made a motion to recommend approval with the conditions stated to the County Board.  
Second by Vonasek.

Ayes: All

Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, April 6, 2021, here in this room. The applicant may attend if desired.

**Public Hearing:**

**CUP – William Bontrager**

**Parcel #28.00208.02**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting a Conditional Use Permit (CUP) to operate a sawmill/homebased business on a parcel of land located in the Agricultural and Shoreland Zoning Districts in section 26 of Garfield Township.

Ordinance requirements for this request are found in PCZO Sections 13.7003, 13.7020 and 13.4309.

Snyder said the applicant wishes to continue operations of a small sawmill to produce lumber made from locally sourced wood & operate a wood working homebased business on a 70 acre parcel of land in the Agricultural and Shoreland Zoning Districts in section 26 of Garfield Township. The applicant operates the sawmill out of a 34' x 40' building and operates the wood production homebased business that constructs sheds, tables and other wood products out of a 40' x 60' shop that were constructed in 2013 and 2019 respectively. Polk County Zoning department has permitted all buildings and septic systems on the parcel. The applicant has acted in good faith regarding getting permits in the past.

Snyder stated that this operation has been based out of a 34' x 40' sawmill shed that was permitted in 2013 as a general permit. The use at that time did not require special permitting but these site uses do require a CUP as the use exceeds the home occupation standards. PCZO 12.3048 states home occupation standards operated out of an accessory building less than 1,800 sq. ft. can be permitted through an Interim Use permit. Those that exceed that sq. ft. need a CUP. No prior special-use permits were established for this operation on this parcel. The reason for the Conditional Use Permit now is that the site offers products they make on site, meets the definition of home-based business defined in the ordinance. The sawmill and homemade wood products are advertised as custom sawing and lumber producing that has customers visit the site periodically to select wood or products.

Snyder said that the applicant has submitted an operation plan for the business and has been made aware of zoning requirements as well as the setbacks. The structure processes lumber from locally sourced wood out of the area within 100 miles from the site. The applicant stated that operations on the site are sporadic and they operate 5-6 days a week, not on Sunday's. Currently 3-6 employees, all who live on the site, work to process the lumber and shop activity. No additional employees will be added to this operation. Freight will come 8-12 times a year to deliver logs to process. The site use allows for off-street parking by the shop area not on the adjacent roadways for patrons of the business. There are typically no more than 100 cords of wood piled at a time. The sawdust from the operation is used for animal bedding on the site. To avoid fires, they clean up sawdust debris so not to accumulate large amounts and if needed there is a community phone in the area to mitigate fire and alert emergency services to the area.

Snyder said a neighbor, Dean Johnson, contacted our office to voice his concerns with the logs being piled too close to the roadway. Snyder then went over slides showing the application, site location maps, operation plan and photos of the site.

The applicant's son Ivan arrived. This is a family business. We don't usually work late, but 5-6 days a week. Jacobsen asked how close is he nearest neighbor? Snyder said there is one to the east that I believe we permitted a dog breeding business. Ivan said it is more cattle than dogs to his knowledge. Snyder said we issued a permit to a close neighbor for the same type of business. Miscellaneous discussion about the types of equipment used took place

Snyder said staff recommends approval of the Conditional Use Permit with the following conditions:

1. The operation shall remain in the scope of the original plan of operations. Any deviation from the plan of operations would trigger a new conditional use permit.
2. Site storage of rough-cut logs or lumber shall meet structural setbacks off property lines of over 15 feet and roadways, over 68 feet from the centerline of 450<sup>th</sup> St SE and 120<sup>th</sup> Ave SE.
3. There will be a limit of 150 cords of wood located within 200 feet of 450<sup>th</sup> St SE & 120<sup>th</sup> Ave SE, the Township roads adjacent to the site. Additional lumber more than 150 cords must be outside of 200 feet from the roadway.
4. Wood shall be locally sourced from Minnesota and incoming wood must be evaluated for invasive insects that could pose a threat to native timber. Invasive timber species include but are not limited to Emerald Ash Borer, Hemlock Woolly Adelgid and Asian Longhorned Beetle.
5. The conditional use permit shall be void one year after it was granted unless used.
6. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
7. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
8. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
9. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
10. 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, and to control lighted signs and other lights in such a manner that no disturbance to neighbors properties will result
11. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota and County of Polk rules and regulations.

Powers asked about the pile of wood on the shoulder of the road? The applicant's son – Ivan stated that the pile of logs by the road has been moved. Vonasek asked when the wood is piled closer to the road is there still room for semi's to come in and deliver more? Ivan said there is space. Thinking about putting in another access so trucks can drive right through. Snyder just asked that they work with the township on that possible access, so things are done by their rules.

A motion was made by Cavalier to recommend approval with staff conditions to the County Board. Second by Franks.

Ayes: all

Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, April 6, 2021, here in this room. The applicant may attend if desired.

**Public Hearing:**

**Plat – Golden Willow Estates  
Duane Stroot**

**Parcel #04-78.01  
04-78.05 and 04-78.06**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant proposes to plat a portion of land located in the agricultural district in section 20 of Belgium Township. The applicant is proposing six (6) residential lots from the existing parcels 04.00078.01, 04.00078.05 and 04.00078.06.

Ordinance requirements for this request are found in PCZO Sections 22.0200, 13.8100, 13.8300, 21.4132, 22.2731, 22.2732 and 22.2733.

Snyder said the existing parcels encompasses approximately 80 acres of land located in section 20 of Belgium Township. The applicant is looking at creating six (6) residential parcels. All lots are in the agricultural zoning district. The remaining parcel will be a conforming parcel with approximately 62 acres remaining that may be used for future development. The existing adjacent public roadway is Polk County Highway #19 which has already granted the developer access into the proposed plat. The applicant has been advised by the County to build the roadway to township specifications so it could be considered for future maintenance once homes are built in the development.

Snyder stated that the applicant has put together a draft road agreement for the roadway proposed to be 137<sup>th</sup> Street SW. The applicant has a draft covenant agreement for the lots that would restrict trailer homes, mobile homes as well as several other preferences for construction of the proposed homes in the development. Covenants are not regulated by the County, they are regulated by the developer or an association.

Snyder said that if the developer disturbs more than 1 acre of property, the developer must secure an NPDES/SWPPP permit from the MPCA. Roadway construction for this plat is planned to disturb approx.  $\frac{3}{4}$  of an acre with a two-way street and minimal ditching. Planning and Zoning recently permitted a house and septic system on parcel # 04.00078.06. This is the only structure currently within the proposed plat. There are no known wetlands in the platted area and our office has received a letter from the West Polk SWCD stating that a delineation report is not going to be required. Sites all meet the applicable sizes/widths and other standards in the Polk County Zoning Ordinance requirements for “buildable” parcels in the agricultural district. Staff has viewed the lots and feel that all parcels would be developable and would have adequate room for two standard septic systems as is required by the PCZO.

Snyder said that Aaron Habermehl, West Polk SWCD, sent a letter that stated the Wetland Conservation Act Rules Ch 8420 will not apply to the proposed plat addition. Also, that Rich Sanders, Polk County Highway Engineer commented that Duane Stroot has an access permit for access into the plat and there are not issues from highway. Snyder then went over slides showing application, site location, plat map and site photos.

Snyder said that staff recommends approval of the preliminary/final plat with the following recommendations:

1. Access to the proposed platted lots must be granted by the Road Authority, this is Polk County.
2. Roadways must be constructed to Township specifications and verified by the road authority.
3. If the developer disturbs more than 1 acre of property, the developer must secure a NPDES/SWPPP permit from the MPCA.
4. Any covenants and/or association agreements that are put on the plat must be reviewed by the County before final approval of the plat.
5. No building permits shall be issued within the proposed plat until Final Plat approval. As well as no property within the platted area shall be sold before the Final Plat is Recorded.
6. Within six (6) months of preliminary plat approval, the developer shall submit a Final Plat. The plat may contain only that portion of the approved preliminary plat which is proposed to record. Failure to meet this provision shall void the Preliminary Plat.

Snyder called for questions or comments. Ron Salentine, Belgium Township Chairman, asked if the covenants can be changed anytime after plat approval? Snyder said that the covenants are recorded with each parcel within the plat, so they cannot just be changed on a whim. They can be amended but need to then be recorded again. There would need to be an association of the parcel owners and they should meet annually to address things. Salentine asked what about if an association is never formed. If things don't go as planned and lots don't sell, could you change things to for say trailers are allowed? Snyder said yes you could. Covenants are not regulated by this office; we only review and give recommendations. If changes are made things would need to update by recording those changes. This board doesn't say you cannot have this plat because of the covenants. We only direct them if there is something in there that goes against county rules/policy. This board looks at if the lots are buildable not what type of structure is allowed.

Powers asked Stroot if he worked with an attorney on the covenants? Duane Stroot said yes. Jacobson asked about the buyers knowing about the covenants. Snyder said when they do an abstract search, the covenants would be found as part of each parcel. Leah Stroot was wondering about water. Will there be a well on each or a shared water supply? Snyder said that we don't regulate water on lots. There could be shared wells, just would need to have an easement recorded. This is all regulated by the MN Dept of Health and their permitting process. Snyder said the county does regulate septic systems and each lot is sized to have their own system. Leah Stroot asked about the drainage easements listed on the plat. Snyder said this is new for plats. Basically this helps to control drainage off each lot and that they each control the drainage off their own lot and onto their neighbors. Leah Stroot said concern was drainage to their adjoining farm field. Snyder said drainage easements in between lots are put there to make sure it doesn't drain into their field.

Leah Stroot then asked about the proposed road, 137<sup>th</sup> ST. Who is responsible for the development of the road? Snyder said it has to be built all the way through the cul-de-sac. They also would need the township to sign off that it has been built to their specs. The applicant can

petition the township to take it over once houses are there. If it stays a private road, there would need to be road association with the lot owners and they would pay for maintenance of that road. Snyder said Stroot is planning for it to be private and an attorney has drawn of that document.

Joe Stroot stated his concern is the covenants and it seems like there is no teeth in it. He can basically come out and totally change things in the covenants and decide to allow anything as he is currently the owner of all the proposed lots. Powers pointed out that the plan is to not allow trailers, etc. He also said that he lives in a area has covenants and in 20 years there has been no problems. Franks stated that the owners of the lots have a say in any changes. Snyder said there still has to be a permit obtained for any type of structure, even a trailer. He understands Joe Stroot's concerns that yes since Duane Stroot owns all the lots, he can change the covenants the day after things are approved. This Board cannot address what the covenants contain, just that there are some and the County needs to make sure there is nothing in there against County regulations.

Leah Stroot is concerned what is the draw to someone buying the property. If the lots don't sell and he wants them to become rental units, what then. Snyder said we would need to permit/allow certain types of uses such as campgrounds etc, these are special permits similar to platting. Illean Noyes, Belgium Township Clerk, was wondering if Duane could share his plans are so maybe some of the residents can understand the plans and not just info via the grapevine. Duane Stroot said the plan is to get homesteads back into the area. So many older homesteads have disappeared. He is hoping nice homes that bring value to the township are built. He plans to build a recreation area on part of his lot and walking trails and nature trails in other areas. We are kind of in the middle of nowhere but there is a lot of traffic just to the north of people commuting to work in TRF that live in GF or vice versa. He is hoping to capitalize on that.

Jacobson asked about internet? Duane Stroot said Garden Valley is the area with fiber optics. I have also talked to the rural water service. I am currently planning to drill a well for my lot. I have also talked to natural gas company as they are part way to Euclid already and if we got homes out there it could be a possibility.

Powers asked the neighbors if they get together and talk as communication is important. Noyes said she has had conversations with him but had hoped he would have attended their annual meeting to share his ideas, however he didn't. Everybody has to be open to different ideas. Leah Stroot stated that they are neighbors and would have appreciated Duane coming to talk with them. Snyder said it is good to plan together and talk so everyone is on the same page and is knowledgeable. It is however, not this boards job to make sure developments get filled. This is a risk the landowner takes on. The road has to be developed and approved for the plat to be finalized and recorded. The next step is this will go to the County Board for preliminary approval. The conditions listed will need to be met before it can go back to the County Board for final approval.

Lean Stroot asked about GIS mapping and if it is fairly accurate? Snyder said it should be but they are not 100% accurate. We have a pretty good GIS department but there are difficult areas within the county. They are as accurate as we can get them. Snyder said this property has been surveyed for the two lots that were split out.

A motion was made by Jore to recommend approval of the preliminary/final plat to the County Board with staff conditions. Second by Vonasek. It was noted that the Planning Commission waived its final approval process as long as all conditions were addressed.

Ayes: all

Nays: none

Snyder said that this will go before the County Board on Tuesday, April 6, 2021 at 8:40 a.m.

**Public Hearing: REZONE – Chad & Stacy Lian Parcel #74.00954.00  
74.00954.01, 74.00954.02 and 74.00953.00**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting to rezone Lot Three (3), Block One (1), Foy's Subdivision, formerly parcel 74.00954.00 from the Commercial zoning district to the Agricultural zoning district with shoreland overlay district.

Ordinance requirements for this request are found in PCZO Sections 10 and 18.2110.

Snyder said this property is located along Maple Inn Road SE on Maple Lake in sections 4 & 5 of Woodside Township. The applicant purchased the parcels of land that was formerly the Inn at Maple Crossing to subdivide the land into parcels for residential development. The prior owners had operated the Hotel on the site for the past 40 years and the building was left in disrepair after years of inactivity. The Inn has been torn down and is no longer an active use on the site. The applicant is proposing to rezone this property from the commercial zoning district to the agricultural zoning district with shoreland overlay. Essentially removing the commercial district as there is no longer a commercial building present on the site.

Snyder stated that the proposed new use of the property is to be residential single-family homes. There are only residential properties surrounding this parcel, no other commercial properties are in the immediate vicinity. There is still a large septic system located on the parcel that served the Inn at Maple Crossing and was installed in the mid 90's. At that time, the Mn Dept of Health signed off on septic systems serving commercial uses such as hotels and large service establishments. If any future structure is to be connected to the existing septic system, the septic would be required to pass a septic compliance inspection prior to the structure being connected to a new dwelling or temporary structure.

Snyder said only general questions have been received on the proposed request. Our office has not received any negative feedback from this request. Snyder then went over slides showing the application, site location, sketch and photos of the property.

Snyder stated since this parcel of land no longer has a large commercial building located there, staff feels that it is in conformance with the Comprehensive Plan, is not in conflict with any other

official controls and will not be detrimental to the health, safety or general welfare of other properties in the vicinity. Staff recommends approval of the Rezone request with the following condition:

1. The existing septic system must pass a septic compliance inspection prior to any structure being connected to the septic system including a camper or any other temporary dwelling unit.

Schulz asked about the septic being on one specific lot now? Snyder said yes the middle one. Jacobson asked if it could service more than one home? Snyder said yes and if the system is in compliance, we would like it to be used. You can tie to into multiple house/lots, there would just have to have easements recorded. Vonasek asked how long since the system was used? Stacy Lian said 3-5 years maybe.

A motion was made by Vonasek to recommend approval to the County Board with staff conditions. Second by Schulz.

Ayes: All

Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, April 6, 2021 at 8:40 a.m. and the applicant can attend that meeting if they so desire.

#### **Old/New Business:**

Snyder informed the group that he has gotten calls about the contractor yard at the old EGF Demo landfill site operated by Zavorals. One of the conditions of their CUP was that trees be planted as a screening and he needs to look into that – not sure if trees were planted and didn't survive or if it was never done. Snyder will check into it and also work with Huntsville Township. Vonasek said there were trees planted but they were not maintained/upkept. After a year there was a complaint and they did they did do some work/plant others, but trees take along time to grow. The yard isn't up kept, mowing and weeding needs to happen. Feels this should be addressed again. Snyder stated that he will meet with Huntsville to look into this site and get on the same page with them.

Snyder said he has also gotten calls on a CUP we issued to Mr. Wang just outside of Fertile for a scrap yard. Fencing was a condition and it sounds like only about ½ of the fence was put up.

Schulz asked about the camper inventory from last year? Snyder said we will continue to roll with monitoring what we found last year and update as needed.

Snyder also wanted to remind the Planning Commission members that when they get calls about an issue, to please direct them to contact/call him.

Next meeting is set for April 23, 2021. Meeting adjourned at 11:10 a.m.