

Polk County
Planning Commission
June 25, 2021

Call to Order: 9:00 A.M.

Members in Attendance - Mike Powers, Paul Jore, Robert Franks, Len Vonasek, Mike Schulz, Donovan Wright, Don Cavalier, Arlet Phillips, Tom Noah, Rolland Gagner and Jerry Jacobson.

Members Absent:

Also Present: Polk County Environmental Services' staff: Jacob Snyder & Michelle Erdmann

Minutes: A motion was made to approve the Planning Commission minutes from the May 28, 2021 meeting by Franks. Second by Vonasek. All in favor.

Public Hearing: CUP – Joliette Ag Systems DBA Hefty's Parcel #66.00158.01

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 farm related seed sales business on a parcel of land located in the Agricultural Zoning District in section 32 of Sullivan Township.

Ordinance requirements for this request are found in PCZO Section 137000.

Snyder said the applicant proposes to operate an Ag-related commercial seed business to provide area farmers with a retail seed location in the Agricultural Zoning district in section 32 of Sullivan Township. The proposed site location is planned on a parcel containing 12.13 acres of property in the SW corner of section 32 in Sullivan Township. The applicant has a purchase agreement in place with the current landowners. This operation involves retail of seed and seed related products that will have ample off-street parking for the proposed site use. This business does not involve dry-fertilizer storage.

Snyder stated the proposed building will be 80' x 200' of warehouse with a 36' x 48' office area. There are plans to construct 10 hopper bins for seed storage. The proposed structures plan to meet all setbacks for the location of the site. Our office has not received a septic design for the planned septic system serving the building, this will be addressed conditionally if approved.

Snyder said the applicant stated that this facility will be a Minnesota Department of Ag approved site for retail seed sales. The applicant has received a NPDES permit to disturb over an acre of dirt work for this proposed project. Silt fencing will be erected to control runoff during construction of this project if approved. The applicant stated in the application that this operation will not be conflicting with adjacent landowners.

Snyder said Rich Sanders, County Highway Engineer, stated the highway department had no issues with the proposed request and access has been granted from Co #73. Sullivan Township does joint permitting with the County and has already signed off on the proposed land use application. The only comment from the Township was regarding the septic system and meeting those standards of the County Zoning Ordinance. Jon Mason, MN DOT, contacted our office to state that no permit or action from MNDOT is required at this time. He noted that there is a resurfacing project of the westbound lane on Highway 2 from Fisher to EGF. With these plans there are proposed new turn lanes onto Co Hwy 73 which should help access to this proposed site.

Snyder then went over slides showing application, site location map, letter from Joliette, sketch/drawing, and site photos. Snyder said staff recommends approval of the Conditional Use Permit with the following conditions:

1. Parking area will need to be located over 100 feet from the centerline of County Highway 73 per PCZO Sec. 12.2104 and designed with the grading standards that shall not exceed 4% per PCZO Sec. 12.2201.
2. Septic system shall be designed and installed by a MN licensed contractor. Our office must review the design prior to issuance of the land use permit for the proposed building.
3. An emergency plan must be submitted to and approved by the appropriate fire department, emergency medical service, sheriff, and Emergency Services Coordinator.
4. Conditional Use Permit shall become void one year after it was granted unless used.
5. 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.
6. 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.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. 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
10. 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.

Vonasek asked Jon Warner, applicant, if they plan to do seed cleaning on site? Warner said all that is done at Joliette Ag Systems in Pembina, so there will not be that dust. Schulz asked how many of these stores they operate? Warner said Hefty's has over 50, but Joliette operates 7 of them. They are all pretty much the same blueprint except for Hillsboro, ND as it is within city limits. All storage is within structures, very clean and organized sites. Warner also shared that they are planning for 6-8 employees to start.

Vonasek asked if all the hauling will be done by truck? Warner said yes, but very little traffic, most of it will be during planting season. This is a retail operation. Curt Amundson, Sullivan Township, asked if they would be repackaging, any bulk chemicals? He has concerns with drainage into the Grand Marais Coulee. Warner said possibly but they don't plan on it here. Tanks are within a ring dike and there is concrete for the floor within the building. Amundson said he has done a tour of Hefty operations in the area and they seem to be well done.

Schulz made a motion to recommend approval with staff conditions, second by Vonasek.

Ayes: All

Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, July 6, 2021.

Public Hearing: CUP – Judy Magnuson

Parcel #30.00580.00

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 a Conditional Use Permit (CUP) to tie a new accessory building to a new septic system on a backlot on Maple Lake.

Ordinance requirements for this request are found in PCZO Section 18.2225 E.

Snyder said the applicant owns a riparian and non-riparian lot on Maple Lake. The total non-riparian lot (backlot) size is 150' x 322', approximately 47,916 square feet. Planning and Zoning has received a land use permit application for construction of a 36' x 64' (2,3024 sq. ft.) shed that would be the building tied to the septic system. The applicant's proposing to have a bathroom in the proposed shed and noted on the application that there will be no bedrooms, or that the structure will not function as a guest house.

Snyder stated the applicant would like to connect a new septic system to the accessory structure and we have not yet received the septic design for the proposed septic system. The planned impervious surface coverage is 4.8% for the proposed shed. Stormwater rules state that 25% impervious or under is allowed on any parcel. The septic system request should add no additional impervious coverage. The applicant will be required to complete and record a no guesthouse waiver before the building permit is issued.

Snyder said Stephanie Klamm, DNR Area Hydrologist stated that the primary reason for shore land controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. She adds if the County approves this application, the DNR would recommend the following conditions:

1. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.

Snyder also said Fern Letnes, neighboring landowner, sent an email stating she is totally opposed to this request, she feels allowing this requires should not be allowed under the local ordinance, and if approved will be open a can of worms. She feels that this is just allowing housing on the backlot which is already occurring on Elmer Hanson Dr SE. she added the application gives crazy justification for the structure with a bathroom and implies it will be hidden behind trees thus will not make any difference? Does she want a large private privy just for her personal use? Give her a break, how dumb does she think we all are?

Maple Lake Improvement District stated they have no issues with the proposed request.

Snyder then went over slides showing application, site location map, sketch, and property photos. Snyder said the backlots are sized to have homes on them. Schulz then asked isn't this request pointless? Snyder said they applied for an accessory structure, not a home, therefore they need a CUP to hook a septic up to it. As the parcel is over 40,000 sq. ft. and 150 ft width they could construct a home on this parcel. They could in the future do a change of use and add on a house to the shed and we would then revoke the CUP and no guest house waiver.

Snyder said that staff is recommending approval of the CUP with the following conditions:

1. No guest house uses – the structure must always follow the PCZO regarding habitable space, which states no habitable space such as a full kitchen or sleeping quarters shall be allowed within this storage building.
2. Planning and Zoning office must receive/approve a septic design for the proposed septic system prior to issuing the land use permit.
3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirements. This shall include sidewalks, patios, pavers, etc.
4. The conditional use permit shall become void one year after it was granted unless used.
5. 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.
6. 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.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. 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
10. 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.

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

Ayes: all

Nays: none

Public Hearing: CUP – Jeremy & Ashley Benson Parcel #32.00172.01

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 construct a new 40' x 80' (3,200 sq. ft.) accessory structure, which will bring the total accessory structure square footage on the property to over 4,000 sq. ft. on a 5.09 acre parcel of land located in the agricultural zoning district of Grove Park-Tilden Township.

Ordinance requirements for this request are found in PCZO Section 13.4230 and 13.7000.

Snyder said the applicant owns a 5.09-acre parcel of land in the agricultural zoning district in Section 32 of Grove Park-Tilden Township. The additional land was just purchased in 2021 so the property lines are well defined and known. The applicant would like to construct a 40' x 80' (3,200 sq. ft.) storage building on their property for personal shop use. The proposed building will meet all setbacks.

Snyder stated the applicant currently has a 12' x 10' (120 sq. ft.) storage building, a 26' x 32' (832 sq. ft.) shed, and a 26' x 32' (832 sq. ft.) existing shed on the property. The proposed request would bring the total accessory structures to 4,984 sq. ft. for this property. If the applicant had 10 acres or more of land, they would not be required to go through the conditional use permit process.

Snyder said no comments were received. He then went over slides showing application, site location map, sketch and site photos.

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

1. The structure shall be used only by the occupant(s) of the residence. The structure may be used for: storage of household goods, recreational vehicles and equipment, personal vehicles, maintenance and repair of personal vehicles and equipment, a shop or similar activity, keeping of animals and accessory equipment and supplies, and as otherwise regulated by the Polk County Zoning Ordinance.
2. The conditional use permit shall become void one year after it was granted unless used.
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.

Vonasek asked if the additional parcel purchase would be added to the existing parcel? Ashley Benson said yes. Snyder said if a business were to come into that building, they would need a CUP for operation of said business. Powers asked if there was plumbing in the building? Benson said it will be roughed in, but money wise not right now.

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

Ayes: All
Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, July 6, 2021.

OLD/NEW BUSINESS:

Snyder said that we have completed the camper inventory for 2021 and some letters have already gone out. Schulz said Broden is back to having 3 campers on his property.

Next meeting is set for July 23, 2021. Meeting adjourned at 10:00 a.m..