

Polk County
Planning Commission
January 22, 2021

Call to Order: 9:00 A.M.

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

Members Absent: Mike Schulz, Arlet Phillips

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

Minutes: A motion was made to approve the Planning Commission minutes from the December 4, 2020 meeting by Franks. Second by Gagner. All in favor.

Snyder introduced the two new members to the Planning Commission: Tom Noah is representing Commissioner Wilhite and Don Cavalier representing the City of Crookston.

Public Hearing: IUP Phillip Miller Parcel #28.00224.01

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 Phillip Miller, landowner is Vernon Graber, is requesting an Interim Use Permit (IUP) to operate a small sawmill/home business on a parcel of land owned by Vernon Graber in section 28 of Garfield Township.

Ordinance requirements for this request are found in PCZO Section 12.3048.

Snyder said that the applicant is requesting an Interim Use Permit to operate the small sawmill business on parcel #28.00224.01. The property is approximately 10.36 acres and located in section 28 of Garfield Township. The applicant is proposing to operate out of an existing 42' x 72' shed. The proposed use would be in a 42' x 36' area within the building.

Snyder stated that the applicant has submitted an operational plan and intends to meet all

applicable rules in section 12.3048 of the PCZO. The Interim Use Permit would be to operate this business until a time when the IUP is no longer desired. Normally this board doesn't handle IUP, only on the chance that we get a negative comment from a neighbor that it goes before the Planning Commission. We received a comment from Shirley Nelson, adjacent landowner, sent a letter stated that their property has been a sanctuary for wildlife and the trees are important to the eco-system. The noise would be upsetting to all in the area so please preserve it. Another neighbor, Dean Johnson, contacted our office to state that he is not opposed to the operation of small sawmill business on the site but wanted to make sure that the logs were not piled up near the Township road.

Snyder then went over slides showing the application, operational plan, site location and site photos. The building was permitted in the summer of 2020 and will be a one family operation. Sawdust will be used for animal bedding on the site as they will not be generating a lot that would need to be moved off site. The wood scraps or slabs will be used as firewood. All logs are planned to be piled 150 ft from roadway. Snyder pointed out the location of where the neighbors who commented owned property but didn't live on the parcel. He added that ironically there is a cell tower and small shed on the parcel owned by Shirley Nelson.

Snyder then stated that staff recommends approval of the IUP with the following conditions:

1. The IUP shall remain valid for the operation of this business if all conditions of section 12.3048 are followed.
2. The operational plan shall be followed, any deviation from this plan will need to be approved by Polk County Planning and Zoning staff.
3. Site storage of rough-cut logs or lumber shall meet structural setbacks off property lines of over 15 feet and over 68 feet from the centerline of 105th Ave SW.
4. There will be a limit of 100 cords of wood located on the site at any one time.
5. 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.
6. The Interim use permit shall become void one year after it was granted unless used.
7. Any IUP issued under this Ordinance is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment or otherwise, the owner or proposed new owner must complete the new application subject to approval pursuant to this Ordinance.
8. Applicant is bound by all applicable rules in the Polk County Zoning Ordinance and those special conditions listed above as well as all State and Federal laws applying to this operation.

Snyder then asked for any questions. Powers asked how far to the north is the neighbor? Snyder

said best guess is 1000' from edge of property but from the actual business building, ½ mile. Powers then asked about the saw, inside a shed or outside? Miller said in the shed. Powers asked about the noise level. Miller said it is fairly quiet. Vonasek asked about the size of logs for processing? Miller said 3-5', 18" diameter is the typical size they prefer to cut. Vonasek asked if the neighbor Shirley Nelson even lived on the property she owns? Snyder said no, it appears there is only a cell tower and small building there.

Snyder then asked Miller if the limit of 100 cord was an okay number. Miller stated that it would be fine. Snyder also wanted to clarify to the spot checking of loads coming in. We want it locally sourced from Minnesota to limit the potential for invasive insect species coming with the logs. Snyder said he will be sending them sheets they can use to identify/look for. If the load were to contain them, you would need to send the load back to where it came from.

Gagner asked what the lumber is used for/made into? Miller said pallet lumber. Noah asked about how many hours each day of operation? Miller said 8 or 6, maybe as they have other chores to do also. Snyder asked if they wanted to set limits on hours of operations? Noah said no, just wondering if this was their primary job, but if they have the noise contained it isn't a large issue.

Vonasek made a motion to recommend approval with staff condition to the County Board.

Second by Gagner.

Ayes: All

Nays: none

Snyder stated to Miller that this will go before the County Board next Tuesday, January 26, 2021 for final approval. There was no need for them to attend that meeting. Snyder said he would be in contact with them after that meeting with the invasive information and next steps for the permit.

Public Hearing: CUP Minnkota Power Cooperative Parcel # 66.00060.00

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) for the reconstruction, maintenance and operation of an electrical substation located in Section 12 of Sullivan Township.

Ordinance requirements for this request are found in PCZO Section 12.6200.

Snyder said the applicant is requesting a conditional use permit to reconstruct and relocated an existing substation on a parcel which is proposed to be 2.09 acres in size after a purchased of an additional 1.17 acres. The applicant has a purchase agreement in place to expand the parcel to just over 2 acres which is the required area for a Conditional Use. The acquisition will move the buildings and substation further off township roads, large

ditch and allow for meeting all setbacks. The substation has been located on the site since the 1940's and predates the Polk County Zoning Ordinance. The site is in major need of renovations to provide reliable power to the local area.

Snyder stated that Minnkota Power has a need for improved electrical stability and reliability in the surrounding area. The location of the electrical substation has existed on this site with no conflict to neighboring land uses for 80 years. Transmission lines have been granted easements across nearby lands to accommodate for this project and the movement of the substation. Also, the property has been surveyed to develop the 2.09-acre parcel owned by Minnkota Power with the least impact to surrounding land uses.

Snyder said no comments were received on this request. Snyder then asked Brian Hoffart, Minnkota to talk about their dealings with Sullivan Township. They did adjust slightly to accommodate Sullivan Township setbacks. They also worked with the watershed to make sure they stayed off the large ditch setbacks. He also thanked Mike Gasper for selling the land they needed to make the size requirements. Powers asked exactly where the site was located. Snyder said N. of EGF and west of Key West near the sugar beet piler.

Snyder then went over slides showing application, survey, site location and site photos. Snyder said that staff recommends approval of the Conditional Use Permit with the following conditions:

1. The conditional use permit shall become void one year after it was granted unless used.
2. That the installation is secure from the public and does not create a potential public hazard.
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 neighboring 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 asked if there were any questions? Vonasek asked if this is a secure area? Hoffart said it would be fenced in.

Motion was made by Jore to recommend approval to the County Board with staff conditions.

Second by Franks
Ayes: All
Nays: None

Snyder said that this will go before the County Board for final approval on January 26, 2021.
Snyder said there should be no need for Hoffart to attend that meeting.

Public Hearing: CUP Fertile Community Conservation Club Parcel #48.00176.01

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 trap shooting and gun range on a parcel of land that is approximately 28.4 acres located in the Agricultural Zoning District of Liberty Township.

Ordinance requirements for this request are found in PCZO Sections 13.7000 and 13.7026.

Snyder said the applicant has purchased a parcel of land that is 28.4 acres located in the Agricultural Zoning District in Section 36 of Liberty Township to operate a shooting range for the area sports club and Fertile public-school clay target team. The Fertile Community Conservation Club has secured legal means of access from the neighboring township in Norman County. Norman County, as well as neighboring residences in Norman County were notified of the sites proposed use. The property currently has no structures on it. The only planned structures will be trap houses, a scorer bench and a storage container.

Snyder stated that the applicant has secured funding from the MN Department of Natural Resources to build the trap range for the Fertile public-school clay sporting team. The range will be designed with the main use being for student trap shooting competitions. The range will allow Fertile public-school to offer students the opportunity to take part in the Minnesota State High School Clay Target League. They are currently practicing at Red Lake Falls. The range would also be available for the public on a limited basis through the Fertile Community Conservation Club.

Snyder said the range will be used for trap shooting and have a rifle/pistol range. At all times when the range is open a member of the Community Conservation Club will be present. The shooting area will be fenced with a gate for access from the parking lot. The rifle range will have appropriate backstops so no stray bullets will leave the property. There will be 2 porta potties on site, one being handicap accessible and will be maintained by a licensed maintainer. A dumpster will also be onsite for trash. The operation plan is to have a maximum of 100 students and 100 adults on the property. The shooting range will be open no earlier than March 1st and closed 1-week prior to regular deer firearm season for the year. Interest in trap shooting in Minnesota is the fastest growing high school sport. Fertile public-school hopes this range will allow the students to practice on a consistent bases to be competitive in the MN Clay Target League.

Snyder stated that no comments were received on this request. He then went over slides showing the application, operation plans, site location, layout for the shooting and trap range, parking lot and property photos.

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

1. All requirements of the PCZO 13.7026 will apply to the operations of the shooting range.
2. All the conditions of the approved operational plan must be followed. Any minor changes to the operational plan must be reviewed and approved by Polk County Planning and Zoning.
3. The certificate of insurance must be maintained on the property at all times.
4. No more than 200 people may use the shooting range at any given time unless approved by the Polk County Board.
5. The shooting range may only be operated after March 1st until 1-week prior to regular deer firearm season. Sunday shooting is NOT allowed under any circumstances.
6. The shooting range must follow all Minnesota State Statutes and Rules that are required for shooting ranges.
7. The CUP will be subject to annual Administrative Review to ensure compliance with all conditions of this permit. Planning and Zoning staff shall be allowed to inspect the range at any time to ensure conformity with these conditions.
8. 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.
9. 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.
10. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
11. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the propose use.
12. 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 neighboring properties will result.
13. 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 asked if there were any questions? Noah stated he has as question about the insurance. Just wondering if the County has a uniform minimum amount of coverage? Do they need to name the County on the policy? Snyder said they don't need to name the county, they just need to have a policy. Noah said he would recommend a million as a minimum but that is just his opinion on minimum coverage limits for an operation like this.

Powers asked if the 200 people means 100 shooters and 100 parents? Scott Ramsey said that

usually we have about a dozen parents that show up for these events. The larger section events like in Alexandria is where they get the large number of parents showing up to watch. This was placed in here just in case MNHSL rules would change. Powers then asked about small kids attending? Ramsey said it is like any other sporting event they are with their parents but are not allowed to be running around the shooting range during shooting activities. Powers asked about alcohol? Ramsey said there is no alcohol allowed on the site no matter who is using the shooting range.

Gagner asked about a large gathering of 1000 or more, is that a future plan? Snyder said that the number where the County would need to issue a large gathering permit. We capped these events at 200, which is a number they arrived at, as our ordinance specifies that we need to have a max number of people for the CUP.

Cavalier asked how many times do they think they will host 200 people? Ramsey said that number

was in case in the future we want to host other schools for a competition, but right now each school shoots by themselves at their own range. Vonasek asked if there were people there doing both trap and rifle? Ramsey said no that the rifle shooting is only open certain days, and they would not be at the same time as the trap shooters.

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

Second by Jore

Ayes: All

Nays: None

Snyder said that this will go before the County Board for final approval on Tuesday, January 26, 2021. He said he sees no reason that they need to attend that meeting.

Public Hearing: PLAT Ponderosa Addition Parcel # 72.00063.00

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 proposed to plat a portion of land located in the agricultural district in section 8 of Winger Township. The applicant is proposing eight (8) residential lots from the existing parcel #72.00063.00.

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

Snyder said the existing parcel currently encompasses approximately 18 acres of land located in section 8 of Winger Township and the applicant is looking at creating 8 buildable residential parcels. All lots are in the agricultural zoning district as this waterbody is a wetland not a protected lake thus no shoreland district is created from the wetland. The existing public roadway (Co Hwy 34) abutting this plat is under the authority of Polk

County. No additional roads are planned to be built up, only driveways into the proposed lots. The lots accesses should be grouped to allow for 4 new access points serving the plat. This shall be addressed via development restrictions on the plat.

Snyder stated that if the developer disturbs more than 1 acre of property, the developer must secure an NPDES/SWPPP permit from the MPCA. There has been a wetland delineation and full wetland report that was submitted to the WCA authority, East Polk SWCD. The preliminary plat correctly depicts the wetlands throughout the platted area. There are fringe wetland areas across the entire frontage of all 8 lots, which is not uncommon as the interface of land and water which often creates fringe wetland areas. These areas are protected under WCA rules which do not allow fill materials from being placed in these delineated areas. We have received a letter from the SWCD stated that the wetlands are accurately depicted on the plat.

Snyder said that Lot 8 has extensive wetlands located on the site. The area of lot 8 was expanded to be able to develop around the wetland areas. It contains 1.92 acres of upland area suitable for a home, outbuildings, well and septic system. Sites all meet applicable sizes and widths to meet 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 2 standard septic systems as is required by the PCZO.

Snyder stated that the following comments were received:

1. Stephanie Klamm, MN DNR Area Hydrologist, sent an email stating that the Ordinary High-Water Level of unnamed wetland 60-182 W and appears correct at an elevation of 1234 (NAVD 1988 datum)
2. Rachel Klein, East Polk SWCD, sent an email stated that she visited the site this past fall and that the wetlands are depicted correctly within the proposed plat.
3. Rich Sanders, County Highway Engineer, stated that the County Highway department would like the lots to share accesses so that they could be spaced 300 feet apart and there would be only 4 access points off Co 34 as opposed to 8 access points. He expanded that if two proposed lots shared access than there would be only 4 new access crossings for the proposed 8 lots.

Snyder then went over slides showing the application, plat drawing and lot location photos. Carlson stated that there are some older ag sheds still there. Snyder talked about how the 4 access points would share. Carlson said they actually talked about that and he sees no problems. This is in a family trust and there are 8 siblings so each will get a lot.

Staff recommends approval of the preliminary/final plat approval with the following recommendations:

1. Access to the proposed platted lots must be granted by the Road Authority, this requires a permit from the County Highway Department.
2. Septic system soils evaluations must be submitted prior to final plat approval.
3. If the developer disturbs more than 1 acre of property, the developer must secure a NPDES/SWPPP permit from the MPCA.

4. Plat Development Restrictions must include: Restrictions on development along the shoreline, prohibiting any land alterations/rip-rap/sand blankets/fill within any delineated wetland area. The proposed lots shall create no more than 4 access points spaced 300 feet apart.
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 asked if anyone had questions. Powers this is basically a family plat? Carlson said it is an estate planning. Basically, they needed to break it out in a way that they could each develop or sell as they wished. Powers asked about government lot 7, basically to the south of the plat and if they knew them? Carlson said yes, it is their aunt and uncle.

Vonasek asked how much room is there for the driveway to go in for lot 8 due to the wetland. Carlson isn't sure. Jacob said 30-40 feet. Carlson said it isn't wet right away there is some dry area closer to the ditch and road. Snyder said with the grade they can Y off and the amount of gravel they would need it minimal. Snyder went over the rules for the fringe wetlands which are state rules.

Motion was made by Jore to approve the preliminary/final plat with staff conditions to the County Board. Second by Vonasek
Ayes: All
Nays: none

Snyder said this will go before the County Commissioners for the preliminary approval on January 26, 2021. Snyder said he sees no reason for Carlson to have to attend this meeting. Snyder talked with Carlson about what their next steps are to finalize the plat.

OLD/NEW BUSINESS:

Snyder said that the Miller deck will be finally coming off. It took several letters from the Attorney's office.

February will be ordinance amendment/updates/changes. Mostly minor changes and the insertion of some DNR requirements that need to be placed into our ordinance.

Next meeting is set for February 26, 2021. Meeting adjourned.