

Polk County
Planning Commission
May 22, 2020

Call to Order: 9:00 A.M.

Members in Attendance via WebEX: Mike Powers, Paul Jore, Rolland Gagner, Robert Franks, Len Vonasek, Bobby Baird, Mike Schulz, Arlet Phillips, Courtney Pulkrabek and Gary Willhite

Members Absent: Donovan Wright

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

Minutes: A motion was made to approve the Planning Commission minutes from the January 24, 2020 meeting by Gagner. Second by Franks. All in favor.

Public Hearing: CUP Philip Knutson
Parcel # 59.00090.01

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 46' x 66' (3,036 sq. ft) accessory structure, which will bring the total accessory structure square footage on the property to over 2,500 sq. ft. on a 4-acre parcel locate in the Agricultural/Floodplain zoning district of Rhinehart Township.

Ordinance requirements for this request are found in PCZO Sections 17.5210, 13.4220, 13.4240, and 13.7000.

Snyder said that the applicant owns a 4-acre parcel of land in the Agricultural Zoning District in Section 24 of Rhinehart Township. The property is located in the agricultural zoning district and the 100-year floodplain (1% chance of that flooding event). The structure must meet the MN State RFPE standards for floodplain requirements for elevating the structure on fill to 1.5 feet above the Base Flood Elevation. Our office must receive a certificate of elevation preliminary/final in order to issued the land use permit. We have received the land alteration application for the fill materials to be hauled onto the site.

Snyder stated that the applicant would like to construct a 46' x 66' (3,036 sq. ft.) storage building on his property for personal use. The proposed building will meet all applicable County setbacks. The applicant currently has no permitted accessory structures. If the applicant had 5 acres or more of land, he wouldn't be required to go through the conditional use permit process. There are existing trees between the road and the proposed structure which we will address conditionally to limit the proposed structures view from the adjacent roadway.

Snyder said Ceil Strauss, State Floodplain (NFIP) Manager commented that while these are in the floodplain areas, they are not asking for variances to the floodplain standards/requirements. I don't see any concerns from the floodplain management perspective. Snyder then went over slides showing the application, map of the location, sketch, aerial pictometry photo and photos of the site.

Snyder then stated that staff recommending approval of the Conditional Use Permit with the following conditions:

1. Rhinehart Township official must sign off on the application prior to issuance of the land use zoning permit.
2. The structure should be screened from the roadway by leaving natural trees between the road ROW and the structural setback to limit the view from the adjacent roadway.
3. The structure must meet Regulatory Flood Protection Elevation standards for 100-year floodplain by elevating the structure on fill to at least 1.5 feet above the Base Flood Elevation. We must receive a certificate of elevation preliminary/final in order to issue the land use permit.
4. The structure shall be used by only the occupants(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.
5. The conditional use permit shall become 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 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 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 neighboring 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 if there were any questions? Baird asked if it would be a heated shop? Knutson said maybe down the road, for now just a cold storage building. Baird then asked about a floor drain? Snyder said for a residence they can have a floor drain but only if it is daylighted.

A motion was made by Vonasek to recommend approval with staff conditions to the County Board. Second by Schulz
Ayes: CP, MS, AP, LV, RF, PJ, GW, BB, MP, RG
Nays: none
Motion carries

Snyder said this will go before the County Board for final approval on Tuesday, May 26, 2020.

Public Hearing: CUP Shawn Cormican
Parcel # 13.00155.01

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) construct a new 50' x 70' (3,500 sq. ft.) accessory structure, which will bring the total accessory structure square footage on the property to over 4,000 sq. ft. on an 8.99 acre parcel of land located in the Agricultural Zoning District of Crookston Township.

Ordinance requirements for this request are found in PCZO Sections 13.4230, 13.4240, and 13.700.

Snyder said the applicant owns an 8.99 acres parcel of land in the Agricultural Zoning District in Section 27 of Crookston Township. The applicant would like to construct a 50' x 70' (3,500 sq. ft.) storage building on his property for personal use. The proposed building will meet all setbacks. The applicant currently has a 22' x 56' (1,232 sq. ft) storage building, 19' x 30' (520 sq. ft.) shed and an 11' x 14' (154 sq. ft.) existing shed on the property. The proposed request would bring the total accessory structures to 5,456 sq. ft. for this property.

Snyder stated that if the applicant had 10 acres or more of land, he wouldn't be required to go through the conditional use permit process. There are existing trees surrounding the proposed building site and agricultural land surrounds the parcel. The applicant was unable to secure anymore property to alleviate the CUP requirements.

Snyder said no comments have been received on this request. He then went over slides showing the application, location of the parcel and photos of the site. Staff is recommending 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 structures 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. Crookston Township official must sign off the land use application prior to issuing the permit for this project.
3. The conditional use permit shall become void one year after it was granted unless used.
4. 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.
5. That the establishment of conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve proposed use.
8. 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.
9. 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 if anyone had questions? Schulz asked what type of building will be constructed and if the township has approved it. Cormican said stick built and that he has spoken with the township chariman and he is okay with the structure.

Motion by Vonasek to recommend approval with staff conditions to the County Board. Second by Gagner.

Ayes: CP, MS, AP, LV, RF, PJ, GW, BB, MP, RG

Nays: none

Motion carries.

Snyder said this will go before the County Board for final approval on Tuesday, May 26, 2020.

Public Hearing: CUP Joseph Troyer
Parcel # 65.00038.00

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) operate a sawmill out of a 45' x 70' (3,150 sq. ft.) accessory structure on a parcel of land located in the Agricultural Zoning District in Section 8 of Sletten Township.

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

Snyder said that the applicant wishes to operate a sawmill to produce lumber made from locally sourced wood on a 14.7 acre parcel of land in the Agricultural Zoning District in Section 8 of Sletten township. This operation was discovered in February of 2020. The building will be an after-the-fact building as it was erected without a land use permit. The after-the-fact structure does meet all setbacks for the location of the site. The structure would be processing lumber from locally sourced wood out of the Bemidji area as well as central MN. The applicants submitted an operation plan for the business and has been made aware of zoning requirements. Since this discovery he has scaled back operations to only process what was on the site in Feb of 2020.

Snyder stated that the applicant has been acting in good faith since the discovery of this operation and was unaware of the permitting requirements. The applicant stated operations would be 5 days a week from the hours of 8am to 5pm. Currently 3 employees will be coming to the site for work and other family on the site work to process the lumber. Max number of workers would be 6. Freight will come 1-6 times a week to pickup or deliver logs to process as well as pick lumber to go to market. There is a phone on the site to mitigate fire and emergency services to the area in case of emergency.

Snyder said that the sawdust from the operation will be sourced to local animal operations to use as bedding off the site. The applicant plans to store the sawdust in a bin or bunker style collection area before hauling off the site. The applicant stated that he has discussed his plans with nearby landowners to try and mitigate any potential conflicts.

Snyder stated that Richard Moen, neighbor, contacted our office in late January of 2020 to make our office aware of some of the operations on this parcel. Richard also contacted our office to address some of his concerns which include increased truck traffic, noise and fire hazards. Gloria Carver, neighbor, contacted our office to voice support with the operation of the sawmill and didn't have any issues with the sawmill. Regarding truck traffic she stated it is good to see local business in this area.

Snyder then went over slides showing: letter form Richard Moen (which was read), application, property location map, operation plan, and photos of the site from early February 2020. Staff is recommending 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 and roadways.
3. 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 Long horned Beetle.
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 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 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 neighboring 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.

Powers asked if anyone had questions or comments?

Richard Moen has concerns about what was said is the truth as they are the closest neighbors and they were not contacted. Powers asked if Moen had animals that would use the bedding? Moen said no.

Powers asked Troyer how long he has been here? Troyer said 13 years in Minnesota, 5.5 years here on this site. Powers asked why no permit? Troyer said he just didn't get that done, didn't mean to do anything bad. Powers then asked what "medium sized operation" means? Troyer said small would be a hobby and large scaled would be a full commercial operation. Powers asked about 1-6 loads per week? Troyer said might be 10 one week or they could go 3 weeks without a delivery. The 1-6 was an average. Powers asked about the distance to the nearest town, which Troyer said was 5 miles to McIntosh and 5-7 to Fosston. Powers was wondering about the ability to hook to fire hydrant for water.

Baird asked if the rough-cut lumber was kiln dried and if we could limit the number of cords of wood on the property. Snyder said we can limit the amount on the property. Troyer said there is a kiln in his shop and that they do dry small amounts of the lumber, but not all. There is zero chemical use in their process.

Moen asked who is responsible for inspections regarding the insects? Snyder said that part of the CUP is that sawmill staff are to spot check loads. Moen asked how is that validated? Snyder said there is an annual review and there should be sheets of inspections documentation. He said he has discussed this with Mr. Troyer. By locally sourcing the wood from MN cuts down on the likely hood of insects that are not already in MN. Of the insects listed, 3 are on the US Forest Service watch list. Moen asked how do you guarantee it is only from MN? Snyder said receipts to verify. If there are loads from outside MN we can revoke his CUP. Snyder said he and the office will work with Mr. Troyer on the conditions and annual check.

Moen said his final comment is that many of these conditions seem to be dependent on honesty of the application and he questions that.

Powers asked if the wood in the photos was moved? Troyer said it is about 9-10' off fence line and that after he met with staff on site the COVID situation has slowed things down and the wood has not been moved. Powers asked what the min cords of wood on the property would be needed for operation? Troyer said not unber 100 cords, he can locate the lumber in a different location. He then asked what Mr. Moen expects. Troyer will be putting a muffler on the motor and other things to try and help lower the noise.

Pulkrabek asked how the operation differs from the one in Bagley? Troyer said they use heavy equipment, operate a scale and probably have 500 cords of wood etc, on site for use. It is a totally different way of operating.

Powers said he would consider adding the conditions of mufflers on the equipment and limiting the number cords on the property. Troyer said the cord limits could be difficult but he has no problem with the mufflers. Troyer said 100 cords could limit the operation at certain times as they can go through 10 cord/day in full operation. Jore stated he objects to restricting the number of cords on the site at one time. Snyder said we could leave the cords amount open ended but increase the setback requirements off the road. Jore said he would be more in favor of that as the site itself will restrict the number cords allowed at one time. Schulz said he agrees. Snyder said we could set a 100' setback off roadway and asked if there were any other comments?

Gene Haugom, Sletten Township, stated the township does not have zero problems with the request and zero problems with snow on the road from the stockpiled wood where it currently is located.

Motion was made by Jore to recommend approval with staff conditions, plus the 100' setback and mufflers on all equipment, to the County Board. Scnd by Vonasek.

Ayes: CP, MS, AP, LV, RF, PJ, GW, BB, MP, RG

Nayes: none

Motion carries.

Snyder said this will go before the County Board for final approval on Tuesday, May 26, 2020

and asked Mr. Troyer to please give him a call later today if he wishes to get the information to virtual attend that meeting.

Public Hearing: PLAT Zavoral Addition RJ Zavoral
Parcel 40.00137.00 & 40.00154.00

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 proposes to plat a portion of land located in the Agricultural District just outside East Grand Forks city limits. Specifically, existing parcels 40.00137.00 and 40.00154.00 which have some floodplain and shoreland districts from a coulee to the west of the proposed development.

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

Snyder stated that these properties currently encompass over 20 acres of land located in Section 18 of Huntsville Township and the development is looking at creating 8 buildable parcels, one of which has an existing home currently located on it (Lot 2) and 1 out lot. The roads have not been constructed yet but are planned to be build up to city of East Grand Forks specifications so that if the platted lots were ever annexed into the city, they would meet city specifications. These specifications are greater than Township road requirements. To construct the roadways, the developer must secure a NPDES/SWPPP permit from the MPCA due to the disturbance of over 1 acre.

Snyder said that the developer is planning to have the roadways built to specifications but to have them remain private roadways. We have received a draft of the road agreement which is required to be recorded with the plat when the road is planned to be private. There are no known wetlands in the plat area, some may be located along the coulee specifically planned lots 2 & 3 but aren't seen to be in any potential disturbed or developable area. We have received a letter from the West Polk SWCD stating that a delineation report is not going to be required, but that there are possible wetland fringe areas along the coulee. Those potential wetland areas area also located in the 100-year floodplain which is heavily regulated within the Zoning Ordinance.

Snyder stated that the area along the coulee does have 100-year floodplain located along the coulee which as been indicated on the plat. There is a 100-foot setback off the OHWM of the coulee so lots 2 & 3 can't have structures located in the floodplain anyway. Sites will meet all the applicable sizes and widths to meet the Polk County Zoning Ordinance for buildable parcels in the agricultural district. The shoreland areas extends over 300 feet from the coulee located along lots 2 & 3. Lot 2 has an existing home located on it. All other proposed lots don't have any structures located on them.

Snyder said there is one planned excluded area in the north corner of the plat. This area would

not meet the criteria for a buildable parcel but could be added to an existing parcel to the north. This will be addressed via conditions for the plat. Staff has viewed the lots and feel this would be a nice development on the edge of East Grand Forks city limits. The developer must work with the city for the access to the proposed plat. Huntsville Township must also send a letter regarding the plat as Polk County does joint permitting with them.

Snyder said Stephanie Klamm, DNR Area Hydrologist, stated that the County must not approve subdivisions that are designed so variances from one or more standards in the official controls are needed to use them with their intended purposes. Practically, this means evaluating the sites to ensure all setbacks and other standards can be met without a variance. She continued to add that the plat should have clear indication of floodplain and shoreland area setbacks so that potential buyers are aware of the requirements before purchasing either lot 2 or 3 of the proposed plat.

Snyder also said Aaron Habermehl, West Polk SWCD, sent a letter stating the Wetland Conservation Act rules Ch. 8420 will not apply to the proposed plat upon conditions that an excavation does not result in drainage and no fill materials are placed within the Floodplain area.

Snyder then went over slides showing application, property location, plat overlay and photos of the property. Staff is recommending approval of the preliminary/final plat approval with the following recommendations:

1. Access to the proposed plat must be signed off by the Road Authority.
2. Huntsville Township must approve the plat as they do joint permitting with Polk County Planning and Zoning.
3. Roadway construction will require the developer to get an NPDES/SWPPP permit from the Minnesota Pollution Control Agency before roadway construction can be done.
4. Septic system soils evaluations must be submitted prior to final plat approval.
5. Wetland delineation for the plat will not be required upon conditions that an excavation does not result in drainage and no fill materials are placed within the Floodplain area.
6. 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.
7. The property not included in the plat, specifically the north corner of exiting parcel # 40.00137.00, must be added to an existing parcel to the north as the remainder is not a buildable lot on its' own.
8. A final Road Agreement must be recorded with the Final Plat.
9. 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.

Powers asked if anyone had questions? Baird asked if there was any city infrastructure? Zavoral

said not part of the city. There are no services on the east side of the road but not on the west. Snyder said this is the general ag district for Polk County and will have a well and septic system for services. Powers asked if any of the lots were sold yet? Zavoral said no.

A motion was made by Vonasek to approve the preliminary/final plat with staff recommendations. Second by Gagner.

Ayes: CP, MS, AP, LV, RF, PJ, GW, BB, MP, RG

Nays: none

Motion carries.

Snyder said this will go before the County Board for approval on Tuesday, May 26, 2020.

Meeting adjourned.