

SHERBURNE C O U N T Y



*Sherburne County
Planning Advisory Commission Meeting Minutes
August 20, 2020
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on August 20, 2020 to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake, the Township of Baldwin and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Vice-Chairperson Bruce Aubol called the meeting to order and roll was taken.

The following members were present:

Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; Steve Demeules, Palmer Township; Vice-Chair, Bruce Aubol, Big Lake Township; Bryan Adams, Orrock Township; Jeff Schlingmann, Haven Township; Terrance Vandereyk, Clear Lake Township, David Jehoich, Santiago Township

Absent: Chair, Bryan Lawrence, Baldwin Township; Tim Dolan, County Commissioner

The following staff members were present:

Sherburne County Planning Advisory Commission Minutes
August 20, 2020

Lynn Waytashek; Assistant Zoning Administrator, Mitch Glines; Planner, Carrie Winter; Secretary

Waytashek announced that members may remove their mask when speaking during the meeting.

Waytashek also announced an Open House for Paul Braun; Mr. Braun has reapplied for an IUP for a gun range and wanted the Open House invitation for Saturday, 3:00pm-5:00pm to be shared with the Planning Commissioners. Anyone interested in attending should contact Marc Schneider for the information.

Lastly, Waytashek announced that Marc Schneider will be joining the meeting via telephone, beginning with agenda item #3.

Aubol stated that the meeting was being recorded and announced that the Planning Commission is a recommending body. Items recommended for approval by the Planning Commission will be heard by the County Board of Commissioners on September 8th, 2020 at 9:00am.

Schlingmann made a motion to approve the minutes from the July 16th, 2020 Public Hearing. Demeules seconded. Motion carried and the minutes were approved for the July 16th, 2020 Public Hearing.

Adams made a motion to approve the Public Hearing agenda for August 20th, 2020. Spencer seconded. Motion carried and the Public Hearing agenda for August 20th, 2020 was approved.

Agenda:

1. **Pine Farms:** (Owner Trilogy Properties) Requesting a final simple plat approval consisting of 4 lots.
2. **Pine Farms Second Addition:** (Owner Trilogy Properties) Requesting preliminary and final simple plat approval consisting of 3 lots.
3. **MN Propane:** Requesting to amend existing IUP for a Highway PUD to include installation of a propane Autogas and Cylinder Fill Dispenser
4. **Braun Addition:** (Owner Donald & Ramona Braun Trust) Requesting preliminary and final simple plat approval consisting of 1 lot.
5. **Michael and Carol Walberg:** Request for a Conditional Use Permit for a Personal Storage Structure.
6. **Sumser Farm:** (Property owner Gregory & Karen Sumser) Requesting preliminary plat approval consisting of 4 lots.

Agenda Item #1 -6:02pm

Pine Farms (Property owner Trilogy Properties): Requesting final plat approval consisting of 4 lots (one existing house).

PID # 15-025-1300. Address: 14612 289th AVE NW, Zimmerman, Section 25, Twp 35, Rge 27, Blue Hill Township. 15.08 acres in the General Rural District.

Mitch Glines, Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Final Plat (date stamped 07/20/2020)
- B. Final Grading Plan (date stamped 07/20/2020)

BLUE HILL TOWNSHIP COMMENTS (08/12/2020): See comments from Township Engineer from email dated 7-28-2020. Three (3) new driveway permits must be obtained from Township Engineer.

Brent Larson (Hakanson Anderson – Blue Hill Township Engineer) (08/06/2020): We have reviewed the above information and recommend approval of the Pine Farms subdivision.

DEPARTMENT/AGENCY COMMENTS:

Russ Heiling, County Surveyor (07/24/2020) The final plat looks good for now. We will do a more thorough plat check when the final is submitted to our office for our Final Plat check.

PLANNING & ZONING STAFF COMMENTS:

- 1. The proposed project consists of four (4) new lots from a 15.08 acres parcel.
- 2. No new roads will be constructed.
- 3. There is one existing house on the property. A new septic system has been installed on 7/23/2020.

RECOMMENDED CONDITIONS IF APPROVED:

- 1. Park dedication fees for three (3) lots at \$2,400. Fees are paid to Public Works prior to them signing the final plat mylars.
- 2. Must obtain driveway access permits from Blue Hill Township prior to driveway construction.
- 3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Planning Commission Discussion Followed:

Craig Wensmann, Bogart, Pederson and Associates, 13076 1st St Becker came forward as the applicant, stating that he is seeking positive recommendation for a Final Plat approval for Pine Farms. Aubol asked if there were questions from the Board.

No questions.

Nelson made a motion to recommend approval of the Final Plat for “Pine Farms” with the (3) recommended Conditions.

Glines read the (3) recommended Conditions. Schlingmann Seconded the motion to recommend approval.

Conditions:

1. Park dedication fees for three (3) lots at \$2,400. Fees are paid to Public Works prior to them signing the final plat mylars.
2. Must obtain driveway access permits from Blue Hill Township prior to driveway construction.
3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried and the final plat for "Pine Farms" is recommended for approval by the Planning Advisory Commission to the County Board.

Agenda Item #2-6:04pm

PINE FARMS SECOND ADDITION (Owner Trilogy Properties) Requesting preliminary and final simple plat approval consisting of 3 lots.

PID 15-426-0105, Lot 1, Block 1, Viewpoint, Section 25, Blue Hill Township, 13.47 Acres, in the General Rural District.

Lynn Waytashek, Assistant Zoning Administrator, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat (date stamped July 17, 2020)
- C. Final Plat (date stamped July 23, 2020)

BLUE HILL TOWNSHIP COMMENTS (received 7-16-2020): Tree and brush must be clear cut to property line of the ROW. Any overhanging branches must be cut at property line of ROW. Precautions must be made to prevent spread of oak wilt. Township needs a certificate of liability insurance from contractor working in township ROW. Escrow amounts of \$5,000 for tree removal, \$1,000 for engineer fees and \$225 for house number signs. Apply for driveway permit from township engineer.

Brent Larson, Township Engineer Comments (Aug 6, 2020): The 289th Street right-of-way shall be cleared of all brush, trees and stumps and all debris removed from the right-of-way.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Asst Public Works Director (June 29, 2020): No concerns, not on County road. Public Works will require \$2,400 in park fees for three (3) new lots.

Bonnie Jacobs, Auditor/Treasurer's Office: Would need to have taxes paid prior to recording plat.

Russ Heiling, County Surveyor (July 20, 2020): Reviewed revised drawing and commented that all issues were addressed.

RECOMMENDED CONDITIONS IF APPROVED:

1. Park fees of \$2,400 to Public Works paid prior to Public Works signing mylars.
2. 289th Street right-of-way shall be cleared of all brush, trees and stumps and all debris removed from the right-of-way per township requirements.
3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Planning Commission Discussion Followed:

Craig Wensmann, Bogart, Pederson and Associates, 13076 1st St, Becker came forward as the applicant for the plat.

Aubol opened the Public Hearing. No one from the Public Spoke.

Nelson made a motion to close the Public Hearing. Demeules seconded. The motion carried and the Public Hearing was closed.

Adams asked who clears the brush and the trees off of the Right of Way.

Waytashek state that the township wants the developer to do that.

Nelson added that the township followed the way that the County does this for the County Roads. He stated that the whole road needs it and according to township law, the landowners all need to be notified. The township thought that this would be a good place to start.

Nelson made a motion to recommend approval of “Pine Farms Second Addition” with the recommended (3) Conditions. Spencer seconded.

Conditions:

1. Park fees of \$2,400 to Public Works paid prior to Public Works signing mylars.
2. 289th Street right-of-way shall be cleared of all brush, trees and stumps and all debris removed from the right-of-way per township requirements.
3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried and the preliminary and final simple plat for “Pine Farms Second Addition” is recommended for approval by the Planning Advisory Commission to the County Board.

Agenda Item # 3-6:08pm

Marc Schneider; Senior Planner, joined via phone call.

MN Propane Requesting to amend existing IUP for a Highway PUD to include installation of a propane Autogas and Cylinder Fill Dispenser

PID 30-462-0105, Address: 12475 273rd Ave NE Zimmerman, MN 55398. Legal Desc: Lot 1 Block 1 of Thank You Father in Section 4 of Livonia Township 5.35 Acres in the Urban Expansion Zoning District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial photo
- B. Written description of proposed use
- C. Proposed site plan
- D. Proposed installation plans for cylinder

LIVONIA TOWNSHIP COMMENTS: Recommended approval at their 7/28/2020 meeting.

DEPARTMENT/AGENCY COMMENTS:

STAFF COMMENTS:

1. The applicant has requested to amend their Interim Use Permit (IUP) for a Highway Planned Unit Development at 12475 273rd Ave NW Zimmerman for the Minnesota Propane Association (MPA) and the Minnesota Propane Education and Promotion and Safety Council (MNPEPSC). That serves as the space for Association offices, industry training facility, industry related learning center and community meeting facility.
2. They are proposing to amend the existing IUP to allow them to install a 1,000-gallon Autogas fill dispenser for public and self-use. Autogas is a green fuel which is commonly used by many commercial fleet vehicles and buses. MN Propane has 4 different vehicles that run on propane Autogas and would provide public access to the 24/7 self-serve refueling station.
3. There are no public Autogas filling stations within Sherburne County. Many businesses that run Autogas vehicles, like bus stations or delivery companies have these refueling systems on their property.
4. The applicant is proposing to add one a light to the Autogas filling station that will be operated from dusk to dawn. Location of Autogas filling station can be seen on Packet Attachment C-1
5. The applicant has also requested to add additional signage to the property please see Packet Attachment C-2.
6. No other changes are proposed for this IUP.

EXISTING CONDITIONS AND RECOMMENDED NEW CONDITIONS IF APPROVED:

1. In accordance with Section 16.2, Subd 5.16(5) of the Sherburne County Zoning Ordinance; a developer's agreement must be signed with the township and/or the County as specified in the interim use permit.
2. This Interim Use Permit for a Highway Planned Unit issued to the Minnesota Propane Association for the purpose of Association offices, industry training facility, industry related learning center, community meeting facility and **self-serve Autogas Filling Station** and shall expire with a change in majority ownership of the business or sale of this property.
3. A building permit is required from the Planning and Zoning Department for any alteration to the existing building. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.
4. Any signage shall comply with the sign ordinance **and be located as presented on site plan C-2, a sign permit is required from the Planning and Zoning Department.**

5. ***A building permit is required from the Zoning Department for the installation of the Autogas dispenser and shall comply with National Fire Protection Association 58 Liquefied Petroleum Gas Code***
6. Road access will remain via 273rd Ave no other road access is approved with this IUP.
7. The applicant shall allow the County to inspect the property during normal business hours.

Planning Commission Discussion Followed:

Dave Wager, Minnesota Propane Association, 12475 273rd Ave NW, Zimmerman came forward as the applicant. Wager confirmed that he did accept the Conditions.

Wager explained that the purpose of MN Propane Association is to promote and educate on the benefits of propane. The primary purpose of installing this piece of equipment is for promotion and educational purposes. Propane is a fast growing, clean, source of energy for motor fuel. We are having significant growth, especially in the school bus market. There are over 800 school buses in Minnesota that run on propane and this number continues to grow. Wager added that he owns a vehicle that runs on propane. Most vehicles that run on gasoline can be converted to run on propane. The goal is to provide a piece of equipment that can be used to train industry members on how to operate, install and promote the use of Autogas.

MN Propane will be available, provided State Fire Marshall approval, for the public for 24/7 refueling of vehicles that run on propane. They don't want to be in the resale of propane business; they don't want to compete with their own members. The idea is to let one unit try propane, for example, a unit for the sheriff's department, a township or county vehicle, or a school bus operator to have a place to get propane to try one bus, etc. to see results and see if this is something that they want to move forward with and then when they grow, they can transition to a marketer in the area. MN Propane would just be using this for promotion and education.

Wager brought a mock-up of the unit and explained that MN Propane goes to the auto show, farm fest, lawn and garden shows as they have lawnmowers that run on propane. Wager explained that the black cap is like the side of the vehicle, there is a nozzle much like a gasoline nozzle, that engages when you're fueling, it's no different than putting gasoline in your car. When it's done, it disengages and it is returned it to the holder. This is a safer system than gas as it is a closed system, positive pressure is going in, there is no venting of vapors like with gasoline or diesel fuel. There are back checks going in so when it is released there is no release of product.

Adams asked if Autogas is the same as propane, or if it is altered.

Wager explained that it is the same product. Autogas is a name that was developed to differentiate the product for motor fuel instead of propane that is used to heat a business or a home. The difference is that road tax must be paid. When propane is used in a vehicle, it is the same as road tax that is paid on gasoline or diesel fuel. The rates are a little different; based on BTU content instead of gallons.

Demeules asked how this is accessed to use it, is this a charge card? What is keeping anyone from using this?

Wager stated that it will use major credit card, just like going to a major gasoline station or fleet card that would be issued by them, you can't just turn it on. A Gilbarco pump will be installed which is a gasoline pump with propane components in it, built specifically for propane.

Vandereyk asked how you know when the tank is full.

Wager explained that there is an automatic shut off device built into the tank, when the tank is full, it stops the flow and the nozzle automatically disengages.

Waytashek asked what the cost is to run a vehicle on propane compared to gas and how does this impact the mileage.

Wager explained that this is currently being sold for about \$1.30 per gallon including road tax. He added that there is about a 15% reduction in mileage running on propane vs gasoline. This is a clean burning fuel and your engine runs better, this is a high-octane fuel and the engines love it.

Aubol stated that from what he has read, the oil change intervals can be increased as well because you don't get the contamination as you would with a liquid fuel.

Wager agreed that this is correct because you are consuming a vapor and it's just a much cleaner product with gasoline. With gasoline you are injecting and it's vaporizing in the cylinder and in this case, we are putting vapor into the cylinder.

Spencer asked what volume of clientele is expected at the site on a daily basis.

Wager said right now; none. The intent is to promote it. We do not want to grow our retail business at the site. The goal is for fleets or existing gas station to offer this option at their site. Right now, the only fuel that will be running through this is that which is promoted, what Wager runs in his vehicle, the Association has (2) vehicles that run on propane and (2) lawnmowers that run on propane. Wager stated that the benefit is that over 800 school buses in the State of Minnesota run on propane and dependent on the size of the tank, buses will go over 400+ miles and they always want to make sure that they have a reserve as they are transporting students, now a school bus from Bemidji has a ready access point to access this product at any time.

Adams asked how this compares to natural gas, that was promoted years ago.

Wager said that they operate very similar. There are a couple of disadvantages to natural gas. With natural gas; you can only compress vapor; propane is stored as a liquid and is expands 270 times during the process of conversion from liquid to vapor. Wager said that he drives a Ford F150 with a tank that is 9 inches deep and it fits under the tonneau cover, in front of the wheel wells of his truck, it takes up very little space. He can hold 30 gallons of propane and go 500 miles on that tank. With compressed natural

gas, there is a large tank as you can only compress vapor. The cost of the infrastructure for natural gas is also expensive. He's heard a cost of over \$1 million to put in fast, natural gas, refueling structure. MN Propane is going to put in the Cadillac (of propane fueling stations) because they want to promote the best that is out there. He can refuel in 10 minutes, just like at a gas station and MN Propane is going to spend less than \$100,000; completely installed.

Aubol asked if the local Fire Dept is comfortable with the installation.

Wager stated that he included a letter in the packets from the State Fire Marshall that approves self-fueling of propane/Autogas vehicles. The State Fire Marshall has approved this process. Wager stated that this letter was included in his application. Wager added that he also sent a copy to Schneider and the county building official. He also offered to provide another copy; however, he did not have one with him.

Schneider stated that he has asked Wager for this but does not see it in the packet. He recalls discussing it as a part of the Building Permit. Since this is a unique request, Schneider has involved the Building Official in this process.

Wager stated that he will send another one and confirmed that it is approved by the State Fire Marshall. (This document is now on file). Wager also stated that he has been working with the Building Official on the code requirements and permitting process. These are the code standards that MN Propane uses already.

Spencer asked what would happen if there was an incident, if something malfunctions, is there an automatic shutoff?

Wager replied yes, everything is built with safety, automatic shut offs and fire protection. Wager asked when the last time someone heard of a propane incident?

After moments of silence, Aubol replied, understood.

Wager added that this is a very safe product if treated with respect. Everything is built with redundancy. A propane tank is built to 5 times the working pressure.

Spencer asked if this refueling station will only be for vehicles and not for someone who wants to bring in their 20-gallon tanks.

Wager explained that this will not be for refilling cylinders, this will not be for retail, this will strictly be 24-hour access to refuel with a credit card, the pump can't even be turned on in the building, if someone doesn't has a credit card, MN Propane can't take cash for it. It does have a cylinder fill on the unit, but that is only for training purposes. A lot of training is done and how to properly fill a cylinder is part of the training.

Jehoich asked if there will be an access gate to the pump.

Sherburne County Planning Advisory Commission Minutes
August 20, 2020

Wager stated that there is no gate, this is a 24-hour public refueling service. There are vehicle impact protections as required by code just like a gas or diesel pump at a station.

Aubol opened the Public Hearing.

No one from the Public Spoke.

Nelson moved to close the Public Hearing. Adams seconded. The motion carried and the Public Hearing was closed.

Spencer moved to recommend approval of the IUP with the recommended (7) Conditions. Adams seconded.

EXISTING CONDITIONS AND RECOMMENDED NEW CONDITIONS IF APPROVED:

1. In accordance with Section 16.2, Subd 5.16(5) of the Sherburne County Zoning Ordinance; a developer's agreement must be signed with the township and/or the County as specified in the interim use permit.
2. This Interim Use Permit for a Highway Planned Unit issued to the Minnesota Propane Association for the purpose of Association offices, industry training facility, industry related learning center, community meeting facility and **self-serve Autogas Filling Station** and shall expire with a change in majority ownership of the business or sale of this property.
3. A building permit is required from the Planning and Zoning Department for any alteration to the existing building. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.
4. Any signage shall comply with the sign ordinance **and be located as presented on site plan C-2, a sign permit is required from the Planning and Zoning Department.**
5. **A building permit is required from the Zoning Department for the installation of the Autogas dispenser and shall comply with National Fire Protection Association 58 Liquefied Petroleum Gas Code**
6. Road access will remain via 273rd Ave no other road access is approved with this IUP.
7. The applicant shall allow the County to inspect the property during normal business hours.

FINDINGS: *No Interim Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:*

Marc Schneider read the questions and Spencer provided the response as follows.

1. That the Interim 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 and impair property values within the immediate vicinity. **YES or NO WHY?**

The proposed use is not injurious and won't diminish and impair values within the immediate area. The applicant is proposing to use the property in a manner similar to what has existed on this property. No new development is proposed; the property will be used as office space for meetings and public

gatherings. The Autogas dispenser is in line with the intent and proposed use of the property to serve as the headquarters for the Minnesota Propane Association (MPA) and the Minnesota Propane Education and Promotion and Safety Council (MNPEPSC).

2. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES** or **NO** WHY?

The proposed IUP will not impede normal and orderly development of this property or surrounding vacant property there are no plans to expand the development of this property, this is the repurpose of an existing building that serves the residents in this area.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES** or **NO** WHY?

This property was developed as a church and had adequate parking, drainage and road access established when it was first developed.

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES** or **NO** WHY?

The applicant has sufficient parking space to accommodate the proposed use in accordance with County and State standards.

5. 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.
YES or **NO** WHY?

It will not cause offensive odor, fumes, dust, noise and vibration to the immediate area. Adequate parking is proposed, and minimal training will be done outside.

The motion carried and the IUP Amendment is recommended by the Planning Commission to the County Board for approval.

Agenda Item #4-6:27

Braun Addition (Owner Donald & Ramona Braun Trust) Requesting preliminary and final simple plat approval consisting of 1 lot.

PID 20-117-2200, Address 8575 State Street Clear Lake, Section 17, Clear Lake Township, 113 Acres, in the Urban Expansion District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat (revision date 7/24/2020)
- C. Final Plat (revision date 7/24/2020)

CLEAR LAKE TOWNSHIP COMMENTS: (7/22/2020) No issues with this request as long as all County requirements are met.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (07/16/2020)

1. Sherburne County Public Works Engineering has no concerns with the plat application.
2. No park dedication fees are required since the lot has a house on it.

Russ Heiling, County Surveyor (07/27/2020) Staff and I reviewed the (revised) preliminary plat and have no additional comments from my review letter to you dated July 13th. We will require a final plat check before the plat will be OK'd for creating mylar copies and recording. Among a list of other items, we review, the county will not allow limited access openings on the final plat.

Mike Lindenau, Co Ditch Inspector (07/13/2020) – No issues, County ditch not on lot.

PLANNING & ZONING STAFF COMMENTS:

1. The applicant is requesting to subdivide the existing home with a 5-acre parcel from a 113-acre parcel. The remaining 108 acres is being divided into two parcels, both will meet the minimum metes and bounds lot size for the Urban Expansion District and therefore are not required to be platted.
2. The septic for the existing home was found to be in compliance on 06/25/20.
3. No new roads will be constructed.
4. The proposed project complies with all county platting requirements.

RECOMMENDED CONDITIONS IF APPROVED:

1. The remaining portion of PID 20-117-2200 will be a metes and bounds parcel after the lot split, a new legal description will need to be prepared and recorded at the same time as the plat. The new legal description, with total area of the remaining parcel identified, shall be recorded in the form of a deed or such other form as may be approved by the County Attorney's Office.
2. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Planning Commission Discussion Followed:

Tom Hentges, 8495 State Street, Clear Lake came forward as the applicant of the plat. He is requesting a Simple Plat for the Braun Addition.

Aubol opened the Public Hearing.

No one from the Public spoke.

Nelson moved to close the Public Hearing. Demeules seconded. The motion carried and the Public Hearing was closed.

Vandereyk moved to recommend approval of "Braun Addition" with the recommended (2) Conditions. Demeules seconded.

Conditions:

1. The remaining portion of PID 20-117-2200 will be a metes and bounds parcel after the lot split, a new legal description will need to be prepared and recorded at the same time as the plat. The new legal description, with total area of the remaining parcel identified, shall be recorded in the form of a deed or such other form as may be approved by the County Attorney's Office.
2. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried and the preliminary and final simple plat for "Braun Addition" was recommended for approval to the County Board.

Agenda Item #5-6:31pm

Michael and Carol Walberg: Request for a Conditional Use Permit for a Personal Storage Structure.

PID 10-105-2305. Address not assigned, Legal. Sec. 5, Twp 33, Rge. 27 Big Lake Township 20 acres in the General Rural District and within the Shoreland District of the St. Francis River.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Applicant explanation of request
- C. Site Plan 1-2
- D. Building Plan/Elevation 1-2

BIG LAKE TOWNSHIP COMMENTS (September 19, 2019): Positive Comment

DEPARTMENT/AGENCY COMMENTS:

James Bedell, DNR No comments received

PLANNING & ZONING STAFF COMMENTS:

1. The applicant is requesting to construct a 30’x40’ (1,200 sq. ft.) Personal Storage Structure on a 20-acre parcel. There is adequate space on this lot to build a home and add a septic to this property in the future if desired.
2. There is an easement that runs through this property which serves the lot directly to the north which was purchased by the applicant’s daughter to construct a new home.
3. There are no other buildings on this lot.
4. The applicant is proposing to build this structure in the south east corner of the property, 110 ft from the south lot line and 130 ft from the east lot line, which complies with all setback requirements. This property abuts the St. Francis River, but the proposed building will be located over 300 ft from the River therefor it is outside Shoreland Overlay District.

RECOMMENDED CONDITIONS IF APPROVED:

Sherburne County Planning Advisory Commission Minutes
August 20, 2020

1. The applicant must comply with County's Zoning Ordinance and the Minnesota State Building Code.
2. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
3. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
4. The maximum height of the structure is 25 feet from the ground to the peak.

Planning Commission Discussion Followed:

Adams asked what the future is of 183rd Street. Will this go through the property?

Schneider stated that the packet calls out an easement that goes across so that the lot to the North has access so a home could be built out there at some point. A family member has purchased the additional property, Schneider deferred to the applicant.

Vandereyk asked if the easement needs to be recorded before the CUP is granted?

Schneider stated that it does not need to be recorded before the CUP is granted. This is a private matter. They divided the property because it met the minimum 20 acres under metes and bound requirements. This is not directly tied to this request.

Mike Walberg, 11390 Parkview Drive, Becker came forward as the applicant of the CUP.

Aubol confirmed that the applicant was aware of the Conditions.

Aubol opened the Public Hearing. No one from the Public spoke.

Nelson motioned to close the Public Hearing. Demeules Seconded. The motion carried and the Public Hearing was closed.

Aubol moved to recommend approval of the IUP with the (4) recommended Conditions. Adams seconded.

Conditions:

1. The applicant must comply with County's Zoning Ordinance and the Minnesota State Building Code.
2. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
3. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
4. The maximum height of the structure is 25 feet from the ground to the peak.

FINDINGS:

No Conditional Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

Schneider read the questions and Aubol provided the response as follows.

1. 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 and impair property values within the immediate vicinity. **YES** or **NO** **WHY?**

The proposed use is a personal storage structure it is not anticipated to diminish and impair values within the immediate area.

2. 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 and impair property values within the immediate vicinity. **YES** or **NO** **WHY?**

The proposed use will be used as a personal storage garage. There is enough land on this 20-acre parcel to accommodate space for a future house and septic if desired.

3. 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. **YES** or **NO** **WHY?**

The applicant is not requesting additional utilities beyond what a normal residence would require.

4. Have adequate utilities, access roads, drainage and other necessary facilities been or are being provided? **YES** or **NO** **WHY?**

The applicant has sufficient parking space to accommodate the proposed use.

5. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES** or **NO** **WHY?**

It is not anticipated to cause offensive odor, fumes, dust, noise and vibration to the immediate area. It will be used as a personal garage.

The motion carried and the CUP for a Personal Storage Structure is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #6:38pm

Sumser Farm (Property owner Gregory & Karen Sumser): Requesting preliminary plat approval consisting of 4 lots.

PID # 01-019-3300. Address: Not assigned, 19, Twp 35, Rge 26, Baldwin Township. 40 acres in the General Rural District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat (revision dated 07/27/2020)
- C. Grading Plan (revision dated 07/27/2020)

BALDWIN TOWNSHIP COMMENTS (8/03/2020) Recommended approval with the following conditions:

- 1. Builder Pay for Extension of 294 ½
- 2. Baldwin Township Engineer approve drainage plan
- 3. Evaluation of north/south traffic flows
- 4. Meeting the concerns of County's 06/26/20 review letter.

Wes Davis, Township Engineer: (8/4/2020) Upon review, the grading and drainage seems to be satisfactory and compliance with all applicable ordinances. I would recommend approval the preliminary plat contingent that a more thorough review is completed by the Township Engineer for Final Plat approval.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (6/26/2020)

- 1. Sherburne County Public Works Engineering has no concerns with the preliminary Plat Application.
- 2. When future development of the property occurs, note that the Public Works access guidelines must be met. No street access directly to CSAH 9 will be allowed. Driveway spacing to CSAH 9 will be permitted to one shared driveway located at 660' minimum spacing to the nearest adjacent street or driveway.
- 3. Public Works will require \$3,200 in park fees for four (4) new lots.

Russ Heiling, County Surveyor (08/11/20) Staff and I do not have any additional comments. We will need to perform a final plat check before recording. All issues have been addressed.

Bonnie Jacobs, County Auditor's Office (05/04/2020) No Comment.

Mike Lindenau, Co Ditch Inspector (05/06/2020) – No issues.

PLANNING & ZONING STAFF COMMENTS:

1. The proposed project consists of four (4) new lots consisting of 11.5 acres from a 40-acre parcel. The remaining property will meet the minimum acreage for (20) to be left as a metes and bounds parcel.
2. The developer is proposing to dedicate 66ft of Right of Way for the extension of 294th Ave and in the General Plat Notes indicated this road is planned to be constructed as part of future phase in the Development. Baldwin township will require the builder to pay for the extension of 294 ½
3. The property to be is a vacant farm field.

RECOMMENDED CONDITIONS IF APPROVED:

1. Public Works will require \$3,200 in park fees for four (4) new lots.
2. The remaining portion of PID 01-019-3300, will be a metes and bounds parcel, a new legal description will need to be prepared and recorded at the same time as the plat. The new legal description, with total area of the remaining parcel identified, shall be recorded in the form of a deed or such other form as may be approved by the County Attorney's Office.
3. Builder Pay for Extension of 294 ½
4. Evaluation of north/south traffic flows must be completed prior to final plat and submitted to Baldwin Township
5. Must obtain driveway access permits from Baldwin Township prior to driveway construction.
6. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Planning Commission Discussion Followed:

Howard Triggs, 14529, 288th Ave NW, Zimmerman came forward as the applicant. He asked Lynn Waytashek about Lot 1, on the very North and getting that approved and broke away. There is a purchase agreement on this lot and the buyer is waiting, Covid has slowed things down and it might fall apart. They can't close until the Final is approved with the County. Triggs stated that they don't mind going through the rest of the process with the other (3) lots, but they need to get that Lot 1 closed. Triggs asked if there is still a way to break this Lot off, this was mentioned as something that could be done in the sketch plan phase.

Waytashek stated that since this is (4) Lots, the process for a Standard Plat must be followed. There will be preliminary approval (hopefully tonight) and final approval for the Plat. If the applicant would like to go for final approval on just the (1) Lot after Preliminary approval, then Final approval on the other (3) Lots later, that is an option. Or they can follow the process for preliminary and final on all (4) Lots. This is up to the developer. Preliminary and Final cannot both be done tonight.

Triggs confirmed his understanding and stated that this is what he was looking for.

Vandereyk asked which lots are being considered tonight, is it just Lot (1), Block (1)?

Waytashek explained that tonight we are looking at Preliminary approval for all (4) Lots and the developer has stated previously that they may want to come back and only final (1) Lot, the Preliminary will remain with the other (3) Lots and then in the future they would come back and final the other (3) Lots.

Vandereyk stated that it appears that Lot 2, Block 1 and Lot 1, Block 2 are fronting 294th Avenue, and asked if there are there plans for constructing 294th Avenue at this time?

Triggs replied, Yes we want to close on Lot (1) first and then the agreement was that before a driveway was put in for those (2) Lots, that a road has to be put in. That was the understanding with the County and the Town board.

Vandereyk stated that it is not showing up on the grading plan as being graded.

Sam Deleo, 13 11th Ave N, St Cloud came forward, he is the project surveyor. He stated that his understanding from discussion tonight is that when the other (3) Lots are developed, Lot 2, Block 1 and the other (2) Southernly lots that encompass Block 2, then at that time, they would put together the grading plans for the road.

Nelson asked if this is a cul-de-sac or a road.

Deleo stated that it would have a temporary cul-de-sac on the end of it and the future plans for the portion of property that is to the West of that, would have 2 cul-de-sacs in there and a few more lots.

Triggs added that there is already a sketch plan for the entire 40 acres to be developed. He stated that they will go in 1 more Lot with the road running North and South, with the Cul-de-sac running North and South. The county highway department didn't want access onto County Road 9 or County Road 1.

Vandereyk state that he understood.

Waytashek stated that the township engineer reviewed the preliminary grading and drainage plan and said that it was fine. Then Waytashek said that Vandereyk is correct, it should have shown the road profiles and such on the preliminary plan for the 294th Ave and that could be something that we can add to the Conditions; That the Preliminary grading plan be amended to show that before they come back in for final or before it goes to County Board, and that the township engineer approve those grading profiles, normally on a Standard Plat that is what we see.

Triggs asked if that could be done when the other (3) Lots are finaled, after they come back and after the first lot is finaled.

Waytashek stated that if all that is being finaled is the lot that does not touch this road, then the final grading and drainage does not need to be done at this point, but a Preliminary grading and drainage plan still needs to be provided to show the road profiles because it is a part of the Plat. Waytashek stated that she suggests that it be added as a Condition that prior to going to County Board that we get some revised Preliminary Grading and Drainage plans and that it be approved by the township engineer.

Deleo stated that this is not a problem.

Nelson stated that he would like clarification on Condition #4, what is the point of that?

Deleo added that he would also like clarification as this is the only access point to the development and he is not sure what they are looking for.

Triggs stated that the road goes up another ¼ mile and then it goes out onto County Road 1. He stated that the county didn't want them to go to it too. It wasn't necessary as it goes up and cuts through another subdivision. Triggs explained that the lots on the NE portion of the plat already front on the road that they did not want us to front on. Triggs was surprised that he needed to front on another road, but he stated that he agreed to it and it's not a problem. Basically, by cutting off access there is minimal traffic right now.

Nelson stated that there is no point to (the study).

Triggs agreed.

Vandereyk said that many townships often require a traffic analysis. This results in a simple statement with the plat submittal of how much additional traffic will be generated because of the development.

Nelson asked how you do it.

Vandereyk replied that you figure 10 trips per day per lot.

Deleo added that something can be put together for that, it's not a problem.

Triggs stated that when you know the amount of lots, then its easy, but if there is other land that is developed too and this traffic will connect on to it, then it becomes another question. There are 32 lots going in on a nearby 80, then another 80 near there, which means 60 some cars in the future, but with the road not going through all the way and the shortness, it's just 2 County Roads.

Vandereyk stated that when that land is developed to the North that engineer will be required to submit the same traffic analysis.

Triggs agreed and said that it's the same landowner, which is Triggs. When it's that 80, he understands having to do a traffic analysis, but with 14 lots, there is not a lot of traffic.

Vandereyk stated that it's a routine procedure for platting.

Demeules added that he agrees with Vandereyk, there was a (42) Lot Plat and the formula of the traffic study said that there would be 4,000 extra cars a day which seems to be skewed, but that's the formula, its what everyone is using on every plat.

Vandereyk added that it's something like 9.7 trips per day per lot.

Demeules added, that it's not any different for this plat.

Nelson said that he doesn't understand the township recommendation, the outlets and exits are County Roads.

Triggs said that he served on the township at one time and things like this came up. For example, it was suggested that the black silt fencing around developments that keep the water from running off, which are desired by a lot of government agencies was required to be placed uphill, toward a railroad track. He was happy to pay for it, but every time something like this is done without common sense involved it pushes up the cost and the price of lots goes up, this is forcing inflation. In this case, we have a county road and it's 14 lots, there is a point on the Board when there is practicality and there are regulations. The board is expected to make those decisions and he has to live with it either way and he understands, but the choice is the Boards to make.

Vandereyk stated that the drainage requirements are largely driven by the MPCA with its national pollution discharge elimination system. The township engineers are obliged to follow this. Vandereyk agrees that in the example that Triggs gave, silt fencing running uphill is illogical, but there is a need for it, and it's mandated by the state. The point about driving up the cost of the lots is well taken, but we need to abide by rules that are dictated by the MPCA.

Aubol opened the Public Hearing. No one from the Public spoke.

Nelson made a motion to close the Public Hearing. Demeules seconded. The motion carried and the Public Hearing was closed.

Schlingmann made a motion for approval of the Preliminary Plat of "Sumser Farm" with the addition of a 7th recommended Condition; that the prelim plat grading and drainage plan must be altered to show the profile of the road on to 294th Avenue NW and be approved by the township engineer prior to this item being placed on the agenda for County Board approval.

Waytashek added that because this road is being considered on there, this puts us at about a half an acre with those additional homes, septic systems and driveways that are going to be put in, this will be close to the 1-acre for the NPDES permit through the pollution control agency. Can we put in there that it will be determined if an NPDES permit is required, this must be obtained before final plat approval? This gives us time to determine if this is required. This would be the 8th recommended Condition. Schlingmann, as the maker of the motion, agreed. Nelson seconded.

Conditions:

1. Public Works will require \$3,200 in park fees for four (4) new lots.
2. The remaining portion of PID 01-019-3300, will be a metes and bounds parcel, a new legal description will need to be prepared and recorded at the same time as the plat. The new legal description, with total area of the remaining parcel identified, shall be recorded in the form of a deed or such other form as may be approved by the County Attorney's Office.
3. Builder Pay for Extension of 294 ½
4. Evaluation of north/south traffic flows must be completed prior to final plat and submitted to Baldwin Township
5. Must obtain driveway access permits from Baldwin Township prior to driveway construction.
6. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.
7. The Preliminary grading plan be amended and approved by the township engineer to show the grading profile of 294th Avenue NW prior to the item being placed on the County Board agenda.
8. If it is determined that an NPDES permit is required, this must be obtained before final plat approval.

The motion carried and the Preliminary Plat of "Sumser Farm" is recommended by the Planning Commission to the County Board for approval with the (8) Conditions.

Closing:

Nelson made a motion to adjourn the meeting. Demeules seconded. The motion carried and the meeting was adjourned at 6:55pm.

Submitted by Carrie Winter, Secretary