

Planning Commission Meeting Minutes

May 2nd, 2024

Completed by: Sue Bertrand, P&Z Staff

Site Visits conducted by Adam Ossefoort and Roger Hendrickson on April 26th, 2024.

Meeting attended by board members: Chair Jim Pratt, Vice Chair Ken Hovet, Lloyd Graves, Roger Hendrickson, alternate, George Sutton and Commissioner Tim Denny.

Staff members: Adam Ossefoort and Sue Bertrand

Other members of the public: Sign-in Sheet is available for viewing upon request.

Jim called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited as a collective group.

Introduction of the staff and board members by Jim.

Ken motioned to have the April 11, 2024 meeting minutes approved. Lloyd seconded the motion. Voice vote, no dissent heard. Motion carried.

Roger motioned to approve the agenda with no changes, George seconded, voice vote, no dissent heard, motion carried.

AGENDA ITEM 1: Levi A. Yoder – PID 07-0025300 – Eagle Valley Township

Request for Conditional Use Permit for metal fabricating and retail sales in AF-1 Zoning.

Levi was present as the applicant.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Outdoor storage of products shall be allowed, but shall be conducted in compliance with Section 9.01B of the Todd County Planning and Zoning Ordinance.
2. There shall be no loading or unloading of materials within the road right of way.
3. Applicant must abide by all applicable federal, state, and local standards.

Correspondence received: None.

Public comment: None.

Board discussion:

Roger stated he was out on the site visit and it looks self-contained. They have already added gravel on the end of the driveway to widen it out, so semis should not cause any problems. They have plenty of room for loading or unloading. The yard is very well kept and is sure it will continue to be. He stated it looked good to him.

Adam stated the existing structure was permitted, but just as an accessory structure for storage so, he was thinking a condition should exist that it be permitted for commercial use. It's one thing if it's missed, but if it is changing use, it should be re-permitted for that use. It is not there, but he would recommend that as an added condition.

George asked if upgrades would be required, in order for it to be re-permitted? Would it need to be insulated and heated?

Adam stated no. We don't inspect anything building code related. Just land use related: structure, size, use or whatever, we don't actually go out and do any building code stuff. They are required to get electrical inspections if there is electrical added to that, but, our office does not inspect that.

George asked Levi, out of curiosity, what he would be making?

Levi stated he would be making trim for metal buildings as in, the trim work for pole sheds.

Lloyd added the wide sheets of steel too, right?

Levi stated he would only be selling that, it would be brought in.

Jim clarified he will sell the steel and make the trim.

George motioned to approve with the two added conditions plus the two presented, Lloyd seconded as amended.

Conditions:

1. Outdoor storage of products shall be allowed, but shall be conducted in compliance with Section 9.01B of the Todd County Planning and Zoning Ordinance.
2. Existing structure shall be re-permitted as a Commercial structure.
3. There shall be no loading or unloading of materials within the road right of way.
4. Applicant must abide by all applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 21, 2024.

AGENDA ITEM 2: Michael L. Wolpert – PID 22-0023503 – Round Prairie Township

Request for Conditional Use Permit to revise or revoke condition #1 on CUP# 2017-001 in AF-1 Zoning.

Michael was present as the applicant.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Option(s):

1. A motion to recommend removal of condition #1.
2. A motion to recommend an amendment to condition #1.
3. A motion to recommend denial of the request to remove or amend condition #1.

Correspondence received: None

Public comment:

Mike Koppes, stated his understanding is there is supposed to be some conifers planted out there. That's part of the conditions from 2017. There are none out there that he can see. Why are there none out there? Asked why that condition needs to be removed? Stated they make a nice block, so people can't see the property. He has two and a half acres on his property, three miles from the edge of town that is beautiful. Stated has a big yard, with no junk cars parked in the back yard. It's a beautiful piece of property with a lot of Oak trees planted on it. It's a nice rural setting. Then when you get someone who puts this big eye sore up by the highway (stated he calls it an eyesore and a lot of people do), it's a big ugly shed. It's well kept up, but it's right there for everyone to see. Why couldn't it have been built back in the yard? The sign could have been there. The conifers screw things in a lot, so you can hide a big shed there. So, why are they going to do away with the conifers?

Jim stated we haven't decided if we are going to do away with them. That's why we're here. He has the right to apply, to have the condition removed, if he wants, and that's why we are here discussing it.

Koppes asked for clarity, so he has the right ask to say "We're going to revise condition #1. I don't want to plant the conifers."?

Jim explained yes, but we can tell him he has to anyway. That's up to the Board to discuss and then it goes on to the commissioners.

Koppes stated his comments have nothing to do with anything then, and he's just up there blowing air, right?

Jim stated we have not "made a decision" yet. You have the right to voice your opinion.

Rita Weishalla, stated her siblings own land across the road from Michael. She stated she would really like to see "a contract should be a contract when you build". Stated when her daughter put in her driveway, she could only go so wide and so high. She's going out in the middle of the winter time, on call to hospitals, sometimes five times a day or night when she is on call. So, if he has to put the shrubs in front of his place, he should have to hold it that way just like her daughter does. That is called wetland, according to him, that's why his bushes don't grow, or from the letter she got? Is that correct?

Jim stated he had not seen anything like that.

Rita stated if it is considered wetland, he said it is too wet to grow the trees, if she is correct.

Adam stated he didn't think anything on this particular parcel is identified as wetland.

Rita asked why won't the trees grow then?

Adam stated there is a differentiation between too wet to grow a tree and being a wetland. It may be a shallow water table, but in his opinion, no portion of this particular parcel is wetland.

Rita, you sign a contract to do it, and they should be held to it until we can see it is actually done. Stated she hasn't seen any trees in the front part, that was her concern. If he tried planting it, she didn't see it. He should try and let people see he tried, because we had to live by it.

Michael stated he had made many attempts to grow additional vegetation, lilacs, white spruce and what not. With the water table in the Spring, everything is too wet and everything died. With these Firefalls, he had to move them closer to the grade, to get them on higher elevation and hopefully they would make it and they have, so far. They look good.

Mike Koppes, stated his understanding is the ground is too wet over there to grow a conifer. Years ago, his mother and his mom had planted trees on top of the hill (by Koppes' place) and they went way down South to the old meadow, which is usually pretty wet. She asked him one time, how did you get those trees to grow? He answered he took care of them and watered them and fertilized them. Look at all of the trees down by the meadow. They grow like you wouldn't believe. That ground is always wet. Is water table higher than it is over by his place? Is that really the case, what's going on out there, that the water table is going up? Does anybody know for sure?

Jim stated he doesn't know what soil types are out there, so he isn't going to guess.

Koppes stated it wasn't a very good excuse if no one really knows for sure. The water table varies according to the amount of rain you get and he hasn't seen any trees die down there, South of him, in that meadow yet. He didn't think too much water is going to kill any conifers, was his thoughts.

Board discussion:

Roger stated he was the one out on the site visit, he doesn't have the conifers planted but he has some trees there, well-spaced out, and as they grow they are going to look really well. Quite honestly, he thinks it's one of the nicest looking properties along the road, there. You can see, on the building, he has bricks around the front, and he's got flowers and shrubs planted in there. It really looks nice, the lawn is well kept, a pond in the corner, very neat looking and the trees are well spaced out and will look really nice as they grow. Again, it's one of the best-looking properties along there.

Lloyd asked where were the conifers supposed to be back then?

Michael stated it wasn't specific in the condition. As far as spacing goes, along the road widths? Offered he could plant pines up on higher ground, and he had planned on doing that, but where his Maples are, another twelve feet, he didn't think they would make it, and it would block the view of the Maples.

Ken asked you really don't have a place for that third row of trees?

Michael stated there is room, but it is wet, the ditch around the site is thirty feet wide. So, you'd have to go outside that. Maintaining the site for snow removal, if he had those additional rows, he'd have no room for snow storage, or it would be very tough.

George stated it seems this was written very intentionally, to create a screening. The CUP was granted with the idea, and there must have been some talk about that, that's the best way to do that. The fact that that has not been successful, should we actually be considering some other method of screening? Because that seems to be the clear intent in 2017, when this was granted. It gets challenging for the board to look back and critique or dissect the criteria that was created earlier, but, one thing for sure, it was intentional to screen this property for whatever reasons, at the time, from the road and other neighboring properties. Being that hasn't succeeded, is there another methodology in your view, Adam, to accomplish that?

Adam, the only thing that would look good and provide some screening is some trees. Maybe there is an amendment to this, that could make something work.

George stated we wouldn't eliminate this in totality, because, there are already trees there. It seems what is being edited is the type of tree, from the condition. It seems that is the only type of tree that would complete the goal of effectively screening this. We could require a fence to screen it. We could require some other methodology if that was the intent at the time. He stated he knows this is not the same, but if someone was doing a scrap yard, we would require a fence, with height, to block it. Doesn't know why, at that time, screening was an issue.

Lloyd stated a fence would look worse.

Jim agreed.

George stated he isn't suggesting a fence, just saying the intention to screen it, if it hasn't succeeded, what are the alternatives?

Jim asked Michael, how far apart are the trees that you have now?

Michael stated 25-30 feet between each tree.

Ken asked what kind are planted that are growing.

Mike stated Firefall Maples and Crab Apples.

Roger stated when they get leafed out and blossoming, they will look pretty nice.

Michael stated the Maples are fast growing and they get thirty feet wide and fifty feet tall, you won't see any of the building.

Ken stated his perception of this is: there would be room for a row of shrubs right down the middle.

Adam and Ken suggested Dogwood. Ken added they grow in wet places and only suggesting, not an arborist. That would be your shrub that would screen from the ground up, six to nine feet. That would satisfy two parts of that condition.

Lloyd, is that sandy soil?

Adam, yes.

Jim stated they are still a deciduous tree, so they would lose their leaves. Stated his personal opinion is, he has trees out there, and are planted nicely. The place isn't an eye sore. He wouldn't have a problem with amending this condition that: basically, what he's got out there, is good enough.

Adam added, he does not have any trees planted along the edge of the road though, and thought that should be something completed. Whatever is amended, it should be added, that trees should be added to the stretch along the road right of way.

Discussion of the power line by all. Trimming, spraying, maintaining their line, distances, etc.

George stated there is certainly a kind of tree you could plant particularly along the road that would accomplish the objective of providing some screening. Going back to the original intent. May be fine the way it is but there was intent, here. Unless we are going to upturn something, somebody did intentionally earlier, the minimum we could do is ask the applicant to find an alternative way to screen it. He feels strongly he can creatively find another way to grow trees there to accomplish the screening. There is plenty of land for plowing snow and that is not a reasonable excuse either. If there is a clear reason you do not want to screen this, he thought the board should better understand that. Addressing Michael, is it better for you, for the public to generally kind of drive by and see it? If that's the case, then that would be your reason for not making this work. George felt there has been no evidence there was a solid effort, to make that work. This is what was proposed, this is how it was improved, and there was an intent to screen this from the road from the adjacent properties. What good are we, in what we do, if there was no enforcement of what the intent was? Would be his prospective.

Roger stated, in his opinion, screening is when you have something obnoxious to look at, and being the one on site, he felt that the way he has it set up, he does not consider it an eye sore. He's got the shrubs and stuff planted in the front of the building to kind of dress it up, he's got these other trees which may not have much to do with the 2017 CUP, but he has done a really good job. Looks like he's got these trees planted in nice straight rows, measured out, keeps the grass mowed and right up close to the duck pond. Does not consider this as an eye sore from the road. To him, if something is an eyesore that you don't want to look at, that's when you have to put screening up, so, you don't see it. That is the reason for the screening. Felt, even if you put coniferous trees in there, it is going to take many years before it covers it up. He's done a good job and

has a nice building. Everything is kept up. It's a nice place and it wouldn't bother him a bit to be a next-door neighbor to him.

Ken stated to rework that condition to remove the requirement for the conifers make it two rows of deciduous and one row of shrubs, but no conifers.

Jim, what about the front, next to the road?

Ken you won't get three rows in there.

Jim stated we can amend the condition, so, along the road, to put one row of shrubs.

Adam amended the condition #1 to:

Amended condition: Establishment of vegetative screening consisting of 2 rows of deciduous trees and one row of shrubs on the south, west, and north sides. Screening along the road right of way shall consist of one row of shrubs.

Ken made a motion to amend the first condition to Adam's proposal and a second by George.

Adam stated these would need to be planted before you move on to your next storage building.

Michael stated, so, he wouldn't be building this year.

Adam stated that is up to him, but he must meet the conditions, before he can move on. You have to have them in the ground.

Ken asked Michael if this sounds do-able?

Michael, yeah.

Jim stated along the south, you have two rows already so, you would just be planting on the other two sides and along the road. The best thing to do is work with the power company, and plant something that doesn't reach the power lines, and if you keep them back, there should be no problem.

Roger, you already mow to the road, so they should have no reason to come in and take out your shrubs.

Jim confirmed we have a motion by Ken to amend, seconded by George.

1. A motion to recommend removal of condition #1.
2. A motion to recommend an amendment to condition #1.
3. A motion to recommend denial of the request to remove or amend condition #1.

Amended condition: Establishment of vegetative screening consisting of 2 rows of deciduous trees and one row of shrubs on the south, west, and north sides. Screening along the road right of way shall consist of one row of shrubs.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 21, 2024.

AGENDA ITEM 3: CHS Inc. – PID 21-0007100 – Round Prairie Township

Request for Conditional Use Permit for CUP for dry and liquid fertilizer facilities greater than 100’ in height in Commercial Zoning. (Structures 100’ or greater in height require a conditional use permit)

Jerry Kramer and Martin Hagen were present as the applicants.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Applicant abide by all other applicable Federal, State, and local standards.

Martin Hagen, location manager for CHS, Inc. was present as the applicant.

Correspondence received: None.

Public comment:

Pat Porter, lives to the south of facility. One question is where are they going to put the tanks, in the diagram.

Discussion on the placement of the tanks and facility north of the current office.

Pat had concerns about proper clearance from the State of Minnesota on pollution control for the air and water table. Wants to see a legitimate means for taking care of this. Mentioned #3 from the “Application Considerations” section of the staff report:

Pat stated he thinks there is enough bull* in the county without adding to it. Take care of what is already here. Asked if we had received anything from the neighbor lady between the facility and Porter’s property.

Jim stated there was no correspondence.

Pat asked if they were going to add another turn lane for this?

Ken, no.

Roger Zastro, Long Prairie township, there is a definite need for a new plant, when you look at where the present one is located, he is thinking that one of these days, the State or Federal are going to come in, because of their location. Personally, he stated, he really likes the location of that plant and doesn't want to see it moved, but he knows it's coming. That's close enough for them to make a loop, go in the fields back and forth, and he told Martin this, he doesn't really want to see it moved, but he knows it's coming. Referring to Pat's concern on seepage, Roger stated Pat has no idea, he thought, as to some of the requirements to a building like that. Or the containment systems they have to have. They do not have anhydrous there anymore.

Board discussion:

Martin addressed the containment, stating it is one of the biggest things they look at going forward, because it is a hazard for a lot of places. To achieve that for our liquid fertilizer, there's eight tanks that will be in a dike that has a very thick poly liner. He believes it has to hold the capacity of 1.25% of the largest tank so, they go above and beyond that. The load pad for it has a three-inch curbing around it, plus is also sloped to the center with a sump that they contain all of the rinse "site" water, then it gets land applied after that. The building itself, for the dry fertilizer, all of that is under roof. To get into it, there are two alley ways which also have a water stop built in, so they won't have any issues with water coming into the facility that way. If any of you have been to the facility, he feels they do a very good job with upkeep on it. They have inspections daily to clean up any spills or anything like that. Just something they take very seriously for the safety of the environment and the people.

Roger stated he was scheduled for the site visit, but didn't feel he had to go, as he stops up there quite often and the last time he stopped, his cup of coffee cost \$2,400.00. He has talked to Martin about what they want to do, and the new facility will end up being closer to Roger, however, opposite for Zastro. Stated after the meeting with City Hall, he wants to get in touch with MN DOT about the turn lane and how broken up it is and they should correct the base. He felt it should be widened out. They may end up charging CHS, Inc. for improvements, but felt it should be addressed. Other than that, he felt it was a real good place out there. It is not considered prime farmland, and it is already zoned commercial. He thought it was a good place for it.

George asked Adam if the board is here to consider the height of the facility only, to which Adam confirmed, stating this is an allowed use in our ordinance, however requires board review via conditional use, for a structure over 100' in height.

George, so, how high are they asking it to be?

Martin stated they are asking for 124' in height, and their existing leg out there for the grain facility has a leg of the facility that is 156' in height.

George stated It doesn't seem fair to put the applicant in a defensive posture on these other considerations where these other bodies' role is to adjudicate and regulate that, and it sounds like they've done a great job. Stated he just wonders, when we had that last meeting, addressing Adam, where we had another big technical improvement in innovation in farming, do the regulations around this, in terms of height and types, need to be

adjusted? This sounds like success. In response to success, people are going to be making increasing investments in terms of scale and efficiency of what those facilities will require.

Adam asked if the question was; do we need to make amendments to...

George finished, why would we only allow 100' to begin with?

Adam acknowledged. He's not sure why they came up with 100' to begin with, but it has been that for as long as he can remember.

Jim agreed, stating years ago, 100' was probably plenty for a fertilizer plant, but like you said, everything is getting bigger. It's just the way it is. You have to go bigger, have to handle more and you have to be faster.

George made the motion to approve as presented and Ken seconded, with the one condition.

Condition:

1. Applicant abide by all other applicable Federal, State, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 21, 2024.

Roger Zastro added a comment about the 100' height limit. It was set up from a long time ago, because that was all the farther the fire department could go to effectively put out a fire. He stated he knows the height limits down town were put in by the fire department for that same reason. Roger also stated the 100' height limit out there, may have something to do with the airport clearance.

Adam announced we did have a proposal for Arnie Boie's replacement and that will go to the Board on Tuesday. So, we may have a potential new member for next month's meeting.

Ken motioned to adjourn and Roger seconded. Voice vote to adjourn the May Planning Commission Meeting, no dissention heard. Motion carried and meeting adjourned at 7:07 PM.