

(CONTINUED...)
SHERBURNE COUNTY BOARD OF COMMISSIONERS
DECEMBER 17, 2024 COUNTY BOARD MEETING MINUTES

Fobbe/Hulse with a 4-1 vote to approve Resolution No.121724-AD-3179 to accept a Grant from the Carbon Reduction Program Project for Electric Charging Stations and County Fleet Electric Vehicles, to be located at the Government Center, as recommended. (On file)

Resolution No. 121724-AD-3180 in Support of a Grant Application via the Carbon Reduction Program Project for Electric Charging Stations and Electric Vehicles. Public Works

Gina Hugo, Parks Director

Fobbe/Hulse with a 4-1 vote to approve to approve Resolution No. 121724-AD-3180 in Support of a Grant Application via the Carbon Reduction Program Project for Electric Charging Stations and Electric Vehicles. (On file)

Resolution No 121724-AD-3181 in Support of a Grant Application via the Carbon Reduction Program Project for Electric Charging Stations and Electric Vehicles. Public Works

Gina Hugo, Parks Director

Fobbe/Hulse with a 4-1 vote to approve Resolution No 121724-AD-3181 in Support of a Grant Application via the Carbon Reduction Program Project for Electric Charging Stations and Electric Vehicles. (On file.)

Regular Agenda

2024 Farm Family of the Year & Receive and Update from the University of MN Extension. Administration

Lori Vicich, Regional Director

University of Mn Extension Regional Director Lori Vicich announced and congratulated the 2024 Sherburne County Farm Family of the Year to the Krenz Family. Ms. Vicich also provided a University of Mn Staff update introducing two new educators.

Open Forum

No one was present to speak.

Announcements

County Administrator Bruce Messelt announced and reminded the Board of the following:

- Displayed the Merit Award that Public Works received from the MnDOT
- NACo Central Regional Meeting will be held virtually at 1:15pm this afternoon
- Economic Development Authority Meeting on Thursday, December 19
- The Government Center will be closed on December 24th, but the Courts will be open.
- January 20th is the MICA Legislative Forum in Prior Lake
- AMC County Government 101 will be held on January 22-24, 2025 at the InterContinental Hotel-St. Paul Riverfront

- February 26 is the AMC Legislative Conference in St Paul

- March 1-4 is the NACo Legislative Conference

Mr. Messelt also presented Lisa Fobbe a plaque for her 8 years of service as Sherburne County Commissioner. A plaque was also awarded to Commissioner Felber in recognition of being the 2024 Board Chair.

Recess Regular Meeting, Open Regional Rail Authority Meeting

Close Regional Rail Authority Meeting, Reconvene Regular Agenda

Name Change to an existing Interim Use Permit for Highway Planned Unit Development - Acorn Mini Storage.

Lynn Waytashek, Planning & Zoning Administrator Gray/Fobbe were unanimous to approve a name change for an existing Interim Use Permit for Highway Planned Unit Development with the (11) recommended Conditions and Findings of Fact as recommended by the Planning Commission for PID # 30-00570-0105; Legal Desc: Dean Anderson Third Addition, Lot 1, Blk 1; Sec 27, Twp 34, Rge 26; with 8.13 acres in the General Rural District.

Conditions:

1. This Interim Use Permit for a Highway Planned Unit is issued to Acorn Mini Storage for the purpose of Mini-Storage Business. New IUP will replace existing IUP # 65884 Doc # 915372 the applicant will be required to submit the request to revoke the current IUP #65884 and pay the \$46.00 recording fee.

2. The Board's Packet Attachments include the Landscaping and Screening Plan, Lighting Plan, Building Plans and Grading and Drainage Plans and written descriptions along with any conditions added during Planning Advisory Commission and/or County Board review will become a part of the approved interim use permit. The location of any improvements on the property shall be consistent with these plans. A variation from these approved plans may require an amendment to the IUP, subject to the opinion of the Zoning Administrator.

3. A building permit is required from the Planning and Zoning Department all building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code.

4. No Exterior storage is permitted with this IUP.

5. Any signage shall comply with the County's sign ordinance, a sign permit is required.

6. Road access will remain via 119th Ave no other road access is approved with this IUP.

7. Exterior lighting shall be directed away from residences and the public right-of-way and shall comply with the lighting plan as presented in the Board's (Packet Attachment D).

8. Days and hours of operation shall be 7-day a week 6 AM-10PM. Snow removal and maintenance of this property may be done outside those hours.

9. Must install 6-foot tall Black Hills Spruce and 2-inch Autumn Blaze Maples as shown on Landscaping Plan (Attachment D). All planted trees on the property must be maintained and watered as necessary for the duration of the permit. Any dead trees must be replaced on a yearly basis.

10. The applicant shall allow the County to inspect the property during normal business hours.

11. Property owner shall ensure that MPCA day & nighttime noise standards are not exceeded at any time.

Findings:

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, the neighboring properties to the west are existing residences and to the east is US HWY 169. The property to the south has been rezoned to Industrial and the property to the north has been approved for a commercial flooring business.

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, the County's Zoning Ordinance Section 16.2 (Interim Uses), Subd. 5.16 (Planned Unit Development Highway) allows the establishment of a business on lands that about a State or US Highway if it is found to be an appropriate use that will serve the local marketplace. The development of this property should not impede development on the surrounding vacant properties.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Yes, there are minimal public utilities needed for the development of this property, the applicant is not proposing to add a well or sewer to the property. Access to the business will be from 119th a low volume township road. The drainage plans provided by the applicant have been reviewed by the Township Engineer (Bogart Pederson) who stated quality volume and pre-/post- discharge rates are in compliance with the NPDES requirements.

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, the applicant has sufficient parking space to accommodate the proposed use in accordance with the County.

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, the Applicant's proposed plans for security, lighting, visual screening and drainage do not constitute a nuisance to neighboring landowners. No complaints related to the operation of this business have been made.

Preliminary and Final Simple Plat of "Robeck Addition" - Jeremy and Tracie Robeck. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Fobbe/Danielowski were unanimous to approve a Preliminary and Final Simple Plat of "Robeck Addition" consisting of (2) lots with the (2) Conditions as recommended by the Planning Commission and listed in the background justification for PID # 30-00027-3400; Legal Desc: The North 385 ft of that part of the Southeast Quarter (full legal on file); Sec 27, Twp 34, Rge 26; with 21.59 acres in the General Rural District.

Conditions:

1. 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.

2. An Access Permit will be required from the Public Works Department to ensure the driveway is constructed to County Standards.

Interim Use Permit for Home Business in Accessory Building - Dog Grooming - Rhonda Murray. Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Gray/Fobbe were unanimous to approve an Interim Use Permit for Home Business in an Accessory Building-Dog Grooming with the (8) Conditions and Findings of Fact as recommended by the Planning Commission for PID # 15-00036-1305; Legal Desc: W 220ft of S 396 ft (full legal on file); Sec 36, Twp 35, Rge 27; with 1.75 acres in the General Rural District.

Conditions:

- 1. There may be one non-illuminated sign totaling no more than 12 sq ft in size located on the property, but outside of the public right-of-way.
- 2. Days & hours of operation shall be Tuesday to Saturday 8:30am-4:00pm.
- 3. The applicant must apply for a building permit for any modifications to the structure and septic system.
- 4. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.

5. No boarding of dogs is allowed.

6. All animal waste must be disposed of in a legal manner.

7. The IUP is issued to Rhonda Murray and shall expire with a change in ownership of the property.

8. The property owner shall permit the County to inspect the property during normal business hours

Findings:

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, the neighboring properties are 600' to the east and 1,175' to the west with the Sherburne National Wildlife Refuge to the south. All work will be completed in the existing accessory building.

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, Policy Statement 16, of the Comprehensive Plan (Economic Development) "It is the County's directive to support home extended businesses that do not negatively impact the environment, general character of the neighborhood, or existing commercial/ industrial districts".

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Yes, the applicant is using an existing detached garage and is not requesting additional utilities beyond what a normal residence would require.

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, the property is 1.75 acres and has enough off-street parking for the business.

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, the conditions that are proposed to be placed on the IUP, if approved, will address the concerns in #5

Interim Use Permit for Home Business in Accessory Building-Design and Engineer 10 Meter Radios - Tyler Planning & Zoning

Lynn Waytashek, Planning & Zoning Administrator

Danielowski/Gray were unanimous to approve an Interim Use Permit for Home Business in Accessory Building-Design and Engineer 10 Meter Radios, with the following (5) Conditions and Findings of Fact as recommended by the Planning Commission and listed in the background justification for PID #35-00034-2404; Legal Desc: That pt of SE 1-4 (full legal on file); Sec 34, Twp 34, Rge 27; with 6 acres in the Geral Rural District.

Conditions:

- 1. There may be one non-illuminated sign totaling no more than 12 sq ft in size located on the property, but outside of the public right-of-way.
- 2. Days & hours of operation shall be hours are Monday to Friday 9:00am-5:00pm.
- 3. The applicant must apply for a building permit for any modifications to the structure and a new septic tank.

4. There may be no more than two (2) employees (FTE) other than a member of the household re-siding on the premises.

5. The IUP is issued to Tyler and Brandi Piltz and shall expire with a change in ownership of the property.

Findings:

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the im-mediate vicinity for the purposes already permitted, nor substantially diminish and impair proper-ty values within the immediate vicinity. Yes, all work will be completed in the existing accessory building.

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, Policy Statement 16, of the Comprehensive Plan (Economic Development) "It is the County's directive to support home extended businesses that do not negatively impact the environment, general char-acter of the neighborhood, or existing commer-cial/ industrial districts".

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are be-ing provided. Yes, the applicant is using an existing accessory building and is not requesting addi-tional utilities beyond what a normal residence would require.

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, the applicant owns 6 acres so there is sufficient off-street parking for this project.

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, this business is not anticipated to cause offensive odor, fumes, dust, noise and vibration to the immediate area. All activities will be conducted in the accessory building.

Interim Use Permit for Solar Related Business - Xcel Energy.

Lynn Waytashek, Planning & Zoning Administrator

Fobbe/Danielowski were unanimous with a 4-0 approve an Interim Use Permit for Solar Related Business with the (5) Conditions and Findings of Fact as recommended by the Planning Commission and listed in the background justification for PID # 20-00118-3400; Legal Desc: N 500ft of E 450 ft (full legal on file); Sec 18, Twp 34, Rge 29; with 5.17 acres in the Agricultural District.

Commissioner Gray stepped down from the dais to abstain from the vote.

Conditions:

- 1. This site will be accessible 24hrs for access purposes as needed for servicing solar farm related activities.
- 2. The applicant must apply for permits for any modifications/upgrades to the buildings and/or sep-tic system.
- 3. A building permit will be required for the fence since it is over 7ft. tall.

4. The property owner shall permit the County to inspect the property during normal business hours.

5. The IUP is issued to Xcel Energy and Paul Gray-ETAL and shall expire with a change in ownership of the property or business.

Findings:

1. That the Interim Use will not be injurious to the use and enjoyment of other property in the imme-diate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. Yes, the nearest neighboring residence is 320' northeast of this property. The majority of the land surrounding this property will be solar farms and will not have any residences.

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, the IUP will not impede normal and orderly development. The property is 5.17 acres and will be sur-rounded mostly by solar farms and one residence.

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are be-ing provided. Yes, the applicant is using two existing buildings and is not requesting additional util-ties beyond what a normal residence would require.

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, there is adequate parking on the property for the proposed use.

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, it is not anticipated to cause offen-sive odor, fumes, dust, noise and vibration. It will be used as offices and storage for solar farm related activities.

Conditional Use Permit for Communication Towers and Antennas - Xcel Ener-gy.

Lynn Waytashek, Planning & Zoning Administrator

Hulse/Gray were unanimous to approve a Conditional Use Permit for Communication Towers and Antennas with the (3) Conditions and Findings of Fact as listed below in the background justification for PID # 20-00127-4400; Legal Desc: SE 1/4 ex (full legal on file); Sec 27, Twp 34, Rge 29; and with 140.82 acres in the Agricultural District.

Conditions:

- 1. Building permit is required to construct communication tower. If any on-site supply structure is over 200 sq. ft. in size a building permit for that structure will also be required.
- 2. Signage and emergency contact numbers must be posted on fence surrounding equipment.

3. The applicant shall comply with all federal, state, and local laws and regulations.

Findings:

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 prop-erty values within the immediate vicinity. Yes, the proposed location of the communication tower is nearly 1,200 feet away from the nearest houses which are to the east. Lands to the north, south and west are currently part of the Sherco Solar Project.

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