

# Planning Commission MINUTES May 13<sup>th</sup>, 2021

PRESENT: Scott Johnson, Art Buhs, Gerry Feld, Dan Gottwalt, Al Brenny, Warren Peschl, Jerry Lang

Staff: Roxanne Achman, Karen Loehrer

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Art moved to approve the agenda. Jerry seconded and the motion carried.
3. Gerry moved to approve the minutes and findings from the March 11<sup>th</sup>, 2021 meeting. Dan seconded and the motion carried.
4. Public hearing to consider Ord #481 amending Section 10.10.3 of the Benton County Development Code. To adjust the residual lot size from 20 acres to 10 acres to be consistent with the Administrative Subdivision requirements. County Board public hearing will be held on May 18<sup>th</sup>, 2021 at 9:00 a.m.

Roxanne stated that the request is to change the residual lot size from 20 acres to 10 acres to be consistent with the Administrative Subdivision requirements. So if someone is platting a 2 acre lot they don't have to plat the remaining 18 acres.

No one spoke in favor, opposition or general comments.

Gerry moved to close the public hearing. Dan seconded and the motion carried.

Warren moved to recommend approval of this ordinance to the County Board. Al seconded and the motion carried.

5. File #21-143, Mark and Staci Heidebrink requesting a conditional use permit to use fill to elevate an addition onto a house in the R-3 Residential District. Pursuant to Sections 5.2, 5.3 and 5.4 of the Flood Plain Management Ordinance and Section 11.6 of the Development

Code The affected property is described as follows: Lots 18 & 19, Block 1, Ferry Point Addition, Section 8, Section Watab Township.

Roxanne stated that the request is to add onto this home which was constructed in 2014. The applicants received a CUP for the use of fill when constructing the home. The addition will replace an existing covered patio. The base elevation will need to extend out 15ft which is shown on the survey. The structure meets all required setbacks. Watab township looked at this and is okay with the request. A flood certificate will be required to be submitted upon completion of the addition per Flood Plain Management Ordinance #196, Section 10.2.6. A CUP for floodproofing is a FEMA requirement. The septic will need to be inspection prior to the issuance of any permits. In the Shoreland District the septic would need to be in compliance before any permits are issued.

Mark and Staci Heidebrink, 10263 Ferry Point Place, stated that they are requesting a conditional use permit to elevate an addition to their house.

No one spoke in favor, opposition or with general comments.

Jerry moved to close the public hearing. Art seconded and the motion carried.

Gerry moved that the request meets Section 11.6, pages 9-12 and pages 10-12 of the Floodplain Management ordinance. Dan seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that the use will not have an effect on them. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Al stated that the use of the property will be for residential purposes. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Jerry stated that the addition will match the existing home. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Dan stated that this will remain a residential lot. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art cited (A) and (F) under Section 2.1.1. and moved to include the development conditions to File #21-143. Jerry seconded. Scott asked the applicants if they reviewed the conditions and are in agreement with them. Mark stated that they were. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

- 6) Jerry stated that the use is not in conflict. He cited Environmental & Natural Resources Goal #1: Stewardship, Policy #2: Development Review and Quality of Life Goal #2: Housing Stock, Policy #2: Life Cycle Housing. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Gerry stated that this is an addition onto an existing house and will have no effect on traffic. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Warren stated that no wetlands will be impacted. The vote was unanimous that the use will not violate the wetland provisions of MN Statute Chapter 103G.

Roxanne read the findings and conditions.

### Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

*It will not have an effect on them.*

- (2) Is the use sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

*The use of the property will be for residential purposes.*

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

*The addition will match the existing home.*

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

*The primary use of the site will remain as a residential lot.*

- (5) Is the use consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use?

In accordance with the following items in Section 2.1.1:

- (A) To promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

(F) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

*The development conditions for file no. 21-143 are adopted.*

(6) Is the use in conflict with the Land Use Plan of the county?

*It is not in conflict.*

**Environment & Natural Resources**

Goal #1: Stewardship

**Policy #2: Development Review:** Protect the integrity of major natural resources through development review and regulation.

**Quality of Life**

Goal #2: Housing Stock

**Policy #2: Life Cycle Housing:** Promote the improvement and maintenance of the existing housing stock to provide sanitary living conditions and ensure that an adequate amount of housing is maintained, including retrofitting existing homes to better serve families in need of affordable housing.

(7) Will the use cause traffic hazards or congestion?

*The use of the lot will not be changing and will have no effect on traffic hazards or congestion.*

(8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

*Constructing this addition will not impact wetlands.*

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. A septic compliance inspection must be completed prior to the issuance of a land use or building permit.
4. A Land Use Permit shall be obtained from the County and a Building Permit from Watab Township prior to any construction and shall be consistent with

the plans and specifications submitted with the conditional use permit application.

5. **Upon completion of the structure**, pursuant to Flood Plain Ordinance No. 196, Section 10.2.6, the property owner shall be **required to submit certification** by a registered professional engineer, registered architect, or registered land surveyor that the **finished fill and building elevations were accomplished in compliance** with the provisions of this ordinance to the Benton County Department of Development. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
6. Pursuant to Section 11.6.3(J) of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work as defined in Section 11.6 of the Development Code. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
7. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of approval and all other applicable statues, rules and ordinances.
8. Within one month of completion an as-built condition shall be submitted to the County and Certified by a registered professional engineer or architect as being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
9. Applicant utilizes appropriate erosion control devices to minimize risks of erosion entering the waterways or leaving the site.

Art moved to accept the findings and conditions and approve File #21-143. AI seconded and the motion carried. The applicant was given a copy of the findings, conditions, and decision.

6. File #21-145, USS Foley Solar, LLC, applicant and Jake Bauerly, landowner requesting an interim use permit to construct a community solar energy system in the Agricultural District. Pursuant to Section 7.1.24C, 9.20 and 11.6.3. The affected property is described as follows: Part of the SE1/4, Section 22, Gilmanton Township.

Roxanne showed the project location and pointed out the 4 existing solar gardens in the area. This project is within the Urban Growth Area but outside of the Orderly Annexation Area with Gilmanton Twp and the City of Foley. The applicants will need to work with MNDOT on access to the site. The project will consist of 1-megawatt solar garden on approximately 7.85 acres of a 155.76-acre parcel. The security fence will be farm-field style without barbed wire not to exceed 8ft in height. The request is for a 40-year IUP. Screening is proposed on the southern boundary to screen the site from the residence to the south. US Solar will supply a \$25,000 financial surety for the project. There was a discussion on the IUP length.

Michelle Simms, US Solar, 100 N 6<sup>th</sup> St #410B, Minneapolis, (was present remotely) stated they are requesting an IUP for a 1-megawatt solar garden on approximately 7.85 acres with a proposed term of 40 years. The solar garden is composed of single-axis trackers, rotating east to west, which are shorter than stationary panels. She showed a video of an existing site near North Branch similar to what the proposed project will look like. There are no hazardous materials. The project will not create any public nuisance. She stated that their engineers have been working with Benton County regarding the wetlands on the site. They are asking for a 40-year IUP because the lease with the landowner is 40 years and the panels are warrantied to produce a valuable amount of electricity up to 40 years. She stated that their two recent projects were approved for 40-years: Reindeer approved on May 23, 2019 and Mayhew on December 13, 2018.

Jake Bauerly stated he is in favor of the longer term. This site is outside the Foley/Gilmanton orderly annexation agreement area.

Sarah Brunn, City of Foley, (was present remotely) stated her concern with the length of the project. The City's concerns are with the waste-water and fiber optic project.

Jerry moved to close the public hearing. Art seconded and the motion carried.

Gerry moved that the request meets Section 7.2.5(G), page 8, Section 9.20 pages 56-64 and Section 11.7 pages 12-16. Dan seconded and the motion carried.

In reviewing Section 11.7 the vote was as follows:

- 1) Gerry stated that the use meets the 9 items outlined in the staff report under the requirements for solar projects. The IUP does comply with the requirements and most items have either been submitted or are being worked on. The vote was unanimous that the interim use conforms to the zoning regulations of the County.
- 2) Dan stated that the applicant has provided a decommissioning plan with the application that includes removal and recycling of materials. In addition to the requirement to provide a decommissioning bond, a \$25,000 financial surety will be provided. The vote was unanimous that there will be no additional

- cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.
- 3) Al stated that the use is not expected to create an excessive burden on existing parks, schools, or streets which are expected to serve the area and public facilities. The vote was unanimous that the interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
  - 4) Art stated that the proposed project will occupy a portion of the property for the one-megawatt solar garden. The proposed project will not require city services. Surrounding properties will still be able to be developed per current county requirements. The property is outside of the orderly annexation area, but within the Urban Growth Area as identified in the 2040 Benton County Comprehensive Plan. The vote was unanimous that the interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.
  - 5) Warren stated that the project will be screened, it meets the setbacks and won't devalue surrounding properties. The vote was unanimous that the interim use, including any structures utilized for the use, are sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
  - 6) Art cited (A), (B) and (C) under Section 2.1.1. He moved to include the development conditions to File #21-145. Jerry seconded. Warren stated that he would like to see a shorter time frame. Jerry stated that this company has two solar garden in the county with a 40-year limit. He understands the City's concern but the site is not within the OAA. Gerry stated that there are no plans for this property in the next 40 years. Art stated that the history of growth for the city has been slow. Scott asked the applicant if they reviewed the proposed development conditions and are in agreement with them. Michelle and Jake stated that they were. The vote was unanimous that the interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.
  - 7) Jerry stated that the use is consistent with the Comprehensive Plan. He cited Land Use Goal #1: Planning for Growth, Policy #3: Urban Growth Areas and Policy #4: Development within Urban Growth Areas. Environment and Natural Resources Goal #1: Stewardship Policy #2: Development Review. Mobility Goal #3: Aesthetic Character and Function Policy #1: Visual Aesthetic. The vote was unanimous that the interim use is consistent with the Comprehensive Plan of the County.
  - 8) Warren stated that the applicant must work with MNDOT for proper access to the site. The vote was unanimous that the interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.
  - 9) Scott stated that the applicant is working with the Wetland Technical Evaluation Panel on wetlands. The vote was unanimous that interim use will

not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including 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.

Roxanne read the findings and conditions.

## Findings

**Criteria 1:** The interim use conforms to the zoning regulations of the County.

*The use meets the 9 items outlined in the staff report under the requirements for solar projects. The IUP does comply with the requirements and most items have either been submitted or are being worked on.*

**Criteria 2:** There will be no additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.

*The applicant has provided a decommissioning plan with the application that includes removal and recycling of materials. In addition to the requirement to provide a decommissioning bond, a \$25,000 financial surety will be provided.*

**Criteria 3:** The interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

*The use is not expected to create an excessive burden on existing parks, schools, or streets which are expected to serve the area and public facilities.*

**Criteria 4:** The interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property.

*The proposed project will occupy a portion of the property for the one-megawatt solar garden. The proposed project will not require city services. Surrounding properties will still be able to be developed per current county requirements. The property is outside of the orderly annexation area, but within the Urban Growth Area as identified in the 2040 Benton County Comprehensive Plan.*

**Criteria 5:** The interim use, including any structures utilized for the use, are sufficiently compatible or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.



*The proposed project will provide improvements and will not devalue the surrounding properties.*

**Criteria 6:** The interim use is consistent with the purpose and intent of the Development Code and purposes of the zoning district.

In accordance with the following items in Section 2.1.1:

(A) To promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

(B) To divide the unincorporated areas of the county into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and the use of structures and land.

(C) To promote the orderly development of residential, business, industrial, recreational and public areas.

The Development Conditions for File No. 21-145 are adopted.

**Criteria 7:** The interim use is consistent with the Comprehensive Plan of the County.

*It is consistent with the Comprehensive Plan.*

### **Land Use**

Goal #1: Planning for Growth

**Policy #3: Urban Growth Areas:** Maintain the urban growth areas as an effective tool to guide planning and growth management decisions. Collaborate with the cities and townships to monitor growth and adjust the urban growth areas when necessary.

**Policy #4: Development within Urban Growth Areas:** Allow only low-density development in the municipal growth areas, so that development of infrastructure can be done efficiently and effectively as cities grow and expand.

### **Environment and Natural Resources**

Goal #1: Stewardship

**Policy #2: Development Review:** Protect the integrity of major natural resources through development review and regulation.

### **Mobility**

Goal #3: Aesthetic Character and Function

**Policy #1: Visual Aesthetic:** Encourage developing properties to create landscape buffers to maintain the aesthetic quality of the area.

**Criteria 8:** The interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.

*The applicants must work with MN DOT for proper access to the site.*

**Criteria 9:** The interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including 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.

*A wetland delineation has been submitted and revealed that a small portion of the project is within an identified wetland. The applicants submitted a wetland exemption or no-loss application for the construction of a solar project within a wetland. The Technical Evaluation Panel has questions remaining on the exemption/no-loss request.*

Conditions:

1. This Interim Use Permit is granted for the land indicated in this application and is not transferable to other land.
2. This Interim Use Permit shall expire 40 years after approval.
3. This Interim Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
4. Pursuant to Section 11.7.3 of the Development Code, this interim use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work. To proceed substantially means to make visible improvements to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the interim use permit. The request must specify the amount of additional time requested, the basis for

- the amount of time requested and an explanation of why additional time is required.
5. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
  6. Applicant shall comply with all requirements of Benton County Development Code Section 9.20 or successor ordinance.
  7. Appropriate erosion control devices shall be utilized during construction of the project.
  8. Applicant shall submit certification by a professional licensed engineer in the state of Minnesota that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
  9. The solar garden shall comply with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended, the National Electric Code, as amended and shall be in compliance with all applicable federal, state and local wetland laws, rules and regulations, as amended.
  10. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the planning commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
  11. The solar garden shall meet the minimum principal building setback (same as a residential structure) for the zoning district and be located a minimum of 300 feet from a residential dwelling unit not located on the property.
  12. The solar developer and or applicant shall provide a financial security in the amount of \$25,000. This shall be held by the county for decommissioning if the developer or property owner fails to comply with the decommissioning plan. The financial security will be required until decommissioning of the solar garden is complete as determined by the County.
  13. A signed copy of the interconnection agreement with Xcel Energy shall be provided prior to the issuance of any permits.
  14. The applicant will need to work with MNDOT to obtain the proper access permit.
  15. Applicant must be approved for a wetland exemption or no-loss for installation

within a wetland.

16. Screening fences that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition with plantings that have died being replaced within the current or next growing season.

Warren moved to accept the findings and conditions and approve File #21-145. Jerry seconded and the motion carried. The copy of the findings, conditions and decision will be sent to the applicant and landowner.

7. File #21-149, Brian Czech requesting a conditional use permit to construct a storage structure without a single-family dwelling or other principal building in the R-3 Residential District. Pursuant to Sections 7.6, 9.1.2B(1) and 11.6. The affected property is described as follows: Lot 4, Block 1, Rolling Oaks River Estates, Section 10, West Langola Township.

Roxanne showed an aerial of the site. This is a platted lot along the Mississippi River. The lot is approximately 2.25 acres in the R-3 District. An accessory structure before a house requires a conditional use permit. The septic location has been identified and needs to be preserved. There is plenty of room for a house. The structure would meet all setbacks. This is a bluff area not within the floodplain so floodproofing is not required.

Brian Czech, 16551 63<sup>rd</sup> St Royalton, stating he is requesting to build a storage structure before the house. The building would be for storage.

Tom Mathis, 15675 Barley Rd NW, stated his concern with a business operating from the proposed structure. Roxanne stated that there are conditions that the structure is not used for a business or residence.

Gerry moved to close the public hearing. Jerry seconded and the motion carried.

Gerry moved that the requests meets Sections 7.6, 9.1.2(B)(C)1, pages 1-4 and 11.6 pages 9-12. Art seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that this will not create a burden. There will be limited use of the property. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Al stated that storage structures are allowed to be placed on lots in the R-3, Residential District without a single family home. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

- 3) Dan stated that storage structures are common in the R-3, Residential District. The structure will be new and similar to the one to the north. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Gerry stated that storage structures are common in Residential Districts. A septic site has been identified and is reasonably related to the existing land use. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art stated that the Development Code allows for storage structures in residential areas prior to a home being constructed and as a principal use with a conditional use permit. He cited (C)(E) under Section 2.1.1. He moved to include the development conditions to File #21-149. Gerry seconded. Brian stated that he agreed with the conditions. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry stated that the use is not in conflict with the Comprehensive Plan. He cited Quality of Life Goal #1: Livability and Goal #2: Housing Stock. Land Use Goal #1: Planning for Growth. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Gerry stated that the construction of a garage on a vacant lot will have no effect on traffic. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Dan stated that the use will not impact wetlands. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Roxanne read the findings and conditions.

#### Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

*It will not. There will be limited use of the property.*

- (2) Is the use sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

*Storage structures are allowed to be placed on lots in the R-3, Residential District without a single family home.*

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

*Storage structures are common in the R-3, Residential District. The structure will be new and similar to the one to the north.*

- (5) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

*Storage structures are common in Residential Districts. A septic site has been identified and is reasonably related to the existing land use.*

- (6) Is the use consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use?

*The Development Code allows for storage structures in residential areas prior to a home being constructed and as a principal use with a conditional use permit.*

In accordance with the following items in Section 2.1.1:

(C) To promote the orderly development of residential, business, industrial, recreational and public areas.

(E) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

*The development conditions for file no. 21-149 are adopted.*

- (6) Is the use in conflict with the Land Use Plan of the county?

*It is not in conflict with the Comprehensive Plan.*

### **Quality of Life**

Goal #1: Livability – Maintain and enhance the livability of Benton County for all members of the community.

Goal #2: Housing Stock – Continue to maintain a high quality living environment in all residential neighborhoods and upgrade those in need of improvement.

### **Land Use**

Goal #1: Planning for Growth – Maximize the potential of Benton County as a thriving center for agriculture, business, and recreation, while planning for orderly and efficient growth.

(7) Will the use cause traffic hazards or congestion?

*The construction of a garage on a vacant lot will have no effect on traffic.*

(8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

*It will not.*

**Decision:**

Upon reviewing the above criteria the Benton County Planning Commission grants the conditional use permit request #21-149 with the following conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. Pursuant to Section 11.6.3(J) of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work as defined in the Development Code. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
4. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
5. The storage building will not be used for commercial purposes.
6. The storage building will not be used for temporary or permanent residence.
7. The septic area shall be preserved.

8. Appropriate permits shall be obtained including but not limited to: land use permit, building permit, and septic permit.

Jerry moved to accept the findings and conditions and approve File #21-149. Art seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

8. Warren asked about the use of the 17-acre lot north of the speedway, for camping for speedway events. Roxanne stated that that area is in the City of Sauk Rapids Joint Powers area.
9. Roxanne stated that there is one item on the May 27<sup>th</sup> agenda. She suggested that the members attend remotely.
10. Art moved to adjourn at 8:22 p.m. Dan seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer  
Administrative Secretary