

Planning Commission Meeting Minutes

January 2nd, 2025

Completed by: Sue Bertrand, P&Z Staff

Site visits conducted by Adam Ossefoort and Ken Hovet on 12/26/2024.

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

Staff members: Adam Ossefoort and Sue Bertrand.

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

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

Roger made the motion to approve the agenda as printed and Ken seconded, voice vote, no dissent heard, motion carried.

Ken motioned to have the December 5th, 2024 meeting minutes approved. Lloyd seconded the motion. Voice vote, no dissent heard, motion carried.

AGENDA ITEM 1: Reorganization of the Board and Review Business Rules

Options for Recommendation:

Jim asked for nominations for Chairman.

Roger nominated Jim for chair.

Jim asked if there were any other nominations and there were none. Jim called to cease nominations and cast a unanimous ballot.

Ken motioned to cease nomination and cast unanimous ballot, seconded by Roger.

Voice vote, no dissent heard, motion carried to elect Jim Pratt as Planning Commission Board Chair.

Roger nominated Ken for Vice Chair, and Jim asked for any further nominations and there were none. Jim asked for a motion to cease nominations and cast a unanimous ballot.

Roger, so moved, Andy seconded, voice vote no dissent heard, motion carried to elect Ken Hovet for Vice Chair of the Planning Commission.

Ken motioned to adopt the same business rules as in the past, as presented, seconded by Lloyd. Voice vote, no dissent heard, motion carried.

AGENDA ITEM 2: Sandy Shores Too lot owners: – 15-0088600, 15-0088700, 15-0088800, 15-0088900, 15-0089000, 15-0089100, 15-0089200 and 15-0089300– Leslie Township

1. Lot owners request to revise the Plat conditions on #C-20091109765 for “Sandy Shores Too”

Lauri Wyum was present as the applicant. Lauri stated she will speak for the application, but the property owners can speak individually for their own property.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office. He also read the correspondence from Nancy Uhlenkamp regarding the drainage ditch in reference to #4 condition on the original CUP.

Options for Recommendation:

*A motion to recommend adoption of proposed changes as presented.

*A motion to deny the changes as presented.

*A motion to recommend adoption of individual proposed changes and denial of the remainder.

Correspondence received: Yes, from Sandy Uhlenkamp in reference to MN Statutes Sections 103E.202, 103E.212 and MN Public Drainage Manual pages 3-5. This letter may be viewed in full at the Planning and Zoning office upon request.

Public comment:

On Site Visit Report by Ken: This report may be viewed in full, upon request, at the Planning and Zoning office.

Lauri stated, regarding their proposed changes, they looked the newer development created two years ago, just East of them, and wanted to follow a plan that somebody else had, and that is what they listed, it is exactly what the East plat had listed on their CUP, is where they got the wording for the proposed change. Really, they have no requirement of the 38 foot no mow zone, on the new established area between them and the Head of the Lakes Resort on County Road 10. They wanted to be under the same requirements of others around the lake have. Lauri stated they do not know of any other home owners who have the 38' no mow zone and vegetative buffer, that is required and acted upon. For any alterations we go for permits, and she and her husband had Kevin from Todd County come out with Mr. Marceyes to prevent some erosion that is happening and look at what they would like to have done. She stated Kevin agreed that would be really good, could see that substantial erosion has been happening and if they would like an SAP, the CUP conditions must be met before hand. So now they cannot get a permit until this is rectified and enjoy the property. Some of her neighbors have already had alterations done to their shorelines. They go by whatever the County and State rules are, so that is why they are trying to not have a 38' no mow zone.

Adam showed the neighboring development and Lauri confirmed it was the Summer Shores development that they took the CUP language from, for this proposal.

Lauri stated regarding condition #2, that had already been met, so just remove it, to simplify the amended CUP. #3 is fine, maybe just renumber it. They looked at the Todd County drainage system policy, available in pdf. on line, it refers to chapter 103.E, so that's why they thought let's just follow what those rules are. She had contacted the ditch inspector, and had no idea a private ditch did not have anything to do with this regulation. She believed, when this was being platted, there was talk about making this a County ditch, but

they didn't think it could go through. Mainly they are the beneficiaries of the ditch, and it is not just South of County Rd. 10, and that is part of their concern. Regarding no additional accesses, and why they thought it could just be removed is they are all individual lot owners with each individual access, and they all know where theirs are, they just didn't think that needed to be in there anymore. She apologized if staff felt it should stay, she didn't think it would make a difference to them if it needed to remain unchanged, and that would be fine. No proposed changes to the farming statement, they like to live in the farm community. Just wanted to let the board know where they were getting the language and trying to accomplish. They were trying to look at what the Todd County policy is for the drainage system, and that is why she brought up Statute 103.E.

Board discussion:

Adam stated he would like to add more back ground, and brought up on the overhead, the CUP's and pointed the two conditions from the Summer Shores development, and Summer Shores First Addition had three conditions. Just so the board has those as reference. Also, for the record, Lloyd excused himself from this application as he has family involved. Adam also read the old conditions from the mentioned CUP's out loud for everyone to hear.

Ken asked the dates on the two CUP's for Summer Shores and Summer Shores First addition, for when it was developed.

Adam, Summer Shores, October of 2018 was the preliminary approval, and the second was January of 2019.

Ken asked if there were any watershed rules that had changed recently?

Adam stated he was not aware of any changes, as of late, but he would definitely have to check to know for sure.

Ken stated the reason he had asked was one of them has allowed shoreland alteration permits and the other didn't say anything about it.

Adam stated he didn't know about watershed rule changes but is not aware of any County Shoreland Ordinance had any significant updates in that period of time.

Roger asked about when the existing ditch was put in? Was it put in by the developer? When was it last maintained?

Adam around 2009 at the time of the preliminary plat they did the ditch maintenance and then approved the final plat.

Roger asked where does the ditch come from and go to?

Adam pointed out, the drainage ditch comes from the North, goes under County 10 and drains between lots five and six to the lake.

Roger basically draining from the farmland across the road under the road and to the lake, and felt that should be a County ditch. He added sometimes they put it back on you and if you do it yourself, sometimes it costs less. They had just gone through that in Roger's township, and it is the Engineer that costs a lot.

Ken asked Lauri to explain the erosion on her property.

Lauri stated because they have the berm in front of her cabin, but underneath the six-foot drop, it is starting to erode and some of the trees are starting to go. They would like to add rip-rap to stop that erosion. Per Kevin he didn't think it was enough for the DNR to get involved. They would eventually like to move up here and build and retire, so they definitely want to maintain that property to use it.

A member of the public mentioned she is not on a lot that touches the ditch.

Andy asked about the original 2009 language, it shall be maintained naturally until the lots are sold and then with a 37 ½ foot buffer.

Adam confirmed the condition was intended to create that 37 ½ foot buffer.

Andy continued, so that language vs the language in 2019 that were referenced, don't mention any kind of a buffer, but do mention this 6-inches of intercept with overland flow, with a gradient. So, there is a difference on how they want to control run-off and was wondering if that language had come from the County?

Adam stated the basis of the buffer having the 37 ½ feet, is the shore impact zone of the General Development Lake. That is where the depth of it comes from and the rest of the language was developed when it was platted and because he was not in Todd County at that time when any of these three plats were developed, he didn't know for sure.

Andy asked if it was standard language for a development lake?

Adam stated when they list vegetative buffers, he cannot say it was ever the same.

Andy it is not like it is a standard ordinance?

Adam, right, it's just language that has developed as conditions of the approval of the preliminary plat and every application is reviewed and decided on its own merits.

Andy, what he is digging for, is there must have been a reason for that original language, and why is it different now?

Adam stated he did not know why it was applied to this in 2009 and not to the other ones, a few years later.

Andy stated he would like to know if this had something to do with the DNR or engineer or something else, who had some reasoning behind it. For us to just change it because somebody else is different, there might be some other reason as to why.

Adam suggested he could dig up minutes from the original meetings, and compare them side by side, if there is any indication in there as to why they developed them like that and table it until the next meeting. He did reach out to DNR, they responded with another question and then he did not hear back from them.

Ken, yet.

Andy, it is hard to suggest any kind of decision without having a little bit more information.

Jim these conditions were on there when they bought the parcels.

Andy, and it is not fair to say, "oh, the neighbors are doing it" as there are bound to be differences, and we need to know that.

Ken would be interested in hearing back from the DNR before we do any more, as they usually have a lot to say about shoreland, and is not interested in doing anything with this until we hear back.

Jim, agreed as far as condition #1. He also added as far as the private ditch, it will remain as that, unless they go through the process of it becoming a County Ditch, and it is probably not going to happen.

Roger stated he felt they were better off keeping it a private ditch. Get a maintenance group together and figure it out.

Andy pointed out original CUP mentions an association.

Adam continued, the developer created the Home Owners' Association, and the current owners of the lots are not aware there it existed. There were protective covenants that were created and recorded, before the final plat, that referenced how the ditch is to be maintained, and refers to the Home Owners' Association, then lapsed, but the home owners' association doesn't exist.

Lauri stated it was Home Owners Association dissolved in 2013 prior to these home owners owning the properties. It was her understanding, from a number of those meetings prior to the plat being approved that the developer set it up with a number of different conditions in order to get it subdivided so he could sell it.

Ken stated the big decision is what to do with the first request.

Jim stated #5 he would not remove.

Ken, no that can stay like it is. He is a member of the County Board of Adjustments and they see these kinds of requests all of the time, and with Osakis being an impaired lake, he is really discouraged not to see that no-mow zone in existence. You look at that picture, and you mow right up to the trees, that's not what the CUP says. You mow into the no-mow zone, the CUP says 37 ½ feet and you could quit mowing it. It was there in the CUP when you bought the property, but it is not being enforced. In fact, one of the pictures showed it looked like a junk yard. Ken stated he doesn't have a big appetite for changing this at all from what he has seen. Yes, there is a berm there, it's an old road bed from, God knows, how many years ago, and he wouldn't

say it is six inches tall, and doesn't know what its' integrity is, doesn't know if it goes across the front of all of the properties with no holes in it, as he didn't walk across the whole thing, either way, that no-mow zone has been there and it has been completely ignored. He is not amendable about changing anything.

Lauri stated a number of the other properties around the lake do not have that requirement, at all.

Ken stated we are not talking about the other properties, we are talking about yours.

Andy stated they probably should, if it's an endangered lake.

Ken stated he understands why it was put in place because that lake is an impaired lake and a no-mow zone goes a long way to help clean that up, but you have to maintain them.

Ken made a motion to table it.

A member of the public stated there should be the no-mow zone all the way around the lake.

Andy stated that would be an option, if we have the power to do that, but we do not.

Adam redirected, it is these eight properties we are looking at, it is kind of black and white when you are looking at the conditions of existing stuff because both parties have to be "in agreement" of the change. He stated he is understanding the need for the comments from the DNR and we can provide the minutes from the previous meetings of Summer Shores, First Addition and Sandy Shores Too in the board packets, and we can dig up those protective covenants, too, that reference the Home Owners' Association, for you to look at also.

Roger, that no additional access or entrance he felt the County Hwy Dept. would probably not let them put any more in there, anyway, and there is no reason to take it out at all.

Jim agreed there is no reason to take it out.

Ken motioned to table for more information, Andy seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Abstained
Andy Watland	*
Jim Pratt	Yes

*Due to miscommunication, Andy was missed during roll call vote.

Motion carried. Jim and Adam noted the application is tabled and will be added to the February 6th Planning Commission meeting at 6:00 pm, same room agenda.

AGENDA ITEM 3: Michael & Jeanne Bushard: Section 23, Birchdale Township, Little Birch Lake, **Site Address:** 27779 Ambling Trail, Grey Eagle, MN 56336 **PID:** 03-0018300

1. Request to create “Ambling Trail Plat”, a two-lot plat plus an Outlot in – Recreational Development Shoreland and also AF-1 Zoning.

Michael Bushard 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. All new driveway accesses shall be approved by the local road authority prior to installation.
2. Abide by all other applicable Federal, State and Local standards.

Correspondence received: None.

Public comment: None.

On Site Visit Report: Ken reviewed his site visit report. This report may be viewed in full, upon request, at the Planning and Zoning office. No doubt, the out lot is a low spot, brush, bushes, trees and native grass, just curious if you are trying to preserve that?

Board discussion:

Michael stated the reason for that is Arnie and Clair Berscheit own the property next to it. Michael owns a place on Little Birch close by and are selling that now, and moved to Wilmar. He and Jeanne had bought these fifteen acres prior to owning the lot across from it, that's why the shed is built there as he thought he would build a house there and retire. When he told the neighbors, obviously all of them wanted to buy part of that property for a number of reasons, but Arnie and Clair, if when he sells, they could add that triangular piece on as a buffer to their property, is all it is there. It is low there, you couldn't build on it if you wanted to. There is no intention of ever building on there.

Ken stated he could come up with no reason to deny this at all.

Michael stated the other neighbors have agreed to buy the other two parcels, as well.

Roger, Ambling Trail a township road?

Michael, Yes, and they recently paid for it to be tarred.

Michael asked if Adam had seen the sewer sites from Ilgen?

Adam confirmed, yes, and pointed them out on the overhead.

Mike stated the neighbor had said it was so close to them, and land only comes up for sale once in a life time, if he was going to sell it, they would like to buy it.

Ken motioned for recommend approval with the two conditions and Roger seconded.

1. All new driveway accesses shall be approved by the local road authority prior to installation.
2. 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
Andy Watland	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on January 21, 2025.

AGENDA ITEM 4: Joseph Zimmerman: Section 06, Kandota Township, **Site Address:** 14403 181st Ave., Sauk Centre, MN 56378 **PID:** 14-0005800.

1. Request CUP for additional enclosures for exotic animals with future public tours in AF-1 Zoning.

Joseph was present as the applicant.

Staff Findings: Adam read the staff report. He also pointed out to the board that since the application was applied for, the two parcels listed have been combined to one 20-acre parcel, just the 14-0005800 remains number for the two combined. The staff report is available for viewing upon request in the Planning & Zoning Office.

Recommend approval with the following proposed condition(s):

1. Applicant must obtain and maintain a feedlot registration complaint with the Todd County Planning and Zoning Ordinance and MN Rule 7020.
2. Secondary fencing of the property shall be installed and maintained.
3. Applicant must provide a copy of the USDA animal care registration and license
4. Applicant must abide by all applicable Minnesota Statutes and Rules related to the keeping of wild animals.
5. Abide by all other applicable Federal, State and Local standards

Correspondence received: Yes, from neighbor Kent Gustafson that Adam read aloud. This letter may be reviewed in full, at the Planning and Zoning office upon request.

Public comment: None.

Board discussion:

Ken asked how close is the neighbor who wrote the letter?

Adam right next door to the South.

Roger asked where this is at, and asked if Hwy 2 is just to the South?

Joseph, yes.

Ken asked if he has any exotic animals there now?

Joseph yes, this was an existing exotic animal farm when he bought it and is hoping to expand on it. He has Asian Otters, African Foxes, Coati Mundi, Bengal cats, Maine coon cats, and they do have heated barns. They also have mini Scottish Hylanders in the other barn.

Joseph stated he was out of house and home right now and he would have to build another barn just to grow himself.

Ken, so now, roughly what is the count of animals?

Joseph, fifty to seventy-five.

Ken, with your expansion how many more do you think you will have?

Joseph, several hundred. Camels to other exotic animals.

Lloyd, it will be a zoo.

Joseph stated it is a ranch right now.

Ken, do you have a plan for manure?

Joe, right now, he leases the land to the neighbor for tillage and crop farm, so they spread it on there for now. In the future, he will stop leasing it to the neighbor and he can spread it on Moore's property, directly West.

Ken reminded Joseph with a feedlot, you must have manure management plan.

Andy asked if exotic animals fall under the feedlot ordinance?

Ken, yes.

Jim stated there is no exotic animals listed on the feedlot list.

Adam stated the ordinance requires exotic animals register with the feedlot program, when not listed, he believed it was based on 1,000 pounds of animal. This request does not specify how many animals, the number would not trigger the feedlot registration, just the fact it is for exotic animals triggers the registration with the feedlot program.

Lloyd you'll be over 100.

Joseph, yes. The miniature Highlander is his largest animal so far, can't pick her up anymore.

Lloyd asked if he has to buy feed for them or if he grows his own, or is it commercial?

Joe, a lot of commercial dry food, but for the carnivores, a lot of downed cows, or cows that have prolapsed or have done the splits from neighboring dairy farms. He doesn't have to buy much for meats. He also works at a butcher shop, so that helps.

Roger asked about the parking area.

Jim asked about the plan of how many people he was going to have out there touring it, days and hours of operation...

Joseph, mostly during the warm summer months, May, June, July, August and September. October gets to be a little cold. Friday, Saturday and Sundays. Hopefully he will get another built for some tours during the winter.

Adam asked if he was intending it to be kind of like a zoo? General public in and out or reservations for groups for educational events?

Joseph stated reservations for groups would be during the off season. General admission would be in the summer. Just not a lot of bodies to go around.

Joseph referred to the overhead and explained pasture and parking area.

Andy what specifically are we approving? Is it the keeping of animals, the business of having animals or is it the building itself for the animals.

Adam stated Joseph wanted to get a permit to build new enclosures for the existing animals and the ordinance states exotic animals requires a CUP, so basically it is also an expansion and, rather than having multiple CUP's he is applying for both. It is not clear when the exotic animal piece came into our ordinance and how long the animals have been there, as Joseph purchased the property with the existing animals. It triggers the CUP because the animals are there and it is an expansion request.

Ken asked how long Joseph has owned the place?

Joseph stated seven years in August. He had worked for them for fifteen years and then decided to buy the place. A lot of these enclosures are thirty years old. He is trying to fix them up and build new ones.

Ken asked what the purpose was for owning these exotic animals.

Joseph stated most of them go out of state and they raise them for other zoos. They have sent them every year to Florida, Texas and New York, and these are other facilities that have the proper licenses.

Andy asked if this is a breeding facility?

Joseph stated yes, as they are not open to the public right now, so they just raise and sell animals.

Ken stated that is what the previous owners did too.

Joseph, they did and sometimes they would have the school kids come out and have education programs off the farm. Where they would load up the animals and take them to different locations and hold programs.

Andy asked if they are already with Federal and State?

Joseph stated they already have their license for the USDA one and DNR one. They come unexpected and do their inspections.

Ken was impressed when driving into the yard it looked good and very well kept. Stated he has farmed for many years and understands having animals, and stated his fences never looked that good.

Joseph stated he does have enough structure and fencing and everything to do the rest of the property. He's had to keep the fence down as they come in with their big combine heads and didn't want it to get all tore up.

Andy most of your expansion is still inside.

Joseph stated, yes, but he wanted to go into the field and thought it would be easier to put it all in one parcel.

Andy basically a breeding facility for zoos, with kind of an offshoot where you can allow some...

Joseph, right, they would like to morph into having it open to the public. A lot of breeding facilities would not even think of opening to the public because they do not have nice enclosures for the animals. They are spending pretty good money on just enclosures that no body else would do that. Enclosures are half the size of the commissioner's room.

Andy, wouldn't do it just for breeding but for presentation you would, sort of a dual purpose.

Ken stated his only concern at the time he was out there for the site review, is what you were going to do with the manure, but you have answered that. He can think of no good reason to not recommend this for approval.

Andy agreed most farmers welcome someone bringing in manure, so he doesn't see an issue.

Ken motioned to approve with the 5 conditions, seconded by Andy.

Conditions:

1. Applicant must obtain and maintain a feedlot registration complaint with the Todd County Planning and Zoning Ordinance and MN Rule 7020.
2. Secondary fencing of the property shall be installed and maintained.
3. Applicant must provide a copy of the USDA animal care registration and license

4. Applicant must abide by all applicable Minnesota Statutes and Rules related to the keeping of wild animals.
5. 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
Andy Watland	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on January 21, 2025.

Joe asked to learn more about the feedlot program and Adam stated he will help him with that, and not to worry about it until after the commissioner's meeting. It is through our Soil and Water office downstairs, they handle the feedlot program, simple form, it's free to apply to register in Todd County. Won't be a large task.

Roger motioned to adjourn and Ken seconded. Voice vote to adjourn the January Planning Commission Meeting, no dissention heard. Motion carried and meeting adjourned at 7:19 PM.