

## ZONING OFFICE

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Trina Bergloff, Zoning Administrator/Solid Waste Officer  
Holly Nelson, Deputy Zoning Administrator  
Dennis Ginter, Building Official  
Terry Lakin, Septic Specialist  
Darrick Wotachek, Water Planner/Wetland Specialist  
Erica Wilson, Administrative Assistant/Permit Technician

Isanti County Planning Commission  
Public Hearing  
June 9, 2022  
Isanti County Government Center

Members present: Teresa Jones, Lyle Reynolds, Bruce Mickelson, Dave Ringstad, Bruce Bloomgren, Susan Morris, Larry Fredlund, Angela Kersting, Kathy Skiba

Other members present: Trina Bergloff, Zoning Administrator, Erica Wilson, Administrative Assistant, Tim Nelson, Chief Deputy County Attorney

Members not present: Dennis Haubenshield, Shaun Fiedler

Bruce Mickelson, Chairperson called the meeting to order at 6:05 p.m.

Additions/deletions to the agenda: Item number 6. Has been tabled and item number 8. had been withdrawn.

A motion was made by Dave Ringstad and seconded by Bruce Bloomgren to approve the minutes of the May 12, 2022 meeting as presented. Motion carried unanimously.

1. The request of Bernard Anderson, 3874 Sullivan Woods Trail NW, Isanti, MN 55040, to present a preliminary plat of Anderson Family Farm. Legal description is Pt. of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 8, Township 34, Range 24, Stanford Township.

Kyle Roddy was present for this request representing Bernard Anderson. Mr. Roddy stated this is a 3 lot plat that is zoned Agricultural/Residential. The parcel has 3 building rights. They are proposing a 3 acre lot, a 2 acre lot and the remainder lot to be platted. The Township has reviewed this with no opposition. Soil borings have been completed on all the lots. Trina Bergloff stated soil borings have been conducted and they meet the one acre buildable requirement. Stanford Township has approved. Craig Puchalski, a member of the audience asked what future plans were for the last lot. Will it be developed, farmed or is there cattle/livestock planned for it. Mr. Roddy stated as he understands the lot will stay as farmed property. They will have the one development right associated with the lot but there are no additional building rights at this time. Larry Fredlund questioned if the exception was owned by the same landowner or by someone else. Mr. Roddy stated it is owned by someone else. **A motion was made by Lyle Reynolds and seconded by Larry Fredlund to recommend approval of this request for the preliminary plat of Anderson Family Farm.** Motion carried unanimously.

2. The request of Elevated Investment Properties, LLC, 5030 Highway 95 NW, Cambridge, MN 55008, to present a preliminary plat of West Side Commercial 2<sup>nd</sup> Addition. Legal description is Lots 1 & 2 Block 1 West Side Commercial 1<sup>st</sup> Addition of Section 25, Township 36, Range 25, Wyanett Township.

Kyle Roddy was present for this request representing Elevated Investment Properties, LLC. Mr. Roddy stated this parcel was previously platted as West Side Commercial 1<sup>st</sup> Addition a small lot was created as a commercial lot and a larger lot that was Agricultural/Residential with a small sliver being zoned commercial which contained the house. The purpose of the plat is to get the house contained on a small lot of its own and incorporate all the remaining into one lot that is partially zoned commercial in the northeast corner and Agricultural/Residential on the remaining property. By creating this plat with the small lot around the house it would require the shared driveway to become a township road in order to create road frontage for the smaller lot. The road has already been built that exceeds township standards. The only thing left to be built on the road is the cul-de-sac which the developers are working with the township at this time on that design. There will be no new lots being created in this plat; just a reconfiguration of what is already existing. Trina Bergloff stated that this property was rezoned a couple years ago. The north part of the property is zoned Business and the south part is Agricultural/Residential. **A motion was made by Teresa Jones and seconded by Dave Ringstad to recommend approval of this request for a preliminary plat of West Side Commercial 2<sup>nd</sup> Addition with the following conditions; 1. Wyanett Township approval is needed prior to the submittal of the final plat. 2. The developer to submit the road design.** Motion carried unanimously.

3. The request of Reliable Investments, LLC c/o Jim Olson, P.O. Box 32, Cambridge, MN 55008, to present a preliminary plat of Bradford Hills Phase 2. Legal description is Pt. of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 19, Township 35, Range 24 & the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  & Lot 1 Block 2 Bradford Hills of Section 8, Township 35, Range 24, Bradford Township.

Kyle Roddy was present for this request representing Reliable Investments, LLC. Mr. Roddy stated this a 10 lot plat. The plat entails transfer of development rights. There will be three development rights transferred from the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and two development rights from the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  all in Section 19, Township 35, Range 24 (sending parcel area) to the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  & Lot 1 Block 2 Bradford Hills of Section 8, Township 35, Range 24, Bradford Township (receiving parcel area). The County Highway Department has reviewed this plat and sent a letter to Trina Bergloff looking at the access points on Highway 47 and they have approved an access on County Road 17 for Lot 6, they would also like Lot 7 & 8 to share an access which will also serve some other property that will be in a future development. Soil borings have been done on all parcels. Trina Bergloff stated that all the building rights are accurate and have been verified. Bradford Township approved the preliminary plat. **A motion was made by Larry Fredlund and seconded by Lyle Reynolds to recommend approval of the preliminary plat of**

**Bradford Hills Phase 2 with the following condition: The accesses to each lot must follow the recommendations of the Isanti County Highway Engineer.**  
Motion carried unanimously.

4. Scott LaRowe, 31925 Lakeway Drive, Cambridge, MN 55008, to present a preliminary plat of Jodrell Meadow. Legal description is Pt. of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 17, Township 35, Range 22, North Branch Township.

Kyle Roddy was present for this request representing Scott LaRowe. This property is zoned Agricultural Residential. It is a quarter quarter with the exception of a 5 acre parcel out of the north side that is owned by someone else. There are 3 remaining building rights on this property. They will be creating 2 smaller lots and one remainder lot. Lot 3 is a 4.5 acre lot that had a variance approved to exceed the three acre maximum lot size requirement. Trina Bergloff stated that she did receive an updated soil boring map from LHB and is ok with the soil borings. North Branch Township approval was not received on this plat. John Nordrum, North Branch Township Supervisor, stated he was here representing the Township. Mr. Nordrum stated that the applicants were not present at the June 2, 2022 township meeting. They have not seen any plans on what is being proposed and what the road accesses will be. They are requesting they are able to review and give approval of the final plat prior to this being approved. Trina Bergloff clarified with North Branch Township that they did receive the packet the county sent out. Mr. Nordrum stated that they did. Mr. Roddy stated they also electronically sent a full set of the plans to North Branch Township as well. Trina Bergloff stated that she did look at that and found that North Branch Township does have a planning commission but they do not have a subdivision ordinance recorded. Isanti County's ordinance states that in order for the township to have full approval of the plats they have to have both. It was advised that we could not hold up a plat application. Mr. Nordrum stated that someone representing the plat would have to be present at the meeting to present it. They would need to know where the driveways are going to be at and did not see them located on the preliminary plat. Mr. Roddy stated that Lot 1 will have access off of Jodrell Street NE, Lot 2 Block 1 could be accessed off of 303<sup>rd</sup> Avenue NE and/or Jodrell Street NE and Lot 3 Block 1 would be accessed off of 303<sup>rd</sup> Avenue. **A motion was made by Kathy Skiba and seconded by Larry Fredlund to recommend approval of the preliminary plat of Jodrell Meadow.** Motion carried unanimously.

5. The request of Kathleen Lind, Christine Anderson, Scott LaRowe & Kristi LaRowe, 6001 County Road 5 NE, Cambridge, MN 55008, to present a preliminary plat Maple Leaf Knoll Rearrangement. Legal description is Outlot A & Outlot C Maple Leaf Knoll & Lot 2 Block 2 Maple Leaf Knoll of Section 20, Township 35, Range 22 & the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 19, Township 35, Range 22, North Branch Township.

Kyle Roddy was present for this request representing the applicants. The preliminary plat is for a total of 6 lots. The property was originally platted when

there were 2 building rights per quarter quarter section and now with the change to 4 building rights per quarter quarter section Outlot A and Outlot C have gained two additional building rights. They will not be utilizing all of the building rights at this time. Trina Bergloff stated that the soil borings have been verified. A letter from Justin Bergerson, County Highway Engineer, was received and read by Trina Bergloff. Mr. Roddy stated that none of the lots are looking to gain access off of County Road 5 except for the one existing access that is already there; all other lots will be coming off of Township roads. Dawn Schlipp owns land that border two sides of this plat. Mrs Schlipp stated that she is concerned that Block 2 has a wetland with a drainage ditch that runs onto their property and has this been considered. Mrs. Schlipp also stated that the current property owners are in the process of creating a business on this property for a paving company and she is wanting to know if they have permission for this. Mrs. Schlipp is also questioning where the houses will go as they live on the end of Regulus Street. Katherine Merrifield stated she is concerned about crossing the wetland/ditch. Mr. Roddy stated the access comes from Jodrell Street at the south end and will not be crossing that ditch in any other location. Mr. Roddy stated that Lot 1 Block 2 would be sold as just one lot at this time and the current owners have no plans of doing anything more. Dawn Schlipp stated that they are creating a blacktopping business. Trina Bergloff stated that she was unaware of this business. Mrs. Schlipp stated they have a business sign. Trina Bergloff stated she will have staff within the zoning department look into this. Bruce Mickelson stated that a letter was received June 3<sup>rd</sup> from Roger Wilson and Debra Skelnik with 8 items listed. Bruce Mickelson read the 8 items and the items of concern all meet the ordinance. **A motion was made by Lyle Reynolds and seconded by Bruce Bloomgren to recommend approval of the preliminary plat of Maple Leaf Knoll Rearrangement.** Motion carried unanimously.

*Discussion was held in regards to township approval requirements for platting within the county.*

The Isanti County Subdivision Ordinance language was discussed as to how the language reads for the Township role on plats. Tim Nelson advised that the subdivision ordinance states the preliminary plat shall be submitted to the Township Board, or Boards in which the subdivision is located, for review and preliminary approval of the road design. Only those Townships with established Planning Commissions and Subdivision Ordinances shall be required to undertake approval of the entire plat. Ms. Bergloff stated that she will bring this up at the next County Board meeting and discuss with the County Commissioners on whether or not they would like to move forward with an amendment to the subdivision ordinance for updated language to this regard.

6. The request of Brady Mullins, 35279 Xenon Street NW, Princeton, MN 55371, for an interim use permit for a limited rural business and for an extended home occupation conducted within an accessory building for a trucking operation. Legal description is the N ½ of the SW ¼ Except W 792' of S 165' of the NW ¼ of the SW ¼ of Section 14, Township 36, Range 25, Wyanett Township.

This agenda item has been tabled.

7. David DeMuth, 2726 309<sup>th</sup> Avenue NW, Cambridge, MN 55008 & Janet DeMuth, for an interim use permit for the mining/sale of stockpiled black dirt. Legal description is Lot 2 Block 1 DeMuth Addition and Outlot A DeMuth Addition of Section 16, Township 35, Range 24, Bradford Township.

Gary Leistico, Attorney from Rinke Noon Law, was present for this request representing David DeMuth & Janet DeMuth. Mr. Leistico stated this request is to remove stockpiles of black dirt from this property. There would be no mining, excavating or digging. There are two black dirt piles that would be removed before May of 2024. Ms. Bergloff suggested two years would be too long for removal of these dirt piles. Trina Bergloff questioned if the commissioners had all read the background on the property and if they were familiar with the original 2016 Interim Use Permit request. Larry Fredlund stated that the black dirt piles that are there are not supposed to be there according to the Interim Use Permit that was granted in 2016; the black dirt was supposed to be spread out over the existing property per the request of the applicant. Trina Bergloff stated there have been numerous complaints received that the applicants was hauling the dirt off of the property and they were told multiple times to cease. Larry Fredlund stated they were also digging in the wrong spots, over digging, digging to close to the wetlands, and not following proper procedures of the interim use permit and wetland permit. Trina Bergloff stated that this was going through the court system and was dismissed by the courts on 11/15/2021 with the Department of Natural Resources for a restoration order. Trina Bergloff stated that the Wetland Specialist did a site inspection on 11/10/2021 and verified that they were in compliance so there are no outstanding violations at this time that we are aware of for this property. Tim Nelson stated it was dismissed by agreement. Bruce Mickelson questioned how much spoils are in the piles. Mr. Leistico stated it is estimated to be 15,000 cubic yards. Trina Bergloff stated the hours they are looking at for operation would be 7am – 6pm Monday through Saturday with an average of 5-10 truckloads per day. Dirt would be removed by property owner and third party vendors. Trina Bergloff questioned how many third party vendors would be using it. Mr. Leistico stated he doesn't believe that has been determined or if they would use a third party vendor and that it would be mainly the property owner or someone primarily controlled by the owner. Trina Bergloff stated that a letter from Jeffrey Anclam, a neighbor was received. Bruce Mickelson questioned why the applicant did not land spread the dirt in which was part of the

initial Interim Use Permit. Mr. Leistico stated that he was not involved at that time but he does believe that the DeMuth's economics have changed significantly during this time and they see this as a way to provide some income for their family. Bruce Mickelson stated they have a letter before them from a neighbor that is opposing this request as they have dealt with these issues going back to 2016. If this dirt gets removed the neighbors are going to be exposed again to noise for potentially another 2 years given the request of the Interim Use Permit. Bruce Mickelson stated he feels they should just spread the dirt piles on the property as requested on the original interim use permit. Larry Fredlund stated he feels there was no intent from the beginning of the 2016 Interim Use Permit to land spread the spoils otherwise there wouldn't be these piles of dirt onsite if the intent had been for them to be land spread. Mr. Fredlund stated he has some questions regarding these issues why they feel he is going to do any better this time than he did before, to understand the only way to deal with this would be that the hours of operation would need to change and only be 5 days a week, require watering at all times to maintain dust issues, how to eliminate noise factor. Susan Morris stated the average truck holds 15 yards of black dirt, to remove it all would be approximately 1,000 truckloads being removed from there in which would be an impact to County Road 17 as it is not built to a 9,000 ton standard; she believes it is a 7,000 ton road. They are already seeing wear and tear on that road being it was just built a year and a half ago and they are already seeing cracks happening. Lyle Reynolds questioned if the Highway Department commented on this. Trina Bergloff stated no they had not. Teresa Jones stated that the gentleman went through a lot of trouble to come into compliance he's got business to still take care of on the property. Ms. Jones questioned can we put conditions on that he does use smaller trucks, limit hours of operations, truckloads, etc. Larry Fredlund stated he wrote down different hours, Monday through Friday, speed limit on road as potential conditions also. Mr. Fredlund wants clarification as to what is meant by third party vendors. Mr. Fredlund would like to see a refined operation plan to address the concerns they have because of the prior non-compliance issue. Bruce Mickelson stated he would want to put in the recommendation to speak with the neighbor across the road Jeffrey Anclam as they are the ones who will be experiencing a lot of the impacts of the request. Larry Fredlund stated that it should also be limited to trucks that can go on a 7 ton road and that he will certainly not go two years on this request he would vote for one year and if not done they could try to renew it. Fredlund also suggested no idling trucks on the property. Susan Morris stated she would like Justin Bergerson, County Highway Engineer, to go out to the site and get his recommendations as well. **A motion was made by Larry Fredlund and seconded by Dave Ringstad to table this request for an interim use permit for the mining/sale of stockpiled black dirt requesting a refined operational plan including but not limited to; updated hours of operation and timeline of completion, average number of trucks per day, how the dust and noise will**

**be mitigated (at all times), provide comments/information from the Highway Engineer for County Road 17, and what the weight of the trucks will be, who will be removing the black dirt from the property, speak with the neighbor across the road (Mr. Anclam), and a 60 day waiver must be signed on or before June 21, 2022, etc.** Motion carried unanimously.

8. The request of Cheryl Minx, 28032 Yak Street NW, Zimmerman, MN 55398, for an interim use permit for a short term rental. Legal description is Pt. of Lot F Block 1 Goffs Blue Lake Lots of Section 31, Township 35, Range 25, Spencer Brook Township.

This agenda item was withdrawn.

9. To discuss/amend the Isanti County Zoning Ordinance, in all zoning districts in regards to unlicensed and licensed vehicles for outdoor storage.

Trina Bergloff questioned if the commissioners were able to review the information she provided from Chisago and Sherburne counties in regards to their ordinances. Trina Bergloff stated that their ordinances allow for 2 unlicensed vehicles on the property. Trina Bergloff stated this is difficult because you could have a one acre parcel with 5 unlicensed vehicles which would be a different situation on a 160 acre parcel where they are not seen. Trina Bergloff stated the way the ordinance reads right now does not address the issue at all so we would like to have something in the ordinance to address it. Bruce Mickelson stated he was under the impression at one time the ordinance was limited to 2 unlicensed vehicles in Isanti County, he believes that was back in the 1980's. Trina Bergloff mentioned that because of the different zoning districts there could be different language for each district also. Trina Bergloff mentioned it could also be done on a tiered structure of the number of stored vehicles on a property per acreage. Discussion was held on visibility of vehicles from the road or other properties and ground contamination. Bruce Mickelson questioned how much detail they would want to go into. Trina Bergloff suggested maybe limiting it so it is not allowed in the shoreland district. Trina Bergloff stated that 80% of complaints are in regards to vehicle storage on properties. Trina Bergloff stated we do not have a nuisance ordinance. Larry Fredlund suggested taking the best language out of the two example ordinances and for staff to provide language for the Planning Commission after the guidance from this evening discussion. Susan Morris stated she would like to see Stearns County's ordinance as it relates to the storage of vehicles. Susan Morris also stated that she would like to see machinery cleaned up. Bruce Mickelson stated it sounds like the consensus of the Commissioners from this evening would be to direct staff to provide language that allows more than 2 vehicles per property. Trina Bergloff stated she will reach out to Stearns County on their ordinance for storage of vehicles and will provide the Commissioners with this and suggested language for the July 2022 meeting.

10. To discuss/amend the Isanti County Zoning Ordinance as it relates to parcels that are unbuildable due to lot size in a quarter quarter taking a building right.

Trina Bergloff provided topics/questions to think about as it relates to this topic. She suggested we would need a definition of an unbuildable parcel, who would designate the parcel as unbuildable? What would be the criteria to use to make sure the parcel is unbuildable and/or isn't eligible to take a building right? Who gets to ask for it? Future situations; can these designations be undone? Larry Fredlund stated doesn't it need one acre of buildable. Lyle Reynolds stated he is talking about a 16 foot strip of land which is definitely unbuildable and they are having to pay to go through the variance process for a parcel of this size doesn't take a building right from the quarter - quarter. Lyle Reynolds questioned how to give staff the authority to make the decisions. Larry Fredlund stated he feels that staff should designate if parcel is unbuildable or not, if it comes down to being unsure then they could request a variance but at least not every situation would need one. Tim Nelson stated you are risking taking something from someone and do they get to present their view to the zoning office as to how they think it could be buildable. Larry Fredlund stated he feels we could come up with a definition of an unbuildable parcel. The ordinance could also read if parcels below certain criteria wouldn't be considered to occupy a building right. Larry Reynolds stated we need something that can deal with the obvious situations. Larry Fredlund questioned Tim Nelson if he sees a light at the end of the tunnel without having these situations end up in court. Tim Nelson stated he would defer to zoning staff on a case by case basis. Bruce Mickelson stated to leave this topic on the agenda for the July 2022 meeting.

**A motion was made by Larry Fredlund and seconded by Bruce Bloomgren to adjourn the meeting at 9:09 p.m. Motion carried unanimously.**

Trina Bergloff  
Zoning Administrator