



Cass County
Planning Commission/Board of Adjustment

May 9, 2016

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting May 9, 2016 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted May 2, 2016 with PC members Fitch, Kostial, LaPorte, Moore, Pehling and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

Sundberg called the meeting to order at 9:30 a.m.

Members present: Fitch, Froehlig, Kostial, LaPorte, Moore, Pehling and Sundberg.

Staff Present: Berg, Fairbanks, and Ringle.

Citizens Present: Wayne Anderson, Curtis Collier, Katie Crosby, Terry Freeman, Ben Gundale, Cindy Hidde, Tom Lund, Dan Norman, Jeff Peterson, Lowell Peterson, Larry Stokes, Frank Vargo, Scott Vargo and Don Youngberg.

MS/P Fitch/Froehlig to approve the minutes of the 04/11/16 PC/BOA meeting as presented.

Variance

Anderson, Wayne, Wabedo Township on property described as Part of Govt Lot 6, Section 22-140-28, PID #46-022-4421 located at 1547 Wabedo Lane NE. An application submitted to construct a 4 feet x 22 expansion of the existing residence lakeside deck located 35 feet from the lake and to construct an 8 feet x 16 feet accessory structure to be located 45 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains .2 acre riparian to Lake Wabedo (RD).

PC members were at the site 05/02/16. 38 notices of the application were mailed with one response received from the Wabedo Township Planning recommending approval. The application was reviewed with Wayne Andersons.

MS/P Moore/Kostial to approve the application for the deck expansion and accessory/storage structure to be located upon PID #46-022-4421 upon review of the criteria contained in

Sections 800 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1969 and contains .2 acre.
2. The physical features of the property including depth from the lake to rear lot line, 99 feet, presents practical difficulty for structure placement and does not allow for compliance with lake setback of 100 feet.
3. There is nothing to indicate that the proposed deck expansion location and the proposed accessory structure, if located further than proposed from the lake, will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. There is no information to indicate that the application is solely financially based.
5. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. The application, if approved and assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
7. The application, if approved, will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location and configuration of the deck expansion shall not vary from that submitted 04/19/16 unless approved by ESD.
2. The accessory structure shall not exceed 8 feet x 16 feet and must be located no closer to the lake than the distance from the lake to the non-lakeside of the residence.
3. The applicant shall comply with the recommendation of the 04/22/16 Shoreline Rapid Assessment Model.

4. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
5. All gutters must drain away from the lake.
6. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/09/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Collier, Annella & Curtis, Otter Tail Peninsula Township on property described as Lot 8, Block 1, "Two Points", Section 5-143-29, PID #28-544-1200 located at 1851 Two Points Lane NW. An application submitted to construct an 8 feet x 29 feet deck, a 7 feet x 20 feet porch and a 7 feet x 10 feet enclosed porch located to the side and non-lakeside of the non-conforming residence which is located at less than required setback from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, Section 1115.3 which establishes the non-conforming structure requirements and Section 1126.1 A. which requires structures to be located 75 feet from a lake classified General Development (GD). The property contains .5 acre riparian to Leech Lake (GD).

PC members were at the site 05/09/16. 18 notices of the application were mailed with no responses received. The application was reviewed with Mr. Collier.

MS/P Kostial/LaPorte to approve the application as submitted by for the expansion of the non-conforming residence located upon PID #28-544-1200 upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1988 from former DNR lease lots.
2. The legal non-conforming lot contains .5 acre which is less than that required by current standards.
3. A previous residence expansion was approved by VP91-143-29-1 which indicates the residence was at 45 feet from the lake.
4. There is nothing in the permit archive to verify when the original location and construction of the residence took place.
5. The proposed expansion will be to the side or non-lakeside of the residence all of which shall be no closer to the lake than current lake setback.
6. There is nothing to indicate that the expansion size and location will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict

the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.

7. There is no information to indicate that the application is solely financially based.

8. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.

9. The application, if approved and assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.

10. The application, if approved, will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location, configuration and dimensions of the expansion shall not vary from that submitted 04/15/16 unless approved by ESD or if necessary the Planning Commission.

2. Approval does not allow or imply approval that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".

3. The applicant shall comply with the recommendation of the 04/22/16 Shoreline Rapid Assessment Model.

4. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.

5. ESD must determine and if required, the applicant shall install approved construction erosion control. 2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.

6. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.

7. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.

8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/09/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Gundale, Benjamin, Crooked Lake Township on property described as Lot 10, Block 4, "Tingdale Brothers Roosevelt Trails", Section 25-139-26, PID #12-467-0412 located at 7066 Quentin Road NE. An application submitted to construct a retaining wall that will exceed the 8 feet clearing width limit. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.9 A. & A. which establish retaining wall criteria. The property contains .32 acre riparian to Leavitt Lake (RD).

PC members were at the site 05/02/16. 42 notices of the application were mailed with one response recommending approval of the application received. The application was reviewed with Mr. Gundale.

MS/P Moore/LaPorte to deny the application for the project as described in the application for PID #12-467-0412 upon review of the criteria contained in Section 800 of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The property was platted in 1927 prior to the adoption of minimum lot size requirements.
2. The applicant purchased the undeveloped property in 2015 at which time the applicant should have been aware of the physical/topographical limitations
3. There are instances whereby the physical/topographical limitations of property cannot be reasonably manipulated to accommodate development desires.
4. The property can be developed in a manner that recognizes and incorporates the physical/topographical characteristics.
5. The proposed grading location near the lake to establish a useable flat area can be accomplished by enhancing the existing shelf area through the allowed by permit placement of a maximum 10 feet x 15 feet platform which cannot exceed one foot above or below grade.
6. The application is not compatible with Section 801.2 E. of the Land Use Ordinance which establishes that a variance cannot be granted that will; "Be inconsistent with the preservation of natural land forms, vegetation or wetlands of Cass County".
7. The application does not meet the "practical difficulties" threshold of M.S. 394.27 Subd. 7. Reasonable use of the property near the shoreline is allowed by the criteria contained in Sections 1126.6, 1126.7 and 1126.9 of the Land Use Ordinance.
8. Winter storage of lifts and docks can be accomplished off-site or upon the existing flat area near the lake.

Norman, Daniel, Wilson Township on property described as Part of Govt Lots 3 & 4, Section 8-137-29, PID #50-008-4107 located at 3045 State 371 SW. An application submitted to construct a 24 feet x 32 feet, 768 square feet, accessory structure in excess by 641 square feet of the total square feet allowed per lot size. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria, and Section 1101 which allows for a maximum of 1,200 square feet detached accessory structure on a lot containing from .5 - .99 acre. The property contains .97 acre riparian to the Pine River (TR).

PC members were at the site 05/02/16. 26 notices of the application were mailed with no responses received. The application was reviewed with Mr. Norman.

MS/P Fitch/Pehling to approve the application for the accessory structure size and location as submitted to be located upon PID #50-008-4107 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The accessory structure will be located 150 feet from the river which exceed the required setback of 100 feet.
2. The proposed square footage exceedance, 641 square feet, will be insignificant and mostly unobservable from the river and neighboring property.
3. There is nothing to indicate that the location or size of the accessory structure will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. There is no information to indicate that the application is solely financially based.
5. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. The accessory structure location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
7. The accessory structure location will not result in a land use detrimental to ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.

2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location, configuration and dimensions of the structure shall not vary from that submitted 04/15/16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the 04/22/16 Shoreline Rapid Assessment Model.
3. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. ESD must determine and if required, the applicant shall install approved construction erosion control.
5. No run-off to the river or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/09/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Walston, Larry, Ponto Lake Township on property described as NE SE, Section 11-139-29, PID #32-011-4100 located at 1757 Hay Lake Drive NW. An application submitted to construct a 30 feet x 35 feet residence to be located 136 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126. 1. A. which requires structures to be setback 150 feet from a lake classified Natural Environment (NE). The property contains 39.96 acres riparian to Stony Lake (NE).

23 notices of the application were mailed with no responses received. The application was reviewed with the applicant's representative Cindy Hidde.

MS/P LaPorte/Froehlig to approve the application as submitted by for setback of the residence to be located upon PID #32-011-4100 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1988 and consists of 40 acres undeveloped and all owned by the applicant.
2. Although the residence will be located at 136 feet from the presumed OHWL of 150 feet, the site as confirmed by survey is 195feet to 198 feet from open water.
3. The structure will not be visible from any other residential property.
4. There is nothing to indicate that the location or size of the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to: 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
5. There is no information to indicate that the application is solely financially based.
6. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. The residential structure location and size, assuming compliance with appropriate run-off measures will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. The structure location will not result in a land use detrimental to ground and surface water quality.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.

4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The location, configuration and dimensions of the structures shall not vary from that submitted 03/25/16 unless approved by ESD or if necessary the Planning Commission.
2. The applicant shall comply with the recommendation of the 04/22/16 Shoreline Rapid Assessment Model.
3. ESD must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/09/18.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Conditional Use Permit

Crosby, Katie, Ponto Lake Township on property described as NW NE, Section 1-139-29, PID #32-001-1200 located at 123 24th Street SW. An application submitted to establish and operate a Home Business commercial dog breeding kennel which requires approval by conditional use permit (CUP). The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards, Section 1001 which establishes land use by classification and Section 1104.2 which establishes commercial kennel criteria. The property contains 38.12 acres (RR-5).

17 notices of the application were mailed with no responses received. The application was reviewed with Ms. Crosby.

MS/P Kostial/LaPorte to approve the application for the Home Business, commercial dog breeder kennel, at PID #32-001-1200 upon review of the criteria contained in Sections 705, 1001 and 1104.2 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. ESD has no record of inquiries or complaints during the course of the existing commercial kennel activity.
2. The applicant is seeking a CUP for the commercial kennel operation as required by the Minnesota Board of Animal Health which licenses and inspects the facility.
3. There is nothing to indicate that the commercial kennel land use has had a detrimental impact to neighboring property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or contradict the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. There is no reason or evidence to conclude that area land use has been negatively affected or altered by the commercial kennel activity.
5. Approval will have no impact to the demand for governmental services.
6. Existing roadways are utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat has been disturbed.
8. No scenic or historic features have been affected.
9. No threat to public health, safety and welfare has been indicated or can be expected.
10. The kennel activity will comply with applicable State and County requirements.
11. The confinement area and structures are more than 100 feet from the nearest property line boundary and more than 500 feet from the nearest neighboring residence.
12. Waste generated from the kennel activity is collected and stored in a manure holding structure with land application on a regular basis.
13. There is a cold weather confinement structure available and utilized.
14. The outdoor kennel facilities all have adequate shelter.
15. The kennel facilities appear to be adequately drained and maintained in a healthful manner.
16. The kennel is not located upon a riparian lot.

Conditions:

1. The applicant shall observe and maintain all applicable requirements and standards of the Minnesota Board of Animal Health.
2. Any signage must comply with the Home Business standards.
3. The applicant shall comply with industry standards in terms of number of the number of electronic noise devices in place as compared to the number of dogs on premises.

4. The number of breeding dogs shall not exceed 40 without authorization of the Planning Commission.
5. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS CONDITIONAL USE PERMIT, REMOVAL OF VIOLATIONS AND MITIGATION.

Vargo, Frank, Homebrook Township on property described as NE NE, Section 22-135-30, PID #17-022-1100 located at 8439 29th Avenue SW. An application submitted to reclassify the property from Agriculture/Forestry (AF) to Rural Residential - 5 (RR-5) which requires approval by conditional use permit (CUP). The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards and Sections 903 and 1000 which establish land use districts standards. The property contains 40.1 acres (AF).

10 notices of the application were mailed with no responses received. The application was reviewed with Mr. Vargo.

MS/P LaPorte/Pehling to approve the application for reclassification for PID #17-022-1100 upon review of the criteria contained in Sections 705, 903 and 1000 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. Section 903.5, Rural Residential - 5, 10 & 20; "The purpose of these districts is to promote low-density rural development in those portions of the County outside the shoreland and beyond areas of anticipated municipal growth where less development is desired and most suitable. These zones will be created as reclassifications where the Planning Commission determines that larger lot sizes are required to protect agriculture interests, critical habitats or preserve the rural nature of an area".
2. The area proposed for reclassification contains less than .1% of the total area of the township.
3. There is nothing to indicate that the smaller lot size and possible subsequent single family development will have any detrimental impact to neighboring property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or contradict the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.

4. The surrounding area, one half mile, contains an area of RR-5 and RR-10 to which there is no reason or evidence to conclude that area land use has been or will be affected or altered by the reclassification.
5. Approval will have no impact to the demand for governmental services.
6. Existing roadways will be utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat will be disturbed.
8. No scenic or historic features will be affected.
9. No threat to public health, safety and welfare can be expected.

Conditions:

1. The reclassification shall apply to the acreage and boundaries submitted and recorded.
2. Lot creation shall comply with the requirements of the Subdivision and Platting Ordinance.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Wendt, James, Bull Moose Township on property described as N $\frac{1}{2}$ of SE of SW of NE, Section 2-138-31, PID #09-002-13204 located at 5640 State 87 SW. An application submitted to reclassify the property from Agriculture/Forestry (AF) to Rural Residential - 2.5 (RR-2.5) which requires approval by conditional use permit (CUP). The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards and Sections 903 and 1000 which establish land use districts standards. The property contains 5.16 acres (AF).

17 notices of the application were mailed with no responses received. The application was reviewed with Mr. Wendt.

MS/P Pehling/Fitch to approve the application for reclassification of PID #09-002-1304 upon review of the criteria contained in Sections 705, 902 and 1000 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. Section 903.4, Rural Residential - 2.5; "The purpose of this district is to promote low-density rural development in those portions of the County outside the shoreland and beyond areas of anticipated municipal growth where less development is desired and most suitable. The primary use within this district is to be single family residence but may also include agriculture, forestry and those commercial enterprises intended primarily to serve nearby rural residents and low intensity light industrial activities".
2. The area proposed for reclassification contains less than .1% of the total area of the township.

3. There is nothing to indicate that the smaller lot size and possible subsequent single family development will have any detrimental impact to neighboring property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or contradict the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. The surrounding area contains numerous smaller residential parcels along State #87 to which there is no reason or evidence to conclude that area land use has been or will be affected or altered by the reclassification.
5. Approval will have no impact to the demand for governmental services.
6. Existing roadways will be utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat will be disturbed.
8. No scenic or historic features will be affected.
9. No threat to public health, safety and welfare can be expected.

Conditions:

1. The reclassification shall apply to the acreage and boundaries as submitted and recorded.
2. Lot creation shall comply with the requirements of the Subdivision and Platting Ordinance.

Youngberg, Donald, Moose Lake Township on property described as $S\frac{1}{2}$ of Govt Lot 4 the N Line of Which is Parallel to & Distant 662.69 Feet From the N Line of Said Govt Lot 4 & Part of Govt Lot 5, Section 30-136-31, PID #27-030-2002 located along County Road # 109 SW. An application submitted to reclassify the property from Agriculture/Forestry (AF) to Rural Residential - 10 (RR-10) which requires approval by conditional use permit (CUP). The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards and Sections 903 and 1000 which establish land use districts standards. The property contains 42.33 acres (AF).

21 notices of the application were mailed with no responses received.

MS/P Fitch/Moore to approve the application for reclassification of PID #27—030-2002 based upon review of the criteria contained in Sections 705, 903 and 1000 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. Section 903.5, Rural Residential - 5, 10 & 20; "The purpose of these districts is to promote low-density rural development in those portions of the County outside the shoreland and beyond areas of anticipated municipal growth where less development is desired and most suitable. These zones will be created as reclassifications where the Planning Commission determines that

larger lot sizes are required to protect agriculture interests, critical habitats or preserve the rural nature of an area".

2. The area proposed for reclassification contains less than .1% of the total area of the township.
3. There is nothing to indicate that the smaller lot size and possible subsequent single family development will have any detrimental impact to neighboring property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or contradict the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
4. The surrounding area contains areas of RR-5, RR-10 and RR-20 along with Shoreland Residential within .25 of Iron Creek and several existing smaller lots to which there is no reason or evidence to conclude that area land use has been or will be affected or altered by the reclassification.
5. Approval will have no impact to the demand for governmental services.
6. Existing roadways will be utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat will be disturbed.
8. No scenic or historic features will be affected.
9. No threat to public health, safety and welfare can be expected.

Conditions:

1. The reclassification shall apply to the acreage and boundaries as submitted and recorded.
2. Lot creation shall comply with the requirements of the Subdivision and Platting Ordinance.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Other Business

Request received from Kenneth Kostial, to consider extension of the expiration date for VP14-140-29-1.

MS/P Moore/Froehlig to amend VP14-140-29-1 to extend expiration to 07/21/19.

MS/P Fitch/Pehling at 11:50 am, to adjourn.

P. Fairbanks