



Cass County  
Planning Commission/Board of Adjustment

June 12, 2017

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting June 12, 2017 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted June 5, 2017 with PC members Fitch, Froehlig, Kostial, Moore, LaPorte, Pehling and Sundberg along with ESD staff Berg and Fairbanks in attendance and June 6, 2017 with PC members Fitch, Froehlig, Kostial, Pehling and Sundberg along with ESD staff Berg and Fairbanks in attendances in attendance.

Sundberg called the meeting to order at 9:35 a.m.

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

Staff Present: Berg and Ringle.

Citizens Present: Robert Adelman, Peggy Anderson, Randy Anderson, Steve Anderson, Steff Basgaard, Mark Biro, Joanne Boblett, Paul Boblett, Matt Carpenter, Jim Coder, Jeff Davis, Cathy Dietrich, Bill Dietrich, Todd Evenson, Tom Etzler, Terry Freeman, Dave Hallerman, Lisa Hallerman, Leeann Herheim, Cindy Hidde, Darren Hoverson, Evette Ingvalson, Gary Ingvalson, John Jobe, James Johnson, Bill Klohn, Andrew Lund, Norton Lund, Tom Lund, David Mastel, Gwen Mastel, Ambrose McCabe, Shelli McCabe, Gary Meyer, Sue Meyer, Bill Nielson, Gloria Nielson, Kris Olmansen, Leif Olmansen, Jeff Peterson, Margy Peterson, Paul Peterson, Larry Raub, Roberta Raub, Sam Salfisberg, Diane Schures, Gary Snetsinger, Jan Snetsinger, Arlen Sorenson, Marcie Sorenson, Mary Travena, Bill Tilbury, Nancy Tilbury, Marjorie Tracy, Michael Tracy, Bill Wagner, Myles Wagner, Bride Wiltse, Scott Wiltse, Andrew Wheeler, Rebecca Wheeler, Jerry Young, Darrel Zenk, and Sue Zenk.

MS/P Pehling/Kostial to approve the minutes of the 05/08/17 PC/BOA meeting as amended.

Variance

Anderson, Randy, Loon Lake Township on property described as S 100 Feet of N 220 Feet of E 200 Feet of Govt Lot 1, Section 16-136-29, PID #22-016-1102 located along Daffodil Lane SW. An application submitted to construct on the undeveloped parcel a 24 feet x 56 feet residence with an attached 24 feet x 32 feet garage within the bluff impact zone which is that area within 30 feet of the top or toe of a bluff. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1126.1 B which requires

structures to be located 30 feet from the top or toe of a bluff. The property contains .45 acre riparian to Sibley Lake (GD).

PC members were at the site 006/06/17. 36 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Anderson and Mr. Freeman.

MS/P Froehlig/Fitch to approve the application to allow for a closer bluff setback for the residence to be located at PID #22-016-1102 based upon review of the criteria contained in Sections 800 and 1126 1. B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property is undeveloped.
2. The property became of record in 1967 prior to the adoption of land use regulation and bluff standards.
3. The lot size, .45 acre, and the proposed SSTS location provide no options for placement in compliance with all setback requirements.
4. The proposed residence will comply with the required lake setback.
5. Based upon the location and configuration of the proposed residence, there is no evidence or indication that it will have a negative effect to neighboring property or lake users.
6. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval of the application assuming compliance with applicable erosion control 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.
8. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
10. Based upon the above finding and the following conditions associated with this approval, there is nothing to indicate that the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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. No run-off to the lake or adjoining properties is permitted. 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.
2. The size and height of the residence shall not vary from that submitted with the application unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. Applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Boblett, Paul, Crooked Lake Township on property described as That Part of W 200 Feet of Govt Lot 10 Lying N of Road, Section 4-139-26, PID #12-004-3302 located at 2220 Peninsula Road NE. An application submitted to replace a 624 square feet guest cottage destroyed by fire with a 24 feet x 34 feet, 816 square feet guest cottage structure. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section

1126.5 B which requires guest quarters to not exceed 700 square feet. The property contains 1.6 acres riparian to Lake Washburn (GD).

PC members were at the site 06/06/17. 18 notices of the application were mailed with one response offering no objection to approval of the application received. The application was reviewed and discussed with the Bobletts and their contractor.

MS/P Kostial/Fitch to approve the application to exceed the square feet maximum allowed for a guest cottage to be located at PID #12-004-3302 upon review of the criteria contained in Sections 800 and 1126.5 B. 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 1967 prior to the adoption of land use regulation.
2. The proposed structure will comply with the required lake setback and will not be visible from the water or from neighboring residences.
3. Based upon the location and configuration of the proposed structure, there is no evidence or indication that it will have a negative effect to neighboring property or lake users.
4. The structure destroyed could be replaced at current size and setback with permit.
5. The location proposed would increase from 60 feet to 75 which complies with required setback.
6. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. Approval of the application assuming compliance with applicable erosion control 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.
8. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
9. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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 as required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. 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.
2. The size and height of the structure shall not vary from that submitted with the application unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. Applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Burns, John & Sharon, Ponto Lake Township on property described as part of Govt Lot 3, Section 28-139-29, PID #32-028-4409 located at 493 County 43 NW. An application submitted to construct a 32 feet x 50 feet, 1,600 square feet accessory/storage structure which will cause the property to exceed the maximum square footage of accessory allowed by lot size. The property is riparian and contains 1.5 acres to which a maximum of 1,800 square feet to total accessory structure is allowed. The property currently contains a 576 square feet garage/accessory structure. The application requests a structure containing 1600 square feet which would exceed the maximum allowed by 376 square feet. The proposed structure will be at

least 200 feet from the lake and 40 feet from the right-of-way of County #43 and 10 feet from the closest property boundary line. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1101 which establishes the accessory structure size criteria. The property contains 1.5 acres riparian to Lake Ada (RD).

PC members were at the site 06/05/17. 37 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Burns.

MS/P LaPorte/Froehlig to approve the application for variance to exceed the maximum accessory structure square footage allowed per lot size for PID #32-028-4409 based upon review of the criteria contained in Sections 800 and 1101 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 1973 prior to the adoption of the regulation of accessory structure size.
2. The proposed structure will be more than 200 feet from the lake, more than 40 feet from the right-of-way of County #43 but 10 feet from the closest property boundary line which therefore disqualifies the proposed structure from the 33% permitted increase allowance.
3. The proposed structure will not be visible from the lake.
4. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
5. Approval of the application assuming compliance with applicable erosion control 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.
6. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
- 7 There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
8. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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 as required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. 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.
2. The size, height and location of the structure shall not vary from that submitted with the application unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. Applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Carty, Rick, Kego Township on property described as Lot 2 & Part of Lot 1, Block 1, "Forest Ridge", Section 26-141-28, PID #19-437-0120 located at 1818 Eagles View Lane NE. An application submitted, "after the fact", to be allowed to retain a roof extension constructed over an 8 feet x 12 feet deck constructed sans permit to an existing 12 feet x 12 feet existing structure also constructed sans permit. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 B. which requires

structures to be setback 30 feet from the top or toe of a bluff. The property contains 4.11 acres riparian to Long Lake (GD).

PC members were at the site 06/06/17. 17 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Carty.

MS/P Kostial/Froehlig to approve, "after the fact", for variance for closer bluff setback for the roof extension already constructed which extends over an 8 feet x 12 feet deck to a 12 feet x 12 feet accessory structure located at the than required setback form the toe of a bluff at PID #19-437-0120 upon review of the criteria contained in Sections 800 and 1126 1. B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. "Forest Ridge" was platted in 1999 prior to the requirement of bluff and bluff zone determination in the platting process.
2. There is no record in the permit archive of the construction of the structure.
3. Although the structure is within the toe of the bluff setback area, there is no indication that the bluff or bluff area from the top or toe has been or would be negatively impacted by erosion or vegetative removal.
4. There is nothing 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. There is no visual evidence that the bluff setback area encroachment has altered, disturbed or negatively impacted the bluff.
7. Approval, 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.
8. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
10. The structure in question complies with all other applicable setback requirements.
11. Based upon the above findings, the "Stadsvold" findings and the following conditions associated with this approval, there is nothing to indicate that the roof structure has altered, disturbed or negatively impacted land use or neighboring property which 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.



"Stadsvold" - After the Fact Findings:

1. There is nothing to indicate or anyway to determine that the applicants did not act in good faith when the construction took place.
2. There is nothing to indicate or anyway to determine if the applicant inquired as to permit requirements.
3. Construction has been completed.
4. There are similar structures along Long Lake and throughout the county.
5. The degree of impact to the bluff impact zone, to the area and the land use system is not significant and the County's benefits by denying a variance to the land use standards are outweighed by the applicant's burden if the applicant were required to comply with the ordinance and in light of all factors, the interest of justice is served by granting the ATF variance.

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.

Condition:

1. The applicant shall obtain applicable permits, fees and administrative fees as determined by ESD staff by 08/01/17.

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.

Coder, Caleb, Ponto Lake Township on property described as the West 980 Feet of Govt Lot 4 Except the Following: That Portion of Govt Lot 4 Lying & Being SWly of Sand Lake & Ely of the Following Described Line: A Line Running N & S Equidistant Between the E & W Lines of Govt 4 & the W  $\frac{1}{2}$  of Govt Lot 6, Section 15-139-29, PID #32-015-2304 located at 1170 South Water Lilly Lane NW. An application submitted to construct a 50 feet x 60 feet accessory/storage structure to be located 100 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 150 feet from a lake classified Natural Environment (NE). The property contains 42.65 acres riparian to One Lake (NE).

PC members were at the site 06/05/17. 47 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. James Coder.

MS/P LaPorte/Kostial to approve the location of the proposed structure to be located upon PID #32-015-2304 upon review of the criteria contained in Sections 800 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1976 and although it contains 42.65 acres, most of it is not available for construction due to a conservation easement.
2. The proposed structure will be 150 from the main body of One Lake and 100 feet from the northern portion of the lake that lies along State Highway #84.
3. The proposed structure will not be visibly obtrusive from the main lake or State Highway #84.
4. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
5. Approval of the application assuming compliance with applicable erosion control 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.
6. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
8. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed structure will alter, disturb or negatively impact existing land use or neighboring property which 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.
9. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
10. The structure will comply with the other setback requirements.

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 plan shall be approved by ESD and agreed to be implemented by applicant.

3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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 as required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. 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.
2. The size, height and location of the structure shall not vary from that submitted 05/26/17 unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. Applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Etzler, Tom, Sylvan Township on property described as the Part of E $\frac{1}{2}$  of SE $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Section 7-133-30, PID #41-207-4404 located at 12742 Meadowlark Lane SW. An application submitted to be allowed to exceed the four lot split limit for one parcel as of 08/15/02. The applicable portion of the Land Use Ordinance is Section 800 which establishes variance criteria and Article 3.03 of the Subdivision and Platting Ordinance which establishes the four lot limit. The property contains 8.75 acres Sylvan B-1.

25 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Etzler.

MS/P LaPorte/Kostial to approve the application to exceed the four lot limit and allow the proposed lot division for PID #41-207-4404 based upon the criteria of Section 800 of the Land Use Ordinance and MS 394.27 Subdivision 7 with the following findings:

Findings:

1. There is nothing to indicate that the proposed lot configuration will have any detrimental impact to 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.
2. The proposed lot is comparable in size to adjacent parcels and unobtrusive from neighboring property which therefore does not 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.
3. The surrounding area contains lots similar in size and configuration to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.
4. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
5. The proposed lot size, 2.5 acres, is consistent with the Sylvan Township minimum lot size.

Conditions:

1. The dimensions, location and configuration of the lots shall not vary from the Arro Surveying description dated 05/16/17 unless approved by ESD staff or if necessary, the PC/BOA.
2. Any further lot/creation/division shall comply with ordinance requirements.
3. Unless extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Franck, David, Ponto Lake Township on property described as Part of Govt Lot 10, Section 15-139-29, PID #32-015-4405 located at 1267 Indian Point Trail NW. An application submitted to construct a 16 feet x 16 feet addition to an existing non-conforming residence and place a holding tank at less than lake setback. The residence is non-conforming because it is located 40 feet from Two Lake (NE), 50 feet from Hand Lake (RD), less than 10 feet from the closest property line and less than 20 feet from Indian Point Trail. The proposed addition will not be any closer to either lake than the existing residence. The applicable portions of the Land Use

Ordinance include Section 800 which establishes variance criteria and Section 1126.1 A. which requires structures and SSTS tanks to be located 100 feet from a lake classified Recreational Development (RD) and 150 feet from a lake classified Natural Environment (NE), 10 feet from the closest property line and 20 feet from the right-of-way of a public and/or platted roadway. The property contains .62 acre riparian to Two Lake (NE) and Hand Lake (RD).

PC members were at the site 06/05/17. 27 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Franck.

MS/P Kostial/Froehlig to approve the variance as submitted for the residential addition and SSTS holding tank as submitted for PID #32-015-4405 upon review of the criteria contained in Sections 800 and 1126 1.A. of the Land Use Ordinance along with along with M.S. 394.27, Subd. 7 with the following findings and conditions:

Findings:

1. The property became of record in 1977 and is located within the lake setback area of Two Lake (NE), 150 feet and Hand Lake (RD) 100 feet.
2. There is nothing in the permit record to determine when the non-conforming residence was constructed.
3. The residence expansion will not increase the setback encroachment to either lake.
4. Based upon the size, configuration and location of the structure, the proposed expansion is relatively benign and justified.
5. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. Approval of the application assuming compliance with applicable erosion control 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. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
8. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
9. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence expansion will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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.
2. The size and location of the addition shall not vary from that submitted 05/18/17 unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
6. Applicant shall consent to inspection of the property by ESD staff and Wabedo Township representatives to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Miller, Gregory, Wabedo Township on property described as Part of Govt Lot 5, Section 26-140-28, PID #46-026-3101 located at 3019 Stoney Creek Road NE. An application submitted to construct a 40 feet x 40 feet, 1,600 square feet, accessory structure which will exceed the total square feet of accessory structure allowed based upon lot size. The existing amount

square feet of accessory structure is 816 square feet with proposed construction of 1,600 square feet which would bring the total to 2,416 square feet which will exceed the amount allowed, 1,500 square feet, based upon 1.3 acres riparian, by 916 square feet. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1101 which establishes accessory structure square feet allowed based upon lot size. The property contains 1.3 acres riparian to Wabedo Lake (RD).

PC members were at the site 06/06/17. 37 notices of the application were mailed with three responses received including that of the Wabedo Township PC all recommending approval received. The application was reviewed and discussed with Mr. Miller.

MS/P Fitch/Pehling to approve the variance application as submitted to be allowed the maximum total accessory structure square footage allowed per lot size for PID #46-026-3101 based upon review of the criteria contained in Sections 800 and 1101. of the Land Use Ordinance along with along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1967 prior to the adoption of the regulation of accessory structure size.
2. The proposed structure will be more than 200 feet and not visible from the lake.
3. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
4. Approval of the application assuming compliance with applicable erosion control 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.
5. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
7. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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 as required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. 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.
2. The size, height and location of the structure shall not vary from that submitted 05/24/17 unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. Applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
7. The applicant has voluntarily offered to remove the shed located within the lake setback area by 10/10/17.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Raub, Larry & Roberta, Shingobee Township on property described as Part of Govt Lot 4 & NE SW, Section 25-141-31, PID #38-025-3405 located at 5359 Ten Mile Lane NW. An application submitted to remove the existing residence and replace with new 31 feet x 32 feet two story construction 20 feet from the lake and 10 feet from the right-of-way of Ten Mile Lane. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance



criteria and Section 1126.1 A. & B. which require structures to be located 75 feet from a lake classified General Development (GD) and 10 feet from the right-of-way of a public and/or platted roadway. The property contains .73 acre riparian to Ten Mile Lake (GD).

PC members were at the site 06/05/17. 40 notices of the application were mailed with no responses received. The application was reviewed and discussed with Roberta and Larry Raub.

MS/P Fitch/Kostial to table consideration of the application until the 07/17/17 meeting in order for depth to water table and for the right-of-way of Shingobee Lane to be verified.

Tracy, Michael & Marjorie, Ponto Lake Township on property described as RLS #6, Tract C, Section 7-139-29, PID #32-007-1308 located at 2141 Deep Portage Drive NW. An application submitted to construct a 22 feet x 30 feet accessory structure/garage to be located 78 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 Recreation Development (RD). The property contains .75 acre riparian to Deep Portage Lake (RD).

PC members were at the site 06/05/17. 21 notices of the application were mailed with no responses received. The application was reviewed and discussed with the Tracys.

MS/P Moore/Kostial to approve the location and size of the proposed accessory structure to be located upon PID #32-007-1308 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance along with along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1992 and there is no record of the original construction of the residence.
2. A steep slope prohibits structure placement at 100 feet from the lake.
3. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
4. Approval of the application assuming compliance with applicable erosion control 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.
5. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
7. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence expansion will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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 as required by ESD.

Conditions:

1. No run-off to the lake or adjoining properties is permitted. 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.
2. The location and size of the accessory structure shall not vary from that submitted 05/24/17 unless approved by ESD staff or if necessary the Planning Commission.
3. ESD staff must determine and if required, the applicant shall install approved construction erosion control.
4. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. Applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
7. Applicant shall consult with ESD staff in order to assure stabilization of the slope behind the residence and accessory structure with a retaining wall or other means as determined.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Wagner, Pamela, Kego Township on property described as Part of Govt Lot 2, Section 22-141-28, PID #19-022-1406 located at 5801 County 126 NE. An application submitted, "after the fact", to be allowed to retain a recreational vehicle and a holding tank both located at less than 150 feet from Maple Lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 A. which requires structures and Subservice Sewage Treatment Systems (SSTS) including holding tanks to be setback 150 feet from a lake classified Natural Environment (NE). The property contains 4.15 acres riparian to Maple Lake (NE).

PC members were at the site 06/06/17. 34 notices of the application were mailed with one response advocating denial of the application was received. In addition, several persons in attendance rose to express their opposition to the variance process. The application was reviewed and discussed with Bill Wagner.

MS/P Froehlig/Kostial to approve, "after the fact" the current location of the RV and holding tank located upon at 19-022-1406 upon review of the criteria contained in Sections 800 and 1126.1 A. of the Land Use Ordinance along with along with M.S. 394.27, Subdivision 7 and the "Stadsvold" decision criteria with the following findings and conditions:

Findings:

1. The property became of record in 2016 and contains substantial delineated wetland which restricts placement at the required lake setback of 150 feet.
2. The holding tank is 130 feet from the lake and the RV trailer is 106 feet from the lake.
3. There is nothing to indicate that the RV trailer has a detrimental visual impact to Maple Lake or neighboring properties.
4. Approval of the application will not allow a use that is prohibited in the zoning district in which the subject property is located.
5. Approval of the application assuming compliance with applicable erosion control 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.
6. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
8. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the RV trailer or holding tank has altered, disturbed or negatively impacted land use or neighboring property which 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.

"Stadsvold" - After the Fact Findings:

1. There is nothing to indicate or anyway to determine that the applicants did not act in good faith when the placement of the RV trailer and holding tank took place.
2. There is nothing to indicate or anyway to determine if the applicant inquired as to permit requirements.
3. Construction has been completed.
- 4 There are similar structures along Maple Lake and throughout the county.
5. The degree of impact to the lake, to the area and the land use system is not significant and the County's benefits by denying a variance to the land use standards are outweighed by the applicant's burden if the applicant were required to comply with the ordinance and in light of all factors, the interest of justice is served by granting the ATF variance.

Conditions:

1. The applicant shall obtain applicable permits and submit permit and administrative fees by 08/01/17.
2. Any additional structure shall comply with the lake setback or seek variance.
3. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD staff, 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.
4. The applicant shall consult with ESD staff in order to comply with the Shoreland Assessment Model evaluation.
5. Applicant consents to inspection of the property by ESD staff to verify compliance with conditions.
6. The fold-down camper stored on the property must be removed by 09/01/17.

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.

Variance/Conditional Use Permit

Hallerman, David & Lisa, Poplar Township on property described as That Part of  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  Lyg Wly of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of  $E\frac{1}{2}$  of Said  $W\frac{1}{2}$ , Section 34-136-32, PID #33-034-1001 located along 68<sup>th</sup> Street SW. Application submitted to place up to 120 cubic yards of fill material in order to

establish a crossing of the creek and adjacent wetlands. The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards, Section 800 which establishes variance criteria, Section 1106.2 which establishes Shoreland Zone fill criteria and Section 1106.3 which prohibits wetland fill with Shore Impact Zones 1 & 2. The property contains 70.15 acres riparian to Tower Creek (TRIB).

16 notices of the application were mailed with one response for DNR acknowledging their receipt of the Hallerman permit application for culvert replacement. The application was reviewed and discussed with Lisa and Dave Hallerman.

MS/P Kostial/Pehling to approve the variance and CUP for the placement of not more than 120 cubic yards of earthen fill material within Shore Impact Zone 1 in order to improve the existing creek/wetland crossing for PID #33-034-1001 upon review of the criteria contained in Sections 705, 800, 1106.2 and 1106.3 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings/Variance:

1. The application is to improve the existing crossing with new culverts and to widen it with fill material in the SIZ 1.
2. A permit application has been submitted to DNR and is currently in the request for comment process.
3. Approval of the application assuming compliance with applicable erosion control 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.
4. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
5. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
6. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
4. As required by other conditions as set forth.

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 as required by ESD.

#### Conditions/Variance:

1. No fill activity or culvert placement shall take place until issuance of the DNR permit.
2. ESD staff must determine and the applicant shall install approved construction erosion control.
3. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

#### Findings/CUP:

1. No critical habitat will be affected by the proposed land use activity.
2. No scenic or historic features will be affected by the proposed land use activity.
3. No evidence or information has been submitted to establish that the proposed land use will have a detrimental effect to public health, safety or welfare.
4. No evidence or information has been submitted to establish that the proposed land use activity has the potential to alter or be detrimental to land use in the general area.
5. Approval will not increase the need or demand for governmental services because no public road improvements are required and it does not require waste water treatment.
6. Approval does not contradict the purpose of the official controls, 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 also to promote the health, safety, general welfare.
7. The crossing improvement is not adjacent to or observable from residential structures, public infrastructure or the public in general which therefore does not 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.

Conditions/CUP:

1. The operation plans and specifications submitted with the application are adopted and approved for implementation and shall not be altered without review and approval of the Planning Commission.
2. Financial assurance in an amount of a letter of credit in the amount of \$2,500 shall be submitted to ESD in order to allow commencement of the project.
3. Unless revoked or otherwise revised by the Planning Commission this approval shall be effective as long as the site is used for the approved land use.

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.

Jobe, John, Walden Township on property described as NE SE, Section 27-137-30, PID #48-027-4100 & NW SE, Section 27-137-30, PID #48-027-4200 located at 4207 32<sup>nd</sup> Avenue SW. Application submitted to reclassify 12.7 acres of the property from Agriculture/Forestry (AF) to Rural Residential - 10 (RR-10) which requires approval by conditional use permit (CUP). In addition the submittal requests relief from the minimum lot width, 300 feet, for the new lot. The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards, Section 800 which establishes variance criteria, Sections 903 and 1000 which establish land use districts standards and Section 1113.2 which establishes lot standards for the non-shoreland area. The property contains 80.01 acres (AF).

30 notices of the application were mailed with no response received. The application was reviewed and discussed with Mr. Jobe.

MS/P Kostial/LaPorte to approve the variance and CUP for the lot configuration and reclassification for PID #48-027-4100 & PID #48-027-4200 upon review of the criteria contained in Sections 705, 800, 903, 1000 and 1113.2 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings/Variance:

1. The portion proposed configuration of the lot which is to extend to 32<sup>nd</sup> Avenue is the area that does not meet the width standards with rest of the proposed lot in compliance.
2. Approval of the application assuming compliance with applicable erosion control 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.
3. Approval of the application will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

4. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
5. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which 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.

Conditions/Variance:

1. The configuration and size of the parcel shall not vary unless approved by the Planning Commission.
2. The area approved which will extend to 32<sup>nd</sup> Avenue shall be to provide access with no structures allowed.
3. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

Findings/CUP:

1. The purpose of the RR-10 is to allow for low density rural development.
2. There is nothing to indicate that the lot and 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.
3. The surrounding area consists of similar development along with open area to which there is no reason or evidence to conclude that area land use will be negatively 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/CUP:

1. The configuration and size of the parcel shall not vary unless approved by the Planning Commission.
2. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Wheeler, Andrew & Rebecca, Woodrow Township on property described as Part of E $\frac{1}{2}$  of SW, Section 15-140-29, PID #51-015-3109 located along 1081 County 5 NW. Application submitted to be allowed a variance from the number of RV sites allowed based upon lot size and lake classification, 7 RV sites, with 20 RV sites and to acquire a conditional use permit (CUP) to establish and operate a seasonal RV park facility. The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards, Section 800 which establishes variance criteria and Section 1118 RV park criteria. The property contains 5.2 acres riparian to Little Woman/Squaw Lake (NE).

PC members were at the site 06/05/17. 104 notices of the application were mailed. 55 responses were received. Two responses do not object to approval with the remainder all opposed to approval. The applicants, Rebecca and Andrew Wheeler appeared on their own behalf of the application and requested postponement of review and consideration.

MS/P Moore/LaPorte to table consideration of the application until the 07/17/17 meeting.

#### Conditional Use Permit

Snetsinger, Gordon, Woodrow Township on property described as Part of Govt Lot 1, Section 25-140-29, PID #51-025-2210 located at 3093 Westgate Drive NW. An application submitted to establish a Family RV Campground consisting of 4 existing RVs and various accessory structures which will be utilized for family purposes only and not available to the public which requires approval by Conditional Use Permit (CUP). A Family Campground is defined as, "Two or more residential structures and associated accessory structures on the same lot used and managed jointly by members of a family". The applicable portions of the Land Use Ordinance include Section 705 which establishes the CUP criteria and Section 1121 which establishes Private Campground criteria. The property contains 2.04 acres riparian to Blackwater Lake (RD).

PC members were at the site 06/05/17. 32 notices of the application were mailed with no response received. The application was reviewed and discussed with Mr. Snetsinger.

MS/P Kostial/Froehlig to approve the application as submitted for PID #51-025-2210 upon review of the criteria contained in Sections 705 and 1121 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The RV's and structure have been in place and utilized by family members for some with no noted trauma to the neighborhood.
2. The property contains 2.04 acres and the number of RV's and residential structure complies with Section 1121.
3. There is nothing to indicate that the existing use has been detrimental to neighboring residential 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 consists of a shoreland residential type development to which there is no reason or evidence to conclude that area land use has been negatively affected or will be negatively affected or altered by the on-going activity.
5. The on-going activity has had no impact to the demand for governmental services.
6. No wetland has been disturbed.
7. No scenic or historic features have been affected by the on-going land use.
8. There is no evidence to indicate to expect that the use has or will pose a threat to public health, safety and welfare.
9. The structures are not visible from the lake.

Conditions:

1. The depth of the existing vegetative/tree buffer must be maintained
2. All runoff must be contained on-site.
3. Any request to revise the CUP to exceed more than 4 sites shall not be considered.
4. There shall be no availability for rent or occupancy to the public

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.

Wiltse, Scott, Woodrow Township on property described as N 157 Feet of S 471 Feet of Govt Lot 2, Tract C, Section 17-140-29, PID #51-017-1203 located at 1690 Buckshot Trail NW. An application submitted for a conditional use permit (CUP) for the excavation and placement of

800 cubic yards, more or less, of earthen material to construct a reconfigured driveway/roadway access to neighboring property. The applicable portions of the Land Use Ordinance include Section 705 which establishes the CUP criteria and Section 1106.2 B. which requires a CUP for the excavation and/or placement of more than 200 cubic yards or earthen material within Shoreland Zone which that area within 1,320 feet of public waters. The property contains 2.97 acres riparian to Baby Lake (RD).

PC members were at the site 06/05/17. 51 notices of the application were mailed with one response received. The application was reviewed and discussed with Mr. Wiltse.

MS/P Froehlig/Moore to approve the CUP for the grading/earthen fill for PID #51-017-1203 upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. No wetland or critical habitat will be affected by the proposed land use activity.
2. No scenic or historic features will be affected by the proposed land use activity.
3. No evidence or information has been submitted to establish that the proposed land use will have a detrimental effect to public health, safety or welfare.
4. No evidence or information has been submitted to establish that the proposed land use activity has the potential to alter or be detrimental to land use in the general area.
5. Approval will not increase the need or demand for governmental services because no public road improvements are required and it does not require waste water treatment.
6. Approval does not contradict the purpose of the official controls, 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 also to promote the health, safety, general welfare.
7. The driveway access will not be adjacent to or observable from other residences, public infrastructure or the public in general which therefore does not 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.

Conditions:

1. Appropriate erosion control measures as approved by ESD shall be in place prior to the commencement of grade and fill.
2. Appropriate vegetation type and establishment shall be approved by ESD
3. Financial assurance in a letter of credit in the amount of \$5,000 shall be submitted to ESD in order to allow commencement of the project and returned as determined by the completions and stabilization of the project.

4. Unless revoked or otherwise revised by the Planning Commission this approval shall be effective until 06/12/19.

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.

Young Excavating Inc, Pine River Township on property described as NW SW, Section 3-138-30, PID #31-003-3200 & SW SW, Section 3-138-30, PID #31-003-3300 located along 4<sup>th</sup> Street SW. An application submitted to reclassify the property from RR-2.5 to RR-5 and to develop extractive use activities upon a portion of the property which will include sand/gravel excavation, crushing, stockpiles an asphalt production all of which will be primarily contract driven. Such land use requires a conditional use permit (CUP). The applicable sections of the Land Use Ordinance include Section 705 which establishes CUP standards, Section 903 which establishes land use districts, Section 1000 which establishes the various uses within the land use districts and Section 1107 which establishes the extractive use criteria and requirements. The property contains 81.01 acres (RR-2.5).

PC members were at the site 05/02/17. 19 notices of the application were mailed. Three responses objecting to approval were received. The application was reviewed and discussed with Jerry Young.

MS/P LaPorte/Froehlig to approve the reclassification and extractive use upon PID #31-003-3200 & 31-003-3300 based upon the criteria contained in Sections 705, 903, 1000 and 1107 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. It has been established that suitable sources of base material required to maintain and construct roads at all governmental levels must be available in adequate and economical quantities.
2. The proposed extractive use complies with Section 1107.
3. No wetland or critical habitats will be affected by the proposed land use activity.
4. No scenic or historic features will be affected by the proposed land use activity.
5. No evidence or information has been submitted to establish that the proposed land use will have a detrimental effect to public health, safety or welfare.
6. No evidence or information has been submitted to establish that the proposed land use activity has the potential to alter or be detrimental to land use in the general area.
7. Approval will not increase the need or demand for governmental services because no public road improvements are required and it does not require waste water treatment.
8. Approval does not contradict the purpose of the official controls, 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 also to promote the health, safety, general welfare.

9. The proposed extractive use site is not adjacent to or observable from residential structures, public infrastructure or the public in general which therefore does not 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.

Conditions:

1. The operation plans and specifications submitted with the application are adopted and approved for implementation and shall not be altered without review and approval of the Planning Commission.
2. The Site Development Plan and the Reclamation Plan submitted with the application are adopted and approved and shall not be altered without review and approval of the Planning Commission.
3. All extractive use and related activity including asphalt production shall take place Monday-Friday from 7:00 AM to 7:00 PM and shall not include weekends or holidays.
4. Financial assurance in an amount determined by Section 1107.1 B. shall be submitted to ESD in order to allow commencement of operations.
5. The applicant shall notify ESD of the dates and duration of all extractive use activity.
6. The applicant shall obtain and maintain all applicable, including storm water run-off, MPCA permits.
7. The operation of the extractive use activity shall subscribe to and implement all applicable best management practices established in "A Handbook for Reclaiming Sand and Gravel Pits in Minnesota" published by the Minnesota DNR, July 1992.
8. Traffic control at the junction of the access road and County #24 shall be operated so as to not create a safety hazard and to comply with the "Manual on Uniform Traffic Control Devices for Streets and Highways" published by the US Department of Transportation, Federal Highway Administration, 2009 Edition.
9. No asphalt operations shall be conducted only with the review and approval of the Planning Commission.
10. Access to the site shall be gated or otherwise controlled.
11. The applicant shall provide verification of submittal of a SWPPP to the MPCA and verification of the issuance of a NDPEs
12. During operations the applicant shall comply with the noise requirements contained in MPCA Rule 7030.
13. During operations the applicant shall comply with the air quality requirements with the State General Air
14. The applicant must use dust control application from the site approach along 4<sup>th</sup> Street SW to the junction with MN #371 when traffic exceeds more than one truck per hour.
15. Unless revoked or otherwise revised by the Planning Commission this approval shall be effective as long as the site is used for the approved land use.

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 Knife River Materials to revise condition #4 of CU00-138-29-1 from 7:00 AM - 7:00 PM to 6:00 AM - 10:00 PM. All other conditions to remain in effect as adopted. Which will be in effect for the will be for the duration of the TH #84 reconstruction/paving project.

MS/P Kostial/Fitch to approve as submitted with the following conditions:

Conditions:

1. Knife River shall submit a letter of credit in an amount as determined by ESD prior to the commencement of the TH #84 project.
2. Knife River shall submit a vegetative and grading plan for the area to be disturbed by the TH #84 project.
3. Knife River shall notify all property owners within one mile of the site as to the type of operations, duration, hours and a contact number prior to the commencement of the TH #84 project.
4. The revision shall remain in effect for the duration of the TH #84 reconstruction/paving project.

Request received from the Quarterdeck Resort for revision to the resort plat.

MS/P Kostial/Pehling to approve as submitted with the following condition:

1. Under no circumstance shall the approved density or impervious surface be increased.
2. No construction or structures shall be allowed on Lot 7.

MS/P Pehling/Fitch at 3:00 PM, to adjourn.

P. Fairbanks