



Cass County  
Planning Commission/Board of Adjustment

November 13, 2017

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting November 13, 2017 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted November 6, 2017 with PC members Fitch, Froehlig, Kostial, La Porte, Moore, Pehling and Sundberg along with ESD staff Berg and Fairbanks in attendance.

Sundberg called the meeting to order at 9:31 a.m.

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

Staff Present: Berg, Condiff, Fairbanks and Ringle.

Citizens Present: Jim Bell, Susan Bell, Rose Dalager, Tom Dechmann, Kent Evans, Sara Evans, Susan Folger, Terry Freeman, Richard Glenn, Jeanne Hardy, Gary Klingl, Tom Lund, Ron Paulson, Beverly Pelz, Curt Pelz, Andrew Ranweiler, Dennis Rohlfs, Scott Rolfe, Rick Schaefer, Marc Sherva, Merri Sherva, Sam Shirey, Lisa Vait, Randy Vait, Darrin Vanderwerf, Patricia Vanderwerf, Kathleen Vashro, Paul Vashro and Marla Yoho.

MS/P Kostial/Pehling to approve the minutes of the 10/13/17 PC/BOA meeting.

Variance

Dalager, Doug & Rose, Kego Township on property owned by Kuyper, Bradley & Bambi and described as Part of Govt Lot 3, Section 33-141-28, PID #19-033-2404 located along Kings Trail NE. An application submitted to construct a 3,440 square feet residence, including attached garage to be located less than 100 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 5.17 acres riparian to Girl Lake (RD).

PC members were at the site 11/06/17. 35 notices of the application were mailed with no responses received. The application was reviewed and discussed with Rose and Doug Dalager.

MS/P Fitch/LaPorte to table consideration of the application until the 12/11/17 meeting with the following finding:

Finding:

1. Applicants must submit a revised site plan that clearly identifies the proposed structure footprint in relation to the lot configuration along with identified proposed OHWL and side yard setback.

Evans, Kent & Sara, Wabedo Township on property described as Lot 8, "Manders Broadwater Beach", Section 5-140-28, PID #46-362-0080 located at 306 Glenmar Drive NE. An application to replace an existing access ramp with a deck and to construct a 14 feet x 16 feet enclosed porch addition to be located 65 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be located 75 feet from a lake classified General Development (GD). The property contains .4 acre riparian to Woman Lake (GD).

PC members were at the site 11/06/17. 32 notices of the application were mailed with one response from the Wabedo Township Planning Commission recommending approval was received. The application was reviewed and discussed with Sara Evans, Kent Evans and their contractor Scott Rolf.

MS/P Kostial/Froehlig to approve the application as submitted for the residence located at PID #46-362-0080 based upon review of the criteria contained in Sections 800 and 1126.1 of the Land Use Ordinance and M.S. 394.27 Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted lot in 1962 and contains .4 acre.
2. The new construction will replace an existing access ramp to the deck of the residence and not result in increased footprint or increase encroachment to the lake.
3. The enclosed portion of the application, a screened porch, will occupy a portion of the deck area and not affect lake setback.
4. Approval will not allow a use that is prohibited in the zoning district in which the property is located.
5. Approval of the application assuming implementation of erosion control and vegetative recommendations by ESD staff 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 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 basis of 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 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.

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.

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. The site plan submitted 10/25/17 is adopted and shall not be altered without approval of ESD staff or if necessary the Planning Commission.
2. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
3. 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.
4. ESD staff must determine and if required construction erosion control shall be installed.
5. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
6. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
7. 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.
8. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.
9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/13/19.

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.

Folger, Susan, Ponto Lake Township on property described as NE NW, Section 26-139-29, PID #32-026-2100 located about .5 mile east of County #43. An application submitted to construct a 20 feet x 30 feet residential structure to be located 90 feet from the ordinary high water level (OHWL). The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be located 150 feet from a lake classified Natural Environment (NE). The property contains 39.82 acres riparian to East Twin Lake (NE).

16 notices of the application were mailed with no responses received. The application was reviewed and discussed with Susan Folger.

MS/P LaPorte/Froehlig to approve the application for decreased setback from the lake for the residence to be located at PID #32-026-2100 based upon the criteria of Section 800 and 1126.1 A. of the Land Use Ordinance and MS 394.27 Subdivision 7 with the following findings and conditions:

Findings:

1. The property became of record in 1961 and contains an entire quarter section which the applicant owns in its entirety.
2. There is no other existing or planned development on the property.
3. The proposed residence will not be visible to any other neighboring property.
4. Although less than 150 feet from the OHWL, the proposed residence will be more than 150 feet from open water.
5. Based upon the location, size and configuration of the proposed residence, there is no evidence or indication that it will have a negative effect on neighboring property.
6. Approval 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 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 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.

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. The approved residence shall not be less than 90 feet from the OHWL of East Twin Lake.
2. 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.
4. ESD staff must determine and if required construction erosion control shall be installed.
5. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
6. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
7. 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.
8. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.
9. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
10. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/13/19.

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.

Higgins, Richard, Shingobee Township on property described as Part of Govt Lot 8 & Part of N  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 11-142-31 & Lots 5 & 6 Block 3 & Adjacent Vacated Algonquin Avenue & Part of Adjacent Vacated Mohawk Street, Plat of "Ojibway", PID #38-111-3106 located at 8959 Cedar Point Road NW. An application submitted to construct a 1,200 square feet guest cottage. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.5 which limits a guest cottage structure to a footprint not to exceed 700 square feet. The property contains .94 acre riparian to Leech Lake (GD).

The application was withdrawn from consideration at the request of the applicant.

Johnson, James, Woodrow Township on property described as Lots 37 Thru 41, "Interlachen Lodge", Section 8-140-29, PID #51-378-0370 located at 4212 Interlachen Drive NW. An application submitted to remove and replace a 17 feet x 30 feet portion on the east side of the existing non-conforming residence located 75 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria, Section 1115.3 which establishes non-conforming structure expansion criteria and Section 1126.1 which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 1.35 acres riparian to Baby Lake (RD).

PC members were at the site 11/06/17. 29 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Johnson.

MS/P Kostial/Froehlig to approve the application as submitted for the removal and reconstruction for a portion of the residence located at PID #51-378--0370 based upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 of the Land Use Ordinance and M.S. 394.27 Subdivision 7 with the following findings and conditions:

Findings:

1. "Interlachen Lodge" was platted in 1920 with Lots 37 - 41 making up a peninsular configuration bordered to the north and south by Baby Lake.
2. Because of the peninsular configuration of the lot, the required setback cannot be complied with.
3. The proposed portion of the residence to be replaced with new construction includes a modest increase in size.
4. Based upon the location, size and configuration of the proposed construction, there is no evidence or indication that it will have a negative effect on neighboring property.

5. Approval 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 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 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.

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. The site plan submitted 10/06/17 is adopted and shall not be altered without approval of ESD staff or if necessary the Planning Commission.
2. The new construction shall not exceed 16 feet x 30 feet.
3. The applicant shall submit an as-built drawing of the construction as confirmed by ESD staff at the site upon completion of construction.

4. 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.
5. ESD staff must determine and if required construction erosion control shall be installed.
6. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
7. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
8. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
9. 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.
10. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/13/19.

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.

Sherva, Marc & Merrie, Shingobee Township on property described as N 150 Feet of Govt Lot 1, Section 1-142-31, PID #38-101-4401 located at 9494 Pine Point Road NW. An application submitted to construct a residence which shall comply with all requirements and retain the existing residence as a guest cottage. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.5 which restricts a guest cottage to a footprint not to exceed 700 square feet. The parcel contains 3.11 acres riparian to Leech Lake (GD).

PC members were at the site 11/06/17. 24 notices of the application were mailed with no responses received. The application was reviewed and discussed with Merrie Sherva, Marc Sherva and their contractor Mr. Glenn.

MS/P Kostial/Froehlig to approve the application to retain the existing residence located at PID #38-101-4401 for a guest cottage based upon review of the criteria contained in Sections 800, 1115.3 and 1126.5 of the Land Use Ordinance and M.S. 394.27 Subdivision 7 with the following findings and conditions:

Findings:

1. The parcel became of record in 1968 and contains 3.11 acres.



2. The existing residential structure to be retained as a guest cottage was most likely constructed prior to the implementation of land use regulation.
3. The existing residential structure to be retained as a guest cottage appears to be of good structural condition.
4. The proposed new residence will comply with all setback requirements.
5. Based upon the location, size and configuration of the proposed construction, there is no evidence or indication that it will have a negative effect on neighboring property.
6. Approval 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.  
Approval 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 lot configuration 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.

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. In order to utilize the existing residence as a guest cottage, the current footprint must be reduced to 700 square feet.
2. If the existing residence cannot be reduced to 700 square feet, it must be removed from PID #38-101-4401.
3. If the existing residence is removed from PID #38-101-4401, the existing fireplace can be retained as an outdoor fireplace.
4. The site plan submitted 10/24/17 is adopted at 700 square feet and shall not be altered without approval of ESD staff or if necessary the Planning Commission.
5. If existing residence is reduced to 700 square feet and retained as a guest cottage, the enclosed porch lakeside of the existing residence shall be removed by 07/01/18.
6. No run-off to the lake or adjoining properties is permitted. Run-off for both structures shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
7. ESD staff must determine and if required construction erosion control shall be installed.
8. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
7. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
8. 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.
9. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.
10. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/13/19.
12. The applicants may occupy the existing residence until 11/13/19 or when the new residence is ready for occupancy at which time the existing residence footprint shall be reduced or the structure shall be removed.

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.

Vashro, Paul & Kathleen, Woodrow Township on property described as Lot 2, Block 1 & Lot 2, Block 2, "Maple Crest", Section 15-140-29, PID #51-422-0110 located at 3616 Bungey Bay Drive NW. An application to replace the existing residence with a new 43 feet x 44 feet residence with 14 feet x 22 feet deck to be located 29 feet from the 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 to be located 75 feet from a lake classified General Development (GD). The property contains .71 acre riparian to Woman Lake (GD). Consideration of this application was tabled during the 09/11/17 meeting. The application has been revised to a 44 feet x 37 feet residence with a 7 feet x 22 feet deck to be located 37.5 feet from the lake.

PC members were at the site 09/04/17 and 11/06/17. 24 notices of the application were mailed with no responses received from the September mailing and three responses all recommending approval received from the November mailing. The application was reviewed and discussed with Kathleen and Paul Vashro.

MS/Failed Kostial/Moore - Fitch/Yes, Froehlig/No, Kostial/Yes, LaPorte/No, Moore/No, Pehling/No & Sundberg/No to approve the application as submitted for the removal of the existing residence and new construction of a residence located at PID #51-378-0370 based upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 of the Land Use Ordinance and M.S. 394..27 Subdivision 7. The majority concluded that the applicants can rebuild the existing residence at its current footprint and volume, that the lot is of sufficient size to locate replacement/new construction at or near the required lake setback, that the proposed deck could be located to the side of the proposed structure rather lakeside and that the existing fireplace could be preserved/retained as an outdoor amenity.

Weis, Chad, Sylvan Township on property described as W  $\frac{1}{2}$  of Lot 8 & All of Lot 9, "Land & Allen's Second Addition", Section 11-133-30, PID #41-502-0090 located at 2698 Sylvan Lane SW. An application to remove the existing residence at 11 feet from the lake and replace with a new 1,956 square feet residence to be located 35 feet from the 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 to be located 75 feet from a lake classified General Development (GD). The parcel contains 1.05 acres riparian to Sylvan Lake (GD).

PC members were at the site 11/06/17. 25 notices of the application were mailed with one response offering no objection and one response from Sylvan Township recommending approval. The application was reviewed and discussed with the applicant's representative, Andrew Ranweiler of B-Dirt.

MS/P Pehling/Fitch to table consideration of the application until the 12/11/17 meeting in order for the members to visit the site again and for the applicant to submit a revised site plan.

#### Conditional Use Permit

B-Dirt, Fairview Township on property described as Lot 1, Block 1, PID #14-417-0101, Lot 2, Block 1, PID #14-417-0102, Lot 3, Block 1, PID #14-417-0103, Lot 4, Block 1, PID #14-417-0104, Lot 5, Block 1, PID #14-417-0105, Lot 6, Block 1, PID #14-417-0106, Lot 7, Block 1, PID #14-417-0107, Lot 8, Block 1, PID #14-417-0108, Lot 9, Block 1, PID #14-417-0109, Lot 10,

Block 1, PID #14-417-0110, Lot 11, Block 1, PID #14-417-0111, Lot 12, Block 1, PID #14-417-0112, Lot 13, Block 1, PID #14-417-0113, Lot 14, Block 1, PID #14-417-0114, Lot 15, Block 1, PID #14-417-0115, Lot 16, Block 1, PID #14-417-0116, Lot 17, Block 1, PID #14-417-0117, Lot 18, Block 1, PID #14-417-0118, Lot 19, Block 1, PID #14-417-0119, Lot 20, Block 1, PID # 14-417-0120, Lot 21, Block 1, PID #14-417-0121, Lot 22, Block 1, PID #14-417-0122, Lot 23, Block 1, PID #14-417-0123, Lot 24, Block 1, PID #14-417-0124, Lot 25, Block 1, PID #14-417-0125, Lot 26, Block 1, PID #14-417-0126, Lot 27, Block 1, PID #14-417-0127, Lot 28, Block 1, PID #14-417-0127, Lot 29, Block 1, PID #14-417-0129, Lot 30, Block 1, PID #14-417-0130, Lot 31, Block 1, PID #14-417-0131, Lot 32, Block 1, PID #14-417-0132, Lot 33, Block 1, PID #14-417-0133 & Lot 34, Block 1, PID #14-417-0134, Section 23-134-30, CIC #69, "The Ridge" located along County 77. An application to establish an indoor storage center consisting of 15 individual storage structure lots of 78/126 feet x 100 feet and three buildings each containing six 14/15 feet x 30 feet units. The property is classified Commercial-2 in which a Conditional Use Permit (CUP) is required for any activity or use. If the CUP is approved, conditions related to design, color, security, lighting, signage, run-off control, outdoor storage and others as determined by the Planning Commission will be considered. The applicable portions of the Land Use Ordinance include Section 705 which establishes CUP criteria and Section 1104 which establishes commercial activity criteria. The property contains 21.3 acres (C-2).

PC members were at the site 11/06/17. 28 notices of the application were mailed with one response from Fairview Township offering conditional support received. The application was reviewed and discussed with Andrew Ranweiler of B-Dirt.

MS/P Moore/Kostial to approve the storage structure facility as submitted for the parcels contained in "The Ridge" based upon the criteria of Sections 705 and 1104 of the Land Use Ordinance and along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The storage unit users will occasionally and temporarily utilize the site and have no impact to public facilities.
2. The storage unit site will utilize an existing county roadway which will not require expansion or reconfiguration therefore additional public infrastructure will not be required.
3. No wetland or critical habitat will be disturbed.
4. No scenic or historic features will be affected.
5. No threat to public health, safety and welfare can be expected from the storage units.
6. No waste water treatment or wells will be required.
7. There is no evidence or reason to expect that the storage unit sites will adversely affect adjoining property.
8. The storage unit complex does not reach the mandatory EAW review standards.
9. No evidence or information has been submitted to establish that the storage unit sites will alter or be detrimental to land use in the general area.

10. Approval does not contradict the purpose of the official controls which are 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.
11. The proposed storage unit sites will not be obtrusive to the neighborhood and 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.
15. Approval includes the second storage unit structure constructed sans permit.

Conditions:

1. All structures shall be of the same type of construction style, color and roof coverage.
2. Any signage along County #77 shall be no higher than 12 feet from ground to top.
3. All lighting shall be downward directed.
4. There shall be no outdoor storage.
5. No unit shall have water or waste water treatment/holding.
6. Prior to any land use permit approval for construction, B-Dirt must verify with ESD staff on-site that the proposed construction site locations do not encroach upon delineated wetland boundaries.
7. Prior to any land use permit approval for construction, B-Dirt must verify with the Highway Department and ESD staff existing and future approaches to Cass County #77 do not encroach upon delineated wetland boundaries.
8. ESD must submit the site plan to the Highway Department for evaluation as to the need for turn lanes.
9. 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.

Bell, Susan, Ponto Lake Township on property described as Lot 5, Block 1, "Idle-A-While", Section 4-139-29, PID #32-352-0140 located at 2263 East Long Lake Drive NW. An application submitted to establish a Family Campground consisting of one existing residence and two existing RVs with the addition of two RVs and two mobile homes which will all be utilized for family purposes and not available to the public. 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 Family/Private Campground criteria. The property contains 2.88 acres riparian to Long Lake (RD).

PC members were at the site 11/06/17. 16 notices of the application were mailed with four responses all objecting to approval. The application was reviewed and discussed with Susan Ball and her son Jon Bell.

MS/P Fitch/Pehling to table consideration of the application in order that the applicant to submit a site plan with location of the current structures and the proposed location of no more than five living structures and to submit supplemental information including verification of SSTS compliance, a storm water plan and a shoreline buffer plan.

SAC Wireless, Kego Township on property owned by Terry Daudt described as Part of NE SE, Section 34-141-28, PID #19-034-4101 located at 160 School Lane. An application submitted to locate a temporary 100 feet self-support communication tower which requires approval by conditional use permit (CUP). The relevant portions of the Land Use Ordinance (02/15/13) include Section 705 which establishes the CUP standards and Section 1127 which establishes the communication tower standards. The property contains 3.72 acres.

PC members were at the site 11/06/17. More than 150 notices of the application were mailed with no responses.

MS/P Moore/Kostial to approve the communication tower to be located upon PID #19-034-4101 as submitted based upon the criteria of Sections 705 and 1127 of the Land Use Ordinance and along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The Comprehensive Plan recognizes the benefits of wireless communication to the residents of the County.
2. The Comprehensive Plan calls for the placement of communication towers to adequately service a geographic area.
3. The application calls for a temporary installation of 100 feet in order to evaluate demand and the need for additional infrastructure.
4. No wetland or critical habitat will be disturbed or harmed by the location of the proposed tower.
5. No scenic or historic features will be disturbed or harmed by the location of the proposed tower.
6. The proposed tower will have no adverse effect to public health, safety or welfare.
7. The proposed tower will not change or impact land use in the area.
8. Existing access to the property will be utilized and require no additional public infrastructure.
9. The proposed tower does not reach the mandatory EAW threshold.
10. As ordered by the FAA the tower will have a light and flags placed at the top of the tower.

Conditions:

1. The applicant must comply with applicable FAA and FCC requirements.
2. The CUP shall expire 11/13/19.
3. Any additional tower shall require a new CUP application.

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 CUP, REMOVAL OF VIOLATIONS AND MITIGATION.

### Reclassification

Hardy, Jeanne & Wetherell, B.A., Poplar Township on property described as Part of NE, SE Described as Following: Beginning at the NE Corner of SE Thence W 316 Links, Thence S 316 Links, Section 22-136-32, PID #33-022-4101 located at the NW corner of the intersection of State 64 SW and 62<sup>nd</sup> Street SW. An application to reclassify PID #33-022-4100, one acre, and 4 acres of PID #33-022-4100 from Agriculture/Forestry (AF) to Rural Residential -5 (RR-5) in order to create one lot containing 5 acres. The applicable portions of the Land Use Ordinance include Section 706, which establishes reclassification criteria and Section 903 which establishes land use district descriptions. The combined parcels contain 81.21 acres AF.

22 notices of the application were mailed with no responses received. The application was reviewed and discussed with Ms. Hardy.

MS/P Moore/Kostial to approve the reclassification as submitted for AF to RR-5 for PID #33-022-4101 and PID #33-022-4100 based upon the criteria of Sections 706 and 903 of the Land Use Ordinance with the following findings and conditions:

#### Findings:

1. The purpose of the RR-5, RR-10 and RR-20 districts is to promote low density rural development in those portions of the County outside of the shoreland zone and beyond those areas of anticipated municipal growth where less development is desired and most suitable.
2. These zones will be created as reclassifications where the Planning Commission determines that larger lot sizes are required to protect agricultural areas or critical habitats or preserve the rural nature of an area.
3. The proposed configuration will contain the existing site of a former school and four acres in the same family ownership.
4. There is nothing to indicate that the proposed lot 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.

5. There are two other small lots in the immediate vicinity of the junction of State #64 and Wetherell Sims Drive SW/62<sup>nd</sup> Street SW to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the reclassification.
6. Approval will have no impact to the demand for governmental services.
7. Existing roadways will be utilized with no need to expand exiting public infrastructure.
8. No wetland or critical habitat will be disturbed.
9. No scenic or historic features will be affected.
10. No threat to public health, safety and welfare can be expected.

### Final Plat

"Lodges of Bluewater Second Addition", DJRO LLC, Shingobee Township on property described "Lodges of Bluewater First Addition", Section 2-141-31, PID #38-349. A request to approve the reduction of the number of lots contained in the plat from 23 to 19. The plat contains 5.2 acres riparian to Leech Lake (GD).

More than 50 notices of the application were mailed with one response received. The revised plat was reviewed and discussed with Mr. Rohlfs, Mr. Schaefer and Mr. Freeman.

MS/P Moore/Kostial to approve the re-configuration of "Lodges of Bluewater Second Addition" as submitted with the following findings and conditions:

### Findings:

1. The preliminary plat "Lodges of Bluewater 1<sup>st</sup> Addition" was approved 02/14/11.
2. The final plat and CUP "Lodges of Bluewater 1<sup>st</sup> Addition" was approved 03/14/11.
3. "Lodges Bluewater 2<sup>nd</sup> Addition" is the reduction of lots from 23 to 19.
4. It seems reasonable to assume that a reduction in the number of lots along with a resulting reduction in activity will not have detrimental effect 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.
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 noted as a result of the development.



Conditions:

1. In order to record, a status report of the conditions contained in CU10-141-31-1 must be submitted.
2. In order to recorded, the sign violation must be resolved to the satisfaction of ESD staff.

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

\* Kelly Condiff, ESD staff, to discuss financial assurance rate formula for shoreline assessments conducted for variances and CUPs.

\* Request received from Bruce Mogren to revise VP16-139-26-6 which was approved 06/13/16.

MS/P Kostial/Fitch to refer to ESD staff with no objection to setback of 75 feet assuming no other shoreline or bluff issues.

MS/P Pehling/Froehlig at 2:47 PM, to adjourn.

P. Fairbanks