



Cass County
Planning Commission

June 14, 2010

The Cass County Planning Commission conducted a regular meeting June 14, 2010 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted June 7 and 8, 2010.

Sundberg called the meeting to order at 10:00 a.m.

Members present: Ballenthin, Fitch, Gardner, Gould, Moore, Sundberg and Weber.

Staff Present: Berg and Fairbanks.

Citizens Present: Jack Abrahamson, Billy Bassett, Richard A. Brown, Dave Campbell, Lance Campbell, John Cuningham, Sally Cuningham, Terry Daudt, Marilynn Davis, John Dickerman, Dave Gapinski, Bonnie Hiniker, Bill Joslyn, Bob Iverson, Cathy Iverson, Dave Jahr, Rachel Jahr, Diane Jamer, Karen Kaehler, Bruce Kissel, Theresa Kissel, Kevin Larson, John Maertens, Dorothy Mills, Gerald Mills, Deb Rowell, John Rowell, Verdale Soukup, Tom Taylor, Connie Vargo, Betty Weiss and Norm Wieland.

MS/P Ballenthin/Gould to approve the minutes of the 05/10/10 regular Planning Commission meeting as amended.

Variance

Brown, Judith & Richard, Shingobee Township, VP10-141-31-1 on property described as Pt of Gov Lot 4, Section 25-141-31, PID # 38-025-3414 located at 5319 Ten Mile Lane NW. An application submitted "after the fact" to be allowed to retain an 8 feet 6 inch x 10 feet 4 inch addition which was constructed by enclosing a portion of the residence lakeside deck located 58 feet from the lake. The residence was permitted to be located at less than the required setback of 75 feet by variance in 1994. The deck was allowed to be retained "after the fact" by variance in 1995. The property contains .26 acres riparian to Ten Mile Lake (GD). Section 1126.1 A. requires structures to be setback 75 feet from a lake classified general Development (GD).

PC members were at the site 06/07/10. 28 notices of the variance application were mailed. Three responses, each offering no objections to the application, were received. In addition one person present at the hearing stated his support of the application. Mr. Brown was present to

review and discuss the application. Discussion included the variance history of the property, size and location of the enclosure along with shoreline vegetation.

MS/P Gould/Gardner - Ballenthin/No, Fitch/No, Gardner/Yes, Gould/Yes, Moore/No, Weber/Yes, & Sundberg/Yes to deny the application to be allowed to retain the deck enclosure/addition constructed without permit for the residence upon PID # 38-025-3414 upon review of Section 805 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. No compelling hardship or practical difficulty can be established that demonstrates the necessity to retain the addition in order for the applicants the use and enjoyment of their property.
2. The deck without the enclosure/addition does not inhibit or restrict the applicants use and enjoyment of their property.

Campbell, Carmen, Hiram Township, VP10-140-31-3 on property owned by CJC Venture LLC described as N100' of Sly 200' of 9 W of Road, "Long Pine", Section 16-140-31, PID # 16-433-0093 located at 3843 63rd Ave NW. An application submitted to expand a non-conforming residence with a 10 feet x 20 feet deck of which 10 feet x 16 feet will be enclosed and located 55 feet from the lake at the closest point. The residence is non-conforming because it is located less than the required 75 feet from the lake. The property contains .37 acres riparian to Ten Mile Lake (GD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/07/10. 29 notices of the variance application were mailed. One response supporting the application was received. The application was reviewed with the Lance and Dave Campbell.

MS/P Moore/Gould to approve the application for the deck and addition to the residence located upon PID # 16-433-0093 upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. Although the OHWM setback is 55 feet, the residence is located more than 85 feet from open water of the lake.
2. The deck/enclosure will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The deck/enclosure will have no affect to area land use because similar construction is utilized throughout the area.

4. The deck/enclosure is a reasonable means to increase the usable space of the residence without altering its appearance to the lake based upon the size and configuration of the residence along with the configuration of the lot.
5. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
6. The deck/enclosure will not increase the need or demand for governmental services because no additional access or road improvements are required.
7. No comments were received from Hiram Township or other agencies notified.

Conditions:

1. The deck shall not 4 feet x 10 feet and the porch shall not exceed 16 feet x 10 feet
2. The overhang/eave shall not exceed 2 feet.
3. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
4. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
6. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Coleman, Laurie & Norm, Ponto Lake Township on property described as Lot 5, Blk 1, "North Bay", Section 22-139-29, PID # 32-430-0150 located at 989 N Bay Drive NW. An application submitted to expand a non-conforming residence with a 25 feet x 29 feet addition to be located on the non-lake side of the residence with an attached 12 feet x 12 feet entrance. The residence is non-conforming because it is located 60 feet from the lake which less than the required 100 feet. The property contains .58 acres riparian to Lake Ada (RD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC Members were at the site 06/07/10. 28 notices of the application were mailed with no responses received. The application was reviewed and discussed with the Coleman's representative Verdale Soukup.

MS/P Ballenthin/Moore to approve the expansion of the residence located upon PID # 32-430-0150 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The residence was constructed prior to the adoption of land use regulation.
2. The expansion will not affect ground or surface water because run-off and erosion control best management construction and post construction practices will be implemented.
3. The expansion will not affect area land use because similar construction is utilized throughout the area and it will not be visible from the lake.
4. The additions are a reasonable means to increase the usable space for the property based upon the size and configuration of the residence without altering its appearance to the lake.
5. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
6. The expansion will have no affect to the need or demand for governmental services because no road improvements or any other additional infrastructure is required.
7. No comments have been received from Ponto Lake Township other agencies or persons notified.

Conditions:

1. The additions shall not exceed 25 feet x 30 feet and 12 feet x 12 feet with overhang/eave not to exceed 2 feet and shall not exceed the existing height to the peak of the residence.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Cunningham, John & Sarah, Beulah Township, VP10-139-25-1 on property described as East $\frac{1}{2}$ Gov Lot 2 & W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24-139-25, PID # 04-024-2201 located at 8931 County 58 NE. An application submitted to expand a non-conforming residence with a 16 feet x 16 feet screened porch along with a 4 feet x 16 feet covered walk-way to the residence to be located 100 feet from the lake. The residence setback of 90 feet was approved by variance in 1991. The property contains 37.67 acres riparian to Egg Lake (NE). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/08/10. 12 notices of the application were mailed with no responses. The application was reviewed with the Cunninghams.

MS/P Gardner/Weber to approve the porch/walkway for the residence located upon PID # 04-024-2201 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The setback encroachment of the residence was approved by variance in 1991.
2. The porch/walkway will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The porch/walkway will in no way affect the nature of the remote area land because it will not be visible to neighbors or from the lake.
4. The porch/walkway is a reasonable means to increase the usable space based upon the configuration and the size residence with no alteration of its appearance to the lake.
5. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
6. The porch/walkway will not increase the need or demand for governmental services because no road improvements or infrastructure are required.
7. No comments have been received from Beulah Township, agencies or persons notified.

Conditions:

1. The porch/walkway shall not exceed 16 feet x 16 feet and 4 feet x 16 feet with overhang/eave not to exceed 2 feet.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.

5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.

6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Dabill, Phillip, Pine River Township, VP10-138-30-1 on property described as Lot 10 & Pt of Lot 11, "Brooks South Shore", Section 35-138-30, PID # 31-442-0102 located at 3086 21st St SW. An application submitted to expand a non-conforming residence with an 18 feet x 24 feet non-lakeside addition. The residence is non-conforming because it is located 110 feet from the lake, less than the required 150 feet, with the proposed addition to be 132 feet from the lake. The property contains 1.2 acres riparian to Clam/Sand Lake (NE). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/08/10. 12 notices of the application were mailed with no responses. The application was reviewed with the applicant's representative Verdale Soukup.

MS/P Moore/Fitch to approve an addition for the residence located upon PID # 31-442-0102 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The lot was created and the original residence constructed prior to the adoption of land use regulation enforcement of current guest quarters lot size standards.
2. The addition will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The addition will not affect area land use because similar construction is utilized throughout the area and it will not be visible from the lake.
4. The addition is a means to increase the usable space for the property based upon size and configuration of the residence which will not be visible from the lake.
5. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
6. The addition will not increase the need or demand for governmental services because no road improvements or additional infrastructure are required.
7. No comments have been received from Pine River Township, agencies or persons notified.

Conditions:

1. The addition shall not exceed 18 feet x 24 feet with overhang/eave not to exceed 2 feet.

2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit and must be evaluated by ESD to determine the need for additional native vegetation which shall be planted in varieties and locations as determined by ESD.
6. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Dickerman, John & Joyce, Rogers Township, VP10-140-27-1 on property described as Lot 4, Blk 1, "Tumas Addition", Section 20-140-27, PID # 36-403-0150 located at 3130 Proud Boy Lane NE. An application submitted to expand a non-conforming residence with a 28 feet x 32 feet addition and a 10 feet x 16 feet deck. The residence is non-conforming because it is located 51 feet from the lake at the closest point which is less than the required 75 feet. The property contains .87 acres riparian to Boy Lake (GD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/08/10. 12 notices of the application were mailed with no responses. The application was reviewed with the Mr. Dickerman and included discussion of existing shoreline vegetation specifically the area from the dock to the pine trees.

MS/P Moore/Fitch to approve the expansion of residence located upon PID # 36-403-0150 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The property became a lot of record prior to the adoption of lands use regulation.
2. The residence was constructed at 60 feet with permit in 1970.
3. At the applicant's request consideration of the deck has been withdrawn from consideration with construction to comply with permitted dimension criteria.
4. The addition will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.

5. The addition will not affect area land use because similar construction is utilized throughout the area.
6. The addition is a reasonable increase of usable space for the property at 70 feet from the lake mostly not visible from the lake.
7. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
8. The addition will not increase the need or demand for governmental services because no road improvements or other infrastructure are required.
9. No comments have been received from Rogers Township, agencies or persons notified.

Conditions:

1. The addition shall not exceed 28 feet x 32 feet with overhang/eave not to exceed 2 feet and not be higher than 30 feet to the peak.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area from the dock to the shoreline evergreens as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

6. Completion of substantial implementation of the vegetation plan, as determined by ESD.
7. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

8. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Iverson, Robert, Shingobee Township, VP10-140-27- on property described as Lot 8, "Park Point", Section 35-141-31, PID # 38-433-0080 located at 5340 County 71 NW. An application submitted to expand a non-conforming residence with an 8 feet x 18 feet non-lakeside addition. The residence is non-conforming because it is located 50 feet from the lake at the closest point which is less than the required 75 feet. The proposed addition will be located away from the lake as viewed from the residence. The property contains .47 acres riparian to Ten Mile Lake (GD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/07/10. 12 notices of the application were mailed with no responses. The application was reviewed with Cathy and Robert Iverson.

MS/P Moore/Fitch to approve the expansion of residence located upon PID # 38-433-0080 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The addition will be non-lakeside and not visible from the lake.
2. The addition will not increase the existing setback encroachment of the residence.
3. The addition will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
4. The addition will have no affect to area land use because similar construction is used throughout the area and it will not be visible from the lake.
5. The addition is a reasonable means to increase the usable space of the residence based upon the size, configuration and location of the residence without any visual change to the appearance of the residence to the lake.
6. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
7. Although a variance is required because the residence is non-conforming, the non-lakeside addition will be 75 feet from the water.
8. The addition will not cause an increase of the need or demand for road improvements or additional infrastructure.
9. No comments were received from Shingobee Township, agencies or persons notified.

Conditions:

1. The addition shall not exceed 8 feet x 18 with overhang/eave not to exceed 2 feet.

2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Jahr, David & Rachel, Wabedo Township, VP10-140-28-3 on property described as Pt of Gov Lot 6, Section 21-140-28, PID # 46-021-3305 located at 3290 Peppermint Trail NE. An application submitted to expand a non-conforming residence with a 10 feet x 12 feet addition. The residence non-conforming because it located at less than 30 feet from the top of a bluff as will be the addition. The property contains 1.54 acres riparian to Hunter Lake (RD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/07/10. 21 notices of the application were mailed. One response from Wabedo Township was received. The application was reviewed with David and Rachel Jahr.

MS/P Gould/Weber to approve the expansion of residence located upon PID # 46-021-3305 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The residence was constructed prior to enforcement of current bluff setback requirements.
2. The residence cannot be expanded except at less than the required bluff setback.
3. The addition will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
4. The addition will not affect area land use because of its small size, will not be unusual in type construction or style when compared structures throughout the area and will not be visible from the lake.

5. The addition is a reasonable means to increase the usable space of the structure based on size and configuration without altering its appearance to the lake.
6. No information has been submitted that indicate that financial consideration is the sole basis of the application.
7. The addition will have no bearing to the need the need or demand for governmental services because the road is not maintained by a governmental unit and part of a municipal system.

Conditions:

1. The addition shall not exceed 10 feet x 12 feet with overhang/eave not to exceed 2 feet.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
6. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.
7. Notification of compliance with conditions must be submitted to ESD and Wabedo Township.

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.

Kissel, Bruce & Theresa, Thunder Lake Township on property described as Lot 2, "Trelipe Sand Beach", Section 6-140-26, PID # 42-361-0020 located at 4489 Sand Beach Trail NE. An application submitted to construct a 16 feet x 24 feet lakeside addition and a 12 feet x 16 feet lakeside deck 84 feet from the lake. The property contains .47 acres riparian to Upper Trelipe Lake (RD). Section 1126.1 A. of the Land Use Ordinance requires structures to be setback 100 feet a lake classified Recreational Development (RD).

Findings:

1. The property became a lot of record prior to the adoption of land use regulation.
2. The residence was constructed with permit at 85 feet when Upper Trelipe Lake was classified Recreational Development Limited (RDL).
3. The addition/deck will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.

4. The addition/deck will not affect area land use because it is not unusual or unique and similar to construction and style utilized throughout the area.
5. The addition/deck is a reasonable increase of usable space for the residence based upon its configuration and size.
6. Financial consideration is not the sole basis of the application.
7. The addition/deck will not increase the need or demand for governmental services because no road improvements are needed and the property is not served by municipal infrastructure.
8. No comments have been received from Thunder Lake Township, agencies or persons notified.

Conditions:

1. The addition/deck shall not exceed 16 feet x 24 feet and 12 feet x 16 feet with addition overhang/eave not to exceed 2 feet.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area, subject to a 14-foot wide lake access area as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.
6. The storage structure must be moved to at least 100 feet from the lake by 10/01/10.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

7. Completion of substantial implementation of the vegetation plan, as determined by ESD.
8. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

9. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Maertens, Irene & Joseph, Wabedo Township, VP10-140-28-4 on property described as Pt of Gov Lot 8, Sec 27-140-28, PID # 46-027-2225 located at 1229 Wabedo Pass Road NE. An application submitted to expand a non-conforming residence with a walk-out basement. The residence is non-conforming because it is located 25 feet from the lake. The property contains 7.91 acres riparian to Lake Wabedo (RD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence with a walk-out basement only by variance.

PC members were at the site 06/07/10. 40 notices of the application were mailed. Two responses from Wabedo Township and the lake association were received. The application was reviewed with Mr. Maertens with discussion mainly centered upon excavation required for the basemen and effect that removal of the retaining would have to the slope to the lake.

MS/P Ballenthin/Moore - Ballenthin/Yes, Fitch/Yes, Gardner/Yes, Gould/No, Moore/Yes, Weber/No, Sundberg/No to approve a walkout basement for the residence located upon PID # 46-027-2225 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The existing residence was constructed prior to the adoption of land use regulation and may be replaced at current footprint and volume as allowed by statute and ordinance.
2. A walkout basement will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The walkout basement will not affect area land use because it is not unusual or unique, similar construction is utilized throughout the area and it will mostly be not noticeable from the lake or neighbors.
4. A walkout basement is reasonable means to increase the usable space for the property increasing the footprint and not altering the appearance to the lake.
5. No information has been submitted has been submitted that indicates that financial consideration is not the sole basis of the application.
6. A walkout basement will not increase the need or demand for governmental services because no road improvements are needed and it is not served by municipal infrastructure.

Conditions:

1. The walkout basement shall not exceed 24 feet x 28 feet which is the size of the original structure footprint and the walkout shall be located on the north westerly, non-lakeside of the structure.
2. The deck to the side of the residence shall not exceed 12 feet x 20 feet.

3. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
4. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
6. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
7. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.
8. A Shoreland Alteration Permit must be obtained in order to remove the retaining wall, to do any bank/slope restoration and/or to make any change in the grade of the property surrounding the residence.

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.

Noyes, Ellen & Richard, Woodrow Township on property described as Pt of Gov Lot 8, Sec 27-140-28, PID # 51-470-0060 located at 3337 N Green Forest Drive NW. An application submitted to expand a non-conforming residence with a lakeside addition consisting of 6 feet x 15 feet lakeside and 3 feet x 10 feet to the side of the residence. The application also requests deck expansion consisting of 6 feet x 15 feet lakeside and 4 feet x 21 feet to the side of the residence. The residence is non-conforming because it is located within a bluff. The property contains .85 acre riparian to Woman Lake (GD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/07/10. 34 notices of the application were mailed. Two responses including one from Woodrow Township were received. The application was reviewed with the applicants' contractor Mr. Daudt who clarified the dimensions and location of the expansion.

MS/P Gould/Ballenthin to approve the expansion of residence located upon PID # 51-470-0060 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The property became a lot of record and the residence was constructed prior to the enforcement of the bluff setback requirements.
2. The addition/deck will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. Due the residence location within the bluff no expansion alternatives are available.
4. The addition/deck will not affect area land use because similar construction is utilized throughout the area and it will not be noticeable to the visible from the lake or to neighbors.
5. The addition/deck is a reasonable means to increase the usable space for the residence based on configuration and size without significant alteration of its appearance.
6. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
7. The addition/deck will not increase the need or demand for governmental services because no additional access or road improvements are required and the property is not served by municipal infrastructure.

Conditions:

1. The residence expansion shall not exceed 6 feet x 15 feet lakeside and 3 feet x 10 feet to the side of the residence with overhang/eave not to exceed 2 feet.
2. The deck expansion shall not exceed 6 feet x 15 feet lakeside and 4 feet x 21 feet to the side of the residence.
3. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
4. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
6. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area, subject to a 14-foot wide lake access area as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

7. Completion of substantial implementation of the vegetation plan, as determined by ESD.
8. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

9. Applicant consents to inspection of the property from time to time by to verify compliance with conditions.

10. The deck shall be of post-frame construction.

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.

Rowell, Bonnie & John, Crooked Lake Township on property described as Lot 14, Blk 1, "Royal Oaks", Section 34-139-26, PID # 12-499-0128 located at 6039 Royal Oak Drive NE. An application submitted to expand a non-conforming residence with a 16 feet x 19 feet addition. The residence is non-conforming because it is located 65 feet from the lake, the proposed expansion will be located to the side of the residence at less than the current setback. The property contains .5 acres riparian to Lake Roosevelt (GD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/07/10. 39 notices of the application were mailed with one response received. The application was reviewed with Bonnie and John Rowell.

MS/P Ballenthin/Weber to approve the expansion of residence located upon PID # 12-499-0128 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The property became a lot of record and the residence was constructed prior to the adoption and enforcement of the bluff setback requirements.
2. The addition will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The addition will not affect area land use because it is not unusual or unique and is of similar construction style utilized throughout the area and it will not be visible from the lake.
4. The addition is a reasonable means to increase the usable space for the property based on configuration and size without altering its appearance to the lake.
5. No information has been submitted to indicate that financial consideration is the sole basis of the application.
6. Although a variance is required because the residence is non-conforming, the addition will be more than 75 feet from the water.

7. The addition will not increase the need or demand for governmental services because no additional access or road improvements are required and the residence is not connected to municipal services.
8. No comments have been received from Crooked Lake Township, agencies or persons notified.

Conditions:

1. The addition shall not exceed 16 feet x 20 feet with overhang/eave not to exceed 2 feet.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
6. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Taylor, Thomas & Shirley, Ponto Lake Township on property described s Pt of Gov Lot 2, Section 16-139-29, PID # 32-016-1216 located at 1594 12th Ave NW. An application submitted to construct a 30 feet x 36 feet storage building to be located 4 feet from the right-of-way of a county road. The property contains 1.49 acres non-riparian within the shoreland area of Ponto Lake (RD). Section 1126.1 B. of the Land Use Ordinance requires structures to be setback 50 feet from the right-of-way of a county road.

PC members were at the site 06/07/10. 45 notices of the application were mailed with no response received. The application was reviewed with Mr. Taylor.

MS/P Fitch/Gould to approve the accessory structure to be located upon PID # 32-016-1216 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The lot was created when county right-of-way setback requirement was 20 feet.

2. The structure will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The structure will not affect area land use because similar construction is utilized throughout the area and it will not be visible from the lake.
4. No information has been submitted that would indicate that financial consideration is the sole basis of the application.
5. The structure will not increase the need or demand for governmental services because no additional access or road improvements are required.
6. No comments have been received from Ponto Lake Township, agencies or persons notified.
7. The County Highway Engineer has reviewed the application and offered no objection.

Conditions:

1. The structure shall not exceed 30 feet x 36 feet with overhang/eave not to exceed 2 feet not more than 20 feet to peak.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

Wilson, Christopher & Thompson, Wendy, Hiram Township on property described as Lot 6, Blk 1 & Und 1/6 Int in Lot 7, Blk 1, "Sunset Beach 1st Addition", Section 11-140-31, PID # 16-395-0160 located at 5352 Rockrose Lane NW. An application submitted to expand a non-conforming residence with an L shaped 6 feet x 29 feet 14 feet deck and a 24 feet x 24 feet non-lakeside addition to the residence. The residence is non-conforming because it is located 45 feet from the lake which is less than the required 75 feet. The property contains .11 acres riparian to Ten Mile Lake (GD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC members were at the site 06/07/10. 45 notices of the application were mailed. No responses were received. The application was reviewed with applicants' contractor Mr. Larson.

MS/P Moore/Weber to approve the expansion of the residence located upon PID # 16-395-0160 as submitted upon review of Section 805 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The property was formerly part of a resort and the original construction most likely was completed prior to land use regulation.
2. The lots of the plat are in the configuration of the former resort units.
3. The addition/deck will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
4. The addition will not affect area land use because similar construction is utilized throughout the area.
5. The addition is a reasonable means to increase the usable space for the property based upon its configuration and size.
6. No information has been received that shows financial consideration to be the sole basis of the application.
7. The 6 feet portion of the deck is allowed by permit.
8. The addition/deck will not increase the need or demand for governmental services because no additional access or road improvements are required.

Conditions:

1. The addition shall not exceed 24 feet x 24 feet with a 2 feet overhang/eave.
2. The portion of the deck subject to variance review shall not exceed 8 feet x 14 feet.
3. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
4. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
6. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
7. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.
8. Verification from the property owners association that the addition is in compliance with their covenants and by-laws must be submitted to ESD prior to permit approval.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO

ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Conditional Use Permit

Bayer, Mike, Wabedo Township on property described as Pt of Gov Lot 5, Section 23-140-28, PID # 46-023-3405 located at 1650 Wabedo Frontage Road NE. An application submitted to be allowed to establish a private retreat which allows for the conversion of a resort to private residential use not held out as available for occupancy or use to the public. The property contains 4.3 acres riparian to Lake Wabedo (RD). Section 702.2 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria. Section 1121 of the Land Use Ordinance establishes criteria for a private retreat.

PC members were at the site 06/07/10. 30 notices of the application were mailed. Three responses including that of Wabedo Township and the lake association objection to the application were received. The application was reviewed with Mr. Bayer. Discussion and objections included recreational vehicle trailer located on the site, number of units available for occupancy, definition of private, definition of retreat, shoreline vegetation, fireworks and density.

M Ballenthin to approve the private retreat to be upon PID # 46-023-3405 as submitted upon review of Sections 704.2 and 1121 of the Land Use Ordinance (01/10/10) with the following findings and conditions. Mr. Bayer withdrew his application from consideration prior to a second to Mr. Ballenthin's motion to approve.

Findings:

1. The property was formerly a resort available to the public which is now utilized for private use.
2. The existing activity seems not to be disruptive to the neighborhood based on no record of concerns or complaints made to ESD.
3. No wetland or critical habitat is affected.
4. No scenic or historic features are affected.
5. The existing use has no record of harm to public health, safety or welfare.
6. The current use has not altered area land use.
7. The designation of private resort has not and will not increase the need or demand for governmental services because no road improvements are required and it is not served by municipal infrastructure.

Conditions:

1. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm

water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.

2. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area, subject to a 14-foot wide lake access area as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

3. Completion of substantial implementation of the vegetation plan, as determined by ESD.

4. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

5. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

6. The recreational trailer located on the property must have current registration and license and not be permanently located at the site.

7. The Wabedo Township recommendation for conditions a. - g. as received dated 06/09/10 is adopted.

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.

Cass County Environmental Services Department, Powers Township on property described as Lot 5, Blk 1, "Ektrad", PID # 34-470-0150, Lot 6, Blk 1, "Ektrad", PID #34-470-0160, Lot 7, Blk 1, "Ektrad" PID # 34-470-0170 located at 4169 4th St NW, W300 Ft of E566 Ft of S200 Ft of N233 Ft of NW NE, PID # 34-032-1204 located at 4161 4th St NW and Pt of NW NE, PID# 34-032-1205 located at 4165 4th St NW all in Section 32-139-30. An application submitted to make the land use classification of the area east of the junction of TH # 371 and TH #87 W located south of 4th St NW in an area known as Backus Corner consistent with actual land use. The area contains about 15 acres containing various commercial related activities such as a lumber yard, a bulk petroleum product yard and a welding shop. Land use classification within the area is currently consists of Commercial (C-1), Rural Residential 2.5 (RR-2.5) and non-riparian Shoreland Residential (SR). The Planning Commission will consider classification of the entire area to C-1. Section 1001 of the Land Use Ordinance requires that land use zone

reclassifications be reviewed by the conditional use permit (CUP) process, Section 704.2 of the Land Use Ordinance establishes CUP review criteria and Section 900 of the Land Use Ordinance establishes the land use district criteria.

PC members were at the site 06/07/10.

MS/P Ballenthin/Moore to approve the application as submitted to reclassify all portions of PID # 34-470-0150, PID # 34-470-0160, PID # 34-470-0170 and PID # 34-032-1204 not already C-1 from SR and RR-2.5 to C-1 upon review of Sections 704.2, 900 & 1001 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. As described in Section 903.7 of the Land Use Ordinance, the application complies with the purpose of Commercial - 1 (C-1) which is to "allow for adequate areas for general retail, wholesale, office and service activities located as permitted uses in the growth and development areas adjacent to incorporated municipalities".
2. The property abuts and contains commercial land use.
3. A significant portion of the property which abuts TH # 371 is already C-1.
4. No wetland or critical habitat is contained or near the area to be reclassified.
5. No scenic or historic features are contained or near the area to be reclassified.
6. Reclassification and resulting development will not allow for uses that could adversely affect public health, safety or welfare.
7. The property abuts TH # 371 and therefore will not require additional public infrastructure.
8. Reclassification of property is not subject to EAW standards.
9. No comments were received from Powers Township, agencies or persons notified.

Joslyn, Beverly & William, Shingobee Township on property described as Pt of SE SW & Lot 4 & Pt of SE SW (Tract C), Section 34-142-31, PID #s 38-134-3403 & 38-134-3404 located at 7271 State 34 NW. An application submitted to conduct home business consisting of motor vehicle sales. The property contains 2.71 acres non-riparian located within the shoreland area of Long lake (RD). Section 1110 of the Land Use Ordinance requires that the primary residence be occupied by the business owner and requires that a conditional use permit (CUP) be obtained if the business activity is conducted outside the primary residence or within structures other than the primary residence.

PC members were at the site 06/07/10. 70 notices of the application were mailed. Two responses including that of MN DOT with their standard response and one response objection to the application were received. In addition one person appeared at the hearing to present his concerns as to increased traffic and congestion along TH # 34. The application was reviewed with Mr. Joslyn with discussion including number of motor vehicles on site for sale, service work, hours/days of operation, parking, lighting and signage.

MS Gould/Moore - Ballenthin/No, Gardner/No, Gould/Yes, Moore/Yes, Weber/No, Sundberg/Yes to approve a home business to be located at PID # 38-134-3403 and PID # 38-134-3404 upon review of Sections 704.2 and 1110 of the Land Use Ordinance (01/10/10) with the following findings and conditions. The motion to approve failed 3 Yes and 3 No therefore application not approved.

Findings:

1. A reasonable presumption is that sales availability of 6 motor vehicles most likely will not attract enough customers at any one time to significantly alter or increase traffic along TH # 34.
2. A reasonable presumption is that the home business activity with 6 vehicles for sale at any one time will not be disruptive to the neighborhood that borders a trunk highway with several commercial storage facilities in the immediate area.
3. No wetland or critical habitat will be affected by the home business activity.
4. No scenic or historic features will be affected by the home business activity.
5. A reasonable presumption is that 6 vehicles for sale with off highway parking, limited days and hours of operation and with no service work that will involve automotive related fluids most likely does not pose the potential to threaten public health, safety or welfare.
6. The home business activity will not alter area land use because home business use requires a conditional, is reviewed site specifically and that the area that residential remains the primary land use in the immediate vicinity.
7. The home business activity will not require additional public infrastructure because no road improvement are needed for customer access and the residence is not served by municipal infrastructure.

Conditions:

1. The home business activity shall be restricted to no more than 6 motor vehicles on site at any one time.
2. Motor vehicle shall be ATV, automobile, motorcycle, trailer, truck or snowmobile and for the purpose of the on site limit shall be counted individually as one.
3. Other than no paint dent repair and scratch touch-up, vehicle washing shall be the only service activity allowed.
4. Customers shall not park along TH # 34.
5. Hours and days of operation shall be Monday - Saturday from 8:00 a.m. to 5:00 p.m.
6. The vehicle display area shall not be lighted.
7. Signage may not be illuminated.

Vargo, Connie & Dale, Home Brook Township on property described as NW SW, Section 23-135-30, PID # 17-023-3200 located at 8616 29th Ave SW. An application submitted to reclassify 5 acres of the property from Agriculture Forestry (AF) to Rural Residential - 5 in order to provide a building site for a family member. Section 1001 of the Land Use Ordinance requires that land use zone reclassifications be reviewed by the conditional use permit (CUP) process,

Section 704.2 of the Land Use Ordinance establishes CUP review criteria and Section 900 of the Land Use Ordinance establishes the land use district criteria. The property contains 40 acres (AF).

23 notices of the application were mailed. No responses were received. The application was reviewed with Connie and Dale Vargo.

MS/P Gardner/Weber to approve the reclassification of that portion of PID # 17-023-3200 as requested from AF to RR-5 upon review of Sections 704.2, 900 and 1001 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. As described in Section 903.5 of the Land Use Ordinance, the application complies with Rural Residential - 5 (RR-5) which is to "promote low density development".
2. The property abuts similar sized existing lots across Violet Drive.
3. No wetland or critical habitat is contained or near the area to be reclassified.
4. No scenic or historic features are contained or near the area to be reclassified.
6. The result of reclassification will be single family residential which will not allow for uses that could harm public health, safety or welfare.
7. The property will not require road improvement.
8. The acreage of the reclassification of property does not reach EAW threshold.
9. No comments were received from Home Brook Township, agencies or persons notified.

Condition:

1. The new parcel shall be described as S $\frac{1}{2}$ SW NW SW.

Other Business

1. Request received from Deborah Rowell to amend CU01-138-30-1 which was approved 04/24/01 to allow for the establishment and operation of an outdoor recreation land use, a horse trail ride facility. Ms. Rowell requests amendment of the CUP to allow for the presentation of a western themed theatrical show to be conducted within the arena located on the premises. The show would be conducted Memorial Day weekend to Labor Day weekend from 4:00 PM to 5:30 PM Monday, Wednesday and Friday. Attendance is anticipated from 50 to a maximum of 300 persons per show with parking provided on premises.

MS/P Ballenthin/Moore to approve the revision of CU01-138-30-1 with the following findings and conditions.

Findings:

1. The proposed activity will not significantly increase traffic along CSAH # 2 other than before and after performances.
2. The proposed activity based on the frequency and times of performances will not disrupt the rural nature of the neighborhood.
3. No wetland or critical habitat will be affected.
4. No scenic or historic features will be affected.
5. If the applicant complies with all applicable codes, permits, licenses and inspections no harmful affect to public health, safety or welfare is evident.
6. The proposed activity will not require road improvement or any public infrastructure.
7. No comments in response to the mailing were received.

Conditions:

1. No parking shall be located or allowed along the shoulder or right-of-way of CSAH # 2.
2. The applicant must comply with all applicable codes, permits, licenses and inspections.
3. The commercial activity is limited to the production of a western themed theatrical show from Memorial Day through Labor Day.
4. The production may be conducted any day of the week with shows commencing not prior to 10:00 a.m. or later than 6:00 p.m.
5. Signage shall not be illuminated.

MS/P Gould/Gardner at 4:32 p.m. to adjourn.

P. Fairbanks