



Cass County
Planning Commission/Board of Adjustment

February 13, 2012

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting February 13, 2012 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted February 6, 2012 with Asell, Ballenthin, Bliss, Fitch, Gardner, Kostial, Moore and Sundberg present.

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

Members present: Ballenthin, Bliss, Fitch, Gardner, Kostial, Moore and Sundberg.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Elden Callies, Nancy Callies, Larry Eveland, Terry Freeman, Jack Glydenvand, Jane Gunsbury, Allen Hansen, Cindy Hidde, Dave Johnson, Mike McGuire, Don Perkl, Jeff Peterson, Rebecca Sellnow, Tom Steffens, Gary Severson, Ron Wolske and Bob Wright.

MS/P Moore/Kostial to approve the minutes of the 01/09/12 PC/BOA except for the Quarterdeck CUP portion of the meeting as presented.

Variance

Eveland, Bonnie & Larry, Inquadona Township on property described as Part of W 425 Ft of Gov Lot 3, Section 26-141-27, PID # 18-026-3404 located at 4129 Warner Drive NE. An application submitted to expand an existing non-conforming residence with a 22 feet x 27 feet loft addition. The residence is non-conforming because it is 85 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains 2.23 acres riparian to Lower Trelipe Lake (RD).

PC members were at the site 02/06/12. 18 notices of the application were mailed. No responses were received. The application was discussed and reviewed with Mr. Eveland.

MS/P Kostial/Bliss to approve the application for the expansion to be constructed for the residence located at PID # 18-026-3404 upon review of the criteria contained in Section 800

of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The current non-conforming structure was constructed in 1977 when the setback from Lower Trelipe Lake was 85 feet.
2. The proposed expansion will not increase footprint or reduce lake setback.
3. The proposed expansion of the residence is a reasonable use of residential property and especially when taking into account that footprint and setback will not be affected, the proposed expansion will 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.
4. The size and height of the proposed expansion is not excessive and will not be obtrusive to the neighborhood and the lake 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.
5. The proposed expansion will not be excessive in size, extreme of scale therefore there is no reason to conclude that that area land use will be negatively affected or altered.
6. The proposed expansion will not be excessive in size, extreme of scale and when therefore there is no reason to conclude that that water quality will be negatively affected or altered.
7. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions and height of the expansion shall not exceed that submitted with the application 12/19/11.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall 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. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
5. No storm water run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD 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 and adjoining properties.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 02/13/14.

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.

Gearing, Amy & David, Sylvan Township on property described as Lot 3, Block 1, "Sylvan Shady Shores", Section 2-133-30, PID # 41-562-0106 located at 12244 W Sylvan Drive SW. An application submitted to retain an existing residence as guest quarters on a lot that does not meet the applicable lot standards. The applicants propose to construct a new residence that will comply with required setback standards and retain the current residence as guest quarters. The current residence, if allowed to be retained, would be reconfigured to lower its profile to the lake. Section 1113.1 of the Land Use Ordinance requires a General Development (GD) guest quarters riparian lot to contain at least 60,000 square feet total area, 27,000 square feet buildable area which cannot include bluff, right-of-way, setback or wetland and be at least 180 feet wide at the water and at the structure setback. The applicants' lot contains 56,628 square feet total area, 12,946 square feet buildable area and is about 380 feet wide at the water and structure setback. The property contains 1.3 acres riparian to Sylvan Lake (GD).

The applicants' representative has informed ESD that the application has been revised to include retention of a modified existing residence structure as an accessory/storage structure.

Mr. Severson asserts that such conversion to accessory/storage is permitted by M.S. Chapter 394.36 Subd. 4 and therefore does not require a variance.

PC members were at the site 01/03/12. 53 notices of the application were mailed. Two responses including that of Sylvan Township were received for each mailing. The application was discussed and reviewed with Mr. Severson. Discussion centered on the conversion of the existing residence to storage and whether or not a variance is required.

MS/P Ballenthin/Gardner to consider the conversion to an accessory structure as a variance because the use is being converted from residential to storage.

MS/P Moore/Gardner to table consideration until the 03/12/12 meeting in order for the revised plans for the conversion of the structure from residential to storage and to be noticed as storage instead of guest quarters.

Gyldenvand, Andrea & Jon, Shingobee Township on property described as 125 Feet x 210 Feet X 187 Feet x 175 Feet of Gov Lot 7, Section 11-141-31, PID # 38-011-1204 located at 6748 Holly Trail NW. An application submitted to construct a 22 feet x 46 feet x 10 feet deck to an existing non-conforming residence 50 feet from the lake. The residence is non-conforming because it is 60 feet from the lake as approved by variance in 2005. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .67 acre riparian to Leech Lake (GD).

PC members were at the site 02/06/12. 50 notices of the application were mailed. A response of support from an adjacent neighbor along with one from the Leech Lake Association recommending denial was received. The application was discussed and reviewed with the applicant and his representative Mr. Freeman with discussion centering on deck placement options.

MS/P Moore/Bliss - Ballenthin-No, Bliss-Yes, Fitch-No, Gardner-Yes, Kostial-Yes, Moore-Yes to approve the deck for the at PID # 38-011-1204 as submitted upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The residence was constructed at 60 feet by variance approved 2005.
2. The proposed upper level deck expansion will not extend beyond the existing ground level patio resulting in no increase in footprint of impervious coverage.
3. The proposed deck is a reasonable use of residential property and especially when taking into account that footprint will not be affected, the proposed expansion will 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.

4. The size and height of the proposed deck is not excessive and will not be obtrusive to the neighborhood, visible to neighbors or visible from the lake due to elevation and screening therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.

5. The proposed deck will not be excessive in size, extreme of scale therefore there is no reason to conclude that that area land use will be negatively affected or altered.

6. The proposed deck will not be excessive in size, extreme of scale and there is no reason to conclude that it will have any bearing on water quality.

7. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.

2. A written plan for native vegetation is approved by ESD and agreed to be implemented by applicant.

3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.

4. As required by other Conditions as set forth.

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

Conditions:

1. The dimensions and location of the deck shall be that submitted with the application 01/26/12.

2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.

3. ESD shall 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. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and

implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.

5. No storm water run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD 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 and adjoining properties.

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

7. Approval expires 02/13/14.

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.

Hansen, Alen & Patricia, Kego Township on property described as Part of Gov Lot 3, Section 33-141-28, PID # 19-033-2405 located at 5074 Kings Trail NE. An application submitted to "after the fact" to be allowed to retain an existing 5 feet 7inch wide stairway constructed without a permit. Section 1126.6 A. of the Land Use Ordinance establishes a maximum stairway width of 4 feet. The property contains 1.01 acres riparian to Girl Lake (RD).

PC members were at the site 02/06/12. 27 notices of the application were mailed. Two responses offering no objection to approval of the application were received. The application was discussed and reviewed with the applicant.

MS/P Moore/Bliss - Ballenthin-No, Bliss-Yes, Fitch-Yes, Gardner-No, Kostial-Yes, Moore-Yes to allow the stairway located upon PID # 19-033-2405 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Approve:

1. The stairway location has not affected ground water.
2. The stairway location will not affect surface water quality with normal winter snow.
3. The stairway location has had no affect to the area land use.
4. The stairway location seems reasonable when compared to the configuration of the property.
5. Two nearby neighbors have submitted statements of no objection to the application and no comments from agencies or persons notified have been received.
6. Financial consideration is not the sole basis of the application.
7. The request is not a substantial variation from the Land Use Ordinance standards.

8. Removal of nineteen inches of the stairway will not necessarily serve the interest of justice or perspective.
9. There is no reason to conclude that the excessive nineteen inches was financially motivated.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. ESD must determine the need for erosion control and if required approve erosion control placement along with appropriate financial assurance in favor of Cass County.
2. ESD shall evaluate shoreline vegetation in order to determine the need for enhancement or maintenance for the entire width of the lot. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.
3. Shoreline vegetation improvement must be in ground by 06/15/12
4. Approval expires 02/13/14.

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.

Hanson, John & Julie, Crooked Lake Township on property described as Lot 14 & W 12 feet of Lot 15, Patterson Lake Shore Lots", Section 4-139-26, PID # 12-355-0141 located at 5600

Cutgrass Lane NE. An application submitted to construct an upper level to the existing garage for guest quarters. Section 1113.1 of the Land Use Ordinance requires a General Development (GD) guest quarters riparian lot to contain at least 60,000 square feet total area, 27,000 square feet buildable area which cannot include bluff, right-of-way, setback or wetland and be at least 180 feet wide at the water and at the structure setback. The applicants' lot contains 58,370 square feet total area, 37,400 square feet buildable area and is about 112 feet wide at the water and structure setback. The property contains 1.34 acres riparian to Lake Washburn (GD).

PC members were at the site 02/06/12. 26 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the applicants' representative Mr. Richter with discussion devoted to guest quarter lot standards, expansion of the residence as opposed to expansion garage, footprint and impervious coverage.

MS/P Kostial/Ballenthin - Ballenthin-Yes, Bliss-Yes, Fitch-Yes, Gardner-No, Kostial-Yes, Moore-No to approve the placement of a second story to the garage for guest quarters on PID # 12-355-0141 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The property was platted in 1955 prior to the adoption of minimum lot size for guest quarters.
2. The proposed addition of an upper level to the garage is to provide additional sleeping space for the existing residence.
3. The proposed addition of an upper level to the existing garage will not increase the current impervious surface on the property.
4. The proposed addition of an upper level to the existing garage will not increase the current total structural footprint.
5. The proposed addition of an upper level to the existing garage will be well screened from lake, road and adjacent property.
6. The proposed addition of an upper level to the existing garage will be within the 900 square feet maximum size limit.
7. The existing residence could be expanded by permit which would result in an increase to total structural footprint and impervious surface closer to the OHWL than the existing garage.
8. The proposed upper level expansion to the garage is not only a reasonable alternative to expansion of the residence but also more in keeping with 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.
9. The proposed upper level expansion to the garage must be viewed as being in lieu of future expansion of the residence and as such shall require appropriate restrictive condition to future expansion of the residence and the guest quarters.
10. The proposed upper level expansion of the garage will not be excessive in size, extreme of scale and will not be obtrusive to the neighborhood or visible from the lake and therefore will have no affect to water quality or area land use and 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.

11. There is no reason to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included, No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for native vegetation is approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other Conditions as set forth.

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

Conditions:

1. The guest quarters shall not be rented or sublet separately from the primary residence.
2. In all respects as to ownership and use, the property and structures will continue to be treated as single family residential.
3. The upper level expansion of the garage shall not exceed 24 feet to peak.
4. The upper level expansion of the garage shall not exceed 900 square feet.
5. The footprint of the garage shall not be expanded except as approved by variance.
6. The ground level of the garage shall not be converted to guest quarters except as approved by variance.
7. SSTS must be in compliance with total number of bedrooms in the primary residence and guest quarters.
8. The primary residence shall not be expanded except as approved by variance.
9. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
10. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
11. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and

implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be substantially implemented as determined by ESD or financial assurance in the amount of \$1.00 per square foot of the buffer area for no-mow or \$3.00 per square foot for all other vegetative buffers or if less 125% of the cost estimate in favor of Cass County shall be submitted.

12. No storm water run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD 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 and adjoining properties.

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

14. Approval expires 02/13/14.

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

McGuire, Michael, McKinley Township on property on described as SW SW, Section 12-138-32, PID # 25-012-3301 located at 722 76th Ave SW. An application submitted to re-classify 5 acres of the parcel from Agriculture/Forestry (AF) to Rural Residential - 5 (RR-5) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 901 of the Land Use Ordinance established the various land use zone classifications. Section 1113.2 of the Land Use Ordinance establishes minimum lot size standards. The property contains 40.54 acres (AF).

16 notices of the application were mailed. No responses were received. The application was reviewed with Mr. McGuire who explained that his request is based solely his financial institution's requirements to finance his purchase.

MS/P Fitch/Moore to approve the application as submitted for the reclassification of 5 acres in the configuration as submitted from PID # 25-012-3301 upon review of Sections 705, 901 and 1113 of the Land Use Ordinance (01/10/10) with the following findings and condition.

Findings:

1. The application complies with the intent of the Rural Residential - 5 (RR-5) classifications which are to promote low density development outside the shoreland zone not close to a municipality.

2. There is no reason to expect that one lot of 5 acres will cause adverse effects to adjoining property.
3. One lot of 5 acres will have no impact to the demand for governmental services.
4. The new parcel will utilize existing roadways with no effect to public infrastructure.
5. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
6. No scenic or historic features will be affected by the reduction of minimum lot size.
7. No particular threat to public health, safety and welfare can be expected from a change to minimum lot size.
8. The proposal does not reach the mandatory EAW threshold.
9. There is no reason to expect that the reduced lot size will have any effect to surface water or ground water quality.
10. The area to be reclassified is small for the area but the unique circumstance to this application is that the maximum acreage that the financial institution will accept for re-financing for the applicant is 5 acres.
11. The 5 acres reclassified and created is the location of the residence.
12. The applicant will retain the remaining 35 acres which continue as AF.

Condition:

1. Approval expires 02/13/14.

Molle, Bruce & Lori, Boy Lake Township on property on described as Part of Gov Lot 3, Section 13-142-28, PID # 07-013-3114 located at 8540 22nd Ave NE. An application submitted to re-classify one acre from Water Oriented Commercial (WOC) to Shoreland Residential (SR) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 901 of the Land Use Ordinance established the various land use zone classifications. Section 1113.2 of the Land Use Ordinance establishes minimum lot size standards. The property contains one acre riparian to Boy Lake (GD).

Members were at the site 02/06/12. 31 notices of the application were mailed. No responses were received. The members discussed with ESD staff member Bob Wright related questions as to density, structure setback and SSTS on the adjacent resort which he will pursue as enforcement issues.

MS/P Kostial/Gardner to approve the application as submitted for the reclassification of 1 acre, PID # 07-013-3114, in the configuration as submitted upon review of Sections 705, 901 and 1113 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. The application complies with the intent of the Shoreland Residential (SR) classification which is to allow low to medium density seasonal and year round residential uses.
2. There is no reason to expect that one residential lot will cause any adverse effects to adjoining developed property.
3. The new lot will not increase demand for governmental services.
4. The new lot will utilize existing roadways with no effect to public infrastructure.
5. No wetland or critical habitat will be disturbed.
6. No scenic or historic features will be affected.
7. No particular threat to public health, safety and welfare can be expected.
8. There will not be any effect to surface water or ground water quality.

Conditions:

1. Approval applies to one lot of the size and configuration submitted with the application site plan 11/07/11.
2. The size and configuration of the proposal shall not differ from that shown on the application site plan submitted 11/07/11.
3. RV's currently on the lot shall be relocated by 06/15/12.
4. Approval expires 02/13/14.

Wolske, Ronald, Kego Township on property on described as SE SW, Section 1-141-28, PID # 19-001-3400 located at 2108 State 200 NE. An application submitted to establish a Home Business consisting of RV sales and repair which requires a conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 1110 of the Land Use Ordinance establishes home occupation and home business standards. The property contains 41.8 acres classified RR-2.5.

Members were at the site 02/06/12. 25 notices of the application were mailed. One response from MN DOT was received. The application reviewed and discussed with Mr. Wolske.

MS/P Gardner/Bliss to approve the application as submitted for Home Business located at PID # 19-001-3400 upon review of Sections 705 and 1110 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. There is no evidence that the home business will cause adverse effects to adjoining property.
2. The home business will not create any burden to parks, schools, street or other public facilities.
3. No wetland or critical habitat will disturbed by the home business.
4. No scenic or historic features will be affected by the home business.
5. No threat to public health safety and welfare can be expected from the home business.
6. Existing access to TH #200 will be utilized therefore no additional public infrastructure is needed.

7. The home business does reach mandatory EAW threshold.

Conditions:

1. No more than 8 recreational type vehicles obtained for resale shall be on the property within view from TH #200 at any time.
2. The total number of recreational vehicles on the property for sale or maintenance/repair shall not exceed 20.
3. The applicant shall comply with the terms of the 02/06/12 correspondence received from MN DOT which are, submit an Access Driveway Permit Application Wolske and keep all campers, signs and other miscellaneous items out of MN DOT right-of-way.
4. Any maintenance or repair or restoration to recreational vehicles serviced or prepared for sale or any related vehicle activity shall comply with all applicable MN DOC and MPCA approval, permit and license requirements.
5. The applicant shall comply with the Home Business sign criteria contained in Section 1110 B. of the Land Use Ordinance.
6. Approval expires 02/13/14.

Final Plat

"Quarterdeck Resort", Quarterdeck Properties LLC, Fairview Township, on property described Lots 11 - 17, "Birch Bay on Big Gull", Section 5-134-29, PID # 14-363-0110 & part of Gov Lots 4 - 6 & Part NW SW, Section 5-134-29, PID # 14-005-3102. The surveyor is Cindy Hidde, Stonemark Land Survey. The plat contains 22 resort unit lots, two lots for expansion of the current lodge and villas structure and two lots for future development located on 26.2 acres riparian to Gull Lake (GD) classified Water Oriented Commercial (WOC). Article 5 of the Subdivision and Platting Ordinance (03/01/09) establishes final plat criteria. The preliminary plat was approved 01/09/12.

PC members were at the site 11/07/11. More than 100 notices of the application were mailed for the 11/14/11, 12/12/11, 01/09 and 02/06/12 meetings. Four responses to the 11/14/11 mailing, including Fairview Township, none offering objection to approval were received. One response received from the 12/12/11 meeting mailing of objection to the approval of the proposed re-development was received. The CUP condition, the declarations, the management agreement and the final plat were discussed and reviewed with Mr. Steffens and Ms. Hidde.

MS/P Moore/Fitch to approve the Quarterdeck CUP portion of the 01/09/12 minutes upon staff review and revision to Condition # 25.

MS/Moore/Fitch to approve the final plat of "Quarterdeck Resort", PID #s 14-363-0110 & 14-005-3102, upon review of Article 7 of the Subdivision & Platting Ordinance (03/09/09) with the following findings and condition.

Findings:

1. The development complies with the resort GD density standards and shall remain so provided resort licensing and Water Oriented Commercial (WOC) are maintained.
2. The County Surveyor and ESD has reviewed and approved the final plat for compliance with Article 7 of the Subdivision & Platting Ordinance (03/09/09).

Condition:

1. The corrections o the declarations and management agreement as offered by Ballenthin shall be submitted to ESD in order to record.

Other Business

Review PC/BOA Rules of Business. Rules were discussed with consensus that no major revision required.

MS/P Moore/Gardner to adopt the Rules of Business as revised.

Review Proposed Vacation Rental Legislation. The proposed legislation was discussed with no formal action taken.

MS/P Fitch/Moore at 2:02 pm, to adjourn.

P. Fairbanks