



Cass County
Planning Commission/Board of Adjustment

July 8, 2013

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting July 8, 2013 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted July 1, 2013 with Anderson, Ballenthin, Fitch, Froehlig, LaPorte, Moore and Sundberg present.

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

Members present: Anderson, Ballenthin, Fitch, Froehlig, LaPorte, Moore and Sundberg.

Staff Present: Berg, Carlson, Fairbanks and Ringle.

Citizens Present: Julie Aldridge, Brad Benson, Cindy Benson, Glenda Calvin, Keith Calvin, Dave Diederich, Marilyn Haaf, Dave Johnson, Dennis King, Mark Kurtz, Bill Reis, Carol Reis, Verdale Soukop, and Adam Surma.

MS/P Moore/Froehlig to approve the minutes of the 06/10/13 PC/BOA meeting as presented.

Variance

Calvin, Keith, Ponto Lake Township on property described as Lots 9 & 10, "Napanee Beach", Section 32-139-29, PID #32-472-0091 located at 1958 Napanee Beach Drive. An application submitted to expand an existing residence with a 12 feet x 20 feet addition. The residence is non-conforming because it is located 65 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 100 feet from a lake classified Recreational Development (RD). In addition, Section 1115.3 of the Land Use Ordinance (02/15/13) requires a variance for the expansion of any non-conforming structure. The property contains .48 acre riparian to Lake Hattie (RD).

PC members were at the site 07/01/13. 45 notices of the application were mailed. No comments in response to the mailed notification were received. The application was discussed and reviewed with Mr. Calvin and Mr. Soukop.

MS/P Ballenthin/Froehlig to approve the expansion of the non-conforming residence located upon PID #32-472-0091 based upon review of the criteria contained in Section 800 of the Land

Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was platted in 1922 prior to regulation of land use in the county.
2. There is no record in the permit archive as to the original construction of the structure.
3. The proposed expansion seems a reasonable use of the property when taking into account the size of the lot and the configuration of the residence along with where it will be located from the lake which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed expansion will not be excessive of scale or obtrusive to neighboring property which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. Because the surrounding area contains structures similar in scale there is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.
6. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
7. No responses or objections have been received from any persons or governmental entities notified of the application.
8. There is no reason to conclude that financial consideration is the sole reason for the application.
9. The topography of the lot evidences a moderate to steep slope to the lake from the residence and from the location of the proposed expansion. There is evidence of soil erosion down the slope from run-off from the residence and it is likely that additional soil erosion will occur from run-off from the proposed expansion unless run-off is contained on the site and/or redirected to prevent erosion.
10. The shore impact zone is mostly denuded of vegetation which would enhance the containment of run-off which would reduce/eliminate erosion.

NOTICE TO APPLICANT: The following conditions are included and no permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for suitable 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

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

Conditions:

1. The dimensions and location of the expansion shall not vary from that submitted 06/12/13.
2. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
3. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
4. 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.
5. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/08/15.

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.

Haaf, Marilyn, Ponto Lake Township on property described as Lot 3, "Sunrise Point", Section 28-139-29, PID #32-454-0030 located at 1572 Sunrise Point Drive NW. An application submitted to remove/demolish an existing 36 feet x 24 feet residence 29 feet from the lake and replace with new construction consisting of 44 feet x 32 feet residence with an attached 16 feet x 22 feet garage to be also located 29 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be located 100 feet from a lake classified recreational Development (RD). The property contains .65 acre riparian to Lake Ada (RD).

PC members were at the site 06/03/13 and 07/01/13. 37 notices of the application were mailed. No responses were received from either mailing. The variance request was reviewed with Ms. Haaf and her contractor Mr. Deiderich who informed the members that the setback has been revised to 75 feet from the lake.

MS/P Ballenthin/Froehlig to approve the location of the residence applied for PID #32-454-0030 based upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The location/setback of the current residence was approved 07/13/92 by VP92-139-29-3 for a previous owner.
2. The lot was platted in 1960 and recedes from 100 feet at the lake to 67 feet at the rear property boundary line.
3. It appears that the current residence to be replaced is in poor condition.
4. The proposed residence at 75 feet from the lake is a reasonable use of the property when taking into account the size and configuration of the lot along with the condition of the current residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The proposed residence will not be excessive of scale or obtrusive to neighboring property provided which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. The surrounding area contains structures similar in scale therefore there is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.
7. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
8. No responses or objections have been received from any persons or governmental entities notified of the application.
9. There is no reason to conclude that financial consideration is the sole reason for the application.
10. The existing residence that will be removed/demolished is uninhabitable and the applicant has stated that it will be removed/demolished before construction of the approved residence commences.

NOTICE TO APPLICANT: The following conditions are included and no permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for suitable 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

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

Conditions:

1. The dimensions of the residence shall not vary from the site plan dated 06/12/13.
2. As designated by the application, the existing residence and 14 feet x 20 feet garage shall be demolished and removed from the site.
3. The permit for new construction shall not be issued until/when the existing residence is removed/demolished from the property.
4. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
5. Construction erosion control shall be in place as approved by ESD prior to demolition and the issuance of the permit for construction.
6. Shoreline vegetation shall be restored by a plan detailing location, variety and schedule for approval by ESD prior to the issuance of the permit for construction.
7. Financial assurance in an amount determined by ESD to insure implementation of shoreline vegetation shall be submitted to ESD prior to the issuance of the permit for construction.
8. ESD shall establish a schedule of mileposts at upon accomplishment of shoreline vegetation and run-off control structure implementation portions of financial assurance will be returned or reduced.
9. No run-off to the lake or adjoining properties is permitted. The approved structure shall redirect and contain run-off with water retention structures such as gutters and rain gardens.
10. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/08/15.

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.

Johnson, David, Sylvan Township on property described as Pt of NE SW, MPL Lease Lot # 1, Section 19-133-29, PID # 41-819-3101 located at 13404 Barnett Road SW. An application submitted to construct a 32 feet x 48 feet home with a 26 feet x 26feet attached garage with a 10 feet x 16 feet deck approximately 90 feet from the river. Section 1126.1 A. of the Land Use Ordinance (02/15/13) requires structures to be 100 feet from a river classified Tributary (TR). The property contains 1.45 acres riparian to the Gull River (TR).

PC members were at the site 07/01/13. 31 notices of the application were mailed. One response from Sylvan Township recommending approval was received. The application was discussed and reviewed with Mr. Johnson.

MS/P LaPorte/Ballenthin to approve the location and size of the residence to be constructed upon PID #41-819-3101 based upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property contains an existing residence 20 feet from the water in which the applicant intends to occupy while the new residence is being constructed which upon completion the applicant verifies that the existing residence will be removed from the property.
2. The existing residence which is to be removed was constructed prior to 1986 and expanded with variance in 1986 by a previous lessee.
3. A small portion of the proposed residence will be 70 feet further from the river at 90 feet with the bulk of the residence at 100 feet.
4. The proposed residence seems a reasonable use of the property when taking into account the configuration of the lot along with the location of the electrical service line which does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The proposed residence will not be excessive of scale or obtrusive to neighboring property which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. Because the surrounding area contains residences similar in size and scale, there is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence.
7. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.

8. One response from Sylvan Township recommending approval has been received. No other responses or objections have been received from any other persons or governmental entities notified of the application.

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

NOTICE TO APPLICANT: The following conditions are included and no permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. A written plan for suitable 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

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

Conditions:

1. The dimensions and location of the residence shall not vary from that submitted 06/18/13.
2. The Sylvan Township recommendations in correspondence dated 07/03/13 are adopted.

Findings of Fact:

1. Gull River is classified as Tributary.
2. Construction of a new 32' x 48' home with attached 26' x 26' attached garage.
3. Construction of a 10' x 16' deck 90 feet from the Gull River.
4. Property contains 1.45 acres riparian to the Gull River.
5. The Variance is requested for: Having the deck 90 feet from the Gull River.
6. Land Use Ordinance requires structures to be 100 feet from a river classified as Tributary.
7. Sewer and water already encroaching on 100' setback.

The Site Committee commendations to the Town Board for the Johnson variance are as follows:

1. Allow the 90 foot setback since it is actually a benefit from where the current

dwelling currently sits in proximity to the river.

2. Build berm not allow runoff into the river from the West. Berm to not encroach closer than 10' to river. No mowing from berm to river from E to W of berm except for a path to access river.
3. To conform to the setback, power line would have to be moved as the power company would like the building 20' from power poles.
4. The owners would actually like to be higher on the lot for scenic purposes, but are able to use current well and septic while not effecting the power company's wishes.
5. The encroachment of the ordinance would only consist of one corner of the home and one corner of the porch.
6. The structure would be a basic one level living area with storage below.
7. Remove old cabin.

3. The existing residence shall be removed/demolished and all material/debris removed from the property not later than 10/31/14.

4. Prior to issuance of the land use permit for the residence the applicant shall submit financial assurance in the amount of \$1,500 as security for the removal/demolishment of the existing residence and the removal of resulting material/debris from the property not later than 10/31/14, and if not removed, ESD is authorized to demolish the existing structure and remove the resulting material/debris to a permitted facility and pay the costs from the security with any deficiencies paid by the applicant upon demand with any excess returned to the applicant. If the existing residence is demolished /removed and resulting material/debris removed from the property not later than 10/31/14, financial assurance shall be returned to the applicant.

6. Any material/debris resulting from demolition of the existing residence along with the new construction not reused or recycled must be disposed of in a permitted facility.

7. 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.

8. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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.

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

10. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/08/15.

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.

Lawson, Truett, Birch Lake Township on property described as Part of Gov Lot 2, Section 28-140-30, PID #05-028-2403 located at 3038 Grosbeak Trail NW. An application submitted to be allowed to exceed the maximum amount of square footage allowed for accessory structures

based on lot size. The applicant proposes to exceed the maximum allowed, 1,800 square feet, by 456 square feet by constructing a 30 feet x 56 feet garage, 1680 square feet. The property contains an existing 24 feet x 24 feet, 576 square feet garage. Section 1101 of the Land Use Ordinance (02/15/13) allows 1,800 square feet of accessory structure on lots that contain 1.5 - 1.99 acres. The property contains 1.87 acre riparian to Pleasant Lake (GD).

PC members were at the site 06/03/13. 29 notices of the application were mailed. One response of no objection to approval of the application was received. The variance request was discussed and reviewed with Mr. Lawson.

MS/P Ballenthin/Moore to deny the application to exceed the total square footage allowed per lot size for PID #05-028-2403 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The variance of 456 square feet, if granted, is not in harmony with the intent of the official controls and the comprehensive plan specifically Section 201 F. of the Land Use Ordinance, Preventing overcrowding of land and undue concentration of structures because the increase in square footage over that allowed by the ordinance is substantial and results in overcrowding which the intent is designed to prevent.
2. The variance of 456 square feet, if granted, is not consistent with the scope and purpose of the Comprehensive Plan, Private Land Use Plan, Land Use Planning A. 4. Protect the County's natural resources from degradation because open space is a natural resource of the County and allowing the substantial increase in accessory structure square footage which the variance requests materially degrades the open space natural resource of the lot contrary to the purpose of the Comprehensive Plan.
3. The problem which the variance addresses, the applicant's personal desire to have more accessory storage space than the ordinance allows, is a personal matter and not related to the unique circumstances of the property not created by the landowner.
4. The variance of 456 square feet, if granted, will alter the essential character of the area because a major characteristic of the area is open space and the deviation from allowed accessory structure footage is substantial and negatively impacts the open space character of the area.
5. The variance of 456 square feet, if granted, does not put the property to use in a reasonable manner because of the substantial deviation in accessory structure square footage. The ordinance permits the applicant to add accessory structure square footage which would be reasonable but the excessive addition of accessory square footage is not a reasonable use of this property.

Long, Carl, Powers Township on property described as Lots 25 & 26, "Horseshoe Beach". PID #34-417-0250, Section 21-139-30 located at 1068 W Horseshoe drive NW. An application submitted to expand a 24 feet x 28 feet residence with 4 feet x 24 feet addition on the non-lakeside of the structure. The structure is non-conforming because it is located 32 feet from

the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be 100 feet from a lake classified Recreational Development (RD). In addition, Section 1115.3 of the Land Use Ordinance (02/15/13) requires a variance for the expansion of any non-conforming structure. The property contains .5 acre riparian to Horseshoe Lake (RD).

PC members were at the site 07/01/13. 23 notices of the application were mailed. No responses have been received. The variance request was discussed and reviewed with the applicant's representative Mr. Soukop.

MS/P Moore/Froehlig to approve the expansion of the residence located at PID #34-417-0250 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1923.
2. MS 394.36 and ordinance would allow replacement at current setback, footprint and volume with permit.
3. VP13-139-30-2, approved 05/13/13, approved demolition/removal of the existing residence with new construction at 60 feet from the lake.
4. Mr. Soukop, on behalf of the applicant, has acknowledged and confirmed the intent not to rebuild and consent to revocation of VP13-139-30-2.
5. There is no record of the original construction in the permit archive and it is likely that it was constructed prior to the adoption of shoreland standards.
6. The depth of the property from lake to road, 175 feet to 185 feet, limits structure and SSTS setback compliance.
7. The proposed expansion is non-lakeside, will be modest in size and no closer to the lake.
8. The proposed expansion seems a reasonable use of the property when taking into account the configuration and size of the building area and its location within the property which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
9. The size of the proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will 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.
10. No responses or objections have been received from any persons or governmental entities notified of the application.
11. The proposed expansion will be reasonable in size and scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
12. There is no reason to conclude based upon the size and location of the proposed expansion that water quality will be negatively affected.

13. 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 suitable 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 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

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

Conditions:

1. VP13-139-30-2 is revoked.
2. The dimensions and location of the expansion shall not vary from that submitted 06/06/13.
3. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
4. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. 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.
6. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/08/15.

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

Kurtz, Mark & Nancy, Torrey Township on property described as NW NE, PID #43-014-1200, Section 14-143-25 located at 9019 County 65 NE. An application submitted to re-classify a portion of 40 acres zoned Agriculture/Forestry (AF) to Rural Residential - 2.5 (RR-2.5) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes CUP review criteria and process. Section 901 of the Land Use Ordinance establishes the various land use zone classifications. The property contains 40 acres.

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

MS/P Moore/Fitch to approve the CUP application to reclassify 2.5 acres of PID #43-014-1200 from AF to RR-2.5 upon review of the criteria contained in Sections 705 and 1118 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The proposed parcel will contain the existing residence.
2. The property borders shoreland area (TRIB) in which the minimum non-riparian lot size is 2.29 acres.
3. The 2.5 acres proposed for reclassification represents .00011 of the total acreage of the township.
4. No responses or objections have been received from any persons or governmental entities notified of the application.
5. There is no reason to expect that one 2.5 acre parcel will cause adverse effects to adjoining property.
6. One 2.5 acre parcel will have no impact to the demand for governmental services.
7. Existing roadways will be utilized with no need to expand exiting public infrastructure.
8. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
9. No scenic or historic features will be affected by the reduction of minimum lot size.
10. No threat to public health, safety and welfare can be expected from a change to minimum lot size.
11. The total acres to be reclassified do not reach the mandatory EAW threshold.
12. There is no reason to expect that the reduced lot size will have any effect to surface water or ground water quality.
13. The remaining 40.5 acres remain unchanged as AF.

Conditions:

1. An agricultural management easement as described in Appendix B-1 of the Land Use Ordinance shall be recorded in conjunction with the newly described 2.5 acres in order to be compliant and eligible for land use permits.
2. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 07/08/15.

Other Business

1. Consider request to the Commissioner of the MN-DNR to revise the classification of Meadow Lake located in Sections 11 & 12, 135-31, Meadowbrook Township from natural Environment (NE) to Recreational Development (RD).

MS/P Moore/LaPorte to recommend, based upon the depth of the lots from Meadow Lake to Lakeshore Drive of "Wilderness Park Estates Second Addition", that the County Board adopt a resolution to the Commissioner of the DNR to revise the classification of Meadow Lake (11-0419) to Recreational Development (RD) from Natural Environment (NE).

2. Consider a request from DNR Area Hydrologist to clarify/revise resort definition. The PC rejects the request for revision with members Mr. Ballenthin and Mr. Moore to articulate the PC's position for submittal to DNR Hydrologist Mr. Hoverson.

3. Request to be heard from Dennis King to discuss compliance of Tri-City Paving with the conditions #s 8, 9, 10, 11, 12, and 30 of CU10-141-30-1. Mr. King and others expressed their dismay at the state of administration of the conditions of CU10-141-30-1. The PC after hearing the concerns took no action.

MS/P Froehlig/Anderson at 12:20 pm, to adjourn.

P. Fairbanks