



Cass County
Planning Commission/Board of Adjustment

May 12, 2014

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting May 12, 2014 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted May 5, 2014 with PC members Anderson, Ballenthin, Fitch, Froehlig, LaPorte, Moore and Sundberg along with ESD staff Berg and Fairbanks in attendance.

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

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

Staff Present: Berg, Fairbanks, Freeman and Ringle.

Citizens Present: Jim Bedell, Doug Brinkman, Kathy Brinkman, Duane Foss, Sherren Foss, Donald Gilmer, Dave Johnson, Sue Jones, Bob Kangas, Chuck Kleinfelter, Tim Paulson, Chris Rohr, Mike Rollins, Tim Roth, Mike Schmidt, Joy Westad, Lance Westad and Bruce Zeman.

MS/P Anderson/LaPorte to approve the minutes of the 04/14/14 PC/BOA meeting as presented.

Variance

Brinkman, Douglas & Kathleen, Sylvan Township on property described as Lot 44, Block 1, "Castle Addition to Bigwater", Section 19-133-30, PID #41-532-0146 located at 4207 Crow Wing Circle SW. An application submitted to expand a non-conforming residence with a 16 feet x 16 feet addition. The residence is non-conforming because it is located 85 feet from Seven Mile Creek. Section 1126.1 A. of the Land Use Ordinance (02/15/13) requires structures to be at least 100 feet from a river or stream classified Tributary (TR). In addition, Section 1115.3 B. of the Land Use Ordinance (02/15/13) requires a variance for the expansion of any non-conforming structure. Section 800 of the Land Use Ordinance (02/15/13) establishes the variance review criteria. The parcel contains 1.1 acres riparian to Seven Mile Creek (TR).

More than 100 notices of the application were mailed. One response from Sylvan Township recommending approval was received. The proposal was discussed and reviewed with the applicants.

MS/P LaPorte/Froehlig to approve the application to expand the non-conforming residence located upon PID #41-532-0146 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. There is no record in the permit archive as to when the original structure was constructed although it seems that it was more than likely prior to the adoption of land use regulation and by an owner other than the applicant.
2. An addition to the residence was approved by permit 2002.
3. The proposed addition will be located no closer to the water than the setback of the structure.
4. There is nothing to indicate that the expanded residence will have any perceptible visual impact to the surrounding area.
5. The proposed expansion seems a reasonable use of the property when taking into account the configuration of the property along with the location of the residence which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
6. 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.
7. Because the surrounding area contains structures similar in size and scale, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed expansion.
8. There is no reason to conclude that water quality will be in any way affected by the proposed expansion.
9. There is no reason or evidence 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. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 configuration of the expansion shall not vary from that submitted 04/10/14.
2. Any material resulting from construction or demolition 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 determine the need for shoreline vegetative enhancement/restoration to depth from the water as determined by ESD and if required applicant shall provide a plant type and implementation plan to be approved by ESD.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
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 05/12/16.

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.

Ficke, Linda, Birch Lake Township on property described as Part of Gov Lot 4 & Easement, Section 34-140-30, PID #05-034-3311 located at 2519 Eagle Pines Pass. An application submitted to allow height to peak of 34 feet and lake setback of 71 feet from the nearest lake point which is at an adjacent property for an in-place residence and also be allowed to exceed the 25% impervious surface coverage of the total lot area. The relevant ordinance references are Section 1126.1 A. of the Land Use Ordinance (02/15/13) requires structures to be at least 75 feet from a lake classified General Development (GD), Section 126.2 of the Land Use Ordinance (02/15/13) establishes that height to peak from grade shall not exceed 30 feet, and Section 1113.3 of the Land Use Ordinance (02/15/13) establishes that the total impervious surface area of a lot shall not exceed 25%. In addition, Section 800 of the Land Use Ordinance (02/15/13) establishes the variance review criteria. The parcel contains .7 acre riparian to Pleasant Lake (GD).

28 notices of the application were mailed. Three responses objecting to approval of the application were received. The proposal was discussed and reviewed with the applicant's representatives Mr. Paulson and Mr. Zeman.

MS/P Ballenthin/Moore to deny the portions of the application to exceed the maximum height to peak, 30 feet, with a residence 34 feet to the peak and to deny the application to exceed the maximum 25% total lot area covered by impervious surface by .8% for PID #05-034-3311 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:

MS/P Ballenthin/Fitch to approve the portion of the application to allow lake setback of 71 feet from the nearest lake point which is at an adjacent property for the in-place residence located upon PID # 05-034-3311 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 parcel was created in 2001 and complies with the minimum lot requirements for a riparian GD lot.
2. ZP12-140-30-22 was approved for construction of the residence with a note "must be 75 feet from lake" which is the required setback provided by the Land Use Ordinance Section 1126.1.
3. The lake shore in front of the residence and the adjacent lot to the west is not parallel with the front of the constructed residence and while the distance between the lake shore and the constructed residence on applicant's lot is 75 feet or greater, the distance between the lake shore and the northwest corner of the constructed residence as measured across the adjacent lot to the west is 71 feet. The applicant's contractor testified that he did not understand that a setback measurement had to be made across the adjacent lot and that he thought the residence as constructed met the required setback.
4. The residential permit application ZP12-140-30-22 was approved for construction of the residence at a height to peak of 28 feet. The residence was constructed at a height to peak of 34 feet 2 inches; the Land Use Ordinance Section 1126.2 sets the maximum structure height to peak of 30 feet. The applicant's contractor testified that after the permit was granted and during construction changes were made in the roof line of the residence which resulted in a height exceeding that permitted by Section 1126.2 and he also testified that no effort was made to determine the effect of those changes on the resulting height of the residence.
5. The applicant's contractor testified that there were no circumstances unique to the property which required any height exceeding 30 feet permitted by the ordinance.
6. The residence as constructed appears to be out of scale as to height when compared to the existing residences of the adjacent lots to the east and west and therefore the excess height would alter the essential character of the locality.
7. The property owner presented no evidence to show that a residence at a height of 34 feet 2 inches was a reasonable use of the property.

8. The Land Use Ordinance Section 1113.3 requires that impervious surface shall not exceed 25% of the lot area. The lot area is .7 acres, 30,492 square feet x .25 = 7,623 square feet. The applicant requests 25.8% impervious = 7,867 square feet = 244 square feet in excess of that permitted. The applicant's landscape contractor testified that there were no circumstances unique to the property which required excess square feet of impervious surface. Based on the landscape/storm water drawings, it appears that proposed impervious surfaces may easily be reduced to not exceed the maximum permitted square feet of impervious surface. Therefore, no showing has been made that exceeding the square footage is a reasonable use of the property. The small amount of excess square footage would not alter the essential character of the locality.

9. Approval to allow height to peak in excess of 30 feet is denied as set forth by findings #s 4. - 7.

10. Approval to allow impervious coverage in excess of 25% of total lot area is denied as set forth by finding # 8.

11. Approval to allow the residence to remain at 71 feet is granted based upon finding # 3. and the following: a. the applicant through the contractor attempted to comply with the setback provisions and thought the residence as constructed did comply, b. a primary purpose of setback requirements is to protect the lake from run-off pollution and erosion and the landscape/storm water plans submitted will mitigate any adverse impact of the reduced setback and c. the requested setback encroachment is minimal. Therefore the requested setback of 71 feet is a reasonable use of the property the plight of the landowner is due to unique circumstances of the property and irregular shoreline not caused by the landowner and approval will not alter the essential character of the locality.

NOTICE TO APPLICANT: The following conditions are included in the grant of a variance for the requested 71 feet setback. No permit to implement shall be issued until and if:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 a land use permit. Commencement of either prior to issuance of a land use permit may result in withholding, withdrawal or revocation 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 for approval 71 feet:

1. Financial assurance in the amount of 150% of the designers estimate to install the landscape/storm water management plan shall be submitted no later than 05/30/14.
2. The landscape/storm water management plan shall be implemented by a schedule with progress benchmarks as submitted by the applicant or contractor as approved by ESD.
3. Financial assurance shall be reduced or returned in amounts as determined by the progress benchmarks.
4. The dimensions and configuration of the residence shall not vary from that on the ground 05/05/14.
5. The height of the residence shall be reduced so as to not exceed 30 feet height to peak.
6. Impervious surface coverage shall not exceed 25% of lot area.
7. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
8. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control no later than 05/16/14.
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 05/12/16.

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.

Foss, Duane & Sherren, Shingobee Township on property described as Lots 4 - 6, "Crown Wood Point", Adjacent Part of Vacated Road & Part of Gov Lot 10 Lying W of Twp Road #32, Section 11-141-31, PID #38-387-0040 located at 6522 Shingobee Road SW. An application submitted to expand an existing 24 feet x 32 feet non-conforming accessory structure/garage with a 26 feet x 30 feet addition. The structure is non-conforming because it is located 6 feet from the right-of-way of Shingobee Road. Section 1126.1 B. of the Land Use Ordinance (02/15/13) requires structures to be at least 20 feet from the right-of-way of a platted, township, county or state right-of-way. In addition, Section 1115.3 B. of the Land Use Ordinance (02/15/13) requires a variance for the expansion of any non-conforming structure. Section 800 of the Land Use Ordinance (02/15/13) establishes the variance review criteria. The parcel contains 11.1 acres riparian to Leech Lake (GD).

35 notices of the application were mailed with no responses received. The proposal for the residence expansion was reviewed with the applicants.

MS/P Froehlig/Fitch to approve the application to expand the existing non-conforming accessory/garage located upon PID #38-387-0040 as submitted 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. There is no record in the permit archive as to when the accessory structure/garage was constructed although it was by an owner other than the applicant.
2. The proposed addition will be located no closer to the right-of-way than the setback of the structure.
3. There is nothing to indicate that the expanded accessory structure/garage will have any perceptible visual impact to the surrounding area.
4. The proposed expansion seems a reasonable use of the property when taking into account the configuration of the property along with the location of the residence and the accessory structure/garage which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. 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.
6. Because the surrounding area contains structures similar in size and scale, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed expansion.
8. There is no reason or evidence 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. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 configuration the expansion shall not vary from that submitted 04/17/14.
2. Any material resulting from construction or demolition 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 determine the need for shoreline vegetative enhancement/restoration to depth from the water as determined by ESD and if required applicant shall provide a plant type and implementation plan to be approved by ESD.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
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 05/12/16.

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.

Jones Sue & Skaaren, Andrew, Shingobee Township on property described as Lot 1, Block 1, "Whitetail Run", Section 30-141-31, PID #38-451-0110 located along Scenic Lake Drive NW. An application submitted to be allowed to retain an in-place boundary fence that does not comply with the required setback from the lake. Section 1126.1 A. of the Land Use Ordinance (02/15/13) requires structures to be at least 100 feet from a lake classified Recreational Development (RD). The parcel contains 1.65 acres riparian to Howard Lake (RD).

20 notices of the application were mailed. One response objecting to approval of the application was received. The proposal was discussed and reviewed with the applicants.

MS/P Ballenthin/Fitch to deny the application for a closer lake setback for the in-place fence located upon PID #38-451-0110 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 created in 2013 and varies from 500 feet to 1400 feet in depth from lake to road.
2. The property was undeveloped when purchased by the applicants and there is no record of contact or permit application with ESD prior to the construction of the fence.
3. Re-location of the fence at 100 feet from the lake will not impair lake view or access.
4. Practical difficulty as it relates to a variance is not established by this application, the topography of the lot is flat with no compelling factors to warrant closer lake setback.
5. The application fails to establish that there are characteristics unique to the property not created by the applicants that require a closer lake setback for the fence.

Van Dell, Russell & Mary, Crooked Lake Township on property described as Part of Gov Lot 1, Section 14-139-26, PID #12-014-2302 located at 6462 Andresen Bay Drive NE. An application submitted to expand an existing non-conforming residence with a 14 feet x 18 feet addition. The structure is non-conforming because it is located less than 30 feet from the top of a bluff. In addition, the application includes a request to allow an accessory storage structure to be located 62 feet from the lake and 97 feet from the creek. Section 1126.1 A & B. of the Land Use Ordinance (02/15/13) requires structures to be at least 100 feet from a river or stream classified as Tributary (TR), 75 feet from a lake classified General Development (GD) and 30 feet from the top or toe of a bluff. In addition, Section 1115.3 B. of the Land Use Ordinance (02/15/13) requires a variance for the expansion of any non-conforming structure. Section 800 of the Land Use Ordinance (02/15/13) establishes the variance review criteria. The parcel contains 4.35 acres riparian to Spring Brook (TR) & Lake Roosevelt (GD).

More than 50 notices of the application were mailed. Two responses supporting approval of the application were received. The proposal was discussed and reviewed with Mr. Van Dell.

MS/P LaPorte/Fitch to approve the application for residence expansion and accessory/storage structure location for PID #12-014-2302 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 1947 and is riparian to Lake Roosevelt (GD) and Spring Brook (TR).
2. There is no record in the permit archive as to when the residence was constructed and it is apparent that it was prior to the adoption of land use regulation by an owner other than the applicant prior to the administration of bluff standards.

3. There is no record in the permit archive as to when a boathouse was constructed but it is apparent that it was prior to the adoption of land use regulation by an owner other than the applicant prior.
4. The remnants located on the property verify that there was a boathouse located on the lot which most likely destroyed by high water.
5. The application calls for 140 square feet accessory structure to be located 114 feet from the lake and 62 feet from the brook but not visible from either.
6. The proposed residence expansion and accessory structure location will be a reasonable use of the property when taking into account the size and configuration of the property along with the location of the residence which does not contradict the purpose 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.
6. The proposed residence expansion and accessory structure location will not be excessive of scale and mostly unobservable to neighboring property and unseen from the lake which 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.
7. Because the local area consists of a neighborhood of residences and garages similar in scale there is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed car port.
8. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
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. If shoreline vegetative enhancement or restoration is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be 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 and accessory structure shall not vary from that submitted 04/22/14.
2. Any debris resulting from construction or demolition 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 determine the need for shoreline vegetative enhancement/restoration to depth from the water as determined by ESD and if required applicant shall provide a plant type and implementation plan to be approved by ESD.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
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 05/12/16.

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

Roth, Timothy & Wanda, Powers Township on property described as Part of Gov Lots 9 & 10, Tract 4 & Easement, Section 3-139-30, PID #34-003-1304 located at 3372 22nd St NW. An application submitted to be allowed to establish a private campground consisting of the existing four recreational vehicle trailers and one residential structure located on the property. Section 1121 B. of the Land Use Ordinance (02/15/13) allows for a private campground intended for family use and not available to the public. Section 705 of the Land Use Ordinance (02/15/13) establishes the conditional use permit review criteria. The parcel contains 4.22 acres riparian to Pickerel Lake (NE).

56 notices of the application were mailed. Three responses objecting to approval of the application and two supporting approval of the application were received. The proposal was discussed and reviewed with Mr. Roth.

MS/P Moore/Fitch to table consideration of the application until the 06/09/14 meeting in order to conduct another site visit 06/02/14.

SAC Wireless/AT&T, May Township on property owned by Stevens, Debra & Mitchell described as N 900 Feet of E 600 Feet of Gov Lot 6, Section 6-133-31, PID #24-006-2601 & Gov Lot 6 Less N 900 Feet of E 660 Feet & W $\frac{1}{2}$ of Gov Lot 5, Section 6-133-31, PID #24-006-2505 located at 7019 120th St SW. An application submitted to construction cellular telephone communication tower. The relevant portions of ordinance are Section 1127 of the Land Use Ordinance (02/15/13) which establishes the communication tower criteria and Section 705 of the Land Use Ordinance (02/15/13) which establishes the conditional use permit review criteria.

30 notices of the application were mailed. No responses were received. The proposal was discussed and reviewed with the applicant's representative Mr. Rohr.

MS/P Moore/LaPorte to approve the application for the placement of a communication tower to be located upon for PID #23-006-2601 based upon review of the criteria contained in Section 1127 and Section 800 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The Comprehensive Plan recognizes the benefits of wireless communication to the residents of the County.
2. The Comprehensive Plan calls for the reasonable placement of communication towers to adequately service a geographic area.
3. The application satisfies the criteria of Section 1127 of the Land Use Ordinance
4. There are no towers within the proposed service area where equipment could be located.
5. No wetland or critical habitat will be disturbed or harmed by the location of the tower.
6. No scenic or historic features will be disturbed or harmed by the location of the tower.
7. No evidence or information has been submitted that the tower will have an adverse effect to public health, safety or welfare.
8. There is no evidence or information that the tower will negatively alter or impact land use in the area.
9. Existing access to the property will be utilized and require no additional public infrastructure.
10. The project does not reach mandatory EAW threshold.

Conditions:

1. The applicants must comply with all applicable FAA and FCC requirements.
2. The applicants must submit FAA notice of non-hazard to ESD.
3. The tower owner must allow access to this tower of equipment of other service providers at reasonable/comparable industry rates and provide to ESD a written policy or sample document of such to ESD.

4. The plans, specifications and site location shall not vary from that submitted with the application 04/24/14 to ESD.
5. The tower owner must provide a copy of the lease agreement with the land owner to ESD.
6. The tower owner must submit documentation that the tower will be dismantled and removed after 12 months but less than 18 months of abandonment to ESD.
7. The tower and any accessory buildings as constructed, used operated and abandoned must continuously comply with all requirements of Section 1127, Telecommunication Towers of the Land Use Ordinance.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/12/16.

Other Business

Monkman, David, McKinley Township. Request received to extend the period to record the plat of "Loch Haven".

MS/P LaPorte/Fitch to approve the extension as requested to 11/17/14.

Rollins, Mike, Ponto Lake Township. Request received to revise VP13-139-29-8.

MS/P Moore/Anderson - Anderson/Yes, Ballenthin/Yes, Fitch/No, Froehlig/No, LaPorte/No, Moore/Yes and Sundberg/Yes to deny the request to revise VP13-139-29-8.

Schmitt, Mike, Woodrow Township. Request received to revise VP13-140-29-10.

MS/P LaPorte/Froehlig to approve the request to revise VP13-140-29-10 as submitted.

MS/P Anderson/Fitch to establish 1st Reading for proposed ordinance revisions at a date and time to be determined by ESD Director Ringle.

MS/P Moore/Fitch at 1:04 pm, to adjourn.

P. Fairbanks