



Cass County  
Planning Commission/Board of Adjustment

November 10, 2014

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting November 10, 2014 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted November 3, 2014 with PC members Anderson, Fitch, Kostial, LaPorte 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, Fitch, Froehlig, Kostial, LaPorte, Moore and Sundberg.

Staff Present: Berg and Fairbanks.

Citizens Present: John Babinski, Clayton Rollins, Terry Daudt, Paul Mix, Becky Haase, Marty Johnson, Bob Lisi, Jim Lucachick, Dave Monkman, Bonnie Muzik, Matt Nelson, Willie Olson, Rhonda Swanson, Betty Thomas, Jim Wills and Peggy Wills.

MS/P Kostial/LaPorte to approve the minutes of the 10/13/14 PC/BOA meeting as presented.

Variance

Belford, William, Shingobee Township on property described as Lots 4 & 5, "Belford 1<sup>st</sup> Addition to the Plat of Shingobee Island", Section 2-141-31, PID #38-348-0040 located at 7179 Dewdrop Trail NW. An application submitted to replace the current residence with new construction to be located 20 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 75 feet from a lake classified General Development (GD) and Section 800 which establishes variance review criteria. The parcel contains .26 acre riparian to Leech Lake (GD). Consideration of this application was tabled during the 10/13/14 meeting in ordered to allow the applicant to consider various footprint and setback options.

25 notices of the application were mailed for the 10/13/14 and 11/10/14 meetings. No responses were received. The application was discussed and reviewed with the applicants' architect Mr. Lucachick.

MS/P Fitch/Kostial to approve the size and location of a residential structure upon PID #38—348-0040 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 became a lot of record in 1946 prior to the adoption of land use regulation and does not comply with current lot size requirements.
2. The permit archive contains no record of the original construction but it can be assumed that it occurred prior to the adoption of land use regulation.
3. The lot is 111 feet from lake to the platted right-of-way which, when taking into account 75 feet lake setback and 20 feet right-of-way setback, leaves 16 feet for structure location.
4. The non-conforming residence, 8 feet from the lake, could be replaced as allowed by statute and ordinance at existing footprint and volume by permit.
5. The revised application calls for new construction at 28 feet from the lake therefore reducing the current setback encroachment.
6. The proposed location of the residence seems a reasonable use of the property when taking into account the size and configuration of the lots which limits placement area available from lake to road 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.
7. The proposed residence location will be further from the lake and comply with the side yard setback 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.
8. Because the surrounding area is made up of similarly sized lots with 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 lot configuration.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. All structure including deck and platform shall not be less than 28 feet from the OHWL as submitted 11/03/14.
2. The footprint of the residence shall not exceed 1,487 square feet.
3. The construction shall be one story and a half with street level height to peak no higher than 26 feet as submitted 11/07/14.
4. Any material resulting from construction or demolition 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. 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.
7. 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 11/10/16.

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.

Enbridge Energy, Pike Bay Township on property described as Part of the Westerly 30 Acres of Govt Lot 2, Section 17-145-31, PID #29-017-1204 located at 6653 160<sup>th</sup> St NW. An application submitted to construct a commercial structure that will be 40 feet from ground to peak. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.2 which requires structures to be no more than 30 feet from ground to peak and Section 800 which establishes variance review criteria. The parcel contains 7.35 acres non-riparian (C-1).

29 notices of the application were mailed. No responses were received. The application was discussed and reviewed with an Enbridge Energy representative which included pipeline maintenance and operations.

MS/P Kostial/Moore to approve the application for structure height up to 40 feet for PID #29-017-1204 upon review of the criteria contained in Sections 800 and 1126.2 of the Land Use Ordinance (02/15/13).

Findings:

1. The property lies within the US Hwy #2 corridor and is classified C-1 to which such commercial land use and structures are permitted.
2. The proposed height of the structure seems a reasonable use of the property when taking into account the land use classification, C-1, the existing commercial land use along with the location of existing commercial structures 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.
3. The proposed structure height is necessary for pipe line operation purposes to which there is no evidence to establish that the increased height of the structure will 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.
4. Because the surrounding US Hwy #2 area is made up of a mix of commercial lots and structures, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot configuration.
5. The site is well buffered from existing residential properties.
6. The proposed structure will be located within existing pipeline operation property and pipeline right-of-way.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any

circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the structure shall not vary from that submitted with the application dated 10/22/14.
2. The height to peak shall not exceed 40 feet.
3. Any material resulting from construction or demolition 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 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. The pump house shall comply with applicable state and federal requirements.
8. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/10/16.

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.

Noyes, Ellen & Richard, Woodrow Township on property described as Lot 6, "Pine Shores", Section 24-140-29, PID #51-470-0060 located at 3337 N Green Forest Drive NW. An application submitted to expand a non-conforming residence with a 4 feet x 5 feet addition and a 13 feet x 14 feet addition. The residence is non-conforming because it is located less than 30 feet from the top of a bluff. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 B. which requires structures to be at least 30 feet from the top or toe of a bluff, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 800 which establishes variance review criteria. The parcel contains .85 acre riparian to Woman Lake (GD).

25 notices of the application were mailed with no responses received. The proposal was discussed and reviewed with the applicants' representative Mr. Daudt and centered upon the setback from a property line.

MS/P Moore/Froehlig to approve the application to expand the residence located upon PID #51-470-0060 based upon review of the criteria contained in Sections 800 and 1115.3 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 became a lot of record in 1966 prior to the adoption of bluff setback regulation.
2. The non-conforming residence was constructed prior to the enforcement of the bluff setback requirements.
3. Due the residence location, no expansion alternatives are available without variance.
4. The proposed expansion will not affect area land use because similar construction is utilized throughout the area and it will not be noticeable to the visible from the lake or to neighbors.
5. Previous expansion was approved by VP10-140-29-8.
6. The proposed location of the expansion of the residence seems a reasonable use of the property when taking into account the location of the residence which limits placement area available 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.
7. The proposed residence expansion available will comply with the lake setback and setbacks 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.
8. Because the surrounding area is made up of similarly sized lots with 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 lot configuration.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding,

withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted 10/09/14.
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 or demolition 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. 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 11/10/16.

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.

Person, Roger, Deerfield Township on property described as Govt Lots 1 & 2, Section 8-139-31, Govt Lot 9, Section 5-139-31, Govt Lot 8, Section 6-139-31, all PID #13-008-2200 located at 1926 County 41 NW. An application submitted to expand a non-conforming residence with a 10 feet x 16 feet addition. The residence is non-conforming because it is located less than 150 feet from the OHWL of N Haynes Lake (NE). The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 A. which requires structures to be at least 150 feet from the OHWL of a lake classified natural Environmental (NE), Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 800 which establishes variance review criteria. The parcel contains 99.84 acres riparian to North Haynes Lake (NE) and South Haynes Lake (NE).

13 notices of the application were mailed. No responses received. The application was discussed and reviewed with Mr. Person.

MS/P Froehlig/Anderson to approve the application for expansion of the residence located upon PID #13-008-2200 based upon review of the criteria contained in Sections 800 and 1115.3 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 became of record in 1947 prior to the adoption of land use standards.
2. ZP84-139-31-2 was approved for construction of the residence with a note to be 400 feet from the lake which more than likely refers to open water not the OHWL.
3. Due the residence location, no expansion alternatives are available without variance.
4. The proposed expansion will not affect area land use because it will not be visible from the lake or neighbors.
5. The proposed residence expansion, 10' x 16', is modest and inconsequential and because of the size of the parcel, 99.85 acres, will not be visible or obtrusive to any neighboring property which therefore is a reasonable use of the property when taking into account the location of the residence and the size of the parcel 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.
6. The proposed residence expansion based upon options available will comply with the lake setback from open water and setbacks 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. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any



circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted 10/23/14.
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 or demolition 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. 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 11/10/16.

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.

Thielen, James, Crooked Lake Township on property described as Lot 10, Block 1, "Engers Bench", Section 23-139-26, PID #12-459-0150 located at 6485 Bloodroot Lane NE. An application submitted to construct a 30 feet x 40 feet accessory structure/garage 5 feet from the right-of-way Bloodroot Lane. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1126.1 B. which requires structures to be at least 20 feet from the right-of-way of a state, county or platted right-of-way and Section 800 which establishes variance review criteria. The parcel contains 1.25 acres riparian to Lake Roosevelt (GD).

44 notices of the application were mailed. One response from Crooked Lake Township offering no objection to the application was received.

MS/Failed Fitch/Froehlig to table consideration of the application until the 12/08/14 meeting in order for the applicant to be attendance.

MS/P LaPorte/Kostial to approve the location of an accessory structure/garage for PID #12-459-0150 based upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13), M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1989 prior to the adoption of the bluff requirements.
2. The location of the residence within the bluff area was approved by VP07-139-26-3.
3. The proposed accessory structure/garage complies with lake and side yard setbacks.
4. The proposed location of the accessory structure/garage seems a reasonable use of the property when taking into account the configuration and topography of the lot which limits placement area available 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 accessory structure/garage location will be comparable with structures in the neighborhood area 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 is made up of similarly sized lots with 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 lot configuration.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement 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.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, 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 may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the accessory structure/garage shall not vary from that submitted with the application dated 10/23/14.
2. The height to peak shall not exceed 24 feet.
3. Any material resulting from construction or demolition 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. 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 11/10/16.

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

Babinski Foundation, Home Brook Township on property described as NW & S  $\frac{1}{2}$  of NE & NE NE & W  $\frac{1}{2}$  of SW, Section 11-135-30, PID #17-011-0001 located along County 29. An application submitted to establish an animal shelter for cats and dogs. The relevant portions of the Land Use Ordinance (02/15/13) are Section 1001 which requires a conditional use permit (CUP) the land use activity to be conducted with the C-2 area and Section 705 which establishes the CUP review criteria. The property proposed for the animal shelter contains 40 acres non-riparian (C-2).

The PC was at the site 10/06/14. The property was reclassified to C-2 during the 10/13/14 meeting. 28 notices of this application were mailed. Four responses including two opposed to approval, one supporting approval and a petition containing 34 names all opposed to approval were received. The application was discussed and reviewed with Mr. Babinski and other shelter representatives.

MS/P Kostial/LaPorte to approve the CUP for the animal shelter land use as submitted for PID #17-011-0001 based upon review of the criteria contained in the applicable portion of Section 705 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

#### Findings:

1. It has been established that animal shelter services are important and needed in the Cass County & Crow Wing County and the surrounding region.
2. No responses or objections have been received from any governmental entities notified of the application.
3. Based upon the size of the property and lack of neighbors within close proximity, there is no evidence to expect that the proposed land use will cause adverse effects to adjoining property.
4. The proposed animal shelter will have no impact to the demand for governmental services.
5. No wetland or critical habitats will be affected by the proposed land use activity.
6. No scenic or historic features will be affected by the proposed land use activity.
7. No evidence or information has been submitted to establish that the proposed land use will have a detrimental effect to public health, safety or welfare.
8. No evidence or information has been submitted to establish that the proposed land use activity has the potential to alter or be detrimental to land use in the general area.
9. The proposed land use activity will not increase the need or demand for governmental services because no road improvements are required and waste water treatment will be on-site SSTS.
10. Waste water treatment must comply with applicable county and state requirements.
11. Approval of the proposed land use activity 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 also to promote the health, safety, general welfare.
12. The proposed use will not be obtrusive to the neighborhood and does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.

#### Conditions:

1. The shelter structure construction, configuration and shelter operation shall comply with the "The Guideline for Standards of Care in Animal Shelters" most current edition as published by The Association of Shelter Veterinarians.
2. Applicable licensing shall be obtained from the Minnesota Board of Animal Health with copies submitted to ESD.
3. Copies of all plan review and facility inspections shall be submitted to ESD.
4. A noise/decibel monitoring device shall be located at the right-of way of County #29 and 1,000 feet from the east, south and west walls of the structure.
5. The noise monitoring devices shall be operated and maintained by a noise/decibel monitoring technical professional.

6. Noise levels shall be monitored daily with a quarterly summary submitted to ESD no later than 30 days after the conclusion of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters.
7. Any variation above state decibel standards shall be noted to ESD.
8. Within 45 days of a report of decibel exceedance, the operator shall appear before the Planning Commission to explain the exceedance and steps taken or that will be taken to mediate the exceedance.
9. The structure plans submitted with the application 09/25/14 are adopted and approved for implementation with a land use permit.
10. The number of boarded animal capacity, 200 dogs and 100 cats shall not be exceeded without revision to the CUP.
11. No other animals shall be accepted at the shelter without revision of the CUP.
12. The wastewater treatment system design for the facility shall follow the options and recommendations contained in the University of Minnesota Onsite Sewage Treatment Program "Kennel and Veterinary Clinic Wastewater Treat Recommendations" 9/24/2010.
13. A summary of occupancy and operation shall be submitted to the PC within 30 days of the one year anniversary of the commencement of the opening/acceptance of animals to the shelter.

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

Mix, Paul, Trelipe Township on property described as Govt Lot 1, Section 2-139-27, PID #44-002-1100 located at 2227 County 55 NE. An application submitted to reclassify 41.8 acres from Agriculture/Forestry (AF) to Rural Residential - 10 (RR-10) which will reduce the minimum lot size from 40 acres to 10 acres for the purpose of creating three lots all exceeding 10 acres. The relevant portions of the Land Use Ordinance (02/15/13) are Section 903 which establishes land use district, 1000 which requires a conditional use permit (CUP) for reclassification and Section 705 which establishes the CUP review criteria. The property contains 41.8 acres (AF).

15 notices of the application were mailed. No responses received. The application was discussed and reviewed with Mr. Mix.

MS/P LaPorte/Fitch to approve the CUP application as submitted to approve the reclassification of PID #44-002-1100 from AF to RR-10 based upon review of the criteria contained in the applicable portions of Sections 705, 903 and 1001 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings:

1. The property is within .25 mile of the Lake George (RD) shoreland area non-riparian zone in which the minimum lot size is 2.3 acres.  
The property is within .17 mile of the Daggett Brook (TR) shoreland area non-riparian zone in which the minimum lot size is 2.3 acres.

3. The 41.8 acres proposed for reclassification represents an insignificant (.0017%) of the total area of South Trelipe Township.
4. More than 95% of South Trelipe Township is public therefore undevelopable.
5. No responses or objections have been received from any persons or governmental entities notified of the application.
6. There is no reason to expect that three lots each containing 14 acres will cause adverse effects to adjoining property.
7. No effect to the demand for governmental services can be anticipated by three new lots.
7. Existing roadways will be utilized with no need to expand exiting public infrastructure.
8. No wetland or critical habitat will be disturbed by reclassification.
9. No scenic or historic features will be affected by reclassification.
10. No threat to public health, safety and welfare can be expected from reclassification.
11. The total acres to be reclassified do not reach the mandatory EAW threshold.
12. There is no reason to expect any effect to surface water or ground water.

Conditions:

1. The lot configuration shall not vary from that submitted with the application 10/07/14.
2. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 11/10/16.

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 CUP, REMOVAL OF VIOLATIONS AND MITIGATION.

Other Business

Schmitt, David, Ponto Lake Township request to be heard VP14-139-29-8.

MS/P Kostial/Fitch to approve the revision of VP14-139-29-8 to allow for a 4 feet to the lake x 6 feet lakeside entrance overhang and a 6 feet x 8 feet non-lakeside entrance overhang as requested. Neither shall be enclosed.

Monkman, David, McKinley Township request to be heard "Loch Haven".

MS/P Moore/Kostial to approve an extension to record the final plat of "Loch Haven until 05/10/15.

MS/P Moore/Fitch at 12:45 pm, to adjourn.

P. Fairbanks