Polk County
Planning Commission
May 22, 2015

Call to Order: 9:00 A.M.

Members in Attendance: Donovan Wright, Robert Franks, Rolland Gagner, Len Vonasek, Wayne Melbye, Dennis Yell, Mike Powers, Courtney Pulkrabek, Arlet Phillips and Warren Strandell.

Members Absent: Paul Jore

Also Present: Polk County Environmental Services' staff: Josh Holte & Shelly Erdmann

Minutes: A motion was made to approve the Planning Commission minutes from March 27, 2015 by Melby. Second by Gagner. All in favor.

Public Hearing: CUP Lawrence Olderbak Parcel #66.00152.02 & 66.00152.03

Powers read the notice of the hearing, waiving the full legal description, and turned the meeting over to Holte.

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to replace three (3) accessory structures on a 6.74 acre parcel of land located in the Agricultural Zoning District of Sullivan Township.

Zoning Ordinance requirements are found in Section 13.4230 and 13.7000. Both sections were read to the group.

Holte stated that the applicant owns a 6.74 acre parcel and a 1.98 acre parcel of land in the Agricultural Zoning District in Section 31 of Sullivan Township. The applicant would like to replace three structures on the property. They would like to replace a 40' x 100' building that is in need of repair. They would also like to replace a patio shed that is deteriorating with an 18' x 24' building and to replace an old barn/shop that is deteriorating with a new 40' x 65' shop.

Holte stated that the applicant would need to combine the two parcels of land if they wish to put the new 40' x 100' shed to the north of an existing shed permitted in 2009. The applicant also has a 24' x 54' garage that was permitted in 2004. A permit was also issued in 2009 for a new house and septic system on that property.

Holte stated that the applicant has another older shed on the property that they intend to tear down. All of the three proposed buildings will meet setbacks.

The property currently has several unlicensed vehicles and equipment stored on the property. With the proposed new buildings and demolition of old buildings the applicant would have 11,928 sq. ft. of total accessory structure square footage on the property when completed.

Sullivan Township has joint permitting with the County and signed off on their permit request as long as the applicant stays 20' from property lines and 150' from the township road.

No comments have been received. Holte then went over slides showing the property and its location.

Holte stated that over the last few years the applicants have removed buildings and have been cleaning up the property. With their proposed request, they will be removing more old buildings and continuing to improve the property.

Staff recommends approval of the CUP with the following conditions:

1. The applicant shall combine the two existing parcels before any building permit can be issued.
2. The applicant must remove the three existing structures they are replacing and have the new structures completed by 5/26/2017.
3. The applicant must also remove an existing 22' x 40' shed on the property before 5/26/2017.
4. The old buildings shall be demolished and disposed of in accordance to all local, state, and federal rules and regulations.
5. The applicant must not store more than 5 unlicensed vehicles, trailers or equipment outside a building on the property and must meet all requirements of 12.7000 of the Polk County Zoning Ordinance.

Vonasek asked if the use of the buildings would be for private? Holte said private/non-farming use. More for tinkering and not for commercial use. Vonasek also asked about the above ground fuel tank and if it was used? Powers stated that he knows the property and applicant. He does not believe the tank is used. They want to clean the place up and the applicant collects old cars. They now have a very nice house and want the rest of the property to be nice also. Powers stated that the applicant is not present today due to his daughters graduation.

Strandell asked if ownership had changed recently? Powers said that in the early 2000's is when the property changed hands. The old house was burnt down for fire training.

Pulkrabek made a motion to recommend approval to the County Board with staff conditons. Second by Vonasek. All in favor.

Public Hearing: CUP Kurt Larson Parcel #32-188.06

Powers read the notice of the hearing, waiving the full legal description, and turned the meeting over to Holte.

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to construct a 195' x 60' storage building that would contain 26 self-storage units on a 12.76 acre parcel of land located in the Agricultural Zoning District of Grove Park Townshp.

Zoning Ordinance requirements are found in Section 13.7000 and 13.4240. Both sections were read to the group.

Holte stated that the applicant owns a 12.76 acre parcel of land in the Agricultural Zoning District in Section 34 of Grove Park Township. The property is located just outside of the shore land zoning district of Maple Lake.

The applicant recently purchased the remaining property in the Backlot Development that was permitted in 2007 and contains 40' x 60' storage sheds. The proposed building is on the remaining property located to the north of this development.

The applicant has road access on the private road that was created for the Backlot Development. The applicant plans to construct a 60' x 195' building. The building would have 26 individual storage units that would be rented out. There will be no electric, water or sewer connected to the building. There are no current plans, but the only possible electric needs would be for a yard light.

The building is proposed to be 75' east of the neighboring property owner and 50' north of the existing private road right of way. The applicant stated that here have been several requests for rental units since there are none nearby and this would be an asset to the area.

Holte stated that a couple of the neighboring property owners that were notified of the hearing replied that they have no problem with the request.

Holte then went over slides showing the property and its location.

Linda Hanson, landowner along the east boundary of Mr. Larson's property, stated she is opposed to the plan. They built/live in the country for privacy and lack of traffic. In 2007 they were also opposed to the PUD but came to an agreement with the then landowner, Mr. Fuch that no businesses would be allowed in the storage sheds. There is now a business being run out of one and they are there early in the day, they speed, and it is owned by a convicted felon. The proposed building is in a secluded area. Mr. Larson stated that there are no other storage units in the area when he should know that there are two in Mentor.

Ms. Hanson went on to state that they own a pool that is located not far from the proposed building, will we now have to fence it? They don't want little kids wandering in and playing. Crime is down but feels increased traffic could bring trouble. She also feels that her property value will go down 50%. When they bought their property it was all farmland around them and now "business" type things are being constructed. Can't Mr. Larson find a better location?

Larson stated that he wants it here, he owns the property and he figured it was a good use based on the other storage sheds.

Hanson stated that she is willing to buy the property and keep it as ag land, as it should be. Larson stated that he can move the building farther to the East. Hanson stated that they were told no businesses were allowed in the storage sheds and now there is a lawnmower business there.

Yell asked about more trees running north and south to provide more screening from the road. He also stated that MLID has no problem with the request. The current area is kept neat and clean. It was asked who was responsible for the road. Larson stated that he is as part of the association agreement for the storage building lots. Hanson complained about garbage in her yard which always happens when units are being constructed.

Holte finished going through the slides of the property.

Staff recommends approval of the CUP with the following conditions:

1. The new building must be setback 100' from all property lines.
2. The new building must be setback 100' from the private right of way.
3. There shall be no outside storage of materials or personal property allowed.

Staff also recommends that the Planning Commission consider whether additional vegetative screening shall be required for the new building. If so, staff would recommend the following language:

1. The applicant must plant two rows of offsetting trees along the west property line to provide screening. The trees shall be of a type that will attain 6 to 8 feet in height and 50% opacity throughout the year within two growing seasons after planting.

Vonasek asked Larson if he would be willing to move East? How far? Larson said whatever is recommended. The plan for now is just this building, but if it goes well, he may consider another one in the future. The land right now has been rented out as ag land.

Hanson asked that if in 2007 the request did not get approved, would this even be considered? Seems like you give an inch and they take a mile. Back in 2007 the room was full of people in opposition.

Wright asked what the acreage was? Larson said 12 plus acres that is currently used as ag land. Gagner said that it originally belonged to Fuch's? Larson said yes, it was originally about 25 acres total at the time.

Powers asked if he was willing to shift it to the East? Larson said all the way to the East is farther than he wanted to go, but it is doable.

Hanson stated she has safety concerns as they work in Crookston and their daughter is home alone after school. Gagner asked what kind of tax revenue would this bring the County? Larson said he is not sure, but the value of the project is about $250,000. Each shed is now taxed $350/year by the County. Larson stated that Ms. Hanson is worried about crime, and with a daughter at home it is understandable, but he hasn't heard about an increase in crime.

Melbye asked if the sheds are owned individually? And if so, he assumes they are for large item storage and on average are accessed 2 times a year. What about the smaller units? Larson said they will be 15 x 30 in size, so they could be used for boats, lawn furniture, etc.. Harlan's in Mentor just

built a new storage shed and it is still not enough room for people wanting to store their boats. He has been asked by many for other storage options. The 40' x 60' sheds are owned individually, get their own tax statement and are part of an Association that there is a yearly fee for. That pays for maintenance of the grounds.

Vonasek stated that if the shed moves to the East, he sees less of a problem. There is not guarantee for other future sheds, but part of the condition is to get permitted.

Gagner asked about a fence to secure the shed? Larson said he is open to suggestions.

Hanson asked where does this stop? He could add more buildings. Put yourself in her shoes, safety is an issue.

Vonasek made a motion to recommend approval to the County Board with the shed being located 100' from the East property line and with staff conditions including the screening provisions. Second by Powers.

Melbye asked if this was liveable for both parties? Larson said he is fine with that. Hanson cannot because she knows in 5 years he will be back with more. He is devaluing our property. Larson said that if this one goes/works, there maybe another one in the future.

Powers called for a vote on the motion: All in favor.

Strandell suggested to Larson to check into dust control. Holte informed those in attendance that this would be going before the County Board next Tuesday, May 26th at 9:30 a.m. for final approval.

Public Hearing: CUP Pat Gerszewski Parcel #45-228 & 45-289

Powers read the notice of the hearing, waiving the full legal description, and turned the meeting over to Holte.

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to construct and operate a thirty-eight (38) unit campground on 11.6 acres of land located within the shore land district along Lake Sarah and Union Lake in Section 30 of Knute Township.

Zoning Ordinance requirements are found in Section 13.7024, 18.2760 and 18.4000. All sections were read to the group.

The applicant owns 11.6 acres of land along Lake Sarah and Union Lake. The proposed 38 unit campground is located on the previous St. Michael's Campground on Lake Sarah. St. Michael's Campground had a CUP for 40 campsites permitted in 1992.

The campsites will be 30' x 70' (2100 sq. ft.). All campsites will be provided water, sewer and electrical hookups. These will be located directly behind the campsites. The property has been for sale for the last couple years and has sat vacant, thus requiring a new CUP to be issued for the campground.

The applicant owns lakeshore on both Lake Sarah and Union Lake. 200th Ave SE separates the campground from Union Lake. Road and access to the campground already has been established by St. Michael's campground. The entrance road width is 18'wide. All new roads constructed will need to meet the 24' width requirement for two way traffic and 14' width requirement for one way traffic.

The Minnesota Department of Health/Minnesota Department of Labor and Industry permits campgrounds, and has many regulations which affect the design/layout of the lots/septic/water. MN DoH/MN Labor & Industry will not issue permits until Polk County has processed the CUP. The applicant has been working with both agencies.

An operations plan has been submitted and states that Summer Sands Lake Club will be a private club that will be open to members only. No employees will be staffed. Every member will have access to the lodge, bath house, shed and boat docks. Every member of the club will be in charge of cleaning up after themselves and keeping the property clean.

There will be one dumpster provided onsite. The Club will have monthly meetings to discuss issues. Minutes and agendas will be maintained. Nothing will be sold out of the lodge and everything in the lodge will be supplied by members. Campers must be less than 20 years old to move into the park. Campers will need to be licensed and road ready. Permits will need to be obtained from PCPZ for any sheds or decks over 3' in height. Campers will be allowed to be stored in the campground year round.

The bathhouse will be utilized as a safety shelter for campers. No ATV's will be allowed in the campground. Golf Carts and RTV's will be allowed. The applicant plans to install a permanent dock on Lake Sarah with boat slips and a roll out dock on Union Lake with boat slips. The applicant has provided a copy of a certificate of insurance.

The applicant doesn't plan to have the campground go into full operation until the spring of 2017. Until that time the applicant will have friends and family staying and helping to fix-up and repair the campground. The applicant has received a passing septic compliance on one existing septic system for the bathhouse. There was a new septic system installed for the lodge in 2011. There would be two new septic systems installed to serve the remaining campsites.

The applicant has applied for several land alterations which don't require a CUP.

a. The applicant plans to remove 330 cubic yards from a hill along campsites 36-38.
b. The applicant plans to install a 30' x 15' patio by sites 1-6 with a 120' retaining wall which is 5' high. 110 cubic yards of backfill will be provided from the hill north of the lodge.
c. The applicant has requested to install a 250' x 30' x 6" sand beach (150 Cubic Yards). He has a permit request in to the DNR for this request as well.
d. The applicant plans to lower the grade 2" in front of the existing lodge to get water away from the building.
e. The applicant plans to do some ditch and drain tile work by the picnic shelter and sites 1-6 to solve some water ponding issues.

f. The applicant also plans to construct a golf cart/walking trail 700' long x 6' wide along Union Lake. This should require minimum disturbance to shore impact zone of Union Lake and there aren't many trees that will need to be removed for this process.

Holte added that the lot is very close to meeting the bluff criteria in the ordinance on both Union Lake and Lake Sarah, but since it is under the 25' height requirement the bluff standards don't need to be followed.

Strandell asked if the previous campsite was in business? Holte said it has sat vacant for several years, but before that, yes it was in business.

Holte talked about the docking and watercraft situation. They are allowed 38 spaces and in the staff recommendation they are suggesting no more than 20 spaces on each lake, with a max of 38 total spaces.

Holte said he has spoken with the DNR who has not submitted any formal comments, but their concerns are with the dock spaces. Rules allow for 1 spot for each site. They don't want to overload the lakes. They would prefer fewer spaces than allowed and in a compact fashion to blend in and minimize surface area affected. They would like to see the Lake Sarah side have ¼ of the allowed spaces.

Holte then continued showing slides of the property, layout of the proposed 38 sites, operational plan, the original resolution from St. Michael's CUP and the land alteration plans for the property.

Holte stated that Staff recommends approval of Summer Sands Lake Club with the following conditions:

1. An updated operation plan must be submitted that addresses conditions of the permit and items mentioned in the pertinent facts. The plan must be reviewed and approved by PCPZ before issuance of the CUP.
2. All of the new roads being built for the campground expansion must meet the requirements of the PCZO.
3. The applicant must carry all appropriate insurances needed to operate a commercial campground.
4. The operation shall at all times be in compliance with all federal, State of Minnesota, and County of Polk rules and regulations.
5. The applicant must submit the MN Dept. of Health campground permit to be kept on file with PCPZ.
6. The applicant must either get a wetland delineation done for the property, or have the local Wetland Conservation Act LGU notify the county that no wetlands exist on the property before issuance of the CUP.
7. A sanitation receptacle/dumpster shall be provided and maintained for the campground.
8. A new septic system design must be submitted and reviewed by PCPZ before issuance of the CUP.
9. Campers within the campground shall remain current on licenses. Any decks or sheds constructed for a campsite will require a permit from PCPZ.
10. The applicant will be limited to the number of boat slips on both Union Lake and Lake Sarah. No more than 38 total boat slips will be allowed collectively on Union Lake and Lake Sarah. The applicant may not have more than 20 boat slips on Lake Sarah and 20 boat slips on Union Lake.

11. The permit shall be subject to annual Administrative Review.

Dale Thormodsgard, Union Lake Sarah Campground, stated that they approve of the CUP request. There is a huge demand for camping sites. They are actually hoping that these sites are up and running before 2017. As to the DNR and the comment about having less than the allowed boat spaces, he stated that there is more than enough room for the boat sites.

Vonasek asked about the setback for the existing shed and concern about if there is enough room for a new septic system in that area. Holte stated that they have not received the official design from the licensed designer, just a rough drawing, septic setbacks would be reviewed and will be met.

Pulkrabek asked for verification that it was 40 sites that St. Michael's rented out? Gagner stated that they never had that many, but were approved for 40. He has worked with the previous owners and some with the new owner. This site has sat empty for 3 years and this would be a huge improvement.

Gagner made a motion to recommend approval to the County Board with staff recommendations. Pulkrabek second the motion.

Powers stated he is concerned with the water levels. He has seen it high, where it is at the bottom of the bluff, so that could be an issue. Gagner said both lakes are low and hopefully with the pumps they have eliminated a huge problem from the past.

Powers asked about dumpsters? Gerszewski stated that the plans are for one, but can add more as needed. Yell asked about maybe stipulating something regarding law enforcement patrols on weekends? There can be problems. Thormodsgard stated that there are currently regular patrols as there are several campgrounds in the area. There has never been a problem with response time. Philips asked about the sand beach and if there would be a designated swim area or swimming off the docks? Gerszewski stated that there will be a roped off area for swimmers and hopes that no one will be swimming off the docks.

Powers called for a vote on the motion made by Gagner: All in favor.

Holte informed those in attendance that this would be going before the County Board next Tuesday, May 26th at 9:30 a.m. for final approval.

Holte updated the Planning Commission on:

1. Boundary Commission #1 and #2
2. Aquatic Invasive Species program
3. FEMA floodplain map update
4. Upcoming hearings

Meeting Adjourned. The next meeting is scheduled for June 26, 2015.