

MINUTES OF THE PLANNING COMMISSION
May 20, 2013

MEMBERS PRESENT: DALE LUECK, DAVE LANGE, ROBERT HARWARTH.

OTHERS PRESENT: TERRY NEFF, BARB WILLIAMSON

MEMBERS ABSENT: LAURIE WESTERLUND, JEREMY PAQUETTE

1. The Chair called the meeting to order at 4:00 p.m.
2. Roll Call. The Chair read the rules of the meeting.
3. **APPROVE AGENDA:**

Terry Neff added an agenda item – update on a 1998 CUP to be discussed.

Bob Harwarth made a **motion to approve** the agenda for May 20, 2013 as amended. **Dave Lange** **seconded** the motion.

The Chair called the question. The **motion carried 3.0 to approve the agenda.**

OLD BUSINESS:

NEW BUSINESS:

4. **FRED M. TRAPP, 7037 105th TRAIL N, BROOKLYN PARK, MN 55445**, is requesting a conditional use permit to floodproof a residence within the flood plain, in an area zoned Shoreland. LOT FIVE (5) EXCEPT ELY 30 FT IN DOC 366314, SIX (6), AND SEVEN (7) OF SANDY LAKE BEACH. Section One (1), Township Forty-nine (49), Range Twenty-four (24), Aitkin County, Minnesota 56431.

PERMIT #39446C

The Chair called for the Staff Report: Terry Neff reported that 60 notices were sent out, and no letters of correspondence were received.

Terry Neff reported that Inspector Kevin Turnock did the on-site inspection. Kevin's report noted that there is a winter release for a compliance inspection submitted in March. The structure is 39 feet from the OHWL, and road and property line setbacks are met. Kevin's report also noted that Mr. Trapp was granted a variance on 4-3-13 to allow the residence to remain at the current location. If this is approved he will lift it up and floodproof it. Terry Neff showed the board some photos that Inspector Turnock had taken of the site.

Terry Neff confirmed with the applicant that the flood waters last summer got to the floor joists but not inside the cabin. Terry Neff also said the flood has prompted several people to come in for CUPs to floodproof their residences. Usually they use louvres, but Terry Neff said he likes this style because they will fill this open area underneath with dirt and it may prevent the mold issues that can sometimes be an issue after flooding.

The Chair asked for Applicant comments.

Fred Trapp introduced himself. He stated he had no comments on the staff report, that it sounded like Mr. Neff hit it on the head.

The Chair asked for comments by government officials. The Chair noted there were no officials present.

The Chair opened the public comment period. There were no other citizens present.

The Chair closed the public comment period.

The Chair asked for discussion by the commission.

Bob Harwarth commented about the garage; he noted that the garage sits lower than the house. Mr. Trapp stated the garage had about a foot and a half of water in it last summer. He stated the cabin is on the highest spot on the lot. The water actually came from behind his residence, through the woods and over the road, and up to the cabin.

Terry Neff explained that the preferred option is to use fill, and on these small lots it is better to do what Mr. Trapp is doing because if he used the fill method he would be causing run-off onto the neighboring properties.

Bob Harwarth asked if he would be as high as the neighbors on both sides.

Fred Trapp stated he will be higher than the neighbor to the East, but lower than the neighbor on the West.

Dave Lange stated all new construction needs to be 1 foot above flood plain, and that was confirmed.

Terry Neff stated the commission may want to list the need for a compliance inspection as a condition.

The Chair stated it should be on there that the CI needs to be done, and if there is a problem it would need to be taken care of before the conditional use was put into effect. Terry Neff stated Mr. Trapp would have until 9-30-13 to take care of the problem if the system were to fail.

The Chair stated he didn't see any other conditions that needed to be put in place for this. The Engineer's report gave more than one option for Mr. Trapp to build. It would be up to the owner as to which option he actually utilized. Once in a while we see a change in what the owner wants to do, and as long as they install one of those options that are laid out by the Engineer it would be ok.

The Chair called for Findings of Fact:

- 1. The requested use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor diminish substantially, nor impair property values within the surrounding neighborhood.**

| Dave Lange | Laurie Westerlund | Bob Harwarth | Jeremy Paquette | Dale Lueck |
|------------|-------------------|--------------|-----------------|------------|
| Y | A | Y | A | Y |

- 2. The requested use will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties.**

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|-------------------|--------------------------|---------------------|------------------------|-------------------|
| Dave Lange | Laurie Westerlund | Bob Harwarth | Jeremy Paquette | Dale Lueck |
| Y | A | Y | A | Y |

3. The location and character of the requested use are considered to be consistent with a desirable pattern of development for the locality in general.

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|-------------------|--------------------------|---------------------|------------------------|-------------------|
| Dave Lange | Laurie Westerlund | Bob Harwarth | Jeremy Paquette | Dale Lueck |
| Y | A | Y | A | Y |

4. The requested use conforms to the comprehensive land use for the County.

Yes, the requested use is allowed as a Conditional Use Permit.

5. Proper notice has been given to those people required under Minnesota Statutes, Chapter 394, of the proposed requested use and of the hearing before the planning commission.

Yes, our office did give proper notice.

6. That other applicable requirements of this ordinance or other ordinances of the County have been met.

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|-------------------|--------------------------|---------------------|------------------------|-------------------|
| Dave Lange | Laurie Westerlund | Bob Harwarth | Jeremy Paquette | Dale Lueck |
| Y | A | Y | A | Y |

7. The requested use is not injurious to the public health, safety and general welfare.

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|-------------------|--------------------------|---------------------|------------------------|-------------------|
| Dave Lange | Laurie Westerlund | Bob Harwarth | Jeremy Paquette | Dale Lueck |
| Y | A | Y | A | Y |

The Chair called for a motion.

Bob Harwarth made a motion to approve the Conditional Use Permit #39446C with 1 condition. **Dave Lange seconded** the motion.

The Chair called the question. The motion **passed by a vote 3.0 to approve** Conditional Use Permit #39446C with 1 condition:

1. Submit Compliance Inspection on the septic system prior to permit issuance.

The Chair signed the Notice of Decision.

5. Approval of Minutes, April 15, 2013 Planning Commission Meeting.

Dave Lange made a motion to approve the minutes of **April 15, 2013.**
Bob Harwarth seconded the motion.

The Chair called the question. The motion carried 3.0 to approve the April 15, 2013 minutes.

5A. Update on CUP – Terry Neff stated he wanted feedback from the commission. He stated he has received a couple of complaints on a Conditional Use – a boat repair place along Mille Lacs Lake just past Wilderness Beach Resort. It has 11 conditions and we received a complaint about outside storage of items related to the business. Terry Neff stated there is not overnight storage of boats allowed. However, people drop off boats to be fixed. Terry Neff asked the board to address the issue. He stated the owner may be there and someone drops off a boat and tells him the next day, or he leaves a boat outside waiting for the owner to pick up, and they may leave it until the next day.

The Chair stated that Terry Neff and the County Attorney need to decide if something comes before the board; if they feel it needs to be changed or revoked it would come to this board, but we do not decide until those steps have been taken. The Board agreed that outside storage is over-night outside storage. You can't run a business and not have some storage outside during the day.

6. Adjournment

The Chair called for a motion to adjourn.

Dave Lange made a motion to adjourn the meeting. Bob Harwarth seconded the motion.

The Chair called the question. The motion carried 3.0 to adjourn the meeting.

The meeting was **adjourned at 4:30p.m.**

Respectfully Submitted:

Barb Williamson
Secretary/ Planning Commission

Last updated: May 21, 2013

Approved: