

1. Stephanie Klamm, DNR Area Hydrologist stated that the primary reason for shore land controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. She adds if the County approves this application, the DNR would recommend the following conditions:
 1. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
 2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
 3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.
 4. All future structures and associated septic systems do not block or change natural drainage way on the above-mentioned parcel.
 5. The backlot has an additional location for another septic system if the existing one shall fail or not meet future septic compliance.

2. The Maple Lake Improvement District commented that they had no issues with the request.

Snyder then went over slides showing the application, location maps, septic design sketch and photos of the lot. Snyder then said Staff recommends approval with the following conditions:

1. No guest house uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed before the building permit is issued.
2. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. This shall include sidewalks, patios, pavers, etc.
3. The proposed septic holding tank should be placed on the parcel to meet all applicable setbacks. If this is spatially not possible than the conditional use shall be void.
4. The conditional use permit shall become void one year after it was granted unless used.
5. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
6. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. That adequate measures have been or will be taken to prevent or control offensive

septic holding tank project will not add any more impervious to the lot. The applicant will be required to complete and record a no-guesthouse waiver before the building permit is issued. This will be address conditionally if the CUP is approved.

Snyder stated the applicant will be required to complete and record a no-guesthouse waiver before the building permit is issued. This will be addressed conditionally if the CUP is approved.

Snyder said the following comments were received:

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 2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
 3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.
 4. All future structures and associated septic systems do not block or change natural drainage way on the above-mentioned parcel.
 5. The backlot has an additional location for another septic system if the existing one shall fail or not meet future septic compliance.
2. The Maple Lake Improvement District commented that they had no issues with the request.

Snyder then went over slides showing: application, aerial photos of the location of the property, sketch and site photos. It was asked if they would be able to get to the tank for pumping? Snyder said that was discussed and planned for and they would be able to access the tank for servicing from their own property. Snyder then stated that staff recommends approval of the CUP with the following conditions:

1. No guest house uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed before the building permit is issued.
2. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement – this shall include sidewalks, patios, pavers, etc.
3. Our office must receive a septic compliance inspection on the existing septic system located on the backlot. As well as the design for the septic holding tank prior to issuance of the CUP.
4. The proposed septic system should be placed on the parcel to meet all applicable

Snyder said that the applicant wishes to operate a home-based business for wood planing, ripping, tongue and groove finishing to produce shiplap/siding products. The applicant proposes to construct a 50' x 60' shop with a 12' x 12' motor room with the total dimensions equaling 3,140 sq ft. The business would be on a 10-acre parcel of land in the Agricultural District in Section 32 of King Township. The applicant will market the finished lumber as flooring, siding, trim, etc. Operations of a diesel engine housed within the 12' x 12' motor building connected to the accessory structure will power the equipment to produce lumber made from locally sourced wood.

Snyder stated that PCZO 12.3048 stated home occupation standards operated out of an accessory building less than 1,800 sq ft can be permitted through an Interim Use permit. Those that exceed 1,800 sq ft need a Conditional Use Permit. The applicant has submitted an operation plan for the business and has been made aware of zoning requirements. The structure would process lumber from locally sourced wood from a sawmill located 1-mile from the site. This will limit the potential spread of any invasive insect species such as emerald as borer.

Snyder said the applicant stated operations on the site will range from 7am to 6pm most days. There would be 2-4 employees including those who live on the site and work to process the lumber. Freight will come 1-4 times a month to pick up lumber or deliver logs to process and noted that most of the loads come on goose-neck trailers not semis. Rarely there may be a semi to haul logs or finished products on and off the site.

Snyder stated the closest residence is located approximately 1000 feet to the east of this site. The applicant noted in the application submitted that the engine is comparable to a small tractor for noise produced. They plan to place it within the lean-to style 12' x 12' building to lessen the sounds from this operation. To avoid fires the operators will clean up sawdust debris so not to accumulate large amounts and collect the sawdust in a grain bin to mitigate fire potential. The sawdust from the operation will be used for animal bedding off site.

Snyder said no comments have been received on this request. Snyder then went over slides showing the application, aerial photos of the site location, operational plan, wetland map and site photos.

Schulz asked if this was not a sawmill, just doing finishing work and there will be zero logs?
Troyer said yes.

Snyder then stated that staff recommends approval of the Conditional Use Permit with the following conditions:

1. The operation shall remain in the scope of the original plan of operations any deviation from the plan of operations would trigger a new conditional use permit.
2. Business operations that generate noise shall NOT be allowed to take place on Sundays.
3. Site storage of lumber shall meet the PCZO for structural setbacks off property lines and road ROW.
4. Incoming lumber must be evaluated for invasive insects that could pose a threat to

- native timber species. Invasive timer species include but are not limited to Emerald Ash Borer, Hemlock Woolly Adelgid an Asian Longhorned Beetle.
5. The conditional use permit shall become void one year after it was granted unless used.
 6. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
 7. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 8. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 9. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
 10. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
 11. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota, and County of Polk rules and regulations.

The hearing was opened up for comments or questions. Noah asked why the limitation of no work on Sundays? Where did this come from. Snyder said that past CUP's have limited operations to give the neighbors a break from any type of noise from operations. Troyer had also stated they did not plan to work on Sundays.

Cavalier made a motion to recommend approval with staff conditions to the County Board.
Second by Schulz.

Ayes: All

Nays: none

Motion carries.

Snyder said that this will go before the County Board on June 7, 2022, for final approval. Lee said the applicant does not need to attend.

Public Hearing: PLAT – Forgotten Bay, Monty Lund Parcel #27.00008.00

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

Snyder then stated that the applicant proposes to plat a portion of land located in the Shoreland overlay district on Union Lake, specifically parcel #27.00008.00. This property currently encompasses over 26 acres of land located in Section 2 of Garden Township.

Ordinance requirements for this request are found in PCZO Section 22.0200, 22.0400, 18.2100, 22.2732, 22.2733 and 21.4132.

Snyder said the plat is proposed to create nine (9) new buildable riparian lots and create two (2) outlots. The road must be built up and verified that it meets township specifications and was constructed in the fall of 2021. As the wet spring continues the developer placed a culvert under two sections of the roadway to allow water to equalize between lots 6 & 7 and a wetland located to the south. The developer did receive a SWPPP/NPDES permit to disturb more than 1 acre to construct the roadway from the MPCA in the summer of 2021 and continues to maintain silt fencing as to control runoff from the site. At this time the Township is not able to take maintenance control of the roadway and the developer has proposed a road maintenance agreement for establishing a private road into the platted area.

Snyder stated that there are wetlands located within the proposed plat area and a delineation report was submitted to the SWCD/TEP panel during the fall of 2021. The wetland delineation report must be approved by the SWCD/TEP panel prior to final plat approval. The SWCD has met with the surveyor to review the wetland delineation report in May 2022 and has verified that changes need to be made from preliminary plat to final plat to address the wetland boundary changes. The SWCD provided the County with a Notice of Decision that the wetlands were depicted correctly on the Final Plat Map.

Snyder said that the area along the shoreline is delineated as fringe wetland area and no filling or development would be allowed there. The final plat map has included language on the plat to restrict impacts of grading or filling within the wetland areas indicated within this plat. This was added to the Final Plat under development restrictions stating lots 1-9 have fringe wetlands along the shoreline restricting grading/filling along the shoreline. No land alterations permits shall be issued within the wetland areas indicated within the plat. The applicant plans to have covenant restrictions included with this plat, these have been finalized and reviewed by Planning and Zoning staff. The covenant restrictions must be recorded with the Final Plat.

Snyder stated sites all meet the applicable sizes and widths to meet the Polk County Zoning Ordinance for buildable parcels along a recreational development lake. These standards are 40,000 sq ft or more as well as 150 ft in lake/road frontage except lots located on a cul-da-sac. Additionally, all sites have suitable soils for a standard ISTS and wetland locations should allow buildings/septic systems to co-exist without the need to bring in materials to disturb the wetlands. The PZ office has received soils evaluations from a licensed SSTS contractor for each proposed lot in the plat.

Snyder said that the two outlots are non-buildable parcels as they do not meet the PCZO for developable parcels, this is stated in the plat development restrictions on the final plat map. Outlot A is intended to be sold to a nearby landowners to buffer lot 1 from an existing home, if desired by the current parcel owner. Outlot B is intended to become a private access road to parcel #74.00292.00 as this parcel is currently only accessible by water. Staff has viewed the site as well as issued a septic system and addition permit to the exiting cabin prior to the platting process. Staff feels that all parcels can be developed without needing variances from setback standards and contain 2 standard septic system locations required by the PCZO.

Snyder said the following comments were received:

1. Rachel Klein, East Polk SWCD sent the notice of decision to our office regarding the wetland delineation report that has been approved and site verified. She stated in the preliminary plat notice that East Polk SWCD would like language added to the plat that would restrict fill in fringe wetlands and identified wetland areas within the plat. Snyder said this language was added to the plat underdevelopment restrictions.
2. Garden Township sent minutes from their last meeting stating that the roadway was not able to be maintained by the township at this time. They included that the Township could reconsider maintenance after homes get established and the roadways are finished with gravel. JCJ contracting was the company that did the roadwork and provided a letter stating the roadway was established to Township specifications if the Township was to take it over in the future. The road is 90% complete at this time due to seasonal wetness, the only thing yet to do is to dress the roadway with gravel.
3. Stephanie Klamm, DNR Area Hydrologist, stated via letter “Thank you for sending the Forgotten Bay final plat for review. The plat location is in the NE¹/₄NE¹/₄ of Section 2, Township 147 North, Range 43 West, Garden Township, Polk County. After reviewing the final Plat, I have following comments to offer: As mentioned in the letter dated November 22, 2021, the edge of this plat is very natural, and we need to ensure that any work between the OWHL and the 100’ setback does not impact the wetlands. The edge of this portion of Union Lake is very natural with little to no development around it and native wetland and aquatic plants – i.e. cattails, bulrushes and lily pads – are likely growing along the edge. Any removal of aquatic plants will require an Aquatic Plant Management (APM) permit from the DNR.

Future development on these lots should be viewed with the stricter standards if they are proposing work in the shore impact zone. The lot owners may be able to put out a boardwalk to reach the lake edge and placement of a dock. Mowing and other maintenance activities should not be allowed except to maintain a walking path to the lake. Sand beach blankets will not work for this area as there are some wetland areas above the OHW that are under the jurisdiction of the local Wetland Conservation Act. The WCA rules does not allow for “fill” in wetland areas, sand can be viewed as fill and therefore would not be allowed. Any work being done on the lots above the OHWL should be consulted with the East Polk SWCD who administer the Wetland Conservation Act (WCA).

The wetland areas identified on the preliminary plans and final plans show that there are large wetland areas on a couple of lots (Lots 2, 3, 6 and 7). With the size of the wetlands, these lots may have some difficulties being built on, as placement of a house/garage and septic may impact natural drainage ways and may involve filling of wetlands. It is very important that the lot owner and the plat developer work with the local WCA authority on placement of structures so they do not impact wetlands. It is also important that all wetlands and drainage ways are not diverted and that if needed culverts are installed under access roads and driveways

to ensure that the wetlands and natural drainage ways are not impacted, or flows are not diverted.

Please take under consideration when reviewing this final plat that the state shoreland rules specifically Minnesota Rule 6120-3500 Subp. 3 language, must be reviewed and applied. This provision states that local governments must not approve subdivisions that are designated so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. Practically, this means evaluating the proposed plat and lot size/shape along with topography, wetlands, and proximity to roads to ensure all setbacks and other standards can be met without a variance.

Snyder then went over slides showing: application, aerial maps of the location, plat map and site photos of the property and roadway. Gagner asked about conditions to limit what they can do with the remaining parcel and creating backlots? Snyder said that is not part of this discussion. We would only be able to do that if they were to plat that area into backlots which isn't considered in this plat. Most likely the remaining parcels would be backlots. Lonnie Paradis with ULSID comment that the USLID would like those lots to be backlots only and no housing. Snyder stated legally we cannot place anything on this plat restricting the remaining parcel to the south, again not include the "Forgotten Bay" Plat. This would require an additional plat to develop and then we could consider restrictions, etc.

Snyder stated that staff recommends approval of the Final Plat with the following recommendations:

1. Language must be included on the Final Plat map to restrict impacts of grading or filling within the wetland areas indicated within this plat. Lots 1-9 fringe wetlands along the shoreline restricting grading/filling along the shoreline. This must be added to the Final Plat under development restrictions stating no land alteration permits shall be issued within the wetland areas indicated within the plat. Also, language must be included on the Final Plat map that Outlots A & B are unbuildable parcels which are intended to access adjoining properties. Snyder said this has been done.
2. The Covenant Restrictions or Association Agreements included for the plat must be recorded with the final plat. Covenant Restrictions must include: Restrictions on development along the shoreline, prohibiting any land alterations/rip-rap/sand blankets/fill within the delineated wetland area. Outlots A & B are unbuildable parcels which are intended to access adjoining properties. These covenant restrictions and/or association agreements must be recoded with the Final Plat. Snyder said this has been done.
3. The roadways must be constructed to Township specifications and approved by the road authority. Snyder said a letter is coming.
4. The roadway maintenance agreement must be recorded with each deed.
5. Wetland delineation report must be approved by the SWCD/TEP panel prior to final plat approval. Snyder said this has been done.
6. No building permits shall be issued within the proposed plat until Final Plat

approval. As well as no property within the platted area shall be sold before the Final Plat is recorded.

7. Within six (6) months of preliminary plat approval, the developer shall submit a Final Plat. The plat may contain only that portion of the approved preliminary plat which is proposed to record. Failure to meet this provision shall void the Preliminary Plat.

The hearing was opened for comments/questions. Vonasek asked what was different between the preliminary plat and this final plat. Snyder said the fringe wetlands along the shoreline is the only change, along with the original preliminary plat checklist of conditions that have been satisfied.

Jore made a motion to recommend final approval with staff recommendations to the County Board. Second by Vonasek.

Ayes: All

Nays: None

Motion carries.

Snyder stated this will go in front of the Polk County Board of Commissioners, on June 7, 2022 for final approval.

Next meeting is set for June 24, 2022. Meeting adjourned.