



existing impervious surface on the parcel, is approximately 11.3% coverage. Stormwater rules state that 25% impervious or under is allowed on any parcel.

Snyder said that the following comments were received:

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. The property owner should consider practices that slow down runoff on this parcel to protect water-quality of the lake and bay of Maple Lake. She adds if the County approves this application, the DNR would recommend the following conditions:
  - a. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
  - b. 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.
  - c. Any bare ground be planted with perennial vegetation, preferably natural vegetation.
  - d. All future structures and associated septic systems not block or change natural drainage way on the above mentioned parcel.
  - e. The backlot has an additional location for another septic system if the existing/future one shall fail or not meet future septic compliance.
2. Maple Lake Improvement District had no issues with the proposed request as long as the shed does not contain living quarters.

Snyder then went over slides showing: application, site location maps, sketch, and property photos. Snyder said 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 no-guesthouse 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 conditional use permit shall become void one year after it was granted unless used.
4. 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.
5. 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.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

8. 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.
9. 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.

Powers asked if anyone had questions on the request? None

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

Ayes: all

Nays: none

Motion carries.

Snyder stated that this will go before the County Board for final approval on Tuesday, August 1, 2023. The applicant does not need to be present at that meeting.

**Public Hearing: CUP – Debra Kolden**

**Parcel #74.01069.00**

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

Snyder then stated the applicant is requesting a Conditional Use Permit (CUP) to tie a new septic system to a new accessory structure on a backlot (non-riparian) on Maple Lake.

Ordinance requirements for this request are found in PCZO Sections 18.2225 E.

Snyder said the applicant owns a non-riparian lot on Shalom Estates (planned unit development) adjacent to Maple Lake. The parcel is located along a wetland adjacent to Maple Lake in section 7 of Woodside Township. The total parcel size is polygon shaped with a total of 50,094 square footage which equals approximately 1.15 acres in size. The applicant's proposing to have a bathroom in the new proposed (16' x 20') shed and noted in the application that the structure will be a shed with a bathroom. The applicant would like to connect a new septic system to the accessory structure, and our office has not yet received the septic design for the proposed septic system. Snyder said that the designer and our office have been in discussion about having a separate septic or tying the shed into the septic system for the house permitted on the lot.

Snyder stated the applicant noted in correspondence with our office that they purchased the shed from a backlot on Maple Lake and according to the applicant the proposed use is for shed use only. The applicant has been made aware of the definition of habitable space and the applicant is willing to sign a no-guesthouse waiver. The applicant will be required to complete and record the no-guesthouse waiver before the building permit is issued. This will be addressed conditionally if the CUP is approved. The impervious coverage, factoring in the proposed new accessory building and the existing impervious surface on the parcel, is approximately 11% coverage. Stormwater rules state that 25% impervious or under is allowed on any parcel.

Snyder said the following comments were received:

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. The property owner should consider practices that slow down runoff on this parcel to protect water quality of the lake and bay of Maple Lake. She adds if the County approves this application, the DNR would recommend the following conditions:
  - a. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
  - b. 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.
  - c. Any bare ground be planted with perennial vegetation, preferably natural vegetation.
  - d. All future structures and associated septic systems do not block or change natural drainage way on the above-mentioned parcel.
  - e. The backlot has an additional location for another septic system if the existing/future one shall fail or not meet future septic compliance.
2. Maple Lake Improvement District had questions on the use of the shed and wanted to make sure it was shed use only not living quarters, if that was the case then there are no issues with the proposed request.

Snyder then went over slides showing: application, site location maps, and site photos. Schulz asked about what constitutes living quarters, etc. Snyder explained. Snyder also stated that we don't have a set setback off a wetland, which is located on the back of this lot, near the proposed shed, but told the applicant the shed would need to be 50' off the wetland as 50' away from Maple Lake is considered the shore impact zone.

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 no-guesthouse waiver with the property deed before the building permit is issued.
2. The Planning & Zoning office must receive/approve a septic design for the proposed septic system prior to issuing the land use permit.
3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. This shall include sidewalks, patios, pavers, etc.
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 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.
10. 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.

Powers opened the meeting to questions. Kolden stated the shed was an old tanning bed business and she bought it to place on the back of her property to have a bathroom closer to the public beach area for her grandkids and guests to use.

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

Ayes: All

Nays: None

Motion carried.

Snyder said that this will go before the County Board for final approval on Tuesday, August 1, 2023. The applicant does not need to appear at that meeting.

**Public Hearing: REZONE – Curtis Olson Parcel # 45.00010.00 and 45.00010.03**

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

Snyder then stated the applicant is requesting to rezone approximately a 2.84-acre portion of a parcel of land from the Agricultural Zoning District to the Commercial Zoning District in Section 2 of Knute Township.

Ordinance requirements for this request are found in PCZO Sections 10 and 15.4000.

Snyder said the applicant is proposing to rezone a 2.84-acre portion of parcels 45.00010.00 (approximately 87 acres) and 45.00010.03 (approximately 4.08 acres) for the stated use of using the Oak Lake Golf Course clubhouse as a retailing store and to utilize an outdoor retailing storage area for patio furniture, fire pits and deer stands. The applicant is proposing to rezone this portion of property from the agricultural district to the commercial zoning district. Outdoor retailing is regulated per section 15.3000 of the Polk County Zoning Ordinance and must be permitted through a Conditional use permit within the Commercial district.

Snyder stated this property is located adjacent to US Highway 2/US Highway 59 north bound exit ramp, just 1 mile east of the city limits of Erskine. The parcel was recently split from the

Pioneer Memorial Care Facility and purchased by Island Lake Retreat LLC, Curtis Olson, the applicant. There are a number of commercial use properties surrounding this parcel. There is a span on the north side of US Highway 2 that contains a gas station, several businesses and just to the east of the site are several billboards along US Highway 2. Minnesota Department of Transportation as jurisdiction on the Right-of-way along US Highway 2.

Snyder said the applicant stated in the application that in order for the golf course to stay open the business must generate more revenue as relying on golfers is not enough to sustain the business. The applicant has also prepared a statement that the request is compatible with the Polk County Comprehensive Plan as requested commercial/retail use furthers the purpose of the Polk County Comprehensive Plan consistent with surrounding uses. The use includes retail of merchandise including, among other items outdoor furniture and deer stands. The properties adjoining or in the vicinity of the applicants includes office, medical space, fuel sales, food, grocery and similar convenience store activities. Accordingly, the applicants retail commercial use would be consistent with that of its neighbors. The use would provide a local source for neighbors to purchase items that are not otherwise available locally and would require travel to distant locations. The use would also hopefully lead to employment of local individuals, thereby reducing the need to commute to larger cities. The requested use would further the plans “sense of community” goal derived from buying local and working locally. Increased employment would also further the comp plans aim to expand and diversity job opportunities and incomes. The use would take place on property currently utilized as a golf course, bordering a non-operating nursing home and office space that lie across Highway 59 from a large convenience store/truck stop. The use would not negatively affect the environment/conservation goals of the comp plan.

Snyder said the following comment was received:

1. MN DOT, sent a letter regarding the proposed Rezone/Conditional use permit application to operate a retailing store on parcel #45.00010.00 at Oak Lake Golf Course, 23146 347<sup>th</sup> St SE, Erskine, MN 56535. The Department of Transportation has reviewed the above referenced application and would recommend the following comments:
  - a. The proposed sale of outdoor furniture and hunting stands does not affect the operation of MNDOT property. However, there shall be no encroachment within the State Trunk Highway. Any signage, structures or ancillary features cannot be within the MNDOT’s right-of-way below ground, above-ground level, or above ground.
  - b. There shall be no net increase in storm water runoff to the State Trunk Highway right-of-way from said property. Computations of all storm water directed toward the right-of-way shall be provided to MNDOT.
  - c. There does not appear to be right-of-way encroachments or discrepancies requiring action at this time. It appears that the ROW boundary shown in the application referenced an old ROW map, 34-87. The more recent map 29-37 reflects the current conditions of the highway ROW. Parcel 208A was acquired in permanent easement in 1970.

Snyder then went over slides showing: application, site location maps, survey showing access

easement and photos of the property. Olson stated he plans to widen the access road to 24' and stripe it as well and also stripe the parking lot. He will work with MNDOT on the widening of the road. Snyder said he had a concern about parking. Olson said there is space for 64 spots. Currently the nursing home is closed and he is looking to buy. He currently has a verbal agreement with them to do the maintenance on their property.

Deb Schmalenberg, Win-e-mac travel center, asked Olson what he plans to sell, if there will be prepared food, etc. Olson said no prepared food for sale, possibly pizza purchased thru the travel center, but otherwise it would be locally made items. Jerde asked to clarify this hearing is for the rezone, not CUP? Snyder said yes, and asked Olson to work with MN Department of health should he decide to sell food.

Jore asked to explain the need for the rezone. Snyder said the golf course is a CUP in the Agricultural District, but the outdoor retail sales is only allowed in the Commercial District. Jerde asked if the DOT comments need to be in the conditions? Snyder said he will let MNDOT control/manage their rules and it is in the conditions, as they are required to follow State rules and regulations.

Pat Paquin, neighboring campground and property owner, stated he commends Olson for buying the golf course and is in favor of Olson's plans. This will only benefit the community.

Angie Shimpa, City of Erskine, is here in support of the requests. The operation of the Golf Course and clubhouse, as well as the proposed retail, brings people to town.

Snyder stated that since this parcel of land is located around several large commercial buildings and business uses currently located in the immediate vicinity. Staff feels it is in conformance with the Comprehensive Plan, is not in conflict with any official controls, and will not be detrimental to the health, safety or general welfare. Therefore, staff recommends approval of the Rezone request for a 2.84-acre portion of parcel 45.00010.00, 45.00010.03 with the following condition:

1. A detailed legal description must be submitted to the planning and zoning department for the 2.84-acre area to be rezoned and must meet the requirements of a buildable parcel per PCZO section 15.4000.

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

Ayes – all  
Nays – none  
Motion carries.

Snyder said this will not go before the County Board for final approval until Tuesday, August 15, 2023 as we need the legal description for the 2.84-acre parcel being rezoned.

**Public Hearing:**

**CUP – Curtis Olson**

**Parcel #45.00010.00 and**

### 45.00010.03

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

Snyder then stated the applicant is requesting a Conditional Use Permit (CUP) to operate an outdoor storage area for retail sales on approximately 2.84-acre portion of land of parcel #45.00010.00 and 45.00010.03 in section 2 of Knute Township.

Ordinance requirements for this request are found in PCZO Sections 15.4000 and 15.3000.

Snyder said the applicant is proposing to operate an outdoor retailing business on a 2.84-acre portion of parcel 45.00010.00 (approximately 87 acres) and 45.00010.03 (approximately 4.08 acres) for the stated use of using the existing Oak Lake Golf Course clubhouse as a retailing store and to utilize an outdoor retailing storage area for patio furniture, fire pits and deer stands. The applicant has applied to rezone this portion of property from the agricultural district to the commercial zoning district. Outdoor retailing is regulated per section 15.3000 of the Polk County Zoning Ordinance and must be permitted through a Conditional use permit within the Commercial district.

Snyder stated this property is located adjacent to US Highway 2/US Highway 59 North bound exit ramp, just 1 mile east of the city limits of Erskine. The parcel was recently split from the Pioneer Memorial Care Facility and purchased by Island Lake Retreat LLC, Curtis Olson, the applicant. Minnesota Department of Transportation has jurisdiction of the right-of-way along US Highway 2. The applicant stated in the application that in order for the golf course to stay open the business must generate more revenue as relying on golfers is not enough to sustain the business.

Snyder said the applicant has submitted an operational plan that cites the store would be open 7 days a week from April 1<sup>st</sup> through October 31<sup>st</sup> and then 5 days a week from November 1<sup>st</sup> through March 31<sup>st</sup>. The applicant also notes the clubhouse will sell a wide variety of products like flowers, clothing, handbags, scarves, golf equipment, BBQ sauce, swimsuits and flotations for lake use. Outdoor retailing products would include Amish furniture, deer stands, and outdoor fire pits. It was noted these are only some of the products that they will be selling.

Snyder stated the applicant has also prepared a statement that his request is compatible with the Polk County Comprehensive Plan as requested commercial/retail use furthers the purpose of the Polk County Comprehensive Plan consistent with surrounding uses. The uses includes retail of merchandise including, among other items outdoor furniture and deer stands. The properties adjoining or in the vicinity of the applicants includes office, medial space, fuel sales, food, grocery and similar convenience store activities. Accordingly, the applicants retail commercial use would be consistent with that of its neighbors. The use would provide a local source for neighbors to purchase items that are not otherwise available locally and would require travel to distant locations. The use would also hopefully lead to employment of local individuals, thereby reducing the need to commute to larger cities. The requested use would further the plans “sense of community” goal derived from buying local and working locally. Increased employment



would also further the Comp plans aim to expand and diversify job opportunities and income. The use would take place on property currently utilized as a golf course, bordering a non-operating nursing home and office space that lie across Highway 59 from a large convenience store/truck stop. The use would not negatively affect the environmental/conservation goals of the comp plan.

Snyder said the following comment was received:

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  - b. There shall be no net increase in storm water runoff to the State Trunk Highway right-of-way from said property. Computations of all storm water directed toward the right-of-way shall be provided to MNDOT.
  - c. There does not appear to be right-of-way encroachments or discrepancies requiring action at this time. It appears that the ROW boundary shown in the application reference an old ROW map 34-87. The more recent map 29-37 reflects the current conditions of the highway ROW. Parcel 208A was acquired in permanent easement in 1970.

Snyder then went over slides showing: application, operational plan which needs to be finalized, and photos of the property. Schulz questioned why he has to submit a detailed list of what will be for sale and to have to continually update that list? It would be easier to tell him what he cannot sell. Snyder said the Planning Commission can drop that condition if they feel it is unnecessary.

Snyder asked about signage? Olson said he was thinking about 2 banners on each highway. Snyder said to work with MNDOT to get those signs approved. Phillips asked about expanding the parking area? Snyder suggested maybe looking at overflow parking for trailers in the future. Schulz said there should be no problem with parking, cars and trailers.

A motion was made by Schulz to recommend approval of the CUP request with amended staff conditions to the County Board. Second by Cavalier.

Ayes: all  
Nays: none  
Motion carries.

Snyder stated that this will not go before the County Board for final approval until Tuesday, August 15, 2023 as we need to finalize the correct legal description.

Meeting adjourned at 10:37 am.