



impervious coverage for parcels. The existing septic system passed a compliance inspection in 2014 and will be required to be re-inspected since over 3 years has passed since the prior inspection. The applicant noted that this would be done if the Conditional Use request is approved.

Snyder said that Stephanie Klamm, MNDNR 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 new accessory structure would involve impervious surfaces and increase the speed at which runoff would reach the lake. If possible, the applicant should try to decrease their impervious surface or redirect the runoff away from the lake to a holding area such as a rain garden. 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. The accessory structure meets all setback requirements of the PCZO.
3. The accessory structure meets all height restrictions for riparian parcels.
4. 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.
5. Vegetative screening between the structure and the OHWL is established satisfactory of the P&Z office.
6. Any bare ground be planted with perennial vegetation, preferably natural vegetation.

Snyder then went over slides showing: application, property location, sketch and photos of the property.

Snyder said 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. Applicant shall leave adequate trees between the structure and Cable Lake. The vegetation shall be left to limit the structures' view from the lake during leaf-on conditions. Removal of only limited trees is planned for construction of the garage.
3. The existing 8 x 12 shed shall be removed as to not exceed 1600 sq ft total in accessory structures. This shall be done upon completion of the proposed garage.
4. No future development shall be allowed on the lot that would further exceed the 25% impervious surface requirement. This shall include sidewalks, patios, pavers, etc.
5. Applicant shall provide a septic compliance inspection for the existing septic system prior to issuance of the land use permit.
6. The conditional use permit shall become void one year after it was granted unless used.
7. 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.

8. 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.
9. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
10. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
11. That adequate measures have been or will be taken 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.
12. 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 from the board. Schulz asked about the shed and imperious. Snyder explained that you are allowed two accessory structures totaling 1600 sq. ft. only through a conditional use permit. The property has two sheds currently so the small 10'x 12' shed would need to be removed and is addressed conditionally if approved. Snyder added the impervious is 19% of the total lot if the project is constructed as presented with the CUP request including pavement to the new structure.

Powers stated that he has received a couple calls regarding backlots recently regarding campers vs. guesthouse uses. He told them it is a septic system problem as the additional use puts the system over what is was designed for. Snyder said they have been tracking and trying to control these over the last couple years. Schulz said he has issues with those that are hooked up to the power, water, electrical and septic that shouldn't. Snyder said we need to finish this hearing and we can discuss this later in the meeting during the new business and old business as this has nothing to do with the application at hand.

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

Ayes: All  
Nays: None

Motion carries. Snyder said that this will go before the County Board for final approval on Tuesday, September 7, 2021.

**Public Hearing: CUP – William Senn & Katherine Howard Parcel #47.00144.01**

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 is requesting a Conditional Use Permit (CUP) hook a new septic system to a new accessory structure on a riparian lot on Keller Lake (60-171 P).

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

Snyder said the applicant owns a riparian parcel on Keller Lake located in section 27 of Lessor Township. The total parcel size is approximately 23.28 acres, but the applicant has plans to split out a 5-acre parcel where the buildings will be located. The applicants request is to hook a new 30' x 62' accessory structure to a new septic system that would also serve the dwelling on the site. The applicant's riparian lot is large, so the applicant located the accessory structure 300 plus feet away from the Ordinary High Water Level (OHWL) of Keller Lake. This is the distance needed to build an accessory structure larger than 800 sq. ft. and higher than 15 feet in total height.

Snyder stated that the applicant stated on their application that the septic would service a bathroom with minimal use for the accessory structure/hobby shop. He added it will not have any guest quarters and no living space within it, only a workshop with bathroom. The applicant's current impervious coverage for the lot including the dwelling/shop is approximately 2% impervious coverage if the parcel is split to 5 acres. The PCZO allows a maximum impervious coverage of 25% for parcels. The applicant will be required to complete and record a no guesthouse waiver before the land use permit is issued for this request.

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 new accessory structure would involve impervious surfaces and increase the speed at which runoff would reach the lake. If possible, the applicant should try to decrease their impervious surface or redirect the runoff away from the lake to a holding area such as a rain garden. 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.) The accessory structure meets all the setback requirements of the Polk County Shoreland Ordinance.
- 3.) 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.
- 4.) Any bare ground be planted with perennial vegetation, preferably natural vegetation.

Snyder then went over slides showing the application, property location, sketch and property photos. Snyder then 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 guest house waiver with the property deed before the building permit is issued.
- 2) The conditional use permit shall become void one year after it was granted unless used.

- 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) 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 opened the meeting to questions and comments. Schulz asked where this lake is located. Mr. Senn explained. Gagner asked if has other buildings on the lake. Senn said yes, we have been here over 100 years. We own just about everything you see on the map. Snyder said he owns more than one parcel. Senn said they are in the process of acquiring an additional  $\frac{3}{4}$  of an acre for access. Snyder said there is an existing access easement, but you cannot have two parcels with that easement, so they are working on getting that cleared up, so the access is on their property. Once that is done, they will get those 5 acres split off. Snyder added that the parcel is conforming as it exists even if they do not split off 5 acres this request would still be valid on a 23 plus acre parcel as it is conforming with the zoning ordinance with the existing easement access.

Jore made motion to recommend approval to the County Board with staff conditions. Second by Gagner.

Ayes: all

Nays: none

Motion carries. Snyder said that this will go before the County Board for final approval on Tuesday, September 7, 2021. There should be no reason that Senn would need to attend that meeting.

There was discussion about campers and the rules and regulations regarding them on lake parcels. Snyder said they are trying to get them reigned in but with only a staff of 3 it hasn't

been easy. He has been working with County Attorney Widseth on getting a process developed to follow for processing and possible fining of the violators. Snyder said it would be a misdemeanor. Jacobson said maybe one summer we hire someone to do just campers and get them straightened out. He also said maybe there is a way to place a fine on their property tax statements. Schulz said it is getting worse. Within one mile, there are ten new campers that were not there last weekend. Snyder said our problem focus has been on those lots that have two or three campers on the lot. Schulz said most of the surrounding counties with lakes have ordinance that says NO campers are allowed period.

Next meeting is set for August 27, 2021. Meeting adjourned.