

# Planning Advisory Commission

## September 24, 2020

### CUP#20199

# POPE MINNESOTA COUNTY

S:\12\_BOA-PAC\2020\10\_September 24th\6\_PAC\2\_08-0137-106 Jerve CUP\3\_Staff Report\PAC Scheduled Item 2\_Jerve CUP 20199 Staff Report.docx

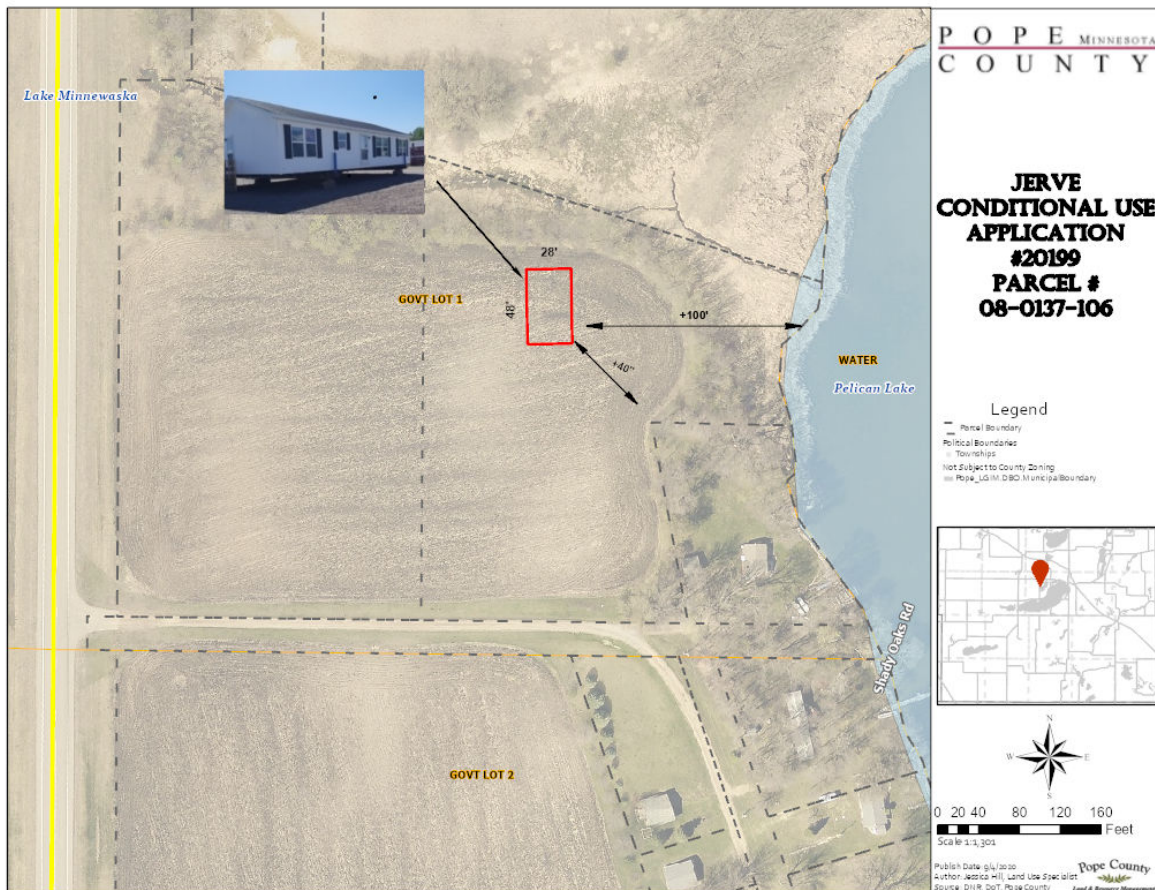
## STAFF REPORT

### Applicant Information

**Applicant:** Bruce and Melva Jerve

**Application:** Conditional use permit to locate a used residential structure on a parcel of land located in a Shoreland-Recreational Development (S-RD) zoning district per section 4.6.13.A.3. of the Pope County Land Use Controls Ordinance.

**Location:** Lot 6 Block 1, Pelican Lake Meadows. Section 16, Township 125 Range 38, Minnewaska township, Pope County, Minnesota.



## Background

The applicants would like to purchase and locate a used residential structure on his riparian parcel located in a Shoreland-Recreational Development (S-RD) zoning district. The Pope County Land Use Controls Ordinance requires that a Conditional Use Permit is necessary for used structure that are to be located on parcels of less than 5 acres. This particular parcel is 121,935 square feet in size (2.71 acres).

## Applicable Statutes

- This application is subject to the criteria and procedures as prescribed in section 11.5 Conditional Use Permit of the Pope County Land Use Controls Ordinance.
- The proposed land use is being considered as a conditional use on Shoreland-General Development (S-GD) designated land as per Pope County Land Use Controls Ordinance Section 4.6.13.A.3.

### *4.6.13 Steel Buildings, Pole Structure and Other Dwellings*

#### *A. Lots smaller than five acres:*

- 3. Placement of any used building or structure greater than 200 square feet in area which is to be moved on a lot of less than five acres size shall be by Conditional Use.*

## Staff Comments and Recommendations

Based on the review of the application, staff offers the following comment:

Staff has identified that the location of this structure may be impacted by the adoption of new flood risk hazard maps. It is permissible to locate a home in a fringe area of a flood hazard risk area provided that the lowest floor of the structure is located above the regulated flood plain (RFP) level. As a condition of permitting, it is necessary for the owner to provide a post construction elevation certificate. Otherwise, staff does not have any objections to the issuance of a conditional use permit that would allow for this structure to be located on the applicant's parcel.

Staff recommends that an approval of the application should contain the following conditions:

1. That the structure is located to meet all setback provisions of the Pope County Land Use Controls Ordinance unless a variance has been granted.
2. That prior to any construction activities, all necessary permits are secured from Township, County and State agencies.
3. Any change in the use (other than the permitted uses in the zoning district or what is included in this permit) shall require a conditional use permit.



4. The owner understands that future development of this site is conditioned upon compliance with all provisions of the Pope County Land Use Controls Ordinance.

## Staff Findings

---

Staff offers the following findings for consideration:

1. **The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted:** Any proposed structure will necessarily be in compliance with the provisions of the Pope County Land Use Controls Ordinance as a condition of the permitting unless a variance has been granted.
2. **The use is not in conflict with the County Comprehensive Land Use Plan:** The current Comprehensive Plan includes goals that state a recognition of diverse and existing land uses throughout the county. It is noted that not all uses are compatible and that there should be consideration as to separation, siting, development requirements and operating standards. Based on the proposed land use (residential) including distance from sensitive environmental features, roadway and neighboring properties, the proposed use is not in conflict with the County Comprehensive Plan.
3. **That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area, and will not interfere with the best interest of the surrounding area or the community as a whole:** The structure being proposed to be located onto the property is a reasonable request. The size, location and overall appearance of the building will not interfere with future development on adjacent properties, nor is it expected to diminish or impair neighboring property values.
4. **The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area:** This land use is not expected to have a significant negative impact on public infrastructure.
5. **The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:** The proposed project involves the locating of a used residential structure that is in very good shape onto the owners Pelican Lake riparian parcel. The site is expected to remain neat and orderly in appearance.
6. **The road on which the project is proposed is adequate to handle increased traffic during construction and operation, and that the use will not cause traffic hazards or congestion:** Once onsite, the project is not expected to have any impact to local traffic patterns.
7. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade**



**brought about by intrusion of noise, glare, odor, or general unsightliness:** There are no nearby identified existing commercial businesses.

8. **That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area:** The proposed land use will not conflict with existing uses.
9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:** Any necessary utilities, drainage or other facilities will be addressed prior to and as a condition of issuance of any construction activities permit.
10. **That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater, and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result:** The site is expected to remain neat and orderly in appearance. As such, the site should not have a negative impact on neighboring properties with noise, dust, appearance, and other nuisances or impacts.



POPE MINNESOTA  
COUNTY

S:\2. BOA-PAC\2020\10. September 24th\6. PAC\2. 08-0137-106 Jerve CUP\3. Staff Report\3. PAC Scheduled Item 2. Jerve CUP 20199 Staff Report.docx

## REPORT APPENDIX

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Conditional Use Permit Application (Jerve, 11 August 2020)*
  - **Attachment 2:** *Proposed Structure*



## Routing Sheet

---

*Comments, Concerns and Conditions*

Agency

- DNR No comment received.
- SWCD No comment received.

County Department

- Attorney No comment received.
- E911/IT *COMMENTS: Would need to apply for address for this residence. An address was assigned for this property on 06-12-2020, assigned address: 25922 Gunderson Dr, Glenwood.*
- Recorder *COMMENTS: Please see MN Statute 507.093 Standards for documents to be recorded or filed for recording. Our office shows that the current property owner of the above parcel is Bruce Jerve per document #280823; in which can be found in our Laredo program.*

Township

- Minnewaska No comment received.

Other Comments Received

No comment received.



**Public Notice**

**POPE COUNTY LAND & RESOURCE MANAGEMENT  
POPE COUNTY COURTHOUSE  
130 E. MINNESOTA AVENUE, SUITE 113  
GLENWOOD, MINNESOTA 56334  
(320) 634-7791**

**POPE COUNTY PLANNING ADVISORY COMMISSION  
NOTICE OF PUBLIC HEARING FOR  
CONDITIONAL USE REQUEST**

**Notice is hereby given** that access and participation relating to the Planning Advisory Commission meeting and **Notice is hereby given** that access and participation relating to the Planning Advisory Commission meeting and Public Hearing (see below) to be held at 6:00 pm or shortly thereafter on Thursday, September 24<sup>th</sup>, 2020 in the County Courthouse Community Room to consider the following agenda items.

As of the drafting of this public notice, a declared Peacetime Emergency in response to the spread of COVID-19 (coronavirus) in MN is still in effect. In an effort to comply with MDH recommendations issued with the declared Peacetime Emergency and established social distancing guidelines, the Planning Advisory Commission will conduct this meeting by use of telephone and video conferencing technology. Citizens will be able to participate via **telephone or video technology as posted on the Pope County Land & Resource Management website calendar**. In addition, a limited number of citizens including the individual applicants, will be afforded in person access via the Community Room located in the Pope County Courthouse, provided that social distancing guidelines and etiquette can be maintained.

Public participation will include:

- 1) an opportunity to submit written concerns and comment prior to the scheduled meeting. All such communications were shared with the Planning Advisory Commission prior to or during the meeting;
- 2) an opportunity to observe and/or participate in the proceedings of the Planning Advisory Commission meeting;
- 3) an opportunity to review the staff prepared report via Pope County website.

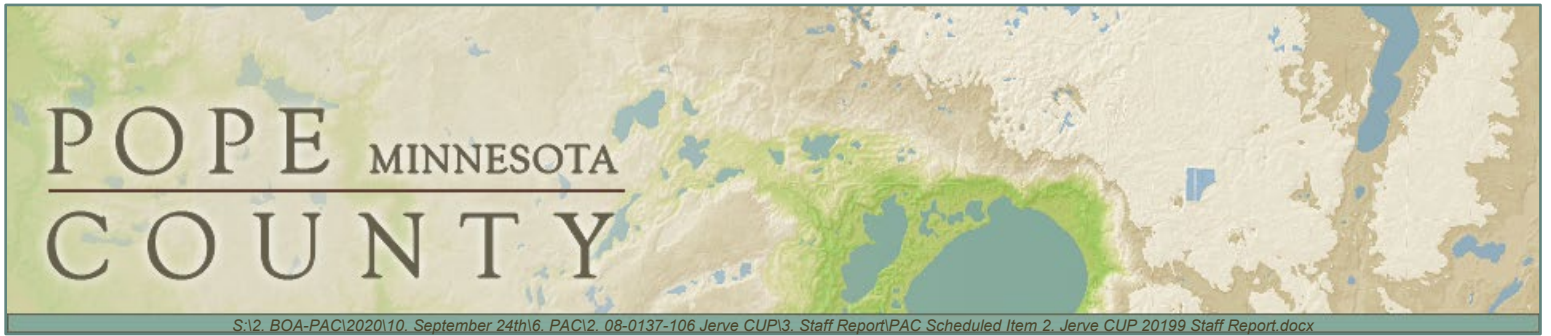
Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. Thank you for your patience and consideration in this matter.

**Description of Request:** Conditional Use hearing on the application by Paul Kolden, if granted would allow for the construction of a 1200 square foot metal clad storage building on a parcel that is less than five acres in size that is located in a Shoreland General Development (S-GD) zoning district. This use is permissible as per Pope County Land Use Controls Ordinance section 4.6.13 A 1.

**Legal Description/Site Location:** Lot 3 Block 1, Waska Pond 1<sup>st</sup> Addition. Section 20, Township 125 Range 38, Minnewaska township, Pope County, Minnesota.

**Dated:** September 2, 2020

**By:** David Green, Director, Land & Resource Management



## Supplemental Information

---

**Supplemental Information Attachment 1:**  
***Conditional Use Permit Application (Jerve, 11 August 2020)***



# POPE MINNESOTA COUNTY

S:\12\_BOA-PAC\2020\10\_September 24th\6\_PAC\2\_08-0137-106 Jerve CUP\3\_Staff Report\3AC Scheduled Item 2\_Jerve CUP 20199 Staff Report.docx

## Supplemental Information Attachment 2: *Proposed Structure*

