Planning Advisory Commission
October 23, 2025
CUP-25-013

POPECOUNTY MINNESOTA

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STAFF REPORT

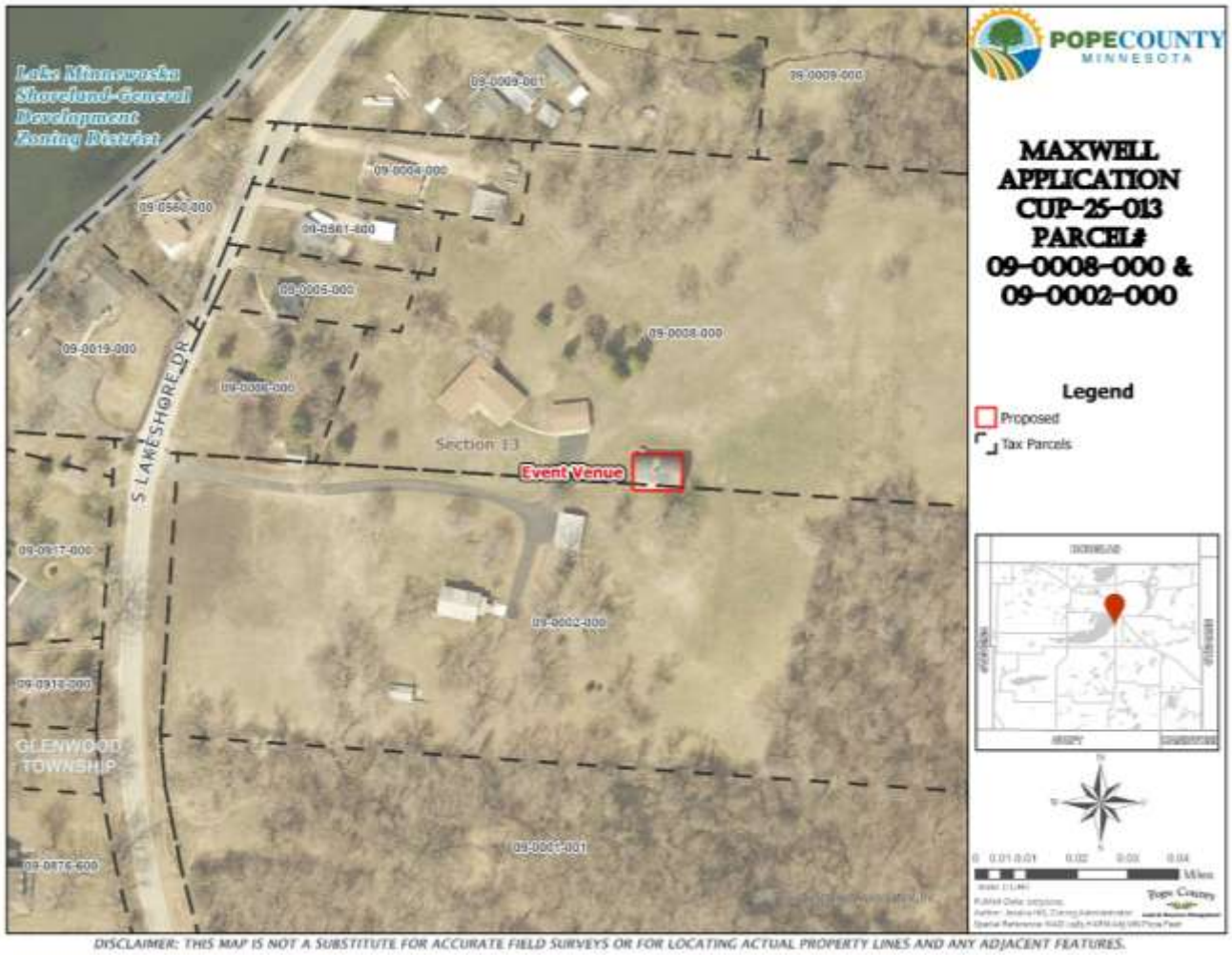
Applicant Information

Applicant: Austin and Anna Maxwell

Application: Conditional Use Permit (CUP-25-013)

Zoning: Shoreland-General Development (S-GD)

Location: Part of Lot 2 and Lot 3 of the Subdivision of Government Lot 2, Section 13, Township 125 (Glenwood), Range 38, Pope County, Minnesota



DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Background

The applicant is proposing to host events, such as weddings, anniversaries, birthdays, family reunions, etc. in a converted agricultural structure on their parcel(s) of land located off of South Lakeshore Drive in Glenwood Township. The site is approximately one mile south of the city of Glenwood. As proposed, the facility will be rentable for up to 100 guests.

This property is located in a Shoreland-General Development zoning district. The owner is seeking permission to operate an event venue in accordance with section 4.2.2 C. of the Pope Couty Land Use Controls Ordinance which allows for commercial uses by issuance of a Conditional Use Permit.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 4.2 Shoreland-General Development District (S-RD)
    - Section 4.2.2. Conditional Uses

      C. Commercial.
  - Section 11.5 Conditional & Interim Use Permits *(criteria and procedures)*

State Statute/Rule

- Minnesota Statutes, Chapter 394. Planning, Development, Zoning *(enabling legislation)*
- Minnesota Administrative Rules, Chapter 7080, Individual Subsurface Sewage Treatment Systems *(MPCA Subsurface Sewage Treatment Systems Program)*
- 2015 Minnesota Accessibility Code
- Minnesota Administrative Rules, Chapter 1800, Licensing and Operation, Part 1800.5200 General Requirement and Exceptions
- Minnesota Statutes, Chapter 326B. Construction Codes and Licensing

Staff Comments

Based on the review of the application, Staff offers the following comments for consideration:

1. Historically, this barn was constructed for agricultural purposes. Agricultural buildings are exempt from the building code per Minnesota Statue 326B.121 and Minnesota Administrative Rule 1300.0030. However, as it is being converted from an agricultural use to a different use (place of public accommodation), the structure and use will need to conform with current building codes and standards including gravity loading (dead, live and snow loading), lateral load (wind), accessibility, restroom facilities, egress, HVAC, and fire sprinklers.

2. Minnesota Administrative Rule 1800.5200 Subpart 1. ***Requirement***. *Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed and practicing pursuant to Minnesota Statutes, sections 326.02 to 326.15, except as set forth in subparts 2 to 4.* Note: This structure does not qualify as an exempt class of building as specified in MN Rule 1800.590.

3. The Department of Labor and Industry has responded to the applicant and Pope County with an email communication (see Report Appendix, MN DLI, Agency comment) detailing the necessary steps for compliance with state codes which included the following information:

   In accordance with Minnesota Statute 326B.108, event centers having an occupant load of 100 or more people have been deemed by the State Legislature as "Places of Public Accommodation". When located where there is no municipal building code enforcement, Places of Public Accommodation (PPA) are under the jurisdiction of the Minnesota Department of Labor and Industry for plan review, construction permits, and inspections.

   Before use, construction, or alteration of an event center can be authorized, either determination that the facility is not a PPA because the occupant load is less than 100, or plan review and approval, permits, and inspections must be completed by DLI Construction Codes and Licensing.

4. The Minnesota State Fire Code (MSFC) section 102.3 states:

   No change shall be made in use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the Internation Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes is other groups without conforming to all the requirements of this code and the International Building Code for those groups, provided that new or proposed use is less hazardous, based on life and fire risk, than the existing use.

5. The Minnesota Accessibility code is required to be enforced statewide (MN Statute 326B.16 Subd. 1). Even though Pope County has not formally adopted the State Building Code, the state dictates that the county is responsible for the enforcement of the Minnesota Accessibility Code in all towns and townships that have not adopted the building code. Code enforcement requires that the county;
    - Review applications, issue permit and maintain records;
    - Verify plans are certified by Minnesota-licensed design professionals;
    - Review plans and specifications to verify code compliance; and
    - Inspect and approve construction for code compliance.

    Pope County has not received any detailed plans or specifications relating to the physical structure nor verification that a Minnesota-licensed design professional has certified the facility plan.
6. Currently, access to and from the event facility is via South Lakeshore Drive. When exiting the driveway onto South Lakeshore Drive, there is a stone retaining wall and an elevation change that impacts visibility when looking to the north. The safe flow of traffic is a concerning issue as there may be multitudes of vehicular traffic coming and going to an event at this site. There needs to be further discussion regarding the flow of traffic as well as the potential to improve another access point off of State Highway 104.
7. Currently, there is not an onsite septic system that services the event center. A septic system should be designed with the appropriate capacity as specified in Minnesota Rule Chapter 7080-7083.

Staff Recommendation

Table

Staff does not object to the conversion of this agricultural structure to an event hosting facility. However, there are permitting and occupancy standards that need to be addressed between the owner and the MN Department of Labor and Industry before compliance with local zoning standards can be certified/recorded. If the Planning Advisory Commission does recommend approval, then Staff recommends the event venue approval be conditioned upon:

1. Proof of compliance with DLI review and determination.
2. Proof of compliance with Minnesota Administrative Rule 1800.5200 Subpart 1, requiring that plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work to be prepared and certified by an architect or engineer.

3. Submittal of conformance with Accessibility standards including detailed drawings indicating compliance with accessibility to include signage, ramp slope, stair railing, door openings, etc.
4. The applicant/developer submits an onsite septic system design for the venue. Which is to be installed within 12 months of the recording of the CUP approval.
5. The applicant provides a short-term and long-term traffic plan.
6. The applicant submits a parking plan. On street parking is not allowed.
7. All other state and local permits and approvals shall be obtained for the operation of the business.
8. Hours of operation will be __ pm to __ pm weekday evenings and __ am to __ pm on Saturdays.
9. All outside lighting must be hooded and directed straight down.
10. Any sign advertising the business must be located on the structure and not be free standing, may be no larger than 48 sq. ft., and may be no more than 12 ft. in total height. The sign may not be electronically/digitally lit.
11. Any change in the use (other than the permitted uses in the zoning district or what is included in this permit), hours of operation, or expansion of the business (including construction of additional buildings) shall require a conditional use permit.
12. This permit may be revoked by the County for violation of the permit or conditions thereof, or of County Ordinance; and that the County Planning Advisory Commission shall decide if justified cause exists for a revocation hearing.
13. Issuance of this permit shall not preclude any other restrictions or requirements of other local, state or federal agencies.

Staff Findings

The 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:**

   Finding: The existing structure meets the setback requirement from the road right-of-way. The structure does not meet properly line setbacks as it straddles a property line. However, the properties are in common ownership.

2. **The use is not in conflict with the County Comprehensive Land Use Plan:**

   Finding: 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 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:**

   Finding: The use of shoreland recreational property to host special events is permissible based on the Pope County Land Use Controls Ordinance. The venue is located a sufficient distance from other adjacent properties such that its use is not likely to diminish or impair the use and enjoyment of neighboring properties or interfere with the surrounding community as a whole.

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:**

   Finding: This land use is not expected to have any negative impacts on public infrastructure.

5. **The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:**

   Finding: The developer/owner has improved the site and it 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 operation, and that the use will not cause traffic hazards or congestion:**

   Finding: This is not yet determined.

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:**

   Finding: There are no other known nearby businesses. So, the existence of the event facility use on the parcel will not have any impact on nearby 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:**

   Finding: The proposed use of an event facility on the parcel will not conflict with existing uses or impede orderly development of adjacent properties.

9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:**

   Finding: Any necessary utilities, drainage, septic systems or other facilities will be addressed prior to and as a condition of issuance of any land use 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:**

    Finding: 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.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Conditional Use Permit Application (Austin and Anna Maxwell, 19 September 2025)*
  - **Attachment 2:** *Submitted Site Plan (Austin and Anna Maxwell, 19 September 2025)*
  - **Attachment 3:** *Site Visit Photos (L&RM Staff, 13 October 2025)*

Routing Sheet

Comments, Concerns and Conditions

Agency

MN DLI *COMMENTS:*

Good afternoon, Anna and Austin.

Construction Codes and Licensing has been informed of the proposed event venue in Pope County.

In accordance with Minnesota Statute 326B.108, event centers having an occupant load of 100 or more people have been deemed by the State Legislature as "Places of Public Accommodation". When located where there is no municipal building code enforcement, Places of Public Accommodation (PPA) are under the jurisdiction of the Minnesota Department of Labor and Industry for plan review, construction permits, and inspections.

Before use, construction, or alteration of an event center can be authorized, either determination that the facility is not a PPA because the occupant load is less than 100, or plan review and approval, permits, and inspections must be completed by DLI Construction Codes and Licensing.

Determination of the occupant load must be in accordance with MN State Building Code, IBC Section 1004, based on the area of spaces in the building and the building code occupant load factor for their use. The final determination of occupant load must be based on plans and a code summary prepared and certified by a Minnesota licensed architect.

A Place of Public Accommodation must obtain plan review approval and permits from the Minnesota Department of Labor and Industry Construction Codes and Licensing Division (DLI/CCLD).

An architect will need to prepare a code record document and submit it along with an Application for Plan Review to the Department of Labor and Industry, Construction Codes and Licensing Division [DLI/CCLD] in order for us to make the final jurisdiction determination. Documentation must be provided to substantiate the design occupant load based upon the state building code.

Below is a link to a fact sheet for Places of Public Accommodations.
Fact sheet: Places of public accommodation (mn.gov)

If our determination is that the facility does meet the definition of a Place of Public Accommodation, complete plans for the building and its systems will be required to be submitted for review prior to any construction, alterations, or use of the building.

Places of Public Accommodation are required to be designed by Minnesota licensed design professionals; this means an architect for the overall building compliance, a structural engineer for building structure, and a mechanical engineer for building ventilation systems, heating systems and air conditioning systems pursuant to Minnesota Rule 1800.5200. https://www.revisor.mn.gov/rules/1800.5200/

Applications for plan review and permitting must include complete construction documents, including a construction code analysis, plans, specifications, and other documents prepared and certified by Minnesota licensed design professionals (architect, engineer, etc.).

Fire sprinkler systems are required when the facility has a calculated occupant load of 300 or more, regardless of building separations to the facility. The Minnesota Department of Public Safety, State Fire Marshal Division has jurisdiction over fire sprinkler systems for Places of Public Accommodation pursuant to Minnesota Statute 326B.108. https://www.revisor.mn.gov/statutes/cite/326B.108

Please follow the steps outlined below.

NEXT STEPS:

1. Obtain certified construction documents from design professionals, including but not limited to civil, architectural, structural, mechanical, and electrical plans demonstrating compliance with the 2020 Minnesota State Building Code.
2. When your construction documents are complete, have your architect submit the construction documents to the Minnesota Department of Labor and Industry, Construction Codes and Licensing Division for building plan review here: Apply for building plan review | Minnesota Department of Labor and Industry (mn.gov)
3. After plan review is complete, your contractor can apply for a building permit and a mechanical permit here: Apply for a permit | Minnesota Department of Labor and Industry (mn.gov)
4. Upon completion of permitting and inspections, a Certificate of Occupancy will be issued from DLI/CCLD.

Please reach out with any questions about process or requirements for Places of Public Accommodation.

Best regards,

Wendy

Wendy Rannenberg
Building Plan Review Lead | Construction Codes & Licensing

Minnesota Department of Labor and Industry
443 Lafayette Road N., St. Paul, MN 55155
Phone (651) 284-5415 | Web www.dli.mn.gov

DEPARTMENT OF LABOR AND INDUSTRY

MN DNR No comment received.

County Department

Assessor	*COMMENTS: the barn will most likely change classification to commercial and if any of the other buildings are used as part of the venue, they would also become commercial.*
Attorney	No comment received.
E911 Addressing	*COMMENTS: An address for the event barn venue does not exist.* *PROPOSED CONDITIONS: An E911 Address should be applied for to properly address the event barn venue according to section 2.2 of the Pope County E911 Rural Addressing Ordinance (2018-03).*
Emergency Mgt	No comment received.
Engineer	No comment received.

Township

Glenwood	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 a Public Hearing will take place in conjunction with the Planning Advisory Commission meeting to be held at 6:00 pm or shortly thereafter on Thursday, October 23rd, 2025 in the Pope County Courthouse to consider the following conditional use request.

Description of Request: Conditional Use hearing for an application by Austin and Anna Maxwell (CUP-25-013, Parcels#09-0008-000 & 09-0002-000), if granted would allow applicants to utilize an existing barn structure to host events of limited occupancy (less than 100 people) in a Shoreland-General Development (S-GD) zoning district per section 4.2.2.C and 10.29 of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of Lot 2 and Lot 3 of the Subdivision of Government Lot 2, Section 13, Township 125 (Glenwood), Range 38, Pope County, Minnesota.

Public participation will include an opportunity to:

1) submit written concerns and comment prior to the scheduled meeting. All such communications will be shared with the Planning Advisory Commission prior to or during the meeting;
2) submit concerns and comments via Pope County's Public Comment web map (https://popecounty.maps.arcgis.com/apps/webappviewer/index.html?id=22a203912a864a77b4cdabe672e35e3f)
3) review the staff prepared report via Pope County website;
4) observe and/or participate in the proceedings of the Planning Advisory Commission meeting.

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.

Dated: October 3, 2025
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Conditional Use Permit Application
(Austin and Anna Maxwell, 19 September 2025)

CONDITIONAL/INTERIM USE PERMIT APPLICATION

POPECOUNTY MINNESOTA

L&RM FORM 17

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CONDITIONAL /INTERIM USE PERMIT APPLICATION

A conditional or interim use is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after public hearing provided certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district. A Conditional Use or Interim Use permit may be denied if the use is deemed incompatible with other permitted uses of the district.

Prior to submission of this application, please discuss your request with the Land and Resource Management department.

Applicant Information

Applicant Names	Austin Maxwell, Anna Maxwell
Phone Number	Email

[redacted]

Property Description

Property Address	18878 S Lakeshore Dr	City	Glenwood	State	MN
Zip	56334				
Township Name	Glenwood	Section	13	Twp	125
Range	38				
Parcel No.	09-0008-000	Associated Parcel No.	09-0002-000		

Project Narrative

What is the conditional / interim use permit application for?	

Provide written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:

Small barn micro venue - limited to fewer than 100 people

Amplified music ends at reasonable evening hours - sound kept within county standards

Guest traffic routed from highway rather than S Lakeshore Drive with clear signage. Onsite parking provided to avoid overflow

Scale of events minimal to reduce noise, traffic, parking impacts

Barn and landscape maintained to match character of neighboring properties

Pope County Land & Resource Management
130 East Minnesota Ave · Glenwood, Minnesota 56334
Phone: (320) 634-7701 | Email: pclrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management

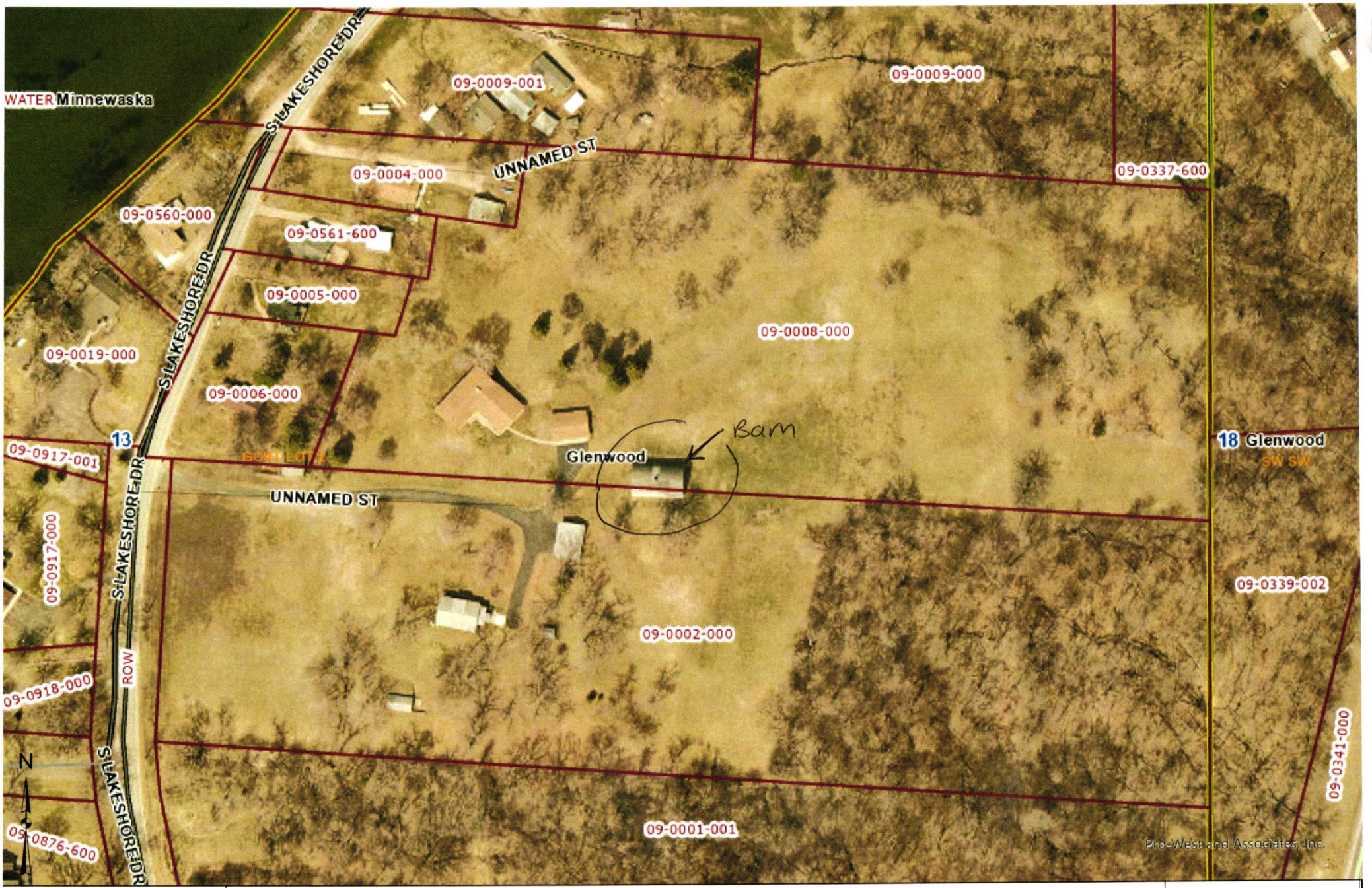
APPLICATION REQUIREMENTS

The following application requirements must be provided:	Description
1. The applicant for a Conditional or Interim Use Permit shall file an application in the office of the Administrator and pay a fee according to the fee schedule resolution of County Board of Commissioners.	***Two separate checks (made out to Pope County) must be provided:*** 1. ***Application Fee = $500*** 2. ***Recording Fee = $46***
2. Written description of the proposed activities, including:	
a. Type of business or activity (including scope of operations);	small gatherings, weddings, elopements, family reunions
b. Proposed number of employees;	3
c. Days and hours of operation;	weekdays until 10pm weekends until 11pm
d. Equipment and vehicles to be used for the activity;	personal vehicles for staff / guests Standard event equipment (tables, chairs, etc)
e. Proposed floor plan of any structure or use indicated;	30x50ft vaulted ceiling space
f. Sanitary sewer and water plan with estimated use per day;	portable restrooms vs. septic (depending on county requirements)
g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and	routine cleaning, landscaping approved waste containers, removed by licensed disposal service
h. Proposed exterior lighting, signage and storage.	minimal downward facing lighting storage in barn / garage existing buildings
3. Site plan (completed by a licensed land surveyor if applicable*) including, but not limited to: a. Property lines; b. Existing topography; c. Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.); d. Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.; e. Finished grading and drainage plan; f. Existing and proposed screening; and g. Other requirements as deemed appropriate by the Administrator.	***Please <u>provide</u> on the <u>Site Plan page of this application</u> or <u>attach</u> to this application upon submittal.*** ***Please Note:** Applicants for Conditional Use Permit and Variance shall be required to submit a land surveyor's plot plan showing exact lot boundary and location of existing and proposed development as a part of application. Surveyor stakes shall be in place for site inspection of lot boundary and proposed development. Above policy shall be applicable for development on all lots of one acre or smaller. (ADOPTED 4 September 1985) (Land Use Controls Ordinance Section 11.6.2.H)*
4. Any additional information required by the Administrator.	

Pope County Land & Resource Management
130 East Minnesota Ave. | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

Supplemental Information Attachment 2:

Submitted Site Plan
(Austin and Anna Maxwell, 19 September 2025)



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for

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Date: 5/14/2025

Supplemental Information Attachment 3:

Site Visit Photos
(L&RM Staff, 13 October 2025)

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