

HUBBARD COUNTY

Planning Commission/Board of Adjustment meeting minutes

6:00 p.m. on Monday, December 19, 2016

Chairman Ted VanKempen opened the meeting with the following members present: Tom Krueger, Tim Johnson, Ken Grob and Cal Johannsen, ex-officio Planning Commission member. Also present was Environmental Services Officer Eric Buitenwerf.

VanKempen started the meeting by reading the procedure by which the meeting of the Planning Commission/Board of Adjustment will be conducted to the audience.

Board of Adjustment:

Approval of Minutes: November 28, 2016 meeting.

Johnson made a motion to approve the minutes as presented. Grob seconded the motion that carried unanimously 4 - 0.

Old Business: None.

New Business:

Variance Application 50-V-16 by Paul and Judy Anderson: Lot 12, Perry's Sunset Beach, Section 7, Township 140, Range 32, White Oak Township on Eighth Crow Wing Lake, a recreational development lake. Parcel 28.38.01100. Applicants are requesting a variance from Section 502.2 of the Shoreland Management Ordinance for a proposed accessory structure to be located in the shore impact zone at less than the 100' ordinary high water mark setback.

Paul and Judy Anderson, 20769 Flying Eagle Drive, Nevis, MN, presented the variance application. We are requesting a variance to construct a utility shed. The materials we will use to construct the utility shed will match the house. We have recently started occupying the residence on a full-time basis. As a result, we are needing to use our basement storage area for more livable space. We would like to move the outdoor equipment to the proposed storage building. The garage is not an option for the equipment as it is full. We have two cars, four-wheelers, bikes etcetera. Using that space is not practical as it all relates to the lake. The utility shed that we are proposing will be in a wooded area and will not be visible from the lake. Neighboring properties have similar structures.

Krueger asked what the practical difficulty would be having the utility shed built at the proposed location of 25' from the lake as opposed to the a conforming area on the lot.

Anderson replied a 100' setback would place it near the garage. It would not be proximal to where we would actually be using the equipment. We would like to store all of our boating and fishing equipment along with bulky items near the shoreline for our recreational use. A comment was made during the visit about an area on the east side of the property near where the well was. There is a strip through there that is our access down to the lake. It is where we do wood and leaf removal. It is not a proximal area to place the utility shed. We do have the area down by the lake that is not being used. It is perfect. Ideally I would like to encroach upon the 10' setback, but I am abiding by the 10' setback. It is a small feature with no electricity or water.

VanKempen asked for public comment.

No written correspondence was submitted.

No public comment was given.

VanKempen closed public comment.

VanKempen acknowledged the desire to have a shed closer to the water. I have a lake lot myself and would like to be able to have things accessible to the waterfront. Myself, like most others, have to follow the ordinance regulation of a 100' structure setback. Other people on natural environment lakes have a 150' structure setback. I noticed your neighbors on either side of you do have a similar shed down by the water. I would have to assume that they are built pre-ordinance.

Anderson replied yes. They are historical.

Grob asked if there was space or room above the garage to store items in during the winter.

Anderson responded there are four closets in which we are currently storing items. The other area is my wife's sewing area. I understand we can utilize a storage unit at the end of the season. We are wanting to use the equipment during the season. Moving the equipment out of the basement and into the garage will require us to make a trip up to the garage each time we need a specific item. We are looking to store the equipment within proximity of the lake for safety and access.

Grob referenced placing the structure at the 100' setback near the well. The well is 15' away from the property line. You probably don't drive over the well.

Anderson replied we drive between the well and the property line. There are trees along the property line and it is a very narrow path to access the lake. The other thing that is not shown on the diagram is the walkway that is next to the well.

Grob indicated you drive between the well and the property line.

Anderson replied yes.

Grob mentioned if you drove to the left of the well, with setback requirements and a 6' shed, it would not be in the way.

Anderson explained placement there would be difficult due to the large trees, existing walkway and the steep access to the lake.

Johnson commented that he agreed with VanKempen. Our ordinance does not allow an accessory structure to be in that location and there is a spot that would meet the setback requirements that would be sufficient by permit. I do not see a practical difficulty. I live on a lake and I have to walk 150' to access my equipment.

Krueger commented I live on a lake as well and my home and garage are 100' feet away and I have to do the same.

VanKempen made a motion to deny the variance application and adopt the staff report findings of fact.

Krueger seconded the motion.

Findings of Fact:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes () No (X)

Why or why not? The shed is proposed at a 25' OHW setback. No practical difficulty in placing the proposed structure at a conforming location is alleged in the application. The lot is 300' deep x 100' wide with no physical obstructions or space issues preventing the proposed structure from being placed at a conforming location. There is a large house and a large 30' x 34' footprint detached garage on the property that provide storage opportunities.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes () No (X)

Why or why not? There is a house and a large 30' x 34' footprint detached garage on the property. The lot is also able to be used to enjoy the outdoors and gain access to the lake for recreational enjoyment. All of these listed items provide reasonable uses of the property. There also is room on the lot for the proposed structure to be placed in compliance with all the setback requirements.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes () No (X)

Why or why not? The lot is .62 acres in size, ~300' deep and 100' wide. The lot has a consistent ~11-12% slope down to the OHW. There are no wetlands or bluffs on the property or other physical obstructions that would prevent the shed from being placed at a conforming setback location.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes () No (X)

Why or why not? There are other locations on the property where the proposed shed could be placed that would allow it to be located at a conforming OHW setback and thus be more in conformance with the ordinance. The alleged difficulty is caused by the applicants wanting to have the shed close to the lake for convenience.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes () No (X)

Why or why not? While a shed is not an uncommon accessory structure on a riparian lake lot, a shed located at a 25' OHW setback is uncommon and would negatively affect the locality's character when there is room to place it at a fully conforming location.

6. Does the stated practical difficulty involve more than economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as the sole difficulty.

The motion carried unanimously 4 – 0.

Variance Application 51-V-16 by Steve Prenevost: Lots 42 and 43, Long Lake Park Addition, Section 20, Township 140, Range 34, Henrietta Township on Long Lake, a recreational development lake. Parcel 13.42.02900. Applicant is requesting a variance from Section 506 of the Shoreland Management Ordinance for a proposed guest cottage above a garage on a lot that does not comply with the required minimum lot width and area.

Steve Prenevost, 17661 Enchanted Drive, Park Rapids, MN, presented the variance application. To give you a little history on this project, I went into the Environmental Services Office (ESO) and talked to an employee. I explained I had an old garage and old shed and I was wanting to know what my options were for that space. The employee reviewed the file and the map and explained you may be able to construct another garage with a cottage above it as long as it does not exceed the 700 square foot requirement and the 25' height restriction. You may also be able to have water and sewer if you tie into your existing water and sewer lines. We had the septic replaced in 1990 and after reviewing it, the employee commented that we may need to add additional drainfield to meet septic requirements. All of that made sense to me; therefore, I proceeded to get estimates on the cost of the project. In October, when I went back into the office to purchase the building permit, the employee said I needed to get the septic tank inspected and a drawing due to expanding the drainfield. Once again, I was in total understanding of the needed items as we were increasing the number of bedrooms. Being towards the end of October I was having a little bit of trouble getting a contractor to come out and perform a compliance inspection. I went back to the ESO and explained my situation and they recommended a few others to assist me in the compliance inspection. Finally, during deer hunting season, I had a compliance inspection along with a new design for the septic system. When I returned to the ESO to purchase a building permit, I was informed that I was unable to proceed with my current project as I did not have enough lot space. In the meanwhile, I tore down the garage and relocated one of the sheds. After returning to my residence, I received a letter from Hubbard County stating my septic system was non-compliant. However, a dirt foundation is all that is left after the removal of the garage. Shed # 1, as noted in the diagram, is still there. I have no idea what the history is of the shed. It is fairly sturdy. Shed # 2 has already been relocated. With that said, I am requesting this variance.

Grob asked how many bedrooms are in the existing home.

Prenevost replied we have four. We used to have five, but we removed a wall to enlarge one of the bedrooms.

VanKempen asked if the shed that is in the picture is the one that is moved up further on the driveway.

Prenevost replied yes.

VanKempen asked what the plans are for the remaining shed.

Prenevost replied it depends upon the outcome of the variance application. I would like to tear it down if the variance is approved.

Grob asked Buitenwerf if he could replace the garage that was torn down, with the same footprint, by permit.

Buitenwerf replied yes. It was just a garage. It would meet all of the setback requirements and thus could be done by permit.

Grob noted the variance is driven by the guest cottage above the garage.

Buitenwerf replied yes. That is correct.

Krueger asked what the square footage is on the storage building.

Prenevost replied 12' by 16'.

Krueger asked what the living space is proposed above the garage.

Prenevost replied 24' by 28'.

VanKempen asked for public comment.

No written correspondence was submitted.

No public comment was given.

VanKempen closed public comment.

Johnson made a motion to approve the variance application with the following condition and adopt the staff report findings of fact.

Condition:

1. The existing accessory structure labeled "shed # 1" on the variance application site plan sketch must be removed.

Krueger seconded the motion.

Findings of Fact:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes (X) No ()

Why or why not? The owner is willing to remove the existing shed to offset the new structure which will be further from the lake.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes (X) No ()

Why or why not? The existing guest house is in bad shape and needs rebuilt.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes (X) No ()

Why or why not? The lot is 39,640 sq. ft. in size, ~390' deep and 100' in width which is not an uncommon lot size for a nonconforming riparian lot on a recreational development classified lake or Long Lake in particular. The application states no practical difficulty and gives no reason why the desired additional living space could not be provided by making a permitted addition to the existing residence.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes (X) No ()

Why or why not? The difficulty is caused by the lot's size – both area and shape. The lot is ~360 sq. ft. shy of the required 40,000 sq. ft. and is 50' shy of the required 150' lot width requirement. The lot is part of a plat that was created in 1910 by a party other than the landowners.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? A 24' x 28' footprint detached garage is within the realm of what is typically seen on a riparian residential use lot. The locality consists of single family seasonal and year-round homes – many of which have detached garages. The proposed structure would meet all setback requirements.

6. Does the stated practical difficulty involve more than economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as the sole difficulty.

The motion carried 3 – 1 with Grob voting nay.

Variance Application 52-V-16 by Richard and Craig Hoium: Part of Gov. Lot 8, Section 27, Township 141, Range 33, Mantrap Township on Spider Lake, a recreational development lake. Parcel 20.27.02100. Applicants are requesting a variance from Section 702 of the Shoreland Management Ordinance for a proposed addition to a nonconforming residence that is located in the shore impact zone.

Craig Hoium, 1208 Cedar Street, Alberta Lea, MN, presented the variance application for a proposed addition to a nonconforming residence that is located in the shore impact zone. With me tonight is my father Richard Hoium. He has been an owner of the property for over 50 years along with my sister Nancy Hijack. This variance request is relating to a great room addition off to the south side of the existing cabin. If you review the site plan, I have tried to identify where the original 17.5' by 22.5' cabin was constructed. The cabin was originally built on some grade level block foundation. There has been a number of improvements to the property over the past 50 years. With this addition, we would also upgrade the foundation area for the original cabin. The site plan shows a proposed 17.5' by 20' addition. We have tried to meet the minimum 10' side lot

line setback from the south property line. Our setback from the ordinary high watermark is 31'. The addition would follow the roofline of the existing cabin. If you look at some of the difficulties relating to the site, trying to add onto the east side of the cabin would be difficult as the existing septic tank is located there. There is a grade level change where the garage and drainfield is located. If we were to consider adding the addition to the north side of the cabin, we would have issues with the ordinary high water mark setback. There is also a steep drop off on the north side of the cabin. If the variance is approved, the area would be excavated around the perimeter of the foundation and landscape blocks would be put in there very similar to what we have along the bank of the cabin. We are looking at expanding to fit our family's needs as we are currently having a hard time accommodating everyone with this limited space. The intent is to continue to have family gatherings as long as possible.

Grob mentioned the current cabin is 16' from the lake. We approved a variance several years ago to install a new retaining wall to stabilize the cabin. It is a very nonconforming structure on a small lot. If I do the calculations correctly, approving this addition, one third of the property would be impervious surface located in the shore impact zone which to me means every bit of water will end up in the lake. Which is one of the reasons we do not like to approve structures in the shore impact zone. This variance would increase the nonconformity of the already existing nonconforming structure. It would be hard to sit here and think we are doing the right thing for the lake by adding to that kind of nonconformity.

Hoiium responded in that respect, we would be willing to install a reclaimable irrigation system. Where the stormwater run-off would go into a holding tank which would be used to irrigate the yard. Utilizing that design, the run-off from the roof would be less than what it is today. If need be, I could bring in a topo survey of the property and grading plan to show the county officials how the system would be designed and installed.

Johnson commented on the picture with the addition and questioned the accuracy of the drawing. Will the addition extend past the Norway tree? It appears the line should have been extended past the tree.

Hoiium responded it was difficult to show the lines with the picture. I don't think the structure itself would touch the tree, but the root system may cause issues and need to be removed.

Krueger indicated the tree is located at the edge where it declines in elevation rapidly.

Hoiium explained they had an issue with the lakeward addition with the slab on grade footing. I think with the planned improvements along the south existing foundation would only help support what we are planning on doing with the project. The addition would have a compliant frost protected foundation that would help stabilize some of the previous problems that we have had.

VanKempen asked for public comment.

No written correspondence was submitted.

No public comment was given.

VanKempen closed public comment.

VanKempen commented during the lot viewal, I agree it is a fabulous spot right off of the lake. Unfortunately, recreational lakes require a 100' structure setback with the first 50' being the shore impact zone. In this case, the cabin is entirely within the 50' shore impact zone. I believe two years ago there was a variance request to add the current retaining wall. I can see that needed to

be installed to keep the cabin from entering the lake. I find it difficult to answer the questions that we have to answer yes to in order to approve the variance. This property is unique, but I find it difficult to approve this variance request.

Johnson remarked you didn't mention that the septic tank is located towards the east. According to the map, it is 25' so you would have 15' towards the back of the house for an addition.

Hoium asked what the minimum distance is from a structure to septic tank.

Johnson replied 10 feet.

Johnson asked Buitenwerf if an addition to the back side of the house would be out of the shore impact zone.

Buitenwerf replied I need a minute to pull up the map for review.

Hoium commented the reclaimable irrigation system would reduce the run-off and improve the yard conditions. We have a difficult time keeping up the yard.

Buitenwerf replied to answer Johnson's previous question. If the addition is placed on the rear of the cabin, the addition itself would fall outside of the shore impact zone.

Johnson asked if he placed the addition on the rear of the house, could he utilize a land use permit in lieu of a variance.

Buitenwerf replied no. A variance would be needed as the structure itself is located in the shore impact zone.

Krueger made a motion to deny the variance application and adopt the staff report findings of fact.

VanKempen seconded the motion.

Findings of Fact:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes () No (X)

Why or why not? The cabin is only 16' from the ordinary high water mark. Doubling the square footage of the cabin within the shore impact zone at this OHW setback is not in harmony with the ordinance. There is room to the rear of the cabin where an addition could be placed and thus maximize its distance from the lake.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes () No (X)

Why or why not? There is a house with a detached garage, a boathouse, and an 8' x 9' shed on the property. The lot is also able to be used to enjoy the outdoors and gain access to the lake for recreational enjoyment. All of these listed items provide reasonable uses of the property. An addition could be placed on the non-lakeside of the cabin and thereby reduce the impact to the lake and shore impact zone.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes (X) No ()

Why or why not? The cabin was constructed in the 1950s by a previous owner and sits at a 16' OHW setback. The lot is only 80' wide x 160' deep so there is not much room to fit things on this lot.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes (X) No ()

Why or why not? As stated in the answer to question 3, the cabin was built by a previous owner in the 1950s well before the ordinance was enacted at only a 16' OHW setback. The lot was created by another party as well also well prior to the ordinance being enacted.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes () No (X)

Why or why not? **(Verify during the lot viewal, but it appears that the neighboring cabins are at similar OHW setbacks to this cabin. However, they appear to be similar in size to the current cabin so it might be that the addition would cause this cabin to be twice the size of the other residences in the locality and thus negatively impact the locality's character.)**

6. Does the stated practical difficulty involve more than economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as the sole difficulty.

The motion carried unanimously 4 – 0.

Variance Application 53-V-16 by Daniel and Pamela Johanneck: Part of Lots 1-3, Musky Bay, Section 9, Township 140, Range 33, Nevis Township on Lake Belle Taine, a recreational development lake. Parcel 21.47.00200. Applicants are requesting a variance from Section 702 of the Shoreland Management Ordinance for a proposed addition to a nonconforming residence that is located in a shore impact zone.

VanKempen indicated no one appears to be present for the variance application.

Buitenwerf commented for the record, I did speak to a relative of the applicant on the day of lot viewals. He informed me that he or Daniel would be present this evening.

VanKempen asked Buitenwerf if we should table this application or continue with the application process.

Buitenwerf replied it is up to the Board of Adjustment to decide whether you table the application or not if you feel you do not have enough information with which to make a decision. It is not necessary for the applicant to be present. It is in their best interest to explain their request, but it is not required.

Krueger commented he preferred the applicant to be present as he has questions that need answers in order to approve the variance application. To me it is either table the application or deny it.

VanKempen remarked with the information provided in our packet, plus the lot viewal, I would find it tough to approve. Without the applicant here, I agree it will be difficult to answer any questions.

Buitenwerf noted for the record that there is no one in the audience at the moment so there is no opportunity for any public comment to be made as there is no public present to comment.

Krueger made a motion to deny the variance application and adopt the staff report findings of fact.

VanKempen seconded the motion.

Findings of Fact:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules?

Yes () No (X)

Why or why not? The cabin sits at a 27' OHW setback. The addition would increase the cabin's square footage by 50%. There is room behind the cabin to place an addition on its north side and thereby avoid the addition's aesthetic and stormwater impacts to the lake.

2. Without the variance, is the owner deprived of a reasonable use of the property?

Yes () No (X)

Why or why not? There is a house and a detached 12' x 16' storage shed on the property. The lot is also able to be used to enjoy the outdoors and gain access to the lake for recreational enjoyment. All of these listed items provide reasonable uses of the property. There also is room to place an addition onto the north side of the cabin and thereby reduce the addition's stormwater and aesthetic impacts.

3. Is the stated practical difficulty due to circumstances unique to this property?

Yes (X) No ()

Why or why not? The cabin was constructed prior to the ordinance at a nonconforming 27' OHW setback. The lot is ~127' deep on the east lot line and ~143' deep on the west lot line. The lot is ~113' wide.

4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner?

Yes (X) No ()

Why or why not? The cabin was constructed by a previous owner prior to the ordinance being enacted at a 27' OHW setback. The lot predates the ordinance as well as it is comprised of portions of lots that were platted in 1947.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The neighborhood consists of single family seasonal and year-round residences situated on similarly sized nonconforming lots and located at similar OHW setbacks. The other residences range in size from being comparable to the existing cabin to slightly larger than the cabin if the proposed addition was included. Thus, the addition would probably not harm the locality's character.

6. Does the stated practical difficulty involve more than economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as the sole difficulty.

The motion carried 3 – 1 with Johnson voting nay.

Closed the Board of Adjustment meeting at 6:49 p.m.

Planning Commission:

Approval of Minutes: November 28, 2016 meeting.

Grob made a motion to approve the minutes as presented. VanKempen seconded the motion that carried unanimously 5 – 0.

Old Business: None.

New Business:

Sign Ordinance review:

VanKempen commented he read the Sign Ordinance, the U.S. Supreme Court decisions and the sign ordinances the staff had provided that some counties had written post the U.S. Supreme Court decision. One county had an ordinance that consisted of a couple of pages and other counties had ordinances that were twenty or more pages in length. I was wondering if we should start from scratch and take our old ordinance and revise it or are there other options out there?

Buitenwerf replied I am in the process of working to get information from Scott Anderson, who is our Legal Counsel and retainer for zoning matters, to provide me with an estimate of what it would cost for his firm to draft an ordinance to consider. He has completed about a half dozen so far, and with each one they compile they are getting better so the cost would go down. They just completed Stearns County and I have been emailing one of his staff attorney's that is specializing in the sign ordinance area and she said Scott would give me an estimate. I was hoping to have it prior to tonight so we would have that information, but unfortunately it didn't happen. I will hopefully have the information for the meeting next month. I would recommend that we have legal review with their assistance in drafting all of the technicalities. I have reviewed areas which I view as content based, but it is so legally technical I may have missed something. My suggestion would be to frame out the concepts of what we want to regulate. The size, setbacks, lighting and that sort of thing and then once we have roughed out an outline, we can run that past Scott and ask him what it would take to add all of the wording to come up with an ordinance based on the outline. Our current ordinance has some issues as far as how it is for administration. It has some sections that do not mesh well with each other. One section says you can do one thing while another section that pertains to the same type of sign says no you can't. It takes a lot of work just to field questions that people have with it.

Johannsen asked Buitenwerf if he was here when we drew this ordinance up.

Buitenwerf replied he came right after it was adopted.

Johannsen replied it was Gary that was in your department then. I know the County Board thinks we need a Sign Ordinance. I am not so sure that we do, but I see that there are some issues that could arise. I do not see the large billboards being built like they were when this was initiated. Everything is done with social media anymore. We just don't see many new signs being built. I think at that time they were afraid we were going to end up like Brainerd and Baxter. I haven't noticed much change. When was the last time someone applied for a permit to put up a sign?

Buitenwerf replied a couple years ago. We have had a few sign ordinance violations that we have dealt with in the last couple years. Not so much that we have run across them ourselves, but they are more fed by neighbors calling in and complaining. Basically more nit-picking items such as someone placed an off-site sign on the southeast corner of Dorset corner advertising something and the only complaint we received was because someone else had their sign up illegally and it was removed by the rightful owners of the lot who then erected the other sign. It's small signs like that. We aren't having issues with large billboards getting erected. We might be getting a sign creep along U.S. Highway 71 and U.S. Highway 34 every now and then, but we do have an original video inventory of the main highways HRDC made in the early 2000s. We could redo it and compare the two and pick out and identify exactly how many signs have popped up that didn't follow the ordinance since it was adopted. It's more County roads and side roads that are gravel where we have complaint driven sign issues.

Krueger commented after reading the U.S. Supreme court decision on this as they were saying it is reasonable to have a sign ordinance when you have issues that are distracting to the driver or safety issues. I think for those reasons I agree that we need to have an ordinance.

Johnson asked if MnDOT regulates anything with signs.

Buitenwerf replied yes.

Grob replied they can't be in a setback region, they also have lighting restrictions.

VanKempen remarked he was surprised of the size of some of the ordinances. Most signs that even have an arrow pointing in a direction is sending you a message which under the first amendment would be free speech no matter what it said or didn't say. Therefore, I thought basically all we could limit was the placement and size of the sign. After reviewing some of the other ordinances, I can see where lighted signs would become a distraction and the smaller details are of importance. My thought is a sign ordinance should be basic.

Grob commented after reviewing the Ordinance I feel what we have is effective for what we need in our area. We just need to revise it to adhere to the U.S. Supreme court decision. I feel as though we should refer it to our attorney for review and have them remove any content based items necessary. Then we can review it afterwards as opposed to all of the items highlighted. I do not feel comfortable that I know how to translate many areas of the Sign Ordinance.

Buitenwerf replied he is still waiting on the opportunity to visit with Scott Anderson to give us a dollar figure on reviewing the Sign Ordinance. Option one is to go through what we have and remove the content stuff and call it good. The other option would be the attorney reviewing the ordinance which may be cleaning up some of the areas of conflict. I would also like to see what the estimate would be for drawing up a Sign Ordinance from scratch. That might depend on utilizing one of the ordinances that have previously been updated. We may find one that we like

and could use it as a template may reduce the cost estimate as well. I would like to know those numbers before giving a final recommendation.

Grob responded it appears to me without the information, we would be wasting our time trying to go through the ordinance line by line to try to do something and then after you talk to the attorney, it may go an entirely different direction. Is there any urgency to this?

Buitenwerf responded the previous Sign Ordinance revisions were due to a Minnesota Supreme Court decision on variances and the other revision was due to a statute change concerning election signs.

Johannsen remarked in 2003 it took us approximately a year before we completed it and now the U.S. Supreme court is requiring us to make changes. I agree with Grob that we need to have some legal direction on this.

Buitenwerf commented he still needs to contact legal counsel for direction on certain areas. My hope tonight is to come to an agreement on if we would like to simplify the ordinance or go to the extreme and regulate everything. I would like to have this completed before construction season.

Grob asked others their opinion on the Sign Ordinance from Wabasha County. It appeared to be simple, yet effective.

Buitenwerf replied we need to be concerned with some safety issues such as lighting so it's not a hazard for traffic.

Johnson asked if the old ordinance had a road right-of-way setback.

Buitenwerf replied it needs to be outside of the right-of-way. We don't have any regulations prohibiting anyone installing a 50' sign on the corner of contiguous property and a wind would blow it down on a house that is 30' from the line and now the sign is on the house. Those are things to consider.

Johannsen recalled a sign that was erected after the ordinance went into effect that Elsners installed right in the ditch.

Buitenwerf commented that happened when Laird was here and supposedly measured and verified that it wasn't in the road right-of-way and Kelly told Laird that he ran his business on that property and that was the basis for the permit being issued and I have yet to see Kelly run his business on the property. If we really wanted to, we could probably have it removed as that is the sign we have the most complaints about. I don't feel as though it was represented accurately at the time as what that sign was going to be. We probably wouldn't have permitted it if we had accurate information.

VanKempen responded that he feels as though simpler is better. If we had a simple ordinance and something came up in the future, it may be easier to add to a simple ordinance versus trying to remove items from a complicated ordinance.

Johannsen remarked property owners have a right to place signs on their land or lease an area of their land for others to advertise on it.

Grob remarked aesthetically speaking we need to keep our County in mind. We would like to preserve our scenic by-way. This is where the personal rights really infringe on other people's rights.

Johannsen asked how they are infringing on someone. Just because they don't like the looks of it?

Grob explained in reading the background of the discussions that took place in 2002, it was pretty much focused on not preserving the aesthetic value of the scenic by-way.

Buitenwerf commented the interesting counter on that is there are parts of the County that are known as being resort northern Minnesota because of the signs. A couple examples are when you go to a lake there is always that whole placard billboard that directs to which resort is one way or another.

Grob replied that I don't place that in the category as someone placing a huge obnoxious sign up.

Buitenwerf explained there is another sign north of Nevis and Dorset that have signs resort this way, restaurant that way. That kind adds to the fun for vacationers.

VanKempen commented on obnoxious white signs with the red lettering on Highway 71 in Helga Township. After living in that area for 25 years now, I don't even notice them.

Buitenwerf responded that there may have been some sign creep over the years that we haven't really reviewed the old videos to see if they have.

Johannsen commented those signs are on their property,

VanKempen remarked that Buitenwerf was right as some vacationers view that as being cute. Creating a memory.

Grob asked if we want to create different categories for signs.

Krueger commented he agreed that we should go ahead and take the ordinance that we currently have and have the attorney remove the content and review afterwards.

Grob agreed after we get a reply from Scott Anderson, we can have it discussion next month.

Johannsen asked if the items highlighted were items that needed to be removed.

Buitenwerf replied the highlighted areas needed to be changed or modified.

Johnson agreed with a few examples that were provided and also agreed with the idea of keeping our ordinance and letting the attorney remove the items that need to be removed.

Johannsen replied we have basically been using this ordinance even though we may not be enforcing it. Removing the necessary items will justify our needs.

The Board reviewed and discussed some the definitions.

Buitenwerf asked Johannsen if he thought the County Board would be okay with the suggestion as an expense will be involved.

Johannsen replied it may depend upon how much it will cost. If we are in need of a Sign Ordinance, we will need something that will be constitutional. Otherwise, we scrap the entire thing and not have a one.

Planning Commission had a 10 minute recess.

VanKempen resumed Planning Commission meeting reviewing the Stearns County Sign Ordinance.

The Planning Commission discussed visiting with the County Board at the next meeting to see if they would be satisfied with the attorney revising the current ordinance and removing any content issues or proposing an entirely new ordinance from one of the surrounding counties like Stearns County.

Miscellaneous:

Communications:

Adjournment:

Johnson made a motion to adjourn.

VanKempen seconded the motion.

The motion passed unanimously 5 – 0.

The meeting adjourned at 7:52 p.m.

Respectfully submitted,

Veronica Andres

Recording Secretary