CITY OF FIFTY LAKES

MINUTES OF THE PLANNING COMMISSION

April 22, 2025 6:00 PM

1. **Call to order:** 6:00 pm
2. **Roll Call:**

Planning Commission: Bob Stancer, Gary Oster, Don, Reierson, Fred Strohmeier and Mike Milbrath

Staff: Bethany Soderlund, Zoning Specialist; Jessica Istvanovich, Deputy Clerk.

City Council: None

1. **Additions/ Deletions to Agenda:** Mr. Stancer requested to add under New Business item c. “Enclosing Existing Spaces”.
2. **Public Hearings:**
	1. **Interim Use Permit Application (IUP-05-25)** to operate a temporary portable asphalt plant for four weeks from mid-May to mid-June. Th subject property is located south of County Rd 1 & east of County Rd 66 and is described as S ½ of NE ¼ of Sec 29 Twp 138 Rge 27; PIN 22290510. Applicant: Anderson Brothers Construction. Property Owners: Brian & Colleen Dobie.

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. MILBRATH TO APPROVE INTERIM USE PERMIT 05-25 WITH 17 (SEVENTEEN) FINDINGS OF FACT AND 12 (TWELVE) CONDITIONS AS DISCUSSED:**

Findings of Fact:

1. The subject property is described as: S 1/2 OF NW 1/4 OF SW 1/4 SEC 29 TWP 138 RGE 27. PIN 22020510.
2. The subject property is 19.92 acres and is located in the “Forest Management” land use district.
3. The interim use permit request is to operate an asphalt hot mix facility for a four-week period of time.
4. The proposed use is allowed with an interim use permit. Section 5.10.05 “Standards” of Section 5.10 “Extractive Use Standards” of the Fifty Lakes Land Use Ordinance states, “An extractive use shall be used only for those operations directly related to the extractive use. Any other use shall require an Interim Use Permit.”
5. The proposed temporary structures meet all setback requirements of the “Forest Management” land use district.
6. The existing and proposed impervious surface coverage of the subject property is less than 5%.
7. The proposed use, with conditions, will not have an impact on the health, safety and general welfare of the occupants in the surrounding neighborhood. The subject property is adjacent to property used for residential purposes (south/southeast) and vacant land (west, north and east).
8. The proposed use, with conditions, will meet all standards of the ordinance.
9. The comprehensive plan does not specifically reference “hot mix facilities.” The plan states, “Truck and seasonal residential traffic on City and County Roads is increasing. This increase in usage places higher demands on the transportation system and may be the cause for increasing maintenance costs of these roads (pg. 25)” and “Require stricter site development and restoration plans and periodic inspections for extractive uses (pg. 31).”
10. The proposed use, with conditions, will not impact the value properties in the neighborhood nor will it impact future development of properties in the surrounding area.
11. The proposed use will not generate an increased demand for additional public utilities, public utilities or schools. The proposed use will generate additional truck traffic on County Road 1.
12. The Crow Wing County Highway Department has not provided comments regarding the interim use permit request.
13. The proposed use will not generate additional traffic on local streets.
14. The proposed use, with conditions, will not adversely impact groundwater, surface water and air quality.
15. The proposed use conforms with the City’s land use regulations.
16. Permitting of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. The applicant has posted a $15,000 bond with the city for reclamation of the property for the existing extractive use operation.
17. The applicant agrees to all conditions that the planning commission deems appropriate for permission of the use.

Conditions of Approval:

1. All use shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.
2. The asphalt hot mix facility shall be between the months of May 1, 2025 and June 1, 2025.
3. The asphalt hot mix facility may operate from 7 AM to 7 PM Monday through Saturday. The facility may not operate on Sundays or federal holidays. Equipment maintenance may take place during those hours when the hot mix facility is not allowed to operate.
4. The applicant shall notify the city of the start date of operation of the hot mix facility at least one week prior to commencement of the operation.
5. All apparatus associated with the hot mix asphalt facility shall be removed from the property within two weeks after the conclusion of asphalt production.
6. All truck traffic associated with the hot mix facility shall enter and exit the property using the haul road in the northeast corner of the property (adjacent to County Road 1).
7. Anderson Brothers shall designate primary and alternate contacts who will be available for citizens to contact with any questions and/or concerns when the temporary hot mix asphalt facility is in use.
8. A bond of $35,000 shall be established to cover reclamation costs associated with the hot mix facility. (Anderson Brothers has a current $15,000 bond for overall site reclamation of the subject property).
9. All legal fees and other costs associated with the hot mix facility incurred by the city of Fifty Lakes shall be reimbursed by the applicant.
10. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the city before the hot mix facility may operate.
11. Loaders, bulldozers and other machinery and equipment on the subject property must utilize Mine Safety and Health Administration (MSHA) approved reverse-activated strobe lights in lieu of audible reverse alarms.
12. There shall be an automatic extension for days missed due to rain or other unanticipated delays.

When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Milbrath, aye; Mr. Strohmeier, aye; Mr. Oster, aye. Motion carried.

* 1. **Conditional Use Permit Application (CUP 06-25)** for the installation of a residential renewable energy system within the Shoreland Residential (SR) land use district. The subject property is located at 43835 Kego Lake Rd; PIN 22150510. Applicant: Freedom Forever, LLC. Property Owners: Jason Cronister and Casey Carl.

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. MILBRATH TO APPROVE CONDITIONAL USE PERMIT 06-25 WITH 14 (FOURTEEN) FINDINGS OF FACT AND 1 (ONE) CONDITION AS DISCUSSED:**

Findings of Fact:

1. The subject property is described as: Lot 8 Block 1 Allens Kego Lake Acres; 22150510; located at 43835 Kego Lake Rd.
2. The subject property is 1.11 acres and is located in the Shoreland Residential (SR) land use district on a Recreational Development (RD) Lake.
3. The conditional use permit request is to install a roof-top renewable energy system (solar panels) on an existing structure.
4. The panels will be flush mounted on the dwelling and will not substantially impact the height of the conforming structure.
5. The proposed use is allowed with a conditional use permit.
6. The proposed renewable energy system meets all setback and height requirements of the shoreland Residential land use district.
7. The existing and proposed impervious surface coverage of the subject property is approximately 10%.
8. The proposed use, with conditions, will not have an impact on the health, safety and general welfare of the occupants in the surrounding neighborhood. The subject property is adjacent to property used for residential purposes.
9. The proposed use, with conditions, will meet all standards of the ordinance.
10. The proposed use is compatible with the comprehensive plan.
11. The proposed use, with conditions, will not impact the value properties in the neighborhood nor will it impact future development of properties in the surrounding area.
12. The proposed use will not generate an increased demand for additional public utilities, public utilities or schools.
13. The proposed use, with conditions, will not adversely impact groundwater, surface water and air quality.
14. The proposed use conforms with the City’s land use regulations.

Conditions of Approval:

1. All use shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.

When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Milbrath, aye; Mr. Strohmeier, aye; Mr. Oster, aye. Motion carried.

1. **Approval of Minutes:**
	1. March 25, 2025, Planning Commission Meeting

**MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. OSTER TO APPROVE MINUTES FROM MARCH 25, 2025, MEETING AS PRESENTED.** When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Milbrath, aye; Mr. Strohmeier, aye; Mr. Oster, aye. Motion carried.

1. **New Business:**
	1. **Metes & Bounds Lot Split 07-25** to spit a 3.64 acre parcel within the Shoreland residential (SR) land use district. The subject property is located at 39098 Ox Lake Cir; 22320517. Applicant/Property Owners: Jill and Bennet Gibbs.

**MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. STANCER TO APPROVE METES AND BOUNDS LOT SPLIT 07-25 WITH 5 (FIVE) FINDINGS OF FACT AND NO CONDITIONS AS DISCUSSED:**

Findings of Fact:

1. The request is to subdivide a 3.64 acre parcel (22320517) into two tracts.
2. The subject property is located at 39098 Ox Lake Cir and is zoned Shoreland Residential (Ox Lake - Natural Environment.)
3. Site Suitability (septic) will be submitted per the signed winter window agreement.
4. There are proposed easements for a shared alternative access to reduce docks and wetland impacts. Alternative accesses are an allowed use within Fifty Lakes.
5. All of the proposed tracts meet the minimum lot size and dimensional requirements of the “Shoreland Residential” Zone.
	1. Tract C: The proposed vacant parcel is 80,757 sq. ft. and has 66 ft of frontage along Ox Lake Cir which is a public road. The proposed parcel is 200 ft wide and contains 40,128 sq. ft. of buildable area. It is adequately sized for a subsurface sewage treatment system and well.
	2. Tract D: The proposed vacant parcel is 80,892 sq. ft. and has approximately 81 ft of frontage along Ox Lake Cir which is a public road. The proposed parcel is 200 ft wide and contains 40,010 sq. ft. of buildable area. It is adequately sized for a subsurface sewage treatment system and well.

When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Milbrath, aye; Mr. Strohmeier, aye; Mr. Oster, aye. Motion carried.

1. **Metes & Bounds Lot Split 08-25** to split a 7.84 acre parcel within the Shoreland Residential (SR) land use district. The subject property is located at 39098 Ox Lake Cir; 22320518. Applicant/ Property Owners: Jill and Bennett Gibbs

**MOTION MADE BY MR. OSTER AND SECONDED BY MR. STROHMEIER TO APPROVE METES AND BOUNDS LOT SPLIT 08-25 WITH 5 (FIVE) FINDINGS OF FACTS AND NO CONDITIONS AS DISCUSSED:**

Findings of Fact:

1. The request is to subdivide a 3.64 acre parcel (22320517) into two tracts.
2. The subject property is located at 39098 Ox Lake Cir and is zoned Shoreland Residential (Ox Lake - Natural Environment.)
3. Site Suitability (septic) will be submitted per the signed winter window agreement.
4. There are proposed easements for a shared alternative access to reduce docks and wetland impacts. Alternative accesses are an allowed use within Fifty Lakes.
5. All of the proposed tracts meet the minimum lot size and dimensional requirements of the “Shoreland Residential” Zone.
	1. Tract C: The proposed vacant parcel is 80,757 sq. ft. and has 66 ft of frontage along Ox Lake Cir which is a public road. The proposed parcel is 200 ft wide and contains 40,128 sq. ft. of buildable area. It is adequately sized for a subsurface sewage treatment system and well.
	2. Tract D: The proposed vacant parcel is 80,892 sq. ft. and has approximately 81 ft of frontage along Ox Lake Cir. which is a public road. The proposed parcel is 200 ft wide and contains 40,010 sq. ft. of buildable area. It is adequately sized for a subsurface sewage treatment system and well.

When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Milbrath, aye; Mr. Strohmeier, aye; Mr. Oster, aye. Motion carried.

**c. Enclosing Existing Spaces:** The planning commission discussed the regulations and interpretations of enclosing an existing structure and discussed the possibility of that being an expansion of use if no additional impervious surface or square footage is added. Ms. Soderlund requested the planning commission to allow her to contact DNR for further directions on permitting requirements on enclosing an existing space.

**MOTION MADE BY MR. OSTER AND SECONDED BY MR. STROHMEIER TO APPROVE BETHANY SODERLUND, PLANNING ADMINISTATOR, TO CONTACT THE DNR TO DISCUSSED PERMITTING REQUIRMENTS.** When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Milbrath, aye; Mr. Strohmeier, aye; Mr. Oster, aye. Motion carried.

1. **P & Z Administrator’s Report:** Ms. Soderlund reported 10 (ten) approved land use permits and 2 (two) pending as of the April meeting. Ms. Soderlund reported that the Bar & Bottle Shop reached out on sign information and while researching the request she came across a couple of provisions that contradict each other. Ms. Soderlund requested the planning commission allow further research into amending the ordinance involving off-site signs.

**MOTION MADE BY MR. REIERSON AND SECOND BY MR. STANCER TO ALLOW BETHANY SODERLUND, PLANNING ADMINISTRATOR, TO AMEND THE ORDINANCE REGARDING OFFSITE ADVERTISING SIGNS.** When polled: Mr. Stancer, aye; Mr. Reierson, aye; Mr. Milbrath, aye; Mr. Strohmeier, aye; Mr. Oster, aye. Motion carried**.**

**MOTION BY MR. STROHMEIER AND SECONDED BY MR. OSTER TO ADJOURN.** Meeting adjourned at 6:58 PM.

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 Jessica Istvanovich, Deputy Clerk