AGENDA
MILLE LACS COUNTY
PLANNING COMMISSION
June 11, 2018

I. CALL MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE MINUTES:

May 14, 2018

IV. ADDITIONS:

V. SUB-COMMITTEE OR OTHER UPDATES:

VI. OLD BUSINESS:

Request by the Mille Lacs Band of Ojibwe Health and Human Services for a Conditional Use Permit for a Government Building (transitional sober housing) on property legally described as That part of Government Lot Four (4), Section Twelve (12), Township Forty-two (42) North, Range Twenty-seven (27) West of the Fourth Principle Meridian lying southerly of the southerly right of way line of Highway 169, except the west 380 feet thereof (09-012-2401, Kathio Township). Generally located at 40487 US Highway 169.

Request by Mille Lacs County to Amend Table 501 of the Development Ordinance relating to Home Occupations and Home Based Business making them allowed uses in all districts in which they are located and to Amend Provision 504.19 relating to Home Occupations.

Request by Mille Lacs County to rescind and re-adopt Article 12 of the Development Ordinance to add provisions regarding the Board of Adjustment and Planning Commission.

VII. NEW BUSINESS:

Request by Richard Wolbert for a Conditional Use Permit for a Home-Based Business (auto sales) on property legally described as The North 490 feet of the East 805 feet lying West of the West Highway 169 right of way of the Northwest Quarter of the Northeast Quarter, Section 13, Township 37, Range 27, Mblo Township (12-013-0301). Generally located at 10987 Highway 169, Milaca.

VIII. OTHER BUSINESS:

None.

IX. ADJOURNMENT.
MINUTES
MILLE LACS COUNTY PLANNING COMMISSION
MILLE LACS COUNTY COURTHOUSE
MONDAY, May 14, 2018
7:00 P.M.

MEMBERS PRESENT: Steve Johnson, Paula Soderberg, John Weiers, Robert Hoefert, David Mahady, Ross Habeck, Loren Lueck

MEMBERS ABSENT: None.

EX-OFFICIO MEMBERS PRESENT: Michele McPherson, Director Land Services Office

OTHERS PRESENT: None.

I. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting of the Mille Lacs County Planning Commission was called to order at 7:00 p.m. by Chair Soderberg

II. PLEDGE OF ALLEGIANCE

Chair Soderberg led those present in the Pledge of Allegiance.

III. CONSIDER APRIL 9, 2018 PLANNING COMMISSION MINUTES

MOVED BY COMMISSIONER HOEFERT AND SECONDED BY COMMISSIONER HABECK TO APPROVE THE APRIL 9, 2018 MINUTES AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

IV. ADDITIONS TO THE AGENDA

None.

V. SUB-COMMITTEE OR OTHER UPDATES

Ms. McPherson noted the following County Board actions:

- The Simple Plat request for Highland Green Estates 2nd Addition was approved as recommended.
VI. OLD BUSINESS:

None.

VIII. NEW BUSINESS:

Request by Mille Lacs County to Amend Table 501 of the Development Ordinance to add the Conditional Use “Government Building” to the S-2, High Density Residential/Surface Water Commercial Shoreland District

Ms. McPherson noted that upon review of the request by the Mille Lacs Band of Ojibwe, it was observed that “Government Building” was left out of the S-2, Shoreland District as a conditional use during the 2015 Development Ordinance update. The same use is in the S-3, Shoreland District as a conditional use, so this is clearly and oversight.

Staff recommends that the Planning Commission take public comment and recommend adding this use to the S-2, Shoreland District as a conditional use.

At 7:03 pm, with no public comment, Chair Soderberg opened and closed the public hearing.

Commissioner Lueck asked if a government building included Town Halls or other buildings owned by Townships.

Ms. McPherson stated yes.

MOVED BY COMMISSIONER WEIERS, SECONDED BY COMMISSIONER HOEFERT TO RECOMMEND AMENDING TABLE 501 TO INCLUDED “GOVERNMENT BUILDING” AS A CONDITIONAL USE IN THE S-2, SHORELAND DISTRICT.

MOTION CARRIED UNANIMOUSLY.

Request by the Mille Lacs Band of Ojibwe Health and Human Services for a Conditional Use Permit for a Government Building (transitional sober housing) on property legally described as That part of Government Lot Four (4), Section Twelve (12), Township Forty-two (42) North, Range Twenty-seven (27) West of the Fourth Principle Meridian lying southerly of the southerly right of way line of Highway 169, except the west 380 feet thereof (09-012-2401, Kathio Township). Generally located at 40487 US Highway 169.

Ms. McPherson reported that the applicant was unable to attend the meeting and had requested that the item be tabled.

MOVED BY COMMISSIONER JOHNSON, SECONDED BY COMMISSIONER MAHADY TO TABLE THE REQUEST TO THE JUNE MEETING.

MOTION CARRIED UNANIMOUSLY.

Chair Soderberg apologized to those in the public that had attended who were unable to speak.
Ms. McPherson noted that the neighbors will be re-notified prior to the June meeting.

Request by Mille Lacs County to Amend Article 13 "Definitions" of the Development Ordinance relating to Campground and Recreational Camping and to Amend Provisions 504.7 and 504.24 relating to the same.

Ms. McPherson reviewed the request.

During staff review of the Development Ordinance, it became clear that there was a lack of clarity between “campground” and “recreational camping”. Specifically, at what point does a number of campers become a campground? As such, staff looked to Minnesota Statutes for guidance.

The proposed changes to the definition of campground and recreational camping and their related standards clarify this issue. No standards more restrictive than statute are proposed and the changes also eliminate having similar language in two parts of the Ordinance which, if not amended together, could become problematic in the future.

The proposed ordinance language is as follows:

CAMPGROUND: Commercial facilities where spaces are provided for camping by tent, recreational vehicle or fish house. An area, whether public or privately owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five (5) or more tents or recreational camping vehicles.

504.7 Campgrounds. Campgrounds, as defined by the Development Ordinance, are an allowed use except in Shoreland districts, provided that the following requirements are met:

A. Sewage treatment is provided in compliance with Minnesota Rules 7080-7083, or successor rules.
B. Tents, recreational vehicles, or fish houses shall be set back ten (10) feet from the property line and twenty-five (25) feet from property lines abutting a public street or highway. For compliance with MN Rules 4630
C. Minimum lot area equal to 2,000 square feet for each recreational vehicle. For compliance with MN Rules 4630
D. Proper solid waste disposal shall be provided on-site.
E. In shoreland districts, campgrounds shall not exceed twenty-five (25) percent impervious surface coverage.
F. If applicable, the campground owner or operator shall obtain and maintain a Minnesota Department of Health License.

RECREATIONAL CAMPING: The recreational use of land for camping purposes whether by tent, fish house or recreational vehicle, or a structure of less than seven hundred fifty (750) square feet, provided there are four (4) or fewer units on a parcel. Recreational camping may be an accessory use or principal use.

504.24 Recreational Camping. Recreational Camping as defined by the Development Ordinance in tents, motor homes, recreational vehicles, or similar items as defined in Minnesota Statutes 168.002, or successor statutes, or in a structure of less than seven hundred fifty (750) square feet, shall be an allowed use, provided the following requirements are met:
A. There shall be no on-site disposal of human sewage or grey water on the parcel. Human sewage or grey water shall be collected within the items and disposed of at a proper dumping station, in a holding tank with a minimum capacity of five hundred (500) gallons, a contracted portable toilet, composting or chemical toilet, or a full septic system. Permits shall be obtained where applicable in a manner consistent with Minnesota Rules 7080-83, or successor rules and the Mille Lacs County Subsurface Sewage Treatment Ordinance.

B. The item used for recreational camping shall meet the structure setbacks of the underlying zoning district within which it is located.

C. Items used for recreational camping that are left in place permanently must be kept structurally sound, weather tight, and vermin proof.

D. Each recreational camping site parcel shall have a County-issued 911 address and sign.

At 7:25 pm, with no public comment, Chair Soderberg opened and close the public hearing.

Mr. Johnson clarified the statutory requirements.

Mr. Johnson clarified that the standards would only apply to NEW campgrounds and that current facilities would be “grandfathered”.

Ms. McPherson stated yes, current campgrounds would not be required to comply with the proposed standards. However, it is likely that since the standards proposed are consistent with State requirements, those that hold a state license likely meet many of the requirements.

MOVED BY COMMISSIONER LUECK AND SECONDED BY COMMISSIONER WEIERS TO RECOMMEND APPROVAL OF THE PROPOSED LANGUAGE CHANGES TO THE BOARD.

MOTION CARRIED UNANIMOUSLY.

Request by Mille Lacs County to Amend Table 501 of the Development Ordinance relating to Home Occupations and Home Based Business making them allowed uses in all districts in which they are located and to Amend Provision 504.19 relating to Home Occupations.

Ms. McPherson reviewed the history and the proposed language.

504.19 Home-based Business/Home Occupation. A home-based business or home occupation may include professional offices, mail order sales, day care centers, teaching, gun or auto repair, beauty salons, or similar uses and shall be an allowed use, provided that the following requirements are met:

A. The home-based business or home occupation must be registered with the Minnesota Secretary of State’s office. A copy of the registration must be provided to the Land Services upon initial registration with the County of the home-based
business or home occupation and upon renewal with the Minnesota Secretary of State's Office.

B. With the exception of day care centers, the home occupation is conducted entirely within the dwelling or its attached garage. The home-based business or home occupation must be conducted by the occupant of the dwelling and shall occur within the dwelling, an attached accessory structure, or detached accessory structure.

C. With the exception of day care centers, there shall be no outdoor storage of equipment or materials. The setback for outdoor storage areas shall meet the structure setback for the zoning district within which the home-based business or home occupation is located. Storage areas located adjacent to a public road shall be screened by vegetation, fencing, structures or a combination thereof to a minimum height of six (6) feet unless setback beyond the required structure setback.

D. The business does not include auto repair, or the use of hazardous materials. Operators of a home-based business or home occupation shall operate so that any noise generated between the hours of 10:00 pm and 6:00 am does not disturb adjacent residents.

E. For day care centers and beauty salons, the operator shall provide proof that the septic system is designed for the that use by the public.

F. There shall be no more than five (5) full-time equivalent employees outside the residents normally residing in the dwelling employed on site.

G. The operator of the home-based business or home occupation shall comply with all Federal and State regulations and obtain any appropriate Federal and State permits prior to commencement of the business or occupation. Copies of Federal and State permits shall be provided to the Land Services Office upon initial registration with the County of the home-based business or home occupation and upon renewal as applicable.

The Planning Commission thoroughly discussed the proposed standards, spending significant time on provision C relating to outdoor storage. They felt that while some standards are required, they were best limited to small platted lots, especially in Shoreland districts.

The Planning Commission requested that provisions A and G be combined since they addressed similar requirements. They wanted a revision to provision C and felt that provision F should be eliminated. Businesses should not be limited in their growth potential or number of on-site employees.

MOVED BY COMMISSIONER LUECK, SECONDED BY COMMISSIONER WEIERS TO TABLE THE REQUEST TO THE JUNE MEETING.

MOTION CARRIED UNANIMOUSLY.
Request by Mille Lacs County to rescind and re-adopt Article 12 of the Development Ordinance to add provisions regarding the Board of Adjustment and Planning Commission.

Ms. McPherson stated that staff is still working on the language for the Board of Adjustment and Planning Commission composition and the revised format for Article 12. She requested that the item be tabled to the June meeting.

MOVED BY COMMISSIONER WEIERS, SECONDED BY COMMISSIONER JOHNSON TO TABLE THE REQUEST TO THE JUNE MEETING.

MOTION CARRIED UNANIMOUSLY.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

There being no further business, MOVED BY COMMISSIONER JOHNSON AND SECONDED BY COMMISSIONER HOEFERT TO ADJOURN THE MEETING.

MOTION CARRIED UNANIMOUSLY.

The meeting of the Mille Lacs County Planning Commission adjourned at 8:23 pm.

Respectfully submitted,

Michele McPherson
Director, Land Services Office
Recording Secretary
REQUEST
Conditional Use Permit for a Government Building (transitional sober housing)

APPLICANT INFORMATION
Mille Lacs Band of Ojibwe
Health & Human Services
43500 Migizi Drive
Onamia, MN  56353

PROPERTY INFORMATION
Property Address: 40487 US Highway 169
Property PID: 09-012-2401
Property Zoning: S-2, High Density Residential/Surface Water Oriented Commercial
Description of Adjacent Uses: West – vacant, owned by Mille Lacs Band Corporate Ventures; South – vacant; owned by State of Minnesota; North – Highway/Mille Lacs Lake.

EVALUATION CRITERIA
From the Development Ordinance Section 505

The County Board may authorize conditional uses after recommendation by the Planning Commission, in accordance with the procedures set forth in Section 1103. A conditional use shall be approved if, and only if, it is found to meet the following criteria:

505.1 The proposed use shall promote the objectives of the Development Ordinance, and shall be consistent with The Comprehensive Plan for Mille Lacs County.

505.2 The proposed use shall conform to the districts and conditional use provisions and all general regulations of the Development Ordinance.

505.3 The proposed use shall meet all special standards, which may be applied to its class of conditional use as set forth in this Article.

505.4 The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Section 402.

505.5 The proposed use shall be sited, oriented, and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety, or comfort, and does not adversely affect values of adjacent property.

505.6 The proposed use shall be consistent with, and not harmful to, the environment of the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding properties, the probable hours of operation, the activities to be conducted, and the number of people to be assembled or to use the premises at any one time.

505.7 The proposed use shall organize traffic access and parking to minimize conflicting traffic movement on adjacent streets.
505.8. Major excavation shall comply with all pertinent sedimentation and erosion control regulations, and shall not endanger structures or other improvements on any adjacent property.

505.9 Community uses, when located in or adjacent to a residential or shoreline district, shall provide proper separation and protection for abutting residential uses.

ANALYSIS
The Mille Lacs Band has owned the subject property since November 2013. It has been used for a hotel and in 2013 a conditional use permit was issued for a government building to allow a conversion to general offices for Mille Lacs Band staff and operations. That conditional use permit was not enacted and has since lapsed due to non-use. The current request is to use the building for pre and post treatment sober housing for persons abusing drugs or alcohol.

The current proposal is to use the building as is with no physical changes to the rooms. No new structures are proposed. The site is connected to the Band’s sewer system, trash is collected by a licensed hauler, and there should be no noise generated from the facility outside of typical vehicle traffic. The facility is set away and set away from other residential properties by land owned by either the applicant or the State of Minnesota.

RECOMMENDATION
Staff recommends that the Planning Commission recommend approval of the request with no conditions.

Update – June 8, 2018
The item was tabled at the request of the applicant. Written correspondence was received prior to the May meeting; said correspondence is attached.

The County Attorney and Sheriff were asked to weigh in regarding the written correspondence, the Attorney’s response is attached as well.

Staff recommends that the Planning Commission conduct the public hearing regardless of the applicant’s presence. The item can be tabled once more prior to the end of the 60 day review window which is August 7, 2018. A decision must be made by the Board on that date or the item will be considered automatically approved.

ATTACHMENTS
- Plat Book Location Map
- Aerial Photo
- Building Floor Plans
- Application
- Applicant’s Written Narrative
Application for a Conditional Use Permit

Mille Lacs County

INSTRUCTIONS
Before you apply for a Conditional Use Permit, all property taxes must be current. Please complete this application in full. Incomplete or incorrect applications will be returned to the applicant. The application and required submittal documents may be submitted in person or mailed to:
Mille Lacs County Land Services Office
635 2nd Street SE
Milaca, MN 56353

APPLICANT INFORMATION
Name: Mille Lacs Band of Ojibwe
Health & Human Services
Mailing Address: 43500 Migizi Drive, Onamia, MN 56359
E-mail Address: noya.woodrich@hhns.millelacsband-nsn.gov
Contact Phone: 320-532-4143 X 4741

Are you purchasing the property on a Contract for Deed? (circle one) Y [ ] N
If yes, please have the Contract Holder sign here: __________________________

PROPERTY INFORMATION
Property Address: 40847 US Highway 169, Onamia, MN 56359
Parcel ID Number: (e.g. 00-000-0000) from your tax statement: 06-012-2401
Is the property located within 1,000 feet of a lake or 300 feet of a river? (circle one) Y [ ] N

APPLICATION SUBMITTAL REQUIREMENTS
☐ Description of Conditional Use including, if applicable:
  o Hours of operation;
  o Number of employees;
  o Parking;
  o Lighting;
  o Noise;
  o Signage;
  o Garbage and sewage handling; and
  o Physical changes to the property such as tree removal or dirt moving.
☐ Description of how the Conditional Use may or may not impact your neighbors
☐ Site Plan
☐ Certificate of Compliance if property is located in Shoreland or Wild Scenic River Districts

Application for Conditional Use Permit

Mille Lacs County Land Services, 635 2nd Street SE, Milaca, MN 55353
320-393-8308 • www.co.mille-lacs.mn.us

November 2015
1 of 2
Application for a Conditional Use Permit

TERMS AND CONDITIONS
The information in this application and submitted materials are true and correct to the best of my knowledge.

I agree that all work will comply with all applicable federal and state regulations, and the Mille Lacs County Development Ordinance. I also agree to allow Mille Lacs County staff to enter the property during normal business hours to conduct tests and inspections as may be needed to process the application.

Signature of Applicant/Owner

Date

OFFICE USE ONLY
Date Application Received: _______________________
Zoning District: _______________________
Ownership Verified: Y N
Date Staff Approved Application as Complete: _______________________

□ Setbacks
□ Floodplain
□ Wetlands
□ Public Waters
□ Impervious Surface

Taxes Verified as Current: Y N
Any Violations on Property: Y N
Planning Commission Date: _______________________
County Board Date: _______________________
60-Day Expiration Date: _______________________
Recording Order Number: _______________________
Reviewer Initials: _______________________

Notes:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Application for Conditional Use Permit
Mille Lacs County Land Services, 635 2nd Street SE, Milaca, MN 56353
320-983-9308 • www.co.mille-lacs.mn.us

November 2015
Description of Conditional Use Permit

Hours of Operation: Twenty-four hours a day, 7 days a week, with main business hours of 8:00 a.m. – 5:00 p.m.

Number of Employees: 8-10

Parking: 35 parking spots including 3 Handicap Accessible spots

Lighting: 5 lights around the parking lot and lights over each of the 3 entrances/exits to the building.

Noise: No noise outside of the regular noise of folks coming to and from the facility

Signage: Two signs, one of each end (north and south) of the building

Garbage and Sewage Handling: Garbage is picked up twice a week and the sewage is handled by the Mille Lacs Band’s system. The building is connected to the wastewater treatment plan lines infrastructure.

Physical Changes to the property: None

Description of how the Conditional Use may or may not impact your neighbors

The Conditional Use should not impact the neighbors in one way or the other. Currently the property is zoned as and is being used as a hotel. The plan is to use it as Sober Housing for those residing in our service area that need a place to wait until they enter treatment for chemical abuse or as a place to stay post-treatment as they learn how to live a sober lifestyle. It will be licensed by the Minnesota Chippewa Tribe and will be operated in line with all the standards of that license.

Certificate of Compliance

The building is connected to the Mille Lacs Band’s wastewater treatment system. See attached plans which were done in 2015 when the hotel was connected to the Mille Lacs Band’s wastewater treatment infrastructure and six photos of connection to the wastewater treatment lines. There are no individual sewage systems for which a Certificate of Compliance is required.

Site Plan

See attached
How will this affect the 61,000-acre disputed reservation boundary's, Would the Mille lacs band be able to put these lands into trust? If so, would the county lose both regulation and taxation? Will these premises be for all addictions, like heroin, meth, opioid’s and alcohol?

Is this the best place to have sober housing within walking distance of 2 full service bars? Not to mention the fact that they cross a major hwy. to get to twilight where they are walking all night long up and down twilight rd. Will the county be putting up a 1.7-million-dollar overpass for the sober living folks to cross over Hwy.169?

What are the numbers of ICRs that have been filed since 2015. Just on twilight rd. Robbery’s, break-ins, theft, assaults loitering. This is not the right area for this sober living facility.

They pulled a fast one on us when they bought it years ago, it was supposed to be for Government offices under the new conditional use permit, that is not what happened. They fell back on the original conditional use permit and made it into a halfway house for band members only.

We have filed many ICRs with the county sheriff’s office with no resolution to the transient population from the halfway house. I was one of those people that were attempted to be broken into while I was at home by a Band member with a loaded gun and had to hold him at gun point until the sheriffs arrived.
That was just way too crazy scary for me and if you decide to allow this conditional use permit to the Mille Lacs Band for a sober living facility when there are other suitable sites to put it on the reservation, the possibility that someone is going to get shot and killed are very, very high. The only thing I can say is, it's not going to be me and mine!

*Easy Solution:*
It needs to go up on the reservation on trust lands that the bands already own on Timber trails rd. to the tune of 378 acres already off the tax rolls. Why would they not want to put it on their lands? Could it be that they also don't want it in their front yard?

The sober housing should go up by the new clinic, it would fit in perfectly there, Not near twilight rd., not within walking distance of 2 bars, residential homes, seasonal cabins, and Rocky Reef Resort, the last Mom and Pop Resort on the west side is less than a ¼ of a mile from the Half way house now.

How will this affect us on twilight rd. now that the Mille lacs Band has control over the sewer system. now that it is a municipal system, would we be forced to hook into the system? At what cost!

In closing, I just think that the very least you should table this and do a major review of what Mille lacs county needs to survive the on slot of taxes being taken off the tax rolls every time the tribe buys another piece of land in Mille Lacs county.
Please, I beg of you, do what's best for all the people of Mille Lacs County, not just the Tribe we have too much of that already on Mille Lacs lake. The Folk's up on Mille Lacs Lake have experienced firsthand some of the worst of what has happened in and to this county over the past 25 years. Losing 30 resorts and 22 Businesses on and around the lake over the past 20 years has put the Mille Lacs lake area into an economic disaster at a scale never seen before in its history. It will only get worse the more land that the Mille lacs Band acquires, the less control you will have over this part of the county and its tax base. The county is already in the hole to the tune of 187 million dollars a year in land taxes not received from the Mille Lacs band already, can you continue to go down this road year after year, after year, As a Law abiding citizen and a taxpayer of Mille Lacs County for 30 years, I think Not, and I vote against the application.

Therefore
To Whom it may Concern 5-14-18
Land Service Attn: Michele

This letter in regards to the proposed Mille Lacs band sober housing request. As a resident and neighbor closest North to the proposed facility I strongly oppose / disagree with the request. Currently the old budget host has had a increase of foot, bike and hitchhiking traffic all hours of the night. We do not feel safe currently and the proposed plan will make things worst. Hypodermic needles on road ways Twilight Road and gas station have been found. Crime has increased as a neighbor hood watch this is true deputies will confirm this also. This proposal is a very bad idea. Help keep our community safe and clean for Tourist and residents. We hope this facility will be moved to a different location of the eyes of tourists and neighbors. Help keep Mille Lacs County safe and crime free. Don't ruin beautiful Mille Lacs County.

Randy Simons
14531 Twilight Rd
Onamia MN 56359
"It is well settled that protection of general public health, safety and welfare is a valid basis to deny a conditional use permit.” Roselawn Cemetery v. City of Roseville, 689 N.W.2d 254 (Minn. App. 2004) (citing SuperAmerica Group, Inc. v. City of Little Canada).

How is the proposal for sober housing different than the current use as temporary housing? Based on the incidents (it would be useful to know about the nature of the incidents; id. drugs, assault, etc.) continued use implicates public safety. I presume the applicant will argue Sober Housing represents a different use (more long term, monitored) so the same public safety risks don’t apply. Caretaker (physical presence of staff, limited client numbers, long client stays, accurate records kept and shared, etc.) and monitoring (adequate staff present, video surveillance, cooperation with law enforcement, etc.) would certainly be relevant health, safety and welfare conditions.

From: Joe Walsh  
Sent: Thursday, June 7, 2018 4:24 PM  
To: Michele McPherson <Michele McPherson@co.mille-lacs.mn.us>; brent lindgren <brent.lindgren@co.mille-lacs.mn.us>  
Cc: Mark Herzing <Mark Herzing@co.mille-lacs.mn.us>  
Subject: RE: Mille Lacs Band CUP Request

Michele,

I am copying Mark on this also for input regarding the CUP, but here are my observations.

I think everyone would agree that the Budget Host has been the scene of an inordinate amount of criminal activity due to its use as temporary housing for Band members who have no other place to go. A study of ICRs completed by the Sheriff’s Office would be time-consuming, but would demonstrate this as well. From my review of criminal reports, I have no doubt that foot traffic has increased in the area.

Very Truly Yours,

Joe Walsh  
Mille Lacs County Attorney  
(320) 983-8305  

“Justice Without Fear or Favor”

From: Michele McPherson  
Sent: Thursday, June 7, 2018 3:56 PM  
To: Joe Walsh <Joe Walsh@co.mille-lacs.mn.us>; brent lindgren <brent.lindgren@co.mille-lacs.mn.us>  
Subject: Mille Lacs Band CUP Request

Joe, Brent –
I am processing a formal CUP request from the Mille Lacs Band for sober housing at the old Budget Host Motel. I received the attached two letters in May (the item was tabled by the Planning Commission at the request of the Band as they did not have a representative present).

Do you have a response or can provide additional information regarding the observations noted? I am not sure that any of the concerns rise to the level whereby I can recommend denial from a zoning perspective. I could add additional conditions to address the concerns.

Thank you in advance for your input.

Michele McPherson
Director, Land Services Office
County Recorder/Registrar of Titles
MILLE LACS COUNTY

Notice: This message and all attachments transmitted with it may contain confidential, sensitive, or protected information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone or electronic mail and delete its message and all copies and backups thereof.

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming, but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat." Citizenship in a Republic – Theodore Roosevelt, Paris 1910
DATE: June 8, 2018

TO: Mille Lacs County Planning Commission

SUBJECT: Request by Mille Lacs County to Amend Table 501 of the Development Ordinance relating to Home Occupations and Home Based Business making them allowed uses in all districts in which they are located and to Amend Provision 504.19 relating to Home Occupations.

The Planning Commission reviewed these standards at the May meeting:

504.19  Home-based Business/Home Occupation. A home-based business or home occupation may include professional offices, mail order sales, day care centers, teaching, gun or auto repair, beauty salons, or similar uses and shall be an allowed use, provided that the following requirements are met:

A. The home-based business or home occupation must be registered with the Minnesota Secretary of State's office. A copy of the registration must be provided to the Land Services upon initial registration with the County of the home-based business or home occupation and upon renewal with the Minnesota Secretary of State's Office.

B. With the exception of day care centers, the home occupation is conducted entirely within the dwelling or its attached garage. The home-based business or home occupation must be conducted by the occupant of the dwelling and shall occur within the dwelling, an attached accessory structure, or detached accessory structure.

C. With the exception of day care centers, there shall be no outdoor storage of equipment or materials. The setback for outdoor storage areas shall meet the structure setback for the zoning district within which the home-based business or home occupation is located. Storage areas located adjacent to a public road shall be screened by vegetation, fencing, structures or a combination thereof to a minimum height of six (6) feet unless setback beyond the required structure setback.

D. The business does not include auto repair, or the use of hazardous materials. Operators of a home-based business or home occupation shall operate so that any noise generated between the hours of 10:00 pm and 6:00 am does not disturb adjacent residents.
E. For day care centers and beauty salons, the operator shall provide proof that the septic system is designed for the use by the public.

F. There shall be no more than five (5) full-time equivalent employees outside the residents normally residing in the dwelling employed on site.

G. The operator of the home-based business or home occupation shall comply with all Federal and State regulations and obtain any appropriate Federal and State permits prior to commencement of the business or occupation. Copies of Federal and State permits shall be provided to the Land Services Office upon initial registration with the County of the home-based business or home occupation and upon renewal as applicable.

The Planning Commission suggested combining provisions A and G, deleting F and amending C. See the revised provisions:

A. The home-based business or home occupation must be registered with the Minnesota Secretary of State's office and obtain any appropriate Federal and/or State permits prior to commencement of the business or occupation. A copy of the initial registration and Federal or State permits must be provided to the Land Services and upon renewal as applicable. The home-based business or occupation shall be operated in compliance with all Federal and State regulations and permit conditions.

B. With the exception of day care centers, the home occupation is conducted entirely within the dwelling and attached garage. The home-based business or home occupation must be conducted by the occupant of the dwelling and shall occur within the dwelling, an attached accessory structure, or detached accessory structure.

C. With the exception of day care centers, there shall be no outdoor storage of equipment or materials. On parcels less than one-half (1/2) acre, the setback for outdoor storage areas shall meet the structure setback for the zoning district within which the home-based business or home occupation is located. Storage areas located adjacent to a public road shall be screened by vegetation, fencing, structures or a combination thereof to a minimum height of six (6) feet unless located beyond the required structure setback.

D. The business does not include auto repair, or the use of hazardous materials. Operators of a home-based business or home occupation shall operate so that any noise generated between the hours of 10:00 pm and 6:00 am does not disturb adjacent residents.
E. For day care centers and beauty salons, the operator shall provide proof that the septic system is designed for the that use by the public.

The Planning Commission is asked to conduct the public hearing, and recommend adoption of the standards and amending Table 501 making all home occupations/home-based businesses an allowed use.
DATE:       June 8, 2018

TO:         Mille Lacs County Planning Commission

SUBJECT:    Request by Mille Lacs County to rescind and re-adopt Article 12 of the Development Ordinance to add provisions regarding the Board of Adjustment and Planning Commission.

Information regarding this amendment will be distributed by e-mail with hardcopies at the meeting.
REQUEST
Home-based business (auto sales)

APPLICANT INFORMATION
Richard Wolbert
10987 Highway 169
Milaca, MN 56353

PROPERTY INFORMATION
Property Address: 10987 Highway 169
Property PID: 12-013-0301
Property Zoning: A-R, Agricultural Residential
Description of Adjacent Uses: North – wetland/gravel pit, East – agriculture/residential, South –
agriculture/residential, West – vacant

EVALUATION CRITERIA
From the Development Ordnance Section 505

The County Board may authorize conditional uses after recommendation by the Planning Commission,
in accordance with the procedures set forth in Section 1103. A conditional use shall be approved if, and
only if, it is found to meet the following criteria:

505.1 The proposed use shall promote the objectives of the Development Ordinance, and
shall be consistent with The Comprehensive Plan for Mille Lacs County.

505.2 The proposed use shall conform to the districts and conditional use provisions and all
general regulations of the Development Ordinance.

505.3 The proposed use shall meet all special standards, which may be applied to its class
of conditional use as set forth in this Article.

505.4 The proposed use shall not involve any element or cause any condition that may be
dangerous, injurious, or noxious to any other property or persons, and shall comply
with the Performance Standards of Section 402.

505.5 The proposed use shall be sited, oriented, and landscaped so that the relationship of
its building and grounds to adjacent buildings and properties does not impair health,
safety, or comfort, and does not adversely affect values of adjacent property.

505.6 The proposed use shall be consistent with, and not harmful to, the environment of the
neighborhood, taking into consideration the physical relationship of the proposed use
to the surrounding properties, the probable hours of operation, the activities to be
conducted, and the number of people to be assembled or to use the premises at any
one time.

505.7 The proposed use shall organize traffic access and parking to minimize conflicting
traffic movement on adjacent streets.
505.8. Major excavation shall comply with all pertinent sedimentation and erosion control regulations, and shall not endanger structures or other improvements on any adjacent property.

505.9 Community uses, when located in or adjacent to a residential or shoreline district, shall provide proper separation and protection for abutting residential uses.

ANALYSIS

Located on the subject property is a single family home and two large accessory structures. Since 1995, the site has been under a number of conditional and interim use permits; see attached recording orders. All have self-terminated due to lack of operation after 366 days.

The current request is for auto sales. The applicant's application did not provide great detail as to whether auto repair would occur on site. If the operation does include repair, the request should be re-advertised for proper public comment.

During the operation under previous approvals, no complaints were made. The applicant appears to have addressed all public health concerns regarding solid waste and sewage.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the request with the following condition:

1. All security lighting shall be down cast so as not to be a nuisance to adjacent neighbors or traffic.

ATTACHMENTS

- Plat Book Location Map
- Aerial Photo
- Site Plan
- Application
- Applicant's Written Narrative
Wolbert Conditional Use Permit

Date: 5/25/2018

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 any particular purpose.

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.
Application for a Conditional Use Permit

INSTRUCTIONS
Before you apply for a Conditional Use Permit, all property taxes must be current. Please complete this application in full. Incomplete or incorrect applications will be returned to the applicant. The application and required submittal documents may be submitted in person or mailed to:

Mille Lacs County Land Services Office
635 2nd Street SE
Milaca, MN 56353

RECEIVED
MAY 07 2018
BY: ____________________________

APPLICANT INFORMATION
Name: Richard Wolber Contact Phone: 612-325-0197
Mailing Address: 10987 Hwy 169 Milaca, MN 56353
E-mail Address: RichardWolber15@gmail.com

Are you purchasing the property on a Contract for Deed? (circle one) Y N
If yes, please have the Contract Holder sign here: ____________________________

PROPERTY INFORMATION
Property Address: 10987 Hwy 169 Milaca, MN 56353
Parcel ID Number: (e.g. 00-000-0000) from your tax statement: 12-013-0301

Is the property located within 1,000 feet of a lake or 300 feet of a river? (circle one) Y N

APPLICATION SUBMITTAL REQUIREMENTS
☐ Description of Conditional Use including, if applicable:
  o Hours of operation; - 9 - 5 ?
  o Number of employees; 3-6
  o Parking; PAVED PARKING AREA
  o Lighting; LIGHTS ON BUILDING
  o Noise; NONE
  o Signage;
  o Garbage and sewage handling; and
  o Physical changes to the property such as tree removal or dirt moving.

☐ Description of how the Conditional Use may or may not impact your neighbors
  ☐ Should not impact neighbors

☐ Site Plan

☐ Certificate of Compliance if property is located in Shoreland or Wild Scenic River Districts

November 2015
MILLE LACCS COUNTY
BOARD OF COMMISSIONERS

CONDITIONAL USE ORDER

On this 17th day of October, 1995, following a public hearing
conducted by the Mille Lacs County Planning Commission in Milaca,
MN on October 9th, 1995, the Mille Lacs County Board of
Commissioners hereby approves a Conditional Use permit in behalf
of:

Richard Wolbert
10987 HY 169
Milaca, MN 56353

in accordance with the provisions of Section 301 of the Mille Lacs
County Zoning Ordinance and pursuant to the requirements of Chapter
194.301 Minnesota Statutes.
The approved Conditional Use permit authorizes the above to:
Amend previous conditional use permit to allow the sale of
used auto’s

on the parcel of land legally described as follows:
N 490’ of E 805’ lying W of W HY 169 R/W of NW of NE, see
5/9/92 sketch Section 13, Township 37N, Range 27W

and subject to the following conditions if any:
1. No more than fifty (50) vehicles shall be displayed
outside
2. No repairable vehicles to be displayed outside
3. Subject to annual review by Zoning Administrator

The Mille Lacs County Planning and Zoning Officer is herewith
directed to issue the appropriate permits pursuant to this
Conditional Use Order.

I certify that the above is a
true and correct statement
based on the approved minutes
of the Mille Lacs County Board
of Commissioners meeting held
on October 17, 1995
and on record in the Mille Lacs
County Auditor’s office, Court
House, Milaca, Minnesota.

/s/ David Tellinghuisen
Chairman, Mille Lacs County
Board of Commissioners
October 17, 1995

/s/ Philip Thompson
Mille Lacs County
Auditor/Treasurer
November 1, 1995

This instrument prepared &
drafted by Joyce Cieluch,
Zoning/Environmental Services
Administrator
MILLE LACS COUNTY
BOARD OF COMMISSIONERS

CONDITIONAL USE ORDER

On this 25th day of January, 1999, following a public hearing conducted by the Mille Lacs County Planning Commission in Milaca, MN on January 11, 1999, the Mille Lacs County Board of Commissioners hereby approves a Conditional Use permit in behalf of:

Richard Wolbert
10987 US Hwy 169
Milaca, MN 56353

in accordance with the provisions of Section 301 of the Mille Lacs County Zoning Ordinance and pursuant to the requirements of Chapter 394.301 Minnesota Statutes.

The approved Conditional Use permit authorizes the above to:

to amend a previous Conditional Use Permit to add sales and repair of lawn equipment and snowblowers and trailer sales

On the parcel of land legally described as follows:

N 490 ft of E 805 ft lying W of W Hy 169 R/W of NW of NE, Section 13, Township 37 North, Range 27 West. Milo Township.

and subject to the following conditions if any:

1. Limit display area to the north side if shed #2 to the north edge of driveway.
2. Limit the number of trailers to 15 enclosed or non-enclosed utility trailers and 20 feet in length.
3. Conditional Use Permit granted in 1995 is still valid.
4. Small engine repair added to this Conditional Use Permit.
5. Annual review by the Zoning Administrator.

The Mille Lacs County Planning and Zoning Officer is herewith directed to issue the appropriate permits pursuant to this Conditional Use Order.

I certify that the above is a true and correct statement based on the approved minutes of the Mille Lacs County Board of Commissioners meeting held on January 13, 1999 and on record in the Mille Lacs County Auditors Office, Court House, Milaca, Minnesota.

Philip Anderson
Mille Lacs County
Auditor/Treasurer
1-25-99

Date

/S/ Richard Jackson
Chairman, Mille Lacs County
Board of Commissioners

January 13, 1999

This instrument prepared & drafted by Barbara K. Kiel, Zoning/Environmental Services Administrator
MILLE LACS COUNTY
BOARD OF COMMISSIONERS

CONDITIONAL USE ORDER

On this 18th day of November, 2003, following a public hearing conducted by the Mille Lacs County Planning Commission in Milaca, MN on November 10th, 2003, the Mille Lacs County Board of Commissioners hereby approves a Conditional Use permit in behalf of:

Rum River Interfaith Caregivers
604 South 3rd Street #150
Princeton, MN 55371

in accordance with the provisions of Section 301 of the Mille Lacs County Zoning Ordinance and pursuant to the requirements of Chapter 394.301 Minnesota Statutes.

The approved Conditional Use permit authorizes the above:
To operate a highway business including a thrift store.

On the parcel of land legally described as follows:

N 480 ft of E 805 ft lying N of W Hwy 169 R/W of NW of NE, See 5/6/92 Sketch, Section 13, Township 37 North, Range 27 West, Milo Township.

and subject to the following conditions if any:

None.

The Mille Lacs County Planning and Zoning Officer is herewith directed to issue the appropriate permits pursuant to this Conditional Use Order.

I certify that the above is a true and correct statement based on the approved minutes of the Mille Lacs County Board of Commissioners meeting held on November 18th, 2003 and on record in the Mille Lacs County Auditor's Office, Court House, Milaca, Minnesota.

[Signature]
Mille Lacs County Auditor/Treasurer

Date

12-15-03

/S/ Robert Hoepfert
Chairman, Mille Lacs County Board of Commissioners November 18th, 2003.

This instrument prepared & drafted by
Matthew J. Huddleston,
Zoning/Environmental Services Administrator
F:\Data\Record\CUFiddlestix Estates1110.03
MILLE LACS COUNTY
BOARD OF COMMISSIONERS

INTERIM USE PERMIT ORDER

On this 13th day of June, 2013, following a public hearing conducted by the Mille Lacs County Planning Commission on May 13, 2013, the Mille Lacs County Board of Commissioners hereby approves an Interim Use permit in behalf of:

RICHARD & SARAH WOLBERT
10987 US HIGHWAY 169
Milaca MN 56353

in accordance with the provisions of Section 1-136 of the Mille Lacs County Zoning Ordinance and pursuant to the requirements of Chapter 394.301 Minnesota Statutes.

The approved Interim Use Permit authorizes for the temporary sale of fireworks with the following conditions:

1. The applicant shall comply with all building and fire codes prior to sales or storage of fireworks.
2. The applicant shall comply with all MN Department of Transportation requirements today and in the future.
3. The use is permitted annually from June 1 thru August 31 until the applicant no longer owns the property.

on property legally described as the North 490 feet of the East 805 feet lying West of the westerly Highway 169 right of way of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 13, Township 37, Range 27 (12-013-0301, Milo Township). Generally located at 10987 US Highway 169.

I certify that the above is a true and correct statement based on the approved minutes of the Mille Lacs County Board of Commissioners meeting held on June 4, 2013 and on record in the Mille Lacs County Administrator’s Office, Historic Courthouse Milaca, Minnesota.

/Mille Lacs County Administrator

6/13/13 Date

/S/ Phil Peterson
Chairman, Mille Lacs County Board of Commissioners June 4, 2013

This instrument prepared Sandra Kephart,
Land Services Clerk