I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:55 pm with the following members present, Gary Hartmann, Donna Hentges, Lee Watson, Barbara Johnson and Ray Huber. Ed Hrabe was absent with notice.

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Greg Wagner, Principal Planner; Nathan Hall, Associate Planner, Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF APRIL 8, 2019 MEETING MINUTES

Motion by Commissioner Huber; second by Commissioner Watson to approve the minutes of April 8, 2019 Planning Advisory meeting. The motion carried unanimously.

III. PUBLIC HEARING 6:55 PM: ADAM AND CRYSTAL BOETTCHER (PL#2019-014)

A. Request for an Interim Use Permit to add a detached Accessory Dwelling Unit (ADU) in the Rural Residential Reserve (RR-1) District.

Location: Section 32
Township: Cedar Lake
Current Zoning: RR-1

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link, May 13, 2019 Planning Advisory Commission Agenda Packet. (To view the Staff report on the county website, click on the download arrow and click on Agenda, then Save and then Open. Then open the bookmark at the top of the page and click on the Boettcher project name.)

Commissioner Comments and Questions:

Commissioner Vonhof inquired about any limitations with connecting the new structure to the existing septic systems and then having two structures on the same system. Mr. Wagner explained that this is allowed as long as certain criteria such as system size and distance are met. The current system is designed for 5 bedrooms but only 3 bedrooms are in the home now so they can connect.

Commissioner Johnson inquired about future use of the space and what mechanism is in place to ensure the property is not used as a rental property. Mr. Wagner explained the Interim Use Permit encompasses the limitations with regards to rental property, noting using the dwelling unit as a rental property would be in violation of the IUP. If not used for living by family the living space would need to be converted.

Commissioner Hentges inquired about future use of the building for a business and if this is allowable. Mr. Wagner explained that the current IUP would not allow for a business operation. The owners would have to
apply for a home business IUP and go through the land use permit process for business usage.

Commissioner Vonhof reported that he visited the property of the matter and noted the new building would be a significant improvement to the property and the landscape is such that the proposed location appears to be the most appropriate location for the dwelling.

Commissioner Watson stated he thought the written letter from the applicants clearly defined their purpose for the project.

The public hearing was opened for public comment; however no one approached the podium to comment.

**Motion by Commissioner Hartmann to close the public hearing; second by Commissioner Johnson to close the public hearing. The motion carried unanimously.**

**Motion by Commissioner Watson; second by Commissioner Hentges based on the criteria for approval listed in the staff report, to recommend approval of the Interim Use Permit for Adam and Crystal Boettcher to add a detached Accessory Dwelling Unit. The motion carried unanimously.**

**Criteria for Approval (Chapters 2, 7, & 40):**

1. The use will not create a burden on public facilities and utilities, which serve or are proposed to serve the area.

   The proposed use will not have a significant impact to the public facilities that serve the property and the surrounding area.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

   The applicants are constructing an accessory building that will have a similar style to a rural pole barn. The building location is also screened by woodlands on the property's north and west sides, and is located behind the home.

3. If improvements are made, they shall be so designated and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

   As indicated the structure will be designed with a pole style so as to fit with the rural character of the surrounding properties and within the RR-1 zoning district in Cedar Lake Township.

4. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide on-site parking.

   The property will continue to use the existing shared driveway to Vergus Avenue.

5. Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.

   Adequate water supply and sewage treatment are available on site. The ADU will be connected to the existing well and existing septic drainfield system as required by the MN Department of Health and Scott County Environmental Services.
6. **All buildings/structures must meet the intent of the State Building Code and/or fire codes.**

A building permit is required for the construction of the accessory building. The building will be constructed to all state and county codes.

**Conditions of Approval:**

1. This IUP is issued to Adam and Crystal Boettcher for a detached Accessory Dwelling Unit (ADU) to be added to their property. This ADU shall only be occupied by a family member related by blood, marriage, or adoption.
2. The applicants are to file with the Scott County Planning Office in January of each year a statement indicating that they are in compliance with the conditions of this Interim Use Permit. This shall include an annual verification that the persons living in the ADU are family members.
3. This IUP may be annually reviewed by the Township at a time and in a manner as prescribed by the Cedar Lake Township Board.
4. The applicants shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.
5. The ADU shall be connected to a compliant septic drain field system as required by County Ordinance and Scott County Environmental Health.
6. The structure utilized for the ADU shall meet the requirements of the Scott County Building Official and the State Building Code.
7. The IUP shall be reviewed for termination when the property is sold, further subdivided, rezoned, or upon notification that the ADU is no longer occupied by a family member as outlined in condition #1 above.

**IV. PLANNING MANAGER UPDATE-Presented by Brad Davis**

**V. WORKSHOP FOR COMMISSIONERS HELD AFTER ADJOURNMENT-Presented by Brad Davis**

**VI. GENERAL & ADJOURN**

Motion by Commissioner Hartmann; second by Commissioner Huber to adjourn the meeting at 7:15 PM. The motion carried unanimously.

\[ Signature \]

6/10/2019

Date

Tom Vonhoff
Chair, Planning Advisory Commission

Barbara Simonson
Deputy Clerk to the Board