

D. Contiguous lots under the same ownership are exempt from this section and may be considered as separate parcels for the purposes of sale, transfer, or development if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are served by a public sewer, if available, or must be suitable for the installation of a subsurface sewage treatment system meeting the standards contained in Article 37 of this Ordinance.

5.4 EXISTING NONCONFORMING STRUCTURES

A nonconforming structure in existence prior to January 6, 1970, which does not comply with the provisions of this Ordinance, or a nonconforming structure that was approved on or after January 6, 1970 but before the effective date of this ordinance and complied with Crow Wing County standards in effect at the time it was approved, shall remain a legal nonconforming structure and may be continued subject to the following provisions:

A. **Maintenance and replacement.** Existing nonconforming structures may be continued, including through repair, replacement, restoration, maintenance, or improvement but not including expansion pursuant to Minn. Stat. § 394.36 subd. 4.

B. **Conforming Sewer System.** Dwellings are connected to a conforming sewage treatment system compliant with Minnesota Rules, Chapter 7080 and Article 37 of this ordinance or the lot is connected to a public sewer.

5.5 NONCONFORMITY DUE SOLELY TO WETLAND BUFFER SETBACK

A structure in existence on or before June 28th, 2005, that becomes nonconforming due only to the wetland buffer setback requirement of this Ordinance shall be deemed conforming. Any expansion of the structure shall not further infringe on the wetland buffer area.

ARTICLE 6--PLANNING COMMISSION/BOARD OF ADJUSTMENT

6.1 PLANNING COMMISSION/BOARD OF ADJUSTMENT DUTIES

A. Acting in its capacity as the Planning Commission, the Planning Commission/Board of Adjustment is hereby designated by the County Board to:

1. Review all plats, conservation developments, land use district map amendments, and amendments to the land use ordinance text, and to make recommendations to the County Board.
2. Review and make final decisions regarding all conditional use permit applications.
3. Exercise all powers and perform all duties granted to the Planning Commission/Board of Adjustment under Minnesota Statutes, Chapter 394.
4. Adopt and annually review rules of business necessary to the conduct of its affairs.

B. Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment is hereby designated by the County Board to:

1. Review and make final decisions regarding all variance applications.
2. Hear appeals of all administrative orders, requirements, administrative decisions, or determinations
3. Adopt and annually review rules of business necessary to the conduct of its affairs.

6.2 MEMBERSHIP

A. The Planning Commission/Board of Adjustment shall consist of ~~not less than five members nor more than seven members~~ and two alternate members. A maximum of five members may vote on any issue and no alternate members may vote on any issue unless authorized to do so by the chairperson.

B. The chairperson shall authorize alternate board members to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue.

A.C. At least three members of the Planning Commission/Board of Adjustment shall be residents of the unincorporated area of the County. ~~The two alternate members shall serve as "at-large" members not required to be residents of a specific commissioner district.~~

B.D. Pursuant to Minnesota Statutes, Chapter 394.30, Subd 1, no voting member of the Planning Commission/Board of Adjustment shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban and urban related purposes.

C.E. No member of the Planning Commission/Board of Adjustment shall be allowed to vote on an agenda item who has received, during the two years prior to appointment, any substantial portion of their income from a source that may be considered a potential conflict of interest.

6.3 APPOINTMENT/TERMS

A. Appointment of Planning Commission/Board of Adjustment members shall be made by the Board of County Commissioners, one member to be appointed from each Commissioner District and two alternate members from any Commissioner District, and such appointments shall become effective at the first meeting of the Planning Commission/Board of Adjustment in February.

B. Up to two members shall be subject to appointment each year.

C. Each member of the Planning Commission/Board of Adjustment shall be appointed for a term of two years.

D. Vacancies shall be filled through appointment by the County Board for only the duration of the un-expired term.

E. Nonperformance of duty or misconduct in office shall constitute grounds for dismissal by the County Board. Nonperformance shall include attendance at less than 80 percent of regularly scheduled Planning Commission/Board of Adjustment meetings.

E.F. Alternate members shall attend all meetings of the Planning Commission/Board of Adjustment and participate fully in its activities.

6.4 OFFICERS/DUTIES

A. Officers of the Planning Commission/Board of Adjustment shall be a Chairperson, Vice-Chairperson and other officers as needed.

B. Officers shall be elected by the Planning Commission/Board of Adjustment at the first regular meeting held in February.

C. In the event of a resignation of an Officer, the Planning Commission/Board of Adjustment shall fill the vacancy.

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