



Cass County
Planning Commission/Board of Adjustment

June 8, 2015

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting June 8, 2015 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted June 1, 2015 with PC members Fitch, Froehlig, Kostial, La Porte, Moore, Pehling and Sundberg along with ESD staff Berg, and Fairbanks in attendance.

Sundberg called the meeting to order at 9:30 a.m.

Members present: Fitch, Froehlig, Kostial, LaPorte, Moore, Pehling and Sundberg.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Terry Aleckson, Ingrid Arones, Richard Arones, John Barr, Andy Cunningham, Arlene Cunningham, Dan Dean, Dave Gage, Pat Gage, Terry Johnson, Tom Lund, Melanie Mix, Stephen Nelson, Jeff Peterson, Brenda Silgjord, Jay Sorlie, Doug Stengel, Dan Stock, Deb Stock, Theodore Storm, Dan Surma, Charlie Swenson and James Williams.

MS/P Kostial/Froehlig to approve the minutes of the 05/11/15 PC/BOA meeting as revised and presented.

Variance

Cunningham, Andrew, Powers Township on property described as N 75 Feet of Lot 3, Section 27-139-30, PID #34-445-0030 located at 780 34th Ave NW. An application submitted to expand an existing non-conforming residence with a walk-out basement. The residence is non-conforming because it is located 82 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains .53 acre riparian to Sanborn Lake (RD).

PC members were at the site 06/01/15. 34 notices of the application were mailed with no responses received. The application was reviewed and discussed with the applicants Mr. & Mrs. Cunningham.

MS/P Kostial/Froehlig to approve the application as submitted to construct a walk-out basement for the residence located upon PID #34-445-0030 upon review of the criteria contained in Section 800 and 1126.1 A of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1920 and contains .53 acre.
2. There is no record in the permit archive of the original construction of the residence.
3. A basement without walk-out could be constructed by permit.
4. The proposed walk-out basement is based upon reasonable and legitimate reasoning which is to provide storm shelter for the residence and to replace an existing deteriorated foundation.
5. The configuration of the lot, existing structures, SSTS, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.
6. The proposed walk-out basement will not increase the existing setback encroachment nor noticeably alter the view of the residence from the lake which seems reasonable when taking into account the current setback and configuration of the residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
7. The proposed walk-out basement will not significantly alter the residence footprint to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
8. The surrounding area along Sanborn Lake contains similar lots with residences located at generally similar lake setback which therefore establishes no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, ordinances or the terms of this variance. Deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the walk-out basement shall not vary from that submitted dated 05/20/15 unless approved by ESD or if necessary, the PC/BOA.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. The applicants shall obtain a Shoreland Alteration Permit and comply with the applicable criteria for the walk-out excavation.
4. The applicants acknowledge their commitment to voluntarily remove from the property or move to the required lake setback the storage structure identified by Planning Commissioner Fitch.
5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
6. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
7. Approval does not allow or imply approval that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
8. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Dean, James & Judy, Shingobee Township on property described as Lot 11, Block 1, "Baywood", Section 36-142-31, PID #38-579-0155 located at 7249 Baywood Drive NW. An application submitted to expand an existing non-conforming residence with a 16 feet x 16 feet addition. The residence is non-conforming because it is located less than 30 feet from the top of a bluff. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 30 feet from the top of a bluff. The parcel contains one acre riparian to Leech Lake (GD).

PC members were at the site 06/01/15. 27 notices of the application were mailed. One response from the Leech Lake Association offering no objection to approval of the application was received. The application was discussed and reviewed with Mr. Dean.

MS/P LaPorte/Kostial to approve the application for the addition to the residence located upon PID #38-579-0155 upon review of the criteria contained in Sections 800 and 1115.3 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1971 prior to bluff location consideration as part of the platting process.
2. The residence was constructed in 1995 with permit.
3. The configuration of the residence with the walk-out double door where the proposed deck will be located clearly indicates the applicants' intent and plan for a deck at that location.
4. The proposed deck requested is based upon reasonable and legitimate reasoning which is based upon the original configuration, location and construction of the residence.
5. The configuration of the lot, existing structures, SSTS, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.
6. The proposed deck will not increase the existing bluff setback encroachment nor alter the view of the residence from the lake which seems reasonable when taking into account the current setback and configuration of the residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
7. The proposed deck will not significantly alter the residence footprint to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
8. The surrounding area along Leech Lake contains similar lots with residences located at generally similar setbacks which therefore establish no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
9. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.

2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, ordinances or the terms of this variance. Deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the addition shall not vary from that submitted dated 05/20/15 unless approved by ESD or if necessary, the PC/BOA.
2. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. Approval does not allow or imply approval that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
4. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Gage, David, Kego Township on property described as Part of Govt Lots 1 & 2, Section 3-141-28, PID #19-003-1006 located at 7019 Town Line Drive NE. An application submitted to expand an existing non-conforming residence with an 8 feet x 24 feet lakeside porch addition to be located 52 feet from the lake and a 24 feet x 32 feet non-lakeside addition to be located 84 feet from the lake. The residence is non-conforming because it is located 60 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which

establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains 8.4 acres riparian to Town Line Lake (RD).

PC members were at the site 06/01/15. 13 notices of the application were mailed with no responses received. The application was discussed and reviewed with applicants Mr. & Mrs. Gage.

MS/P Kostial/Froehlig to approve the application as submitted to expand the residence located as PID #19-003-1006 upon review of the criteria contained in Sections 800 and 115.3 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1991.
2. The residence was constructed in 1992 at 85 feet with permit.
3. The configuration of the lot, existing structures, SSTS, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.
4. The proposed new construction will include replacement of a former lakeside enclosed porch and new construction non-lakeside of the residence which will result in a modest expansion of the existing footprint but will not increase the existing setback encroachment or alter the view of the residence from the lake which seems reasonable when taking into account the current setback and configuration of the residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The proposed residence expansion will modest of size to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. The lot contains 8.4 acres and is mostly unobservable from the surrounding area and residences along Town Line Lake therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.

2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, ordinances or the terms of this variance. Deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted dated 05/18/15 unless approved by ESD or if necessary, the PC/BOA.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. Approval does not allow or imply approval that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
4. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Independent Lifestyles Inc, Shingobee Township on property described as Part of Govt Lot 5, PID #38-004-2100, PID # 38-004-2101, PID # 38-004-2102 & PID #38-004-2103 all in Section 4-141-31 located at 6150 Camp Fish Road NW. An application submitted to locate structures, known as yurts, at less than the required lake setback which would be utilized for seasonal short term occupancy for Camp Bliss guests. A central shower house facility will be utilized by the occupants. The relevant portions of the Land Use Ordinance (02/15/13) are

Section 800 which establishes the variance review criteria and Section 1126.1 which establishes the lake setback standards. The combined parcels contain 43.37 acres riparian to Long Lake (RD), Third Lake (NE) and Fourth Lake (NE) classified Water Oriented Commercial (WOC). Consideration of this application was tabled during the 05/11/15 meeting in order for a more detailed site plan to be submitted. PC members were at the site 05/04/15 and 06/01/15. 32 notices of the application were mailed for each meeting. Three responses all opposed to approval of the application were received from the 05/11/15 meeting mailing. Two responses both opposed to approval were received from the 06/08/15 meeting mailing. The application was discussed and reviewed with applicant representative Terry Johnson centered on the location of the yurts/tents.

MS/P Pehling/Froehlig to approve the pathway along Third Lake and Fourth Lake and the yurt/tent locations upon review of the criteria contained in Sections 800 and 1126.1 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property known as Camp Bliss was approved for a CUP in 2014 to operate as a facility that provides services to persons with various disabilities and their families.
2. The configuration of the lot, existing structures, SSTS, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.
3. The yurt/tent sites include six to be utilized for sleeping 2-5 along with two intended for seminars, counseling and other related uses.
4. The proposed yurt/tent sites at less than 100/150 feet from the two lakes seems modest when considering the configuration of the property, an isthmus, along with the location of the main facility of the campus and the location of the proposed shower/sanitary facility which seems reasonable which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The proposed sites will be modest of size to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. Because the proposed yurt/tent sites will be mostly unobservable from surrounding residences, there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed yurt/tent sites.
7. Based upon the persons served, a hard surface pathway along Third Lake is necessary.
8. Platforms of up to 150 square feet within 10 feet of the OHWL are allowed by permit.
9. No variance for deck location is included in this approval.

10. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, ordinances or the terms of this variance. Deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures may be required by ESD.

Conditions:

1. The site plan submitted dated 05/19/15 is adopted for implementation.
2. The location of Site #1 shall not be less than at 66 feet from Third Lake and shall be verified by ESD prior to placement.
3. The yurts/tents shall not be occupied prior to May 1st or after October 31st.
4. The location of Site #2 shall not be less than 50 feet from Long Lake and shall be verified by ESD prior to placement.
5. The location of Site #3 shall not be less than 75 feet from Long Lake and shall be verified by ESD prior to placement.
6. The location of Site #4 shall not less than 100 feet from Fourth Lake and shall be verified by ESD prior to placement.
7. The location of Site #5 shall not be less than 120 feet from Third Lake and shall be verified by ESD prior to placement.
8. A Shoreland Alteration Permit must be obtained for the pathway and boardwalk construction.
9. Construction of the hard surface Third Lake pathway shall not be cleared or expanded beyond the current width.
10. The Third/Fourth Lakes pathway shall be elevated lakeside in order to direct run-off away from the lake consisting of compacted Class V gravel or if practicable/affordable of permeable asphalt, concrete or pavers.
11. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.

12. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
13. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
14. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
15. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Jacobson, Robert, Powers Township on property described as Nly 200 Feet Part of Lot 2 & Adjacent Vacated 22 Feet Roadway, "Haalands Lakeshore on Rainy Lake", Section 22-139-30, PID #34-423-0021 located at 1066 Rainy Lake Road NW. An application submitted to be allowed to retain one of the two existing residential structures as guest quarters upon a lot intended for a single family residential structure on the parcel which does not meet the minimum standards for guest quarters. The lot is 202 feet wide at the shoreline, 200 feet wide at the setback and contains 114,000 square feet. The relevant portions of the Land Use Ordinance (02/15/13) are Section 1113.1 which requires a guest quarters lot upon a Recreational Development (RD) lake to contain 100,000 square feet total area, 40,000 square feet buildable area and be 265 feet at the water and structure setback and Section 800 which establishes variance review criteria. The parcel contains 2.62 acres riparian to Rainy Lake (RD).

PC members were at the site 06/01/15. 40 notices of the application were mailed. One response endorsing approval of the application was received. The application was discussed and reviewed with applicant representative Mr. Stangel.

MS/P Pehling/LaPorte to allow the applicant to retain the larger, 884 square feet, existing residence as guest quarters upon PID #34-423-0021 upon review of the criteria contained in Sections 800 and 1113.1 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. "Haalands Lakeshore on Rainy Lake" was recorded in 1946 prior to the adoption of land use regulation and minimum lot size criteria.
2. There is nothing in the permit archive to confirm when the two structures were built it is obvious it was prior to the adoption of land use regulation.
3. The configuration of the lot, existing structures, SSTS, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.

4. The lot contains 114%, 114,000 square feet, of the total RD riparian guest quarters standard of 100,000 square feet.
5. The lot exceeds the 40,000 square feet buildable area standard.
6. The lot meets 75%, 200 feet, of the required lot width at the water and setback requirement of 265 feet.
7. The existing smaller cabin located 20 feet from the lake will be removed.
8. Impervious surface coverage will remain substantially below the maximum limit.
9. The structure to be retained as the guest quarters complies with the 900 square foot footprint limit as well as the 24 feet to peak limit.
10. There is nothing to indicate that the proposed guest quarters location which already exists has had any perceptible detrimental visual impact to Rainy Lake or neighboring property.
11. The proposed new residence will be located at least 100 feet from the lake.
12. The application seems a reasonable use of the property when taking into account the age, location and configuration of the current structure along with the size of the lot which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
13. The proposed revised lot use with retention of one current structure along with construction of a new primary residence will not be obtrusive to neighboring property which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
14. The surrounding area along Rainy Lake contains lots and structures similar in size and scale to that proposed therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot configuration.
15. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in

withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The guest quarters shall not be rented or sublet separately from the primary residence.
2. In all respects as to ownership and use, the property and structures will continue to be treated as single family residential.
3. SSTS must be in compliance with total number of bedrooms in the primary residence and guest quarters.
4. The dimensions, location and configuration of the new primary residence shall not vary from that submitted 05/21/15 unless approved by ESD or if necessary, the PC/BOA.
5. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
6. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
8. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
9. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
10. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.
11. Removal of the structure designated for removal shall be completed by 10/01/15.
12. The area where the structure to be removed currently occupies must be protected against erosion upon removal and re-vegetated as approved by ESD no later than 06/01/16.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Nelson, Stephen, Ponto Lake Township on property described as Lot 6, Block 1, "Clearwater Haven", Section 29-139-29, PID #32-449-0160 located at 668 Middleton Drive NW. An application submitted "after the fact" to be allowed to retain a roof over an outdoor oven located 81 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD) and the "after the fact" variance criteria established by the "Statsvold" decision. The parcel contains 1.43 acres riparian to Lake Ada (RD).

PC members were at the site 06/01/15. 27 notices of the application were mailed with no response received. The application was discussed and reviewed with the applicant Mr. Nelson.

MS/P LaPorte/Pehling to allow the applicant to retain the oven roof as is at PID #32-449-01601 upon review of the criteria contained in Sections 800 and Section 1126.1 of the Land Use Ordinance (02/15/13) and as established by the "Stasvold" decision with the following findings and conditions:

Findings:

1. The applicant has acknowledged that the outdoor oven is less than 100 feet from the lake
2. The outdoor oven/roof is screened, mostly unobservable from the lake and insignificant in relation the landscape, the lake and the neighborhood.
3. The setback encroachment is inadvertent, insignificant and poses no harm to anyone or anything.
4. The placement and location of the structure is a reasonable use of the property when taking into account the size and configuration of the lot which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. Although the structure is located at less than the required setback, it is not excessive of scale or obtrusive to neighboring property which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. Because the surrounding area contains structures of similar size and scale, there is no reason or evidence to conclude that area land use has been negatively affected or altered by the existing use.
7. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
8. There is no evidence or indication that the applicant constructed the outdoor oven/roof too close to the lake in a surreptitious or devious manner or acted in anything other than in good faith.
9. There is no evidence or indication that the applicant did not attempt to comply with the ordinance.
10. Substantial investment has been made by the construction of the outdoor oven/roof.
11. The outdoor oven/roof structure construction is complete.
12. There are similar structures throughout the County.
13. Based upon #s 8-12 it seems that denial would not serve the interests of justice and reasonableness.
14. The oven wood supply storage structure may remain in the current location.

Conditions:

1. The non-conforming storage structure must be moved to comply with all applicable setback requirements no later than 07/01/15.
2. Lake access must be reduced from three to one with a Shoreland Alteration Permit.

Sorlie, Jay, Sylvan Township on property described as Part of SW NE, MP&L Lease Lot 4, Section 20-133-29, PID #41-820-2304 located at 1662 Oak Ridge Road SW. An application submitted to construct a 6 feet x 14 feet residence deck which will be located 94 feet from the river at the closest point. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be setback 100 feet from a river or stream classified Tributary (TRIB). The parcel contains 2.38 acres riparian to the Gull River (TRIB).

PC members were at the site 06/01/15. 16 notices of the application were mailed. One response received from Sylvan Township recommending approval was received. The application was discussed and reviewed with Mr. Sorlie.

MS/P Kostial/Froehlig to approve the closer setback for the deck for the residence located at PID #41-820-2304 upon review of the criteria contained in Sections 800 and 1126.1 of the Land Use Ordinance (02/15/13) along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The residence was constructed in 1972 therefore not eligible for a closer deck setback as allowed by Section 1126.8 B.
2. The residence was constructed in 1983 with permit, according to the application, at 120 feet from the river.
3. The configuration of the lot, existing structures, SSTs, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.
4. The project has been approved by the lease holder Minnesota Power.
5. The proposed deck is modest in size and will not noticeably alter the view of the residence from the river which therefore seems reasonable when taking into account the setback and configuration of the residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
6. The deck which will be modest of size to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county,

local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.

7. The lot contains 2.38 acres and is mostly unobservable from the surrounding area residences along the river and there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.

8. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, ordinances or the terms of this variance. Deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the deck shall not vary from that submitted dated 05/01/15 unless approved by ESD or if necessary, the PC/BOA.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. No run-off to the river or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
5. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO

ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO,
REVOCAION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Stock, Daniel & Debra, Wabedo Township on property described as Lot 5, Block 1, "Eagle Nest", Section 13-140-28, PID #46-392-0150 located at 3763 N Eagle Road NE. An application submitted to expand an existing non-conforming residence with a 20 feet x 26 two level living area, 28 feet x 28 feet attached garage addition and a 6 feet x 18 feet covered porch addition. The residence is non-conforming because it is located 85 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD). The parcel contains 6.3 acres riparian to Little Boy (RD).

PC members were at the site 06/01/15. 26 notices of the application were mailed. One response objecting to approval and one response from Wabedo Township raising concern to potential wetland impact due to the location of the proposed addition were received. The application was discussed and reviewed with Debra and Daniel Stock.

MS/P Froehlig/Fitch to approve the application to expand the non-conforming residence at PID #46-392-0150 upon review of the criteria contained in Sections 800 and 1115.3 of the Land Use Ordinance (02/15/13) along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The residence was constructed in 1991 at 85 feet with permit.
2. The proposed expansion will be located at the current setback from the lake which seems reasonable when taking into account the location of the structure to be expanded along with the lack of expansion options which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
3. The configuration of the lot, existing structures, SSTS, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.
4. The proposed expansion will be modest of size to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. The lot contains 6.3 acres and is mostly unobservable from the surrounding area and residences along Little Boy Lake therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.

6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, ordinances or the terms of this variance. Deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted dated 05/19/15 unless approved by ESD or if necessary, the PC/BOA.
2. The height to peak of the total expanded residence shall not exceed 26 feet.
3. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. Approval does not allow or imply approval that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
6. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
7. ESD staff must determine prior to the commencement of construction if there is wetland encroachment created by the location and configuration of the expansion.
8. ESD staff must determine prior to the commencement of construction setback from the OHWL of the expansion.
9. The applicant must verify to ESD prior to the commencement of construction three feet separation of the lowest level of the addition to the level of the water table.

10. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Strom, Theodore Jr, Ponto Lake Township on property described as Part of Govt Lot 2 (East Trac), Section 28-139-29, PID #32-028-3326 located at 472 16th Ave NW. An application submitted for a new residence to be located 92 feet from the lake and be allowed to retain and move the current residence to be retained, at 300 feet from the lake, as guest quarters upon a lot intended for a single family residential structure on the parcel which does not meet the minimum standards for guest quarters. The application also requests expansion of the proposed guest quarters structure from the current 1,180 square feet to 1,372 square feet. The lot is 150 feet wide at the shoreline, 150 feet wide at the setback and contains 317,000 square feet. The relevant portions of the Land Use Ordinance (02/15/13) are Section 1113.1 which requires a guest quarters lot upon a Recreational Development (RD) lake to contain 100,000 square feet total area, 40,000 square feet buildable area and be 265 feet at the water and structure setback, Section 1126.1 which requires structures to be setback 100 feet from a lake classified Recreational Development (RD), Section 1126.5 which limits the footprint of guest quarters to 900 square and Section 800 which establishes variance review criteria. The parcel contains 7.29 acres riparian to Lake Ada (RD).

PC members were at the site 06/01/15. 49 notices of the application were mailed with no response received. The application was discussed and reviewed with the applicant Mr. Storm.

MS/P Kostial/LaPorte to allow the applicant to retain the current residence as guest quarters upon PID #32-028-3326 upon review of the criteria contained in Sections 800 and 1113.1 of the Land Use Ordinance (02/15/13) along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. There is nothing in the permit archive to confirm when the residence was constructed and when the mobile home was placed upon the lot.
2. The lot contains 317%, 317,500 square feet, of the total RD riparian guest quarters standard of 100,000 square feet.
3. The lot exceeds the 40,000 square feet buildable area standard.
4. The lot meets 57%, 150 feet, of the required lot width at the water and setback requirement of 265 feet.
5. The residence to be retained will be moved from 94 feet to 300 feet from the lake.

6. Impervious surface coverage will remain substantially below the maximum limit.
7. The configuration of the lot, existing structures, SSTS, topography, and/or factors inherent to the property precludes a reasonable alternative to the application.
8. There is nothing to indicate that the proposed guest quarters location will have any perceptible detrimental visual impact to Lake Ada or neighboring property which therefore does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
9. The proposed revised lot use with retention of one the current residence along with construction of a new primary residence will be mostly unseen and unobtrusive from the lake and neighboring property which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
10. The surrounding area along Lake Ada contains residence similar in size and scale to that proposed except that they generally contain fewer square feet therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed lot use.
11. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The proposed new residence/deck construction shall comply will all applicable setback requirements.
2. The applicants shall obtain a Shoreland Alteration Permit and comply with the applicable criteria for the walk-out excavation.
3. The guest quarters shall not be rented or sublet separately from the primary residence.
4. In all respects as to ownership and use, the property and structures will continue to be treated as single family residential.
5. SSTS must be in compliance with total number of bedrooms in the primary residence and guest quarters.
6. The dimensions, location and configuration of the new primary residence shall not vary from that submitted 05/18/15 unless approved by ESD or if necessary, the PC/BOA.
7. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
8. ESD shall determine the need for construction erosion control and, if required, the applicant shall install ESD approved erosion control placement prior to the commencement of construction.
9. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
10. The mobile home/deck shall be removed from the property no later than 12/01/15.
11. Upon removal of the mobile home/deck the applicant shall notify ESD for verification.
12. Upon final placement of the current residence to be utilized as guest quarters the applicant shall notify ESD for verification of the setback from the lake.
13. The footprint of the current residence to be utilized as guest quarters shall not be enlarged.
14. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
15. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Williams, James, Powers Township on property described as Part of Govt Lot 5, Section 3-139-30, PID #34-003-2305 located at 2350 35th Ave SW. An application submitted to expand an existing non-conforming residence with a 5 feet x 34 feet deck addition. The residence is non-conforming because it is located 63 feet from the lake. The relevant portions of the Land Use Ordinance (02/15/13) are Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming structure expansion criteria and Section 1126.1 which requires structures to be setback 150 feet from a lake classified Natural Environment (NE). The parcel contains 1.38 acres riparian to Pickerel Lake (NE).

PC members were at the site 06/01/15. 15 notices of the application were mailed with no response received. The application was discussed and reviewed with the applicant Mr. Williams.

MS Moore/Fitch- Failed to approve the expansion of the current deck configuration 5 feet towards the lake at PID #34-003-2305 upon review of the criteria contained in Sections 800 and 1113.1 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property became a lot of record in 1951 prior to land use regulation standards.
2. There is no record in the permit archive as to the original construction although it obviously preceded land use regulation.
3. The proposed new construction will include replacement of the since removed enclosed lakeside porch to include five additional feet which will result in a modest expansion of the existing footprint but will not alter the view from the lake which seems reasonable when taking into account the current setback and configuration of the residence which therefore does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed expansion of five feet in width toward the lake is modest of size and impact to which there is no evidence or information to establish that it will contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. The lot contains 1.38 acres and is mostly unobservable from the surrounding area and residences along Pickerel Lake therefore there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed construction.
6. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.

NOTICE TO APPLICANT: If conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a written plan for suitable vegetation shall be approved by ESD and agreed to be implemented by applicant.
3. At applicant's option, the vegetative plan is substantially implemented as determined by ESD or financial assurance in the amount of \$1 per square foot of the buffer area for no-mow or \$3 per square foot for all other vegetative buffers or if less 125% of the cost estimate.
4. As required by other conditions as set forth.

No site preparation or building construction shall be commenced until issuance of a land use permit. Commencement prior to issuance of a land use permit may result in withholding, withdrawal or revocation of a land use permit until inspection by ESD and correction of any circumstances in violation of laws, ordinances or the terms of this variance. Deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures may be required by ESD.

Conditions:

1. The dimensions, location and configuration of the expansion shall not vary from that submitted dated 05/18/15 unless approved by ESD or if necessary, the PC/BOA.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. Approval does not allow or imply approval that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
4. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
5. No run-off to the lake or adjoining properties is permitted. If determined necessary by ESD, run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
6. Applicant consents to inspection of the property by ESD to verify compliance with conditions.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 06/08/17.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Conditional Use Permit

Aleckson, Terry, Barclay Township on property described as SE of SE NE, Section 20-138-29, PID #02-020-1402 located at 1361 State 84 SW. An application submitted to reclassify five acres of the parcel from Rural Residential - 2.5 (RR-2.5) to Commercial-2 (C-2) in order that the existing vehicle repair/service commercial activity can be sold separately. The relevant portions of the Land Use Ordinance (02/15/13) include Section 1000 which establishes land use districts and Section 705 which establishes the conditional use permit review criteria. The parcel contains 10 acres (RR-2.5).

PC members were at the site 05/04/15. 40 notices of the application were mailed with no responses received. The application was reviewed and discussed with Mr. Aleckson.

MS/P LaPorte/Kostial to approve the application as submitted for C-2 classification as well as the requested vehicle repair/maintenance land use within the area so designated at PID #02-020-1402 based upon review of the criteria contained in Sections 705 and 1001 of the Land Use Ordinance (02/15/13) along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property contains a vehicle service business approved by CU06-138-29-1.
2. The property is about 1.5 miles north of the junction of MN #84 and County #44.
3. The area requested for reclassification is about 1.5 miles from the corporate limits of the City of Pine River.
4. The property is directly adjacent to MN #84 with existing access.
5. The site meets the criteria for C-2.
6. There is no evidence to conclude that the current vehicle service land use activity has had any adverse effect to adjoining or area property.
7. The property utilizes existing state highway egress/ingress that will not require alteration for the proposed use.
8. The proposed reclassification will have no impact to public infrastructure.
9. No wetland or critical habitat will be disturbed by the proposed reclassification.
10. No scenic or historic features will be affected by the proposed reclassification.
11. No evidence or information has been submitted to establish that the proposed reclassification will have a detrimental effect to public health, safety or welfare.
12. No evidence or information has been submitted to establish that the proposed reclassification will alter or be detrimental to land use in the general area.
13. Approval will not contradict the purpose of the official controls which are to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and also to promote the health, safety, general welfare.
14. There is no information or evidence that the proposed reclassification will have a negative effect or contradict the purpose of the comprehensive plan which is to (1) Provide a rational basis to make difficult land and resource decisions wisely, (2) Eliminate the conflicts caused by unplanned development, (3) Improve coordination and communication between county, local governments and the citizens in land use planning, and (4) Protect the County's natural resources from degradation.

Conditions:

1. The area classified C-2 shall be confined to five acres containing the business.
2. Unless revoked or otherwise revised by the Planning Commission this approval shall be effective as long as the site is used for the approved land use.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Christensen, Carl & Gill, Lawrence, Walden Township on property described as S $\frac{1}{2}$ NW NW, Section 24-137-30, PID #48-024-2100 & S $\frac{1}{2}$ NE NW, Section 24-137-330, PID #48-024-1300 located near 3611 County 1 SW. An application submitted to establish an extractive use. The relevant portions of the Land Use Ordinance (02/15/13) include Section 705 which establishes the conditional use permit review criteria and Section 1107 which establishes the extractive use criteria. The area proposed for the extractive use contains 20 acres (AF). Consideration of this application was tabled during the 05/11/15 meeting in order for a more complete application to be submitted.

PC members were at the site 06/01/15. 33 notices of the application were mailed with no responses received. The application was reviewed and discussed with the applicants' representative Mr. Swenson.

MS/P LaPorte/Moore to approve the application as submitted for PID #48-024-1300 and PID #48-024-2100 based upon review of the criteria contained in Sections 705 and 1107 of the Land Use Ordinance (02/15/13) and in M.S. 394.301 with the following findings and conditions:

Findings:

1. It has been established that suitable sources of base material required to maintain and construct roads at all governmental levels must be available in adequate and economical quantities.
2. The proposed extractive use complies with Section 1104.9.
3. No wetland or critical habitats will be affected by the proposed land use activity.
4. No scenic or historic features will be affected by the proposed land use activity.
5. No evidence or information has been submitted to establish that the proposed land use will have a detrimental effect to public health, safety or welfare.
6. No evidence or information has been submitted to establish that the proposed land use activity has the potential to alter or be detrimental to land use in the general area.
7. Approval will not increase the need or demand for governmental services because no public road improvements are required and it does not require waste water treatment.
8. Approval will not contradict the purpose of the official controls, the Land Use Ordinance, which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and also to promote the health, safety, general welfare.
9. The proposed extractive use site is not adjacent to readily observable from residential structures, public infrastructure or the public in general which therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.

Conditions:

1. All the inoperable and abandoned vehicles located on the property must be removed prior to the commencement of any extractive site or access development.
2. Financial assurance in the amount of \$5,000 shall be submitted to ESD to ensure the removal of the inoperable and abandoned vehicles.
3. The financial shall be returned upon verification to ESD of removal from the site and delivery to a salvage facility.
4. The operations plan submitted with the CUP application is adopted as presented and shall not be altered without the review and approval of the Planning Commission.
5. The applicants shall notify and provide an accurate drawing of the location of the haul road when the actual location is confirmed.
6. The applicant shall notify ESD of the dates and duration of all extractive use activity including crushing and asphalt production.
7. The applicant shall obtain and maintain all applicable MPCA permits.
8. All applicable MPCA permits shall be submitted to ESD.
9. The operation of the extractive use activity shall subscribe to and implement all applicable best management practices established in "A Handbook for Reclaiming Sand and Gravel Pits in Minnesota" published by the Minnesota DNR, July 1992.
10. Financial assurance to Cass County for disturbed acres in the amount of \$1,500 per acre prior to the commencement of any extractive use development or activity.
11. The improvement of the access road from County #1 to the pit shall be only the width of the easement and shall not wider than 20 feet driving surface.
12. Traffic control at the junction of the access road and County #1 shall be constructed so as to not create a safety hazard and to comply with the "Manual on Uniform Traffic Control Devices for Streets and Highways" published by the US Department of Transportation, Federal Highway Administration, 2009 Edition.
13. Unless revoked or otherwise revised by the Planning Commission this approval shall be effective as long as the site is used for the approved land use.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

Other Business

Barr, John & Theresa/Hunts Point Shooting Preserve, Home Brook Township on property described as SE SE, Section 01-135-30, PID #17-001-4001 located at 2142 76th Street SW. Request to revise from the CU01-135-30-1, Hunts Point Shooting Preserve, approved 02/27/01, CU01-135-30-2 approved 07/24/01 and CU02-135-30-1 approved 01/22/02.

MS/P LaPorte/Pehling to approve the revision to CU01-135-30-1 and CU02-135-30-1 as requested to include PID #17-001-4400.

MS/P Froehlig/Pehling at 2:25 pm, to adjourn.

P. Fairbanks