



Cass County
Planning Commission/Board of Adjustment

March 14, 2016

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting March 14, 2016 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted March 7, 2016 with PC members Fitch, Kostial, LaPorte, 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, Pehling and Sundberg.

Staff Present: Berg, Fairbanks, Navratil, and Ringle.

Citizens Present: Carl Challgren, Jay Chaney, Tom Dechman, Kevin Egan, Gary Ewald, Dave Frana, Jackie Frana, Roger Foxx, Neal Gaalswyk, Bill Garry, Theresa Garry, Tim Haeg, Shawn Hansen, Donald Hoger, Darren Hoverson, Dan Jaskowick, Steve Klonowski, Tom Lund Ton McDilda, Ben Meister, Scott Navratil, Frank O'Connell, Lorraine O'Connell, Jeff Peterson, Kari Rihm, Deb Rudbeck, Nick Rudbeck, Walter Sjoland, John Spicola, Tony Spicola, Dale Spohn, Jodi Spohn, Lee Wangstad, Nancy Wangstad, Jame Wolle, John Wolle and Marla Yoho.

MS/P Pehling/Froehlig to approve the minutes of the 01/11/16 PC/BOA meeting as presented.

Variance

Jaskowick, Daniel, Shingobee Township on property described as Lot 14, Block 1, "Baywood", Section 36-142-31, PID #38-579-0170 located at 7267 Baywood Drive NW. An application submitted to construct a 30 feet x 40 accessory structure/garage that will exceed the maximum size in square feet allowed based upon lot size, to locate it 5 feet from the right-of-way of a platted roadway and to exceed the maximum height to peak of 24 feet. In addition the application calls for a Subsurface Soil Treatment System (SSTS) to be located 29 feet from the top of a bluff. The applicable portions of the Land Use Ordinance (02/15/13) include Section 800 which establishes variance criteria, Section 1101 which allows for not more than 1,200 square feet accessory structure for a lot containing .5 - .99 acres and height to peak not to exceed 24 feet, Section 1126.1 B. which requires a structure to be setback 20 feet from the right-of-way of a platted road and Section 1126.1 A. which requires a SSTS to be located not less than 30 feet from the top or toe of a bluff. The lot currently contains 768 square feet of accessory structure. The property contains .7 acre riparian to Leech Lake (GD).

PC members were at the site 03/07/16. 26 notices of the application were mailed. One response from the Leech Lake Association recommending denial and one response from Shingobee Township offering no opinion as to approve/deny were received. The application was reviewed with the applicant Mr. Jaskowick. The discussion included the type construction for the proposed accessory, topography of the lot, bluff location, SSTS location and size and use of existing structures. Based upon the discussion it was determined to consider the existing structure as a residential and Mr. Jaskowick agreed to locate the proposed SSTS at required setback. The property based upon size allows for 1,200 square feet accessory structure. Considering the existing detached 96 square feet the request is revised to allow for 1,296 square feet structure 5 feet from the platted right-of-way and a height to peak from the grade of Baywood Drive of 32 feet.

MS/P LaPorte/Pehling to approve the revised application for the total accessory structure footprint to be 1,296 square feet, height to peak to be not more than 32 feet. The platted right-of way setback for the new the accessory structure to be 5 feet for PID #38-579-0170 upon review of the criteria contained in Sections 800, 1101 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1971 prior to the adoption of minimum buildable area requirements.
2. Topographical impediments to future development seem not to have been taken into consideration in 1971 when lot was considered and approved.
3. The property was platted prior to the adoption of the bluff and steep slope requirements.
4. Based upon the existing development along Baywood Drive along with the unlikeliness of it becoming a through road or accepted into the township road system, there is nothing to indicate that the proposed structure will alter, disturb or negatively impact existing land use or neighboring property 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 or 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. There is no information or evidence to indicate that the application is primarily financially based.
6. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
7. The application, if approved and assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.

8. The application, if approved, will not result in a land use that would be detrimental to the protection of ground and surface water quality.

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.

IN ADDITION: 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. 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.
2. The size, location and height of the structure shall not vary from that submitted 02/16/15 unless approved by ESD or if necessary the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/14/18.

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.

McDilda, Joseph & Nadine, Wabedo Township on property described as Lots 6 & 7, "Manders Muskie Bay 1st Addition", Section 26-140-28, PID #s 46-447-0060 & 46-447-0070 located at 16456 Muskie Bay Road NE. An application submitted to construct a 28 feet x 52 walk-out residence and detached garage to be located at less than the required bluff setback. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance

criteria, Section 1106.3 which establishes the bluff/steep slope and shore impact zone criteria and prohibits a walk-out basement within the bluff impact zone which is that area within 30 feet of the top or toe of a bluff or steep slopes of greater than 18% and Section 1126. A. which requires structures and SSTS to be setback 30 feet from the top or toe of a bluff and 20 feet from the right-of-way of a platted roadway. The property contains .9 acre riparian to Lake Wabedo (RD).

PC members were at the site 03/07/16. 30 notices of the application were mailed. Two responses including that of Wabedo Township both recommending approval of the application were received. The application was reviewed with the applicant and contractor Mr. Ott. The discussion included the topography of the lot, bluff location and proposed structure and SSTS location and size.

MS/P Kostial/Froehlig to approve the application as revised as submitted by the applicant's representative dated 03/08/16 and received 03/11/16 for the undeveloped property identified as PID #46-447-0060 & PID #46-447-0070 upon review of the criteria contained in Sections 800, 1106.3 and 1126.1 B. of the Land Use Ordinance along with M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property is undeveloped.
2. The property was platted in 1958 prior to the adoption buildable area minimum size requirements.
3. The property was platted prior to the adoption of the bluff and steep slope standards.
4. The physical features of the property, size and topography, present practical difficulty to structure and SSTS placement.
5. There is nothing to indicate that the proposed residence, garage and SSTS location and size will alter, disturb or negatively impact existing land use or neighboring property 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 or 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. There is no information or evidence to indicate that the application is primarily financially based.
7. The application, if approved, will not allow a use that is prohibited in the zoning district in which the subject property is located.
8. The application, if approved and assuming compliance with applicable run-off related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.

9. The application, if approved, will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.

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.

IN ADDITION: 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. 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.
2. The size, location and height of the residence and garage shall not vary from that submitted 03/08/16 and received 03/11/16 unless approved by ESD or if, necessary, the Planning Commission.
3. Applicant shall consent to inspection of the property by ESD to verify compliance with conditions.
4. The lots must be consolidated to one parcel and property identification number prior to the commencement of construction and shall not be re-divided or considered or permitted for another residential structure.
5. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/14/18.

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

DJRO LLC/Lodges of Blue Resort Water, Shingobee Township on property described as Outlot G, "Lodges of Bluewater", Section 2-141-31, PID #38-343-0007 located at 7051 Wintergreen Trail NW. An application submitted to expand the existing 22 marina slips with 16 additional slips. The applicable sections of the Land Use Ordinance include Section 705 which establishes the conditional use permit process and criteria standards and Section 1104.8 which establishes marina criteria.

PC members viewed the site 03/07/16. 85 notices of the application were mailed. Three written responses objecting to approval of the application were received. In addition, one person appeared to express her concerns in regard to allowing the additional mooring slips.

MS/P Froehlig/Kostial to approve the application for the marina expansion as submitted located at PID #38-343-0007 based upon review of the criteria contained in Sections 705 and 1104.8 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The existing mooring structure location and size was approved by DNR Public Water Work Permit 1998-1214 and CU98-141-32-1.
2. The proposed expansion has been approved by DNR Amended Public Waters Work Permit 1998-1214 as approved 02/18/16.
3. The 1998 approval was for 21 slips with the proposed expansion to contain 16 slips.
4. There is no information or evidence submitted to indicate that the existing slips or that the proposed additional slips have or will have a detrimental impact to the lake 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 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.
6. The surrounding area consists of resort development to the north and various commercial, service and residential activities to the west to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed expansion.
7. The proposed expansion will have no impact to the demand for governmental services.
8. MN # 371 will continue to be utilized for the marina with no need to expand exiting public infrastructure.
9. No wetland or critical habitat will be disturbed by the proposed expansion.
10. No scenic or historic features will be affected by the proposed expansion.
11. With compliance of conditions and all applicable state requirements, it is reasonable to expect that the proposed use will pose no threat to public health, safety and welfare.

Conditions:

1. The dimension of the structure shall comply and not exceed with that contained and imposed by DNR Amended Public Waters Work Permit 1998 -1214 issued 02/16/16.
2. The applicant shall comply with all conditions contained in DNR Amended Public Waters work Permit 1998-1214 issued 02/16/16.
3. Approval does not allow for additional parking area lighting.
4. Lighting for the approved mooring structure shall not vary in style, light intensity or height from that of the current structure.
5. The applicant shall display and provide AIS information at the marina land entrance.
On shore light
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/14/18.

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.

Larson, Randolph, Fairview Township on property described as Lot 1, Block 1, "Mastel First Addition", Section 13-134-30, PID #14-404-0110 located along County 77 SW. An application submitted "after the fact" to allow for the excavation and removal of a historic ice ridge which exceeds more than 50 cubic yards of earthen material along with the removal of all existing vegetation. The CUP is utilized in conjunction with the implementation of a restoration/remediation for the area of lot disturbed. The applicable portions of the Land Use Ordinance include Section 705 establishes the conditional use permit process and criteria and 1106.2 which establishes shore impact zone excavation and vegetation standards. The property contains 1.7 acres riparian to Gull Lake (GD).

PC members were at the site 03/07/16. 104 notices of the application were mailed. Two written responses supporting approval including that of Fairview Township were received. The application was reviewed with Mr. Larson and his legal counsel Mr. Leistico.

MS/P LaPorte/Kostial to approve the application as required to accomplish the rehabilitation of the shore impact zone at PID #14-404-0110 based upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The application is intended to address and provide remediation and "make the best of" the unfortunate degradation of the property, a riparian lot, which included complete destruction of a historic ice ridge, complete destruction of all shoreline and lot vegetation and grading and general manipulation of far more than 50 cubic yards of earthen material.

2. Presuming the fulfillment and adherence of all conditions for restoration, there is nothing to indicate that the detrimental visual and physical impact of the property destruction to the lake and neighboring residential property the proposed land use activity will restore the condition of the lot to an extent that 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 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.

3. The surrounding area consists of a rural suburban lakeshore type development to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed restoration.

4. Approval will have no effect or impact to County # 77 or any other public infrastructure.

5. No wetland or critical habitat will be disturbed by the proposed restoration.

6. No scenic or historic features will be affected by the proposed restoration.

7. Assuming compliance with conditions of restoration it is reasonable to expect that the proposed restoration will remediate the existing no threat to public health, safety and welfare.

Conditions:

1. The dimensions, location and type of restoration shall be approved by ESD.

2. The type and location of all vegetation of the restoration shall be approved by ESD and acknowledged by the applicant.

3. As allowed by shoreland alteration the property shall have one shoreline lake access location not to exceed 20 feet.

4. No application for future current year ice ridge removal except for the allowed 20 feet shall be considered by ESD.

5. Financial assurance in the amount of \$10,000 shall be submitted to ESD prior to the commencement of the project which shall be reduced incrementally as compliance with the restoration as verified and approved by ESD.

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

Referral received from the County Board for the Planning Commission to evaluate and determine course of action of citizen request for re-instatement County feedlot regulation. Mr. Walter Sjolund, a resident of Byron Township, appeared to present his concerns in regard to a hog

operation to be located in Byron Township and to urge Cass County to re-adopt feedlot ordinance standards and requirements.

MS/P Fitch/Froehlig to refer the feedlot issue to a Planning Commission sub-committee consisting members LaPorte and Pehling along with ESD staff to review the issue and report to the Planning Commission. In addition, Dave Johnson, Sylvan Township Planning Commission member was invited to participate.

Conditional Use Permit

Birch Bay RV Resort Inc, Spohn, Dale & Jodi, Fairview Township on property described as "Birch Bay on Agate Lake", "Birch Bay Golf Villa" & Part of Govt Lot 5, Section 5-134-29 located at 1646 S Agate Shore Drive SW. An application submitted to expand and reconfigure the golf course/resort in the phases of expansion. This application, Phase 1, contains the placement and construction of 55 RV sites and a waste water treatment system. The applicable portions of the Land Use Ordinance include Section 705 which establishes conditional use permit process and criteria standards, Section 1104.9 which establishes resort standards and Section 1118 which establishes campground and camping vehicle campground standards. The property contains 49.74 acres riparian to Agate Lake (RD) classified Water Oriented Commercial (WOC).

PC members were at the site 07/15/15. 140 notices of the application were mailed. 16 written responses all raising concern and all except one recommending denial of the application were received. Copies of all the comments were forwarded to the Planning Commission members via e-mail, regular mail or personal collection.

MS/P Fitch/Froehlig based upon the number and length of the responses and the fact that the PC members had all received said comments to waive their reading aloud.

In addition, numerous persons appeared at the public hearing to express their concern and opposition for the RV Park proposal. Written and hearing comments in regard potential threats public health, safety, peace, tranquility along with excess density of the proposed RV Park and potential of inadequate waste water treatment and past golf course treatment to negatively impact ground water and Agate Lake. The application was reviewed with proposers Jodi Spohn and Dale Spohn along with their consultants Jim Kramer, Ben Meister and Tim Haeg.

MS/P Fitch/Pehling to approve the RV Park application for Phase I as revised for PID #'s (see attached) based upon review of the criteria contained in Sections 705, 1104.9 G. and 1118 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The property has been operated as a golf course/resort as best can be determined since the 1970's.

2. There is no evidence or information to conclude that the golf course/resort operation has adversely affected adjoining property.
3. The proposed RV park clientele will be seasonal and typically will consist of seniors and families with children which will not impact local public facilities such as schools.
4. Presuming the existing tree buffer is maintained and as deemed necessary by ESD improved, along the boundaries of the property, there is nothing to indicate that the proposed use will have detrimental visual or other impact to neighboring residential property located to the south and north of the proposed land use activity 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 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.
5. The surrounding area consists of a rural suburban type development along with existing resort and recreation areas located along County #77 to the east and based upon the amount of vegetative buffer and the location of the RV sites in Tier 2 which is 267 feet from the lake, there is no reason or evidence to conclude that area land use or the view from the lake will be negatively affected or altered by the proposed location of the proposed RV Park.
6. The proposed development of Phase 1 of the RV Park will not substantially change the current utilization of existing public roadways and will not require expansion or reconfiguration therefore additional public infrastructure will not be required.
7. No wetland or critical habitat will be disturbed by the proposed RV Park.
8. No scenic or historic features will be affected by the proposed RV Park.
9. Based upon the anticipated RV park clientele, rules of occupancy, limited permanent mooring, limited motorized watercraft access, proposed AIS inspection, compliance with Department of Agriculture recommendations, along with "state of the art" waste water treatment no threat to public health, safety and welfare can reasonably be expected from the proposed RV park.
10. Lake access for motorized watercraft will be restricted to 12 at any one time.
11. The waste water treatment system will be designed by a MPCA Licensed Advanced Designer that complies with applicable county and state standards which will not require public infrastructure.
12. The proposed RV Park required an EAW which upon review, the Planning Commission determined that a Negative Declaration for an EIS was appropriate.
13. The proposed RV park redevelopment configuration complies with applicable ordinance standards.
14. The proposed RV Park will comply with applicable lake setback, storm water management and vegetative requirements.
15. The property is classified Water Oriented Commercial (WOC) which is the proper class for the proposed RV park.
16. The RV's will be for seasonal or transient use only and will not be occupied as year round residences or homesteaded,

17. The current application is for Phase 1. Applications for additional phase(s) will be treated as a separate a CUP application(s) with acceptance determined by ESD and the Planning Commission based upon review of the data and generated during previously developed and occupied phases.

Conditions:

1. The typical RV site dimension and size is adopted as contained in the application document submitted 02/18/16.
2. The location of Phase 1 shall be relocated to the location shown as Phase 2 in the submitted site plan with a revised site plan that must be submitted to ESD prior to the commencement of construction.
3. Phase 1 is approved for 49 sites in the area described in Condition # 2 and 6 sites to be located in Tier 1.
4. The water system to the RV site shall only be operational from May 1st to October 31st.
5. The waste water treatment system as designed Watab Inc designer Tim Haeg shall be installed as designed and approved by ESD with any revision reviewed and approved by ESD.
6. The access management plan and AIS protocol are adopted as contained in the application document submitted 02/18/16.
7. The number of watercraft accessing the lake along with a record of AIS boat inspections by boat number shall be compiled daily.
8. The guidelines/rules for occupants are adopted as contained in the application document submitted 02/18/16.
9. The applicant shall comply with applicable requirements of the Minnesota Department of Health and provide verification of such to ESD.
10. The applicant shall comply with all requirements and recommendations of the Minnesota Department of Agriculture Ag VIC program and provide verification of such to ESD prior to the commencement of construction.
11. In the event the applicants are not accepted into the Minnesota Department of Agriculture Ag VIC program the applicants shall select and provide an alternate to the Planning Commission for approval prior to the commencement of construction to which the applicant shall comply with all requirement and recommendation and provide verification of such to ESD prior to the commencement of construction.
12. The applicant shall submit a vegetative maintenance plan for existing vegetation and, if necessary, vegetative enhancement to ESD prior to the commencement of construction.
13. The applicant shall submit a storm water management plan to ESD prior to the commencement of construction.
14. The swimming area and mooring systems shall be located and configured as described in the Submittal Document. No other shore area or Shore Impact Zone 1 area shall be used for swimming, docking, beaching of watercraft or other recreation activity.
15. The applicant shall submit a grading plan that includes construction phase erosion control measures shall be submitted to ESD prior to the commencement of construction.
16. Prior to commencement of construction and for the duration of construction, ESD shall be provided with verification of issuance of an MPCA NDPEs permit.
17. Boat trailer parking/storage shall be confined to those areas designated in the EAW.

18. Upon commencement of RV Park operations, the applicant shall install a traffic counter at the entrance of the property along the access road from County #77 and record the results in twenty-four hour intervals.
19. The applicant must retain a consultant that will obtain and sample and analyze water quality of the drinking water supply well and the lake in order to establish an analysis baseline prior to the commencement of RV Park operations. The protocol for this process shall be approved by the Minnesota Department of Agriculture.
20. The depth of the existing vegetative/tree buffer along the north, east, south and west boundary to the occupied residence boundaries must be maintained at a width of at least 50 feet.
21. Following each year of operation, the applicant shall submit to ESD by December 15th a summary report of the previous season's occupancy rate, water use, AIS inspections, lake access activity and Sheriff's Department calls to the facility until and if the Planning Commission considers such unnecessary.
22. The current application is for Phase I. Applications for additional phase(s) will be treated as a separate a CUP application(s) with acceptance determined by ESD and the Planning Commission based upon review of the data generated during previously developed and occupied phases.
23. Financial assurance in the amount of \$15,000 shall be submitted to ESD prior to the commencement of the project which shall be reduced incrementally as determined and approved by ESD.

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 CONDITIONAL USE PERMIT, REMOVAL OF VIOLATIONS AND MITIGATION.

MS/P LaPorte/Froehlig at 1:33 pm, to adjourn.

P. Fairbanks