



Cass County
Planning Commission/Board of Adjustment

December 11, 2017

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting December 11, 2017 in the meeting room of the Cass County Land Department in Backus. The field inspection for the meeting was conducted December 4, 2017 with PC members Fitch, Froehlig, Kostial, Moore, Pehling and Sundberg along with ESD staff Berg and Fairbanks in attendance.

Sundberg called the meeting to order at 10:03 a.m.

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Barb Anderson, Craig Anderson, Jim Ballenthin, Pat Boen, Dale Braddy, Susan Braddy, Don Carpentier, Doug Dalager, Rose Dalager, Gary Ewald, Debra Fairbanks, Eric Gjerde, Cindy Hidde, Bill Klohn, William Krout, Melanie Mix, Andrew Ranweiler and Jeff Peterson.

MS/P Moore/Froehlig to approve the minutes of the 10/13/17 PC/BOA meeting.

Variance

Benedict, Laurel, Woodrow Township on property described as Revised Description of Govt Lot 6, Section 10-140-29, PID #51-010-1105 located at the end of E McKeown Drive NW. An application to construct a 20 feet x 25 feet residence to be located 75 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 1.5 acre riparian to McKeown Lake (RD).

PC members were at the site 12/04/17. 28 notices of the application were mailed with no written responses received. One person, allow to comment by telephone because of travel conditions, objected to approval of the application. The application was reviewed and discussed with the applicant's representative Ms. Boen.

MS/P Fitch/Moore to table consideration of the application based upon these findings:

1. The application should be tabled or withdrawn for another site visit in the spring.

2. Prior to another site inspection, the degree of slope should be determined by staff.
3. If required, detail of the excavation within the slope should be submitted.
4. The person(s) or a representative of those intending to construct a residence on the property should be present at a future site inspection.

Dalager, Doug & Rose, Kego Township on property owned by Kuyper, Bradley & Bambi and described as Part of Govt Lot 3, Section 33-141-28, PID #19-033-2404 located along Kings Trail NE. An application submitted to construct a 3,440 square feet residence, including attached garage to be located less than 100 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 5.17 acres riparian to Girl Lake (RD).

PC members were at the site 11/06/17 and 12/04/17. 35 notices of the application were mailed for each meeting. Three responses of concern were received from the mailing for the 12/11/17 meeting. In addition, two persons spoke to raise questions and concerns in regard to the proposed construction. The application was reviewed and discussed with Rose and Doug Dalager along with their representative Melanie Mix.

MS/P Moore/Froehlig - Fitch/No, Froehlig/Yes, Kostial/Yes, LaPorte/Yes, Moore/Yes and Pehling/No to approve the application for the residence to be located at PID #19-033-2404 based upon review of the criteria contained in Sections 800 and 1126.1 of the Land Use Ordinance and M.S. 394.27 Subdivision 7 with these findings and conditions:

Findings:

1. The property became of record in 1995 and contains 5.87 of an unusual configuration.
2. The property has exposure to Girl Lake to the east and to the south.
3. The OHWL to the east has been determined to located landward of what it appears when viewing open water.
4. Approval will not allow a use that is prohibited in the zoning district in which the property is located.
5. Approval of the application assuming implementation of erosion control and vegetative recommendations by ESD staff will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
6. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
7. There is no reason or evidence to conclude that financial consideration is the sole basis of the application.
8. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence location will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

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 as required by ESD.

Conditions:

1. Approval applies only to Site B which is adjacent to PID #19-033-2407.
2. As included in the submittal received 11/21/17 and as demonstrated on-site the residence shall not be less than 112 feet from the OHWL to the south, not be less than 11 feet from the common property boundary line with PID #19-033-2407 and not be less than 16 feet from the OHWL to the east and shall not vary without the expressed written consent of ESD staff and if necessary, the Planning Commission.
3. The residence footprint shall not exceed the dimensions as submitted 11/21/17.
4. ESD staff shall approve a plan to address and resolve the existing vegetative removal violation accompanied by financial assurance if determined necessary.
5. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
6. No run-off to the lake or adjoining properties is permitted. 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 and if required construction erosion control shall be installed.
8. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
9. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.

10. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

11. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.

12. The applicants or their contractor must contact ESD for field verification of setbacks and water table separation prior to the commencement of excavation for the foundation.

13. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 12/11/19.

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.

Gjerde, Eric, Wabedo Township on property described as That Part of Govt Lot 1, Section 26-140-28 & Part of Govt Lot 4, Section 23-140-28, PID #46-023-3304 located at 1575 Wabedo Frontage Road NE. An application submitted to expand an existing non-conforming residence located 61 feet from the lake with a 12 feet x 16 feet addition and a 16 feet x 16 feet addition. In addition, the application calls for a 16 feet x 16 feet guest cottage to be located 66 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria, Section 1115.3 which contains the non-conforming structure criteria and Section 1126.1 which requires structures to be located 100 feet from a lake classified Recreational Development (RD). The property contains 1.68 acres riparian to Wabedo Lake (RD).

PC members were at the site 12/04/17. 39 notices of the application were mailed. Five responses, including that of the Wabedo Township PC, all objecting to the proposed closer lake setback for the guest cottage were received. The application was reviewed and discussed with Mr. Gjerde who, during the course of discussion, withdrew the guest cottage structure from consideration and informed the members of his decision to include an upper level guest quarters for the proposed garage accessory structure.

MS/P Kostial/Pehling to approve the application to remove and expand the non-conforming residence and the location of the garage/upper level guest quarters at less than 100 feet located at PID #46-023-3304 based upon the criteria of Sections 800, 1115.3 and 1126.1 A. of the Land Use Ordinance and MS 394.27 Subdivision 7 with these findings and conditions:

Findings:

1. The property became of record in 1940 and contains 2.1 acre.
2. The residence was obvious constructed prior to land use regulation.
3. The existing non-conforming residential structure as allowed by statute and ordinance could be replaced at current footprint and volume.

4. The application calls for the removal of the existing residence with retention of the existing foundation. New construction consisting of a 12 feet x 16 feet and 16 feet x 16 feet expansion of the existing footprint with a 12 x 12 pitch roof to allow for a loft.
5. The proposed new construction will be no closer to the lake.
6. Approval will not allow a use that is prohibited in the zoning district in which the property is located.
7. Approval of the application assuming implementation of erosion control and vegetative recommendations by ESD staff will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
8. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
9. There is no reason or evidence to conclude that financial consideration is the sole basis of the application.
10. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed structure expansion will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

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 as required by ESD.

Conditions:

1. The proposed residence and garage footprints and setbacks along with proposed roof pitch reviewed during this meeting are adopted and shall not be altered without approval of ESD staff or if necessary the Planning Commission.

2. Approval does not include a separate guest cottage structure.
3. The upper level guest quarters portion of the garage shall not exceed 700 square feet.
4. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
5. No run-off to the lake or adjoining properties is permitted. 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. ESD staff must determine and if required construction erosion control shall be installed.
7. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
8. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
9. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
10. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.
11. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 12/11/19.

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.

Krout, William, Smoky Hollow Township on property described as W $\frac{1}{2}$ NE SW, Section 7-140-25, PID #40-007-3101 located at 7283 42nd Street NE. An application submitted to expand an existing 21 feet x 31 feet, including deck; residence located 28 feet from the lake and 72 feet from the creek. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria, Section 1115.3 which establishes the non-conforming expansion criteria and Section 1126.1 which requires structures to be located 150 feet from a lake classified Natural Environmental (NE) and 100 feet from a river or stream classified as Tributary (TR). The property contains 19.75 acres riparian to Michaud Lake (NE) and Michaud Creek (TR).

PC members were at the site 12/04/17. 13 notices of the application were mailed with one response recommending approval of the application received. The application was reviewed and discussed with Mr. Krout.

MS/P Moore/Fitch to approve the application as submitted to expand the existing non-conforming residence located at PID #40-007-3101 based upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 of the Land Use Ordinance and M.S. 394.27 Subdivision 7 with these findings and conditions:

Findings:

1. The property became of record in 1961 and contains 19.75 acres made up of long closed resort containing the structure to be expanded and four abandoned resort cabins.
2. It is obvious that the residence structure proposed to be expanded along with the other abandoned structure were constructed prior to land use regulation.
3. Although less than 150 feet from the OHWL, the proposed expansion will not increase the residence structure footprint or further encroach upon the lake or creek setbacks.
4. Based upon the location, size and configuration of the proposed residence expansion, there is no evidence or indication that it will have a negative effect on neighboring property.
5. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. Approval of the application assuming compliance with applicable erosion control 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.
7. Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
8. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
9. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence expansion will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

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 as required by ESD.

Conditions:

1. Any abandoned non-conforming structure not proposed to be removed may be maintained but not enlarged or totally removed and reconstructed without permission from the Planning Commission.
2. The site plan submitted 10/27/17 is adopted and shall not be altered without approval of ESD staff or if necessary the Planning Commission.
3. As offered by the applicant, the dilapidated caretaker cabin shall be taken down by 07/01/18.
4. No run-off to the lake or adjoining properties is permitted. 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. ESD staff must determine and if required construction erosion control shall be installed.
6. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
7. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
8. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.
9. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.
10. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
10. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 12/11/19.

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.

Ludovissie, Donald, Becker Township on property described as That Part of Govt Lot 1 Lyg Sly of N 1,200 Feet Thereof, Section 19-134-32, PID #03-019-2201 located along W Riverside Trail SW. An application to construct a 40 feet x 60 feet residence/garage to be located 100 feet from the river. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 A. which requires structures to be located 150 feet from a river classified Forested (F). The parcel contains 2.73 acres riparian to the Crow Wing River (F).

MS/P Kostial/Moore to table consideration of the application as requested by the applicant with this finding:

Finding:

1. As has been requested by the applicant, table consideration until the 01/08/18 meeting.

Weis, Chad, Sylvan Township on property described as W $\frac{1}{2}$ of Lot 8 & All of Lot 9, "Land & Allen's Second Addition", Section 11-133-30, PID #41-502-0090 located at 2698 Sylvan Lane SW. An application to remove the existing residence at 11 feet from the lake and replace with a new 1,956 square feet residence to be located 35 feet from the lake. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section 1126.1 A. which requires structures to be located 75 feet from a lake classified General Development (GD). The parcel contains 1.05 acres riparian to Sylvan Lake (GD).

Consideration of this application was tabled during the 11/13/17 meeting in order for the applicant's representative to submit a revised site plan. PC members were at the site 11/06/17. 25 notices of the application were mailed for each meeting with one response offering no objection and one response from Sylvan Township recommending approval. The application was reviewed and discussed with the applicant's representative, Andrew Ranweiler of B-Dirt.

MS/P LaPorte/Froehlig to approve the application for new residence construction at PID #41-502-0090 based upon review of the criteria contained in Sections 800, 1115.3 and 1126.1 of the Land Use Ordinance and M.S. 394.27 Subdivision 7 with these findings and conditions:

Findings:

1. "Land & Allen's Second Addition to Sylvan Lake" was platted in 1947 and the parcel in question contains 1.05 acres.
2. Because of an existing easement, the topographic slope of the lot along with the location of Sylvan Lane, the required setback cannot be satisfied.
3. The proposed redevelopment will result in the removal of the existing residence and patio within SIZ 1 as well as an outhouse and bunkhouse located within the lake setback area.
4. Based upon the location, size and configuration of the proposed construction, there is no evidence or indication that it will have a negative effect on neighboring property.
5. Approval will not allow a use that is prohibited in the zoning district in which the subject property is located.
6. Approval of the application assuming compliance with applicable erosion control 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.
- 7 Approval will not result in an incompatible land use that would be detrimental to the protection of ground and surface water quality.
8. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
9. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed residence will alter, disturb or negatively impact existing land use or neighboring property which 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.

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 plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

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 as required by ESD.

Conditions:

1. The site details and site plan submitted 11/21/17 is adopted and shall not be altered without approval of ESD staff or if necessary the Planning Commission.
2. The existing bunkhouse and outhouse must be removed from the site prior to the commencement of new construction.
3. No run-off to the lake or adjoining properties is permitted. 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.
4. ESD staff must determine and if required construction erosion control shall be installed.
5. Any material resulting from demolition and construction not reused or recycled must be disposed of in a permitted facility.
6. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
7. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
8. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

9. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.

10. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 12/11/19.

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.

Reclassification

Fairbanks, Debra, Beulah Township on property owned by Donald Anderson described as N $\frac{1}{2}$ NE SW & Less 300.42 Feet of S 145 Feet Thereof, Section 30-139-25, PID #04-030-3102 located at 586 73rd Avenue NE. An application to reclassify one acre from Agriculture/Forestry (AF) to Rural Residential-1 (RR-1) in order to create one lot containing one acre. The applicable portions of the Land Use Ordinance include Section 706, which establishes reclassification criteria and Section 903 which establishes land use district descriptions. The parcel contains 18.84 acres AF.

37 notices of the application were mailed with no response received. The application was reviewed and discussed with Ms. Fairbanks.

MS/P Kostial/LaPorte to approve the application and to recommend to the Cass County Board of Commissioners the reclassification as submitted for AF to RR-1 for PID #04-030-3102 based upon the criteria of Sections 706 and 903 of the Land Use Ordinance along with M. S. 394.22 and 394.25 with these findings and condition:

Findings:

1. The purpose of the RR-1 districts is to enable areas to be developed with higher reside.
2. The application is unique because the landowner is the applicant's father and the proposed lot will contain the applicant's existing residential structure.
3. There is nothing to indicate that the proposed lot will have any detrimental impact to 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.
5. There are four lots in the immediate area containing from .68 acre to 2.15 acres.

6. There is no reason or evidence to conclude that area land use will be negatively affected or altered by the reclassification.
7. Approval will have no impact to the demand for governmental services.
8. Existing roadways will be utilized with no need to expand exiting public infrastructure.
9. No wetland or critical habitat will be disturbed.
10. No scenic or historic features will be affected.
11. No threat to public health, safety and welfare can be expected.

Condition:

1. The area for reclassification shall not vary from that illustrated and located as submitted with the application.

Beach Club LLC/Quarterdeck Resort, Fairview Township on property described as RLS #29, Tract D, Section 5-134-29, PID #14-005-3207, RLS #29, Tract E, Section 5-134-29, PID #14-005-3208, RLS #29, Tract F, Section 5-134-29, PID #14-005-3209 & RLS #25, Tract A, Section 6-134-29, PID #14-006-4102 portions of the combined parcels bordered by County #77, Ski Gull Lane and Gull Lane. An application to reclassify the combined parcels from non-riparian Shoreland Residential (SR) To Water Oriented Commercial (WOC) for future Quarterdeck Resort projects. The applicable portions of the Land Use Ordinance include Section 706, which establishes reclassification criteria and Section 903 which establishes land use district descriptions. The area requested for reclassification contains 11.05 acres.

40 notices of the application were mailed with two responses, including that of Fairview Township, offering no objection to the application. In addition, two persons appeared to voice their concern and displeasure to the application. The application was reviewed and discussed with Ms. Hidde and Mr. Klohn.

MS/P LaPorte/Fitch to approve the application and to recommend to the Cass County Board of Commissioners the reclassification as submitted for SR to WOC for as RLS #29, Tract D, Section 5-134-29, PID #14-005-3207, RLS #29, Tract E, Section 5-134-29, PID #14-005-3208, RLS #29, Tract F, Section 5-134-29, PID #14-005-3209 & RLS #25, Tract A, Section 6-134-29, PID #14-006-4102 portions of the combined parcels bordered by County #77, Ski Gull Lane and Gull Lane based upon the criteria of Sections 706 and 903 of the Land Use Ordinance along with M.S. 394.22 and 394.25 with these findings:

Findings:

1. The purpose of the WOC district is to accommodate commercial uses in the shoreland zone where access to and use of a surface water feature is an integral part of the business.
2. The property proposed for reclassification is directly adjacent to WOC containing the Quarterdeck Resort.
3. The proposed reclassification area is intended for future Quarterdeck Resort expansion.

4. The proposed utilization for the area to be reclassified will be evaluated through the process and review of the existing CUP.
5. There is nothing to indicate that the proposed reclassification area will have any detrimental impact to 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. There is no reason or evidence to conclude that area land use will be negatively affected or altered by the reclassification.
7. Approval will have no impact to the demand for governmental services.
8. Existing roadways will be utilized with no need to expand exiting public infrastructure.
9. No wetland or critical habitat will be disturbed.
10. No scenic or historic features will be affected.
11. No threat to public health, safety and welfare can be expected.

1st Reading Public Hearing for proposed Land Use Ordinance amendments.

MS/P Kostial/Moore to approve the proposed Land Use Ordinance amendment to include the revisions proposed by Mr. Ballenthin and the Planning Commission and to recommend approval and adoption by the Cass County Board of Commissioners.

1st Reading Public Hearing for proposed Buffer Ordinance.

MS/P LaPorte/Kostial to approve the proposed Buffer Ordinance and to recommend approval and adoption by the Cass County Board of Commissioners.

MS/P Fitch/Moore at 2:08 p.m. to adjourn.

P. Fairbanks