



Cass County
Planning Commission

July 12, 2010

The Cass County Planning Commission conducted a regular meeting Monday, July 12, 2010 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted Tuesday, July 6, 2010.

Sundberg called the meeting to order at 10:00 a.m.

Members present: Ballenthin, Fitch, Gardner, Gould, Moore, Sundberg and Weber.

Staff Present: Berg and Fairbanks.

Citizens Present: Duane Anderson, Sue Anderson, Kelly Condiff, John Davidson, Al de Neui, Ken Dickinson, Joe Fuhrer, Leonard Jensen, Marilyn Jensen, Teresa Johnson, Phil Lind, Travis Miller, Jamie Osberg, Jen Osberg, Bill Temple and Norm Wieland.

MS/P Moore/Fitch to approve the minutes of the 06/14/10 regular Planning Commission meeting as amended.

Variance

Flategraff, Francis & Wendy, Pine River Township, VP10-138-30-2 on property described as Lot 3, "Brooks South Shore", Section 35-138-30, PID # 31-442-0030 located at 3116 21st St SW. An application submitted to construct a 20 feet x 30 feet residence with 8 feet x 20 deck feet to be located 92 feet from the lake. The property contains .48 acres riparian to Clam/Sand Lake (NE). Section 1126.1 A. of the Land Use Ordinance requires structures and SSTS to be located 150 feet from lakes classified Natural Environment (NE).

PC members were at the site 07/05/10. 51 notices of the variance application were mailed with no responses received. The application was reviewed with the applicants' representative Joe Furher.

MS/P Fitch/Gould to approve the application for the residence/deck and SSTS for PID # 31-442-0030 upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The lot was platted in 1965 prior to the adoption of land use regulation and is 195 feet to 202 feet from lake to road.
2. Lake setback of 150 feet along with right-of-way setback of 20 feet severely limits structure size and placement options.
3. The residence/deck will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
4. The residence/deck will have no affect to area land use because similar style and construction is utilized along Clam/Sand Lake.
5. The proposed location of the residence is reasonable based upon the size and configuration of the lot.
6. No comments were received from Pine River Township, agencies or persons notified.
7. Financial consideration is not the sole basis of the application.
8. The residence/deck will not increase the need or demand for governmental services or infrastructure because the lot is adjacent to and served by a road which requires no improvement and waste water treatment will be provided by an individual system.

Conditions:

1. The residence shall not exceed 20 feet x 30 with overhang/eave not to exceed 2 feet.
2. The deck shall not exceed 8 feet x 20 feet not less than 110 feet from the lake.
3. The SSTS shall not be less than 110 feet from the lake.
4. The outhouse/tank must be removed from the property within 30 days of connection of the SSTS and water to the residence.
5. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
6. ESD must determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
7. No storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
8. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area, subject to a 14-foot wide lake access area as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

9. Completion of substantial implementation of the vegetation plan, as determined by ESD.

10. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

11. Applicant consents to inspection of the property from time to time by to verify compliance with conditions.

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.

Lind, Linda & Philip, Ponto Lake Township, VP10-139-29-5 on property described as Pt of Govt Lot 1, Section 15-139-29, PID # 32-015-1207 located at 1557 E One Lake Drive NW. An application submitted to construct a 36 feet x 36 feet residence to be located 90 feet from the lake. The property contains 1.1 acres riparian to One Lake (NE). Section 1126.1 A. of the Land Use Ordinance requires structures to be located 150 feet from lakes classified Natural Environment (NE).

PC members were at the site 07/05/10. 19 notices of the variance application were mailed with no responses received. The applicants were present to review and discuss their proposal.

MS/P Fitch/Gould to approve the application for the residence to be located upon PID # 32-015-1207 upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The lot was created in 1961 prior to the adoption of land use regulation and is divided by an access road that provides access to adjoining properties at 200 feet from the lake at the closest point.
2. Approval will result in the removal of dilapidated mobile home located on the property.
3. The residence will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
4. The residence will not affect area land use because similar style and construction is utilized in the One Lake neighborhood.
5. The location and size of the residence is reasonable based upon the size and configuration of the lot along with the location Bittern Lane which provides access to property owners located beyond the applicants property.

6. Financial consideration is not the sole basis of the application.
7. No comments were received from Ponto Lake Township, agencies or persons notified.
8. The residence will have no bearing to the need the need or demand for governmental services because the road is not maintained by a governmental unit nor will it be connected to municipal or community waste water treatment system.
9. As requested the applicants have submitted verification from Crow Wing Power that the power pole and service line can and will be relocated as required for construction of the residence.

Conditions:

1. The residence shall not exceed 36 feet x 36 feet with overhang/eave not to exceed 2 feet not less than 90 feet from the lake.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must 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 storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

6. Completion of substantial implementation of the vegetation plan, as determined by ESD.
7. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

8. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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.

Osberg, James, Shingobee Township, VP10-141-31-3 on property described as .5 Acres of Gov Lot 7, Section 11-141-31, PID # 38-011-1217 located at 6382 Christmas point Road NW. An application submitted to replace the existing residence with new construction of 60 feet x 72 feet residence to be located 8 feet from the nearest side yard property boundary and 25 feet from the top of a bluff. The property contains .51 acres riparian to Leech Lake (GD). Section 1126.1 B. of the Land Use Ordinance requires structures to be setback 10 from side yard property boundary and 30 feet from the top or toe of a bluff.

PC members were at the site 07/05/10. 43 notices of the variance application were mailed. One response objection to approval was received. The applicants were present to review and discuss their application.

MS/P Moore/Gould to approve the application for the residence for PID # 38-011-1217 upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The lot was created in 1969 prior to the adoption of land use regulation and setback requirements.
2. Approval will result in the elimination of the current lake setback encroachment.
3. The original request for a deck at less than required lake setback has been revised to placement at the side of the residence at setback.
4. The residence will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
5. The residence will not affect area land use because similar style and construction is utilized in the Christmas Point/Shingobee Bay area.
6. Approval will result in the removal of the existing residential structure which in turn will result in the decrease of the existing lake and bluff setback encroachment.
7. The existing property boundary encroachment will remain at 2 feet.
8. Financial consideration is not the sole basis of the application.
9. No comments were received from Shingobee Township or agencies notified.
10. The residence will have no bearing to the need or demand for governmental services because the property is located on an improved township road and will it not be connected to municipal or community waste water treatment system.

Conditions:

1. The residence shall not exceed 60 feet x 72 feet with overhang/eave not to exceed 2 feet not less than 7 feet from the nearest property boundary and not less than 25 feet from the top of the bluff.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must 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 storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
6. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.

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.

Padrnos, Wade & Miller, Linda, Trelipe Township, VP10-140-27-1 on property described as 100 Ft x 150 Ft of Gov Lot 4 Lyg 2195.33 Ft E of SW Cor of Sec 8 & 538.03 ft N of Sec Ln, Section 8-140-27, PID # 44-108-3402 located at 4049 Northby Creek Trail NE. An application submitted to expand an existing deck with a 12 feet x 16 feet addition to be located 15 feet from Northby Creek Trail and 35 feet from the lake. The property contains .47 acres riparian to Lake Inguadona (GD). Section 1115.3 B. of the Land Use Ordinance allows for the expansion of a non-conforming residence only by variance.

PC Members were at the site 07/05/10. 21 notices of the application were mailed. No responses were received. The application was reviewed and discussed with the applicants' representative.

MS/P Ballenthin/Moore to approve the deck expansion PID # 44-108-3402 as submitted upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The lot was platted in 1948 and the residence was constructed prior to the adoption of land use regulation and is divided by an access road to other properties at 80 feet from the lake.

2. The deck will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
3. The deck will not affect area land use because similar style and construction is utilized along the east shore of Lake Inguadona.
4. The location deck is reasonable based upon the size and configuration of the lot, the location of the residence and the location of Northby Creek Trail.
5. Northby Creek Trail terminates one residence beyond the applicants.
6. Financial consideration is not the sole basis of the application.
7. No comments have been received from Trelipe Township, agencies or persons notified.
8. The residence will have no bearing to the need the need or demand for governmental services because the road is not maintained by a governmental unit nor will it be connected to municipal or community waste water treatment system.

Conditions:

1. The deck shall not exceed 234 square feet with the dimensions and configuration of the application site plan submitted 06/18/10.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.
3. ESD must 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 storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. Shore vegetation/re-vegetation shall be installed and maintained in a buffer area as determined by ESD as follows: The applicant shall develop a plan for vegetation, a schedule for implementation, and a good faith, reasonable estimate of the cost to implement the vegetation plan, all of which shall be approved by ESD.

No permit to build the approved structures shall be issued until the earlier of the following, at applicant's option is selected.

6. Completion of substantial implementation of the vegetation plan, as determined by ESD.
7. Deposit of financial assurance with ESD in the amount of \$1 per square foot of the buffer area for no-mow plus \$3 per square foot for all other vegetative buffers or if less, 125% of the cost estimate.

Any financial assurance shall be returned to the applicant upon a schedule approved by ESD, and in all events upon substantial implementation of the plan, as determined by ESD. Requirements of the approved plan for vegetation not completed in accordance with the schedule will be installed at the direction of ESD and charged against the financial assurance.

8. Applicant consents to inspection of the property from time to time by ESD to verify compliance with all conditions.

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.

Porter, Jeffery & Minto, Sylvan Township, VP10-133-30-1 on property described as Part of Lot 53, "Carlyons Sylvan Park", Section 1-133-30, PID # 41-456-0532 located at 12385 Lower Sylvan Road SW. An application submitted to replace the existing residence with new construction of a two story 1,238 square feet residence with attached 1,236 square feet garage. The existing residence is and the proposed residence will be located within a bluff. A bluff is a topographic feature located either part or fully within the shoreland area and having the following characteristics; the slope rises at least 25 feet vertically above the toe of the bluff, the grade of the slope from toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 % or greater and the slope drains toward public waters. The property contains 1.6 acres riparian to Sylvan Lake (GD). Section 1126.1 B. of the Land Use Ordinance requires structures to be located 30 feet from the top or toe of a bluff.

PC members were at the site 07/05/10. 50 notices of the application were mailed. Three responses objecting to the application along with a response from Sylvan Township recommending approval were received. The application was reviewed with the Porters' representatives from Remwhirl, architect, and Northway Construction, contractor. Discussion included proposed residence footprint, run-off, shoreline vegetation, lakeside impervious coverage reduction options and alternative placement options.

MS/P Gould/Weber to deny the proposed bluff setback for the residence for PID # 41-456-0532 as submitted upon review of Section 800 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. No compelling hardship or practical difficulty can be established that demonstrates the necessity to retain the current footprint bluff setback in order for the applicants the use and enjoyment of their property.
2. The relocation of the structure footprint to 30 feet from the top of a bluff poses no particular burden that would inhibit or restrict the applicants use and enjoyment of their property.
3. The lot contains 1.6 acres and varies in depth from 340 feet to 385 which provide placement location options that comply with setback requirements.
4. Approval within the bluff zone when placement options at setback are available would result in substantial variation from the ordinance standards.

5. Approval at the requested setback will increase the demand for governmental service in response to erosion and run-off problems created by the new residence location and construction.

6. The applicants have created their need for variance by requesting an enlarged residence when M.S. 394.36 Subd. 4. would allow the applicants to construct a new residence at the same setback provided there is no increase in footprint dimensions, structure height or configuration.

Tabaka, John, Kego Township, VP10-141-28-1 on property described as Pt of Gov Lot 1, Section 22-141-28, PID # 19-022-1203 located at 5958 State 84 NE. An application submitted "after the fact" to be allowed to complete the construction of a 12 feet x 16 storage structure to be located 45 feet from the lake. The property contains 17.96 acres riparian to Maple Lake (NE). Section 1126.1 A. of the Land Use Ordinance requires structures to be located 150 feet from lakes classified Natural Environment (NE).

PC members were at the site 07/05/10. 50 notices of the application were mailed. Two responses objecting to approval were received. The application was reviewed with Mr. Tabaka.

MS/P Gardner/Ballenthin to deny the "after the fact" request to be allowed to retain a storage structure constructed and located on PID # 19022-1203 45 feet from the lake upon review of Section 800 of the Land Use Ordinance (01/10/10).

Findings:

1. No compelling hardship or practical difficulty can be established that demonstrates the necessity to retain the storage structure in order for the applicants to have reasonable use and enjoyment of their property.
2. The relocation of the structure 105 feet further from the water to the required 150 feet poses no particular burden that would inhibit or restrict the applicants use and enjoyment of their property.
3. The applicant constructed a 12 feet x 16 feet storage building set on concrete blocks at 45 feet from Maple Lake, a Natural Environment lake, which the required setback is 150 feet.
4. The applicant completed the structure without seeking a permit, variance or complying with applicable requirements before commencing the work. The applicant was aware of permit requirements because in 2006 a residence was constructed on the property in which required permits were obtained and because the applicant's statement that he was not aware of permit requirements is not credible.
5. Any investment in the storage building will be protected because the storage building can be moved to a location which meets the lake setback of 150 feet.
6. Cass County's interest and the interest of the public in protecting the public waters of a Natural Environment lake outweigh the minimal detriment applicant would suffer by reason of being required to move or remove the structure.
7. The applicant has violated other provisions of the applicable ordinances by removing trees, shrubs and other vegetation in the lake setback area. The applicant's statement that these were removed in 1991 when applicant asserts that the then existing ordinances did not restrict

such removal is not credible because aerial photographs show a fully vegetated lake setback site in 1991, a nearly fully vegetated lake setback site in 2003 when vegetative maintenance ordinances were in effect and a lake setback k substantially denuded of vegetation in 2008 when vegetative maintenance ordinances continues in effect. These photographs evidences that applicant cleared the lake setback area of vegetation required to be maintained between 2003 and 2008 in violation of applicable ordinances.

8. Applicant's violations in regard to removal of vegetation is referred to the Environmental Services Department and the County Attorney for appropriated enforcement measures, with a recommendation that such measures include, but not be limited to, full tree, shrub and other vegetative restoration in compliance with current ordinance provisions.

9. In consideration of relevant factors, denial of the variance better serves the interest of justice.

Thomas, Donald & Elizabeth, Thunder Lake Township, VP10-140-26-3 on property described as Pt of S $\frac{1}{2}$ of NE less Hwy & Govt Lot 4, Section 27-140-26, PID # 42-027-2003 located at 3031 Bass Oreno Trail NE. An application submitted to expand a non-conforming residence with a 14 feet x 42 feet deck located within 25 feet of the top of a bluff. The property contains 35.65 acres riparian to Bass Lake (RD). Section 1126.1 B. of the Land Use Ordinance requires structures to be located 30 feet from the top or toe of a bluff.

PC members were at the site 07/05/10. 45 notices of the application were mailed. One response supporting and one response opposed to approval were received. The application was reviewed with the Ms. Thomas. Discussion included width of the proposed deck, platform and patio options along with the location of the bluff setback as it relates to the house location.

MS/P Moore/Gould to deny the variance request for deck encroachment to the bluff setback for PID # 42-027-2003 upon review of Section 805 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. No compelling hardship or practical difficulty can be established that demonstrates the necessity to encroach within the bluff setback k area in order for the applicants to have reasonable use and enjoyment of their property.
2. A portion of the deck that would comply with the bluff setback and therefore would not be 14 feet wide poses no particular burden that would inhibit or restrict the applicants use and enjoyment of their property.
3. As established by ESD staff because of the angle of the bluff setback as it relates to the residence not all of the proposed 14 feet wide deck encroaches within the bluff setback area.
4. Alternatives allowed by permit such as a platform or a patio are available to increase useable finished surface area.

Zarn, Bonnie & Lannie, Unorganized # 5 on property described as Lot 5, Blk 1, "West Winnie Estates", Section 18-145-28, PID # 72-340-0150 located at 102 Jewelweed Lane NE. An

application submitted to be allowed to exceed the total maximum area of accessory structure allowed based on lot size. The property currently contains a 7 feet x 15 feet storage structure (105 square feet), a 5 feet x 15 feet lean to (75 square feet), and a 40 feet x 52 feet storage structure (2,080 square feet). The application calls for removal of the 7 feet x 15 feet storage structure (- 105 square feet) and removal of the 5 feet x 15 lean to (- 75 square feet). New construction of a 16 feet x 20 feet storage structure (+ 320 square feet) and a 6 feet x 10 dog kennel (+ 60 square feet) is requested. Structure removal along with new construction in addition to the existing structure would result in the lot occupied by 2,460 square feet of accessory structure. The property contains .75 acres riparian to Lake Winnibigoshish (GD). Section 1101 of the Land Use Ordinance limits the total area of accessory not to exceed 1,200 square feet for riparian lots that contain .5 - .99 acre. The application is also subject to the Mississippi Headwaters Board (MHB) Comprehensive Plan (7/1/02) Section B., Powers. Certification and Review Authority: MHB certifies or disapproves variances, plats, and the adoption or amendment of ordinances.

PC members were at the site 07/05/10. 48 notices of the application were mailed with no responses. The application was reviewed with Mr. Zarn.

MS/P Ballenthin/Weber to approve the variance to exceed the maximum accessory structure square footage allowed for PID # 72-3400150 as submitted upon review of Section 800 of the Land Use Ordinance (01/10/10) along with criteria established by court decisions with the following findings and conditions.

Findings:

1. The lot was created and existing structures constructed prior to the adoption of accessory structure size limits based upon lot size.
2. The proposed accessory structure will not be visible from the lake.
3. The accessory structure will not affect ground or surface water because run-off and erosion control best management construction and post construction practices must be implemented.
4. The residence will not affect area land use because similar style and construction is utilized in the surrounding neighborhood.
5. Approval will result in an insignificant increase of 200 square feet of accessory structure.
7. No comments were received from any agency or person notified.
8. The accessory structure will have no bearing to the need the need or demand for governmental services because the property access road is not maintained by a governmental unit and it is not be connected to municipal or community waste water treatment system.

Conditions:

1. The structure shall not exceed 16 feet x 20 and 6 feet x 10 feet with overhang/eave not to exceed 2 feet.
2. Any debris resulting from demolition and/or construction not recycled or reused must be disposed of in a permitted disposal facility.

3. ESD must 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 storm water run-off to the lake, to the access road from the approved structure(s), or to adjoining properties is permitted. The approved structure, and any structure to which the approved structure is attached, if necessary, shall be equipped with gutters to redirect storm water and if needed water retention structures such as rain gardens shall be installed to retain structure run-off and prevent run-off to the lake, the access road, and adjoining properties.
5. The existing shore vegetation shall not be altered except as allowed by Shoreland Alteration Permit.
6. Applicants consent to inspection of the property from time to time by ESD to verify compliance with all conditions.

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

1. Anderson, Duane & Sue. The Andersons request an opportunity to review and discuss deck width as it relates to the ordered width.

No action taken. Discussion with Andersons included property deck width, residence access, variance action recording, property abstract and title along with owners need to conduct due diligence prior to purchase. Anderson will present abstract and title insurance for review and discussion during 08/09/10 meeting. ESD will verify document recording.

2. Review and discuss correspondence received for Wabedo Township containing request for amendment to the variance criteria of the Land Use Ordinance.

No action taken. Variance criteria revision will be included in ordinance revision process to be conducted autumn 2010.

3. Review and discuss resort definition and related criteria revisions as developed by PC subcommittee for recommendation to the Cass County Board as per ordinance amendment process.

No action taken. Resort revision will be included in ordinance revision process to be conducted autumn 2010.

4. Review and discuss M.S. 15.99 60 day requirements.

No action taken. Fairbanks reviewed statute requirements as they relate to ESD and PC actions.

5. Review and discuss shoreline buffer criteria.

No action taken. Kelly Condiff presented shoreline vegetation criteria for review and discussion.

6. Review proposed Backus Airport Zoning ordinance correspondence.

No action taken. Airport overlay criteria will be included in ordinance revision process to be conducted autumn 2010.

MS/P Weber/Gardner at 3:00 p.m. to adjourn.

P. Fairbanks