



Cass County
Planning Commission/Board of Adjustment

March 12, 2012

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting March 12, 2012 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted March 5, 2012 with Ballenthin, Bliss, Fitch, Gardner, Kostial, Moore and Sundberg present.

Ballenthin called the meeting to order at 9:00 a.m.

Members present: Ballenthin, Bliss, Fitch, Gardner, Kostial and Moore.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Julie Aldridge, Craig Anderson, Greg Booth, Jeff Brooks, Al Chacey, Dick Downham, Jim Dowson, David Enblom, David Fox, Jeanne Fox, Neal Gaalswyk, Jeremy Ganske, Paul Geriesy, Pat Invie, Dave Johnson, Bob Kangas, Dennis King, Gary Knox, Sandi Kreuger, Court Lechery, Kris Lyytinen, Tom Lund, Monica Lundquist, Doug McChane, Sharyn McChane, Dave Notch, Kari Notch, Jeff Peterson, Rick Schackmann, Heather Schmidt, Diane Sima, Tom Sima, Adam Surma, Ron Wickham, Norm Wieland and Bob Yochum.

MS/P Fitch/Kostial to approve the agenda as amended with revisions to the Sima application.

MS/P Kostial/Gardner to approve the minutes of the 02/13/12 PC/BOA meeting as presented.

Variance

Fox, David & Jeanne, Woodrow Township on property described as Lot 6, Blk 1, "Sunsets on Big Deep", Section 29-140-29, PID # 51-504-0160 located at 2951 17th Ave NW. An application submitted to construct a 38 feet x 48 feet residence to be located 85 feet from the lake and at the top of a bluff. Section 1126.1 A. & B. of the Land Use Ordinance requires structures to be 100 feet from a lake classified Recreational Development (RD) and 30 feet from the top of a bluff. The property contains 1.46 acres riparian to Big Deep Lake (RD).

PC members were at the site 03/05/12. 29 notices of the application were mailed. Two responses from neighboring property owners not objection to the application were received. In addition, a response from Woodrow Township recommending denial in the current configuration was received. The application was discussed and reviewed with the applicants primarily centered

on the bluff and lake setback of the proposed residence and opportunities to move away from each.

During the hearing the applicants amended and revised their application to locate the residence not closer than 100 feet from the lake, thereby meeting the lake setback requirement of the ordinance, and not closer than 5 feet from the top of a bluff, thereby requesting only a variance from the 30 feet bluff setback requirement of the ordinance.

MS/P Kostial/Gardner to approve the application as revised for the residence to be located at PID # 51-504-0160 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. At the time the property was platted in 1990 Big Deep was classified RDL with a setback of 85 feet from the lake and when bluff and bluff setback were not accounted for in the platting process.
2. The applicant purchased the lot in 1990 and has utilized an RV on the property for a number of years.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control due to circumstances unique to the property not created the landowner specifically that the proposed location of the residence seems reasonable based on the location of significant slope to the north and east of the proposed location of the residence.
4. The proposed location and size of the structure is compatible with nearby property.
5. The proposed residence is a reasonable use of residential property which will 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.
6. The size and height of the proposed residence is not excessive and will not be obtrusive to the neighborhood and the lake and does not necessarily contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
7. The proposed residence will not excessive in size or scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
8. Run-off from the proposed residence will be directed away from the lake and the slope to the lake will not be altered therefore there is no reason to conclude that water quality will be negatively affected or altered.
9. There is no reason to conclude that financial consideration is the sole reason for the application.

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

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

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

Conditions:

1. The dimensions and height of the residence shall not exceed that submitted with the application 02/21/12 and shall not be less than 100 feet from the OHWL and not less than 15 feet from the top of the bluff. Applicants must verify these setbacks with ESD before commencing any construction.
2. The patio shall not be covered and shall be constructed of permeable material and comply with Section 1126.7 of the Land Use Ordinance (01/10/11).
3. There shall no walk-out basement lake side.
4. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of any soil disturbance or construction.
6. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be 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 in favor of Cass County shall be submitted.
6. No storm water run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD 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 and adjoining properties.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

8. Approval expires 03/12/14.

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.

Gearing, Amy & David, Sylvan Township on property described as Lot 3, Block 1, "Sylvan Shady Shores", Section 2-133-30, PID # 41-562-0106 located at 12244 W Sylvan Drive SW. An application submitted to retain an existing residence as guest quarters on a lot that does not meet the applicable lot standards. The applicants propose to construct a new residence that will comply with required setback standards and retain the current residence as guest quarters. The current residence, if allowed to be retained, would be reconfigured to lower its profile to the lake. Section 1113.1 of the Land Use Ordinance requires a General Development (GD) guest quarters riparian lot to contain at least 60,000 square feet total area, 27,000 square feet buildable area which cannot include bluff, right-of-way, setback or wetland and be at least 180 feet wide at the water and at the structure setback. The applicants' lot contains 56,628 square feet total area, 12,946 square feet buildable area and is about 380 feet wide at the water and structure setback. The property contains 1.3 acres riparian to Sylvan Lake (GD).

Consideration of this application was tabled 01/09/12 and 02/13/12. The applicants' representative has informed ESD that the application has been revised to include retention of a modified existing residence structure as an accessory/storage structure. Mr. Severson asserts that such conversion to accessory/storage is permitted by M.S. Chapter 394.36 Subd. 4 and therefore does not require a variance. The PC/BOA determined during the 02/13/12 meeting that a variance is required for the proposed conversion of the residence to an accessory structure and that Mr. Severson must submit a revised drawing show the configuration of the structure for consideration 03/12/12.

PC members were at the site 01/03/12. 53 notices of the application were mailed for each meeting. One response from a neighboring offering objection to approval was received in response to all the mailings. Sylvan Township recommended approval. The application was discussed and reviewed with Mr. Severson.

MS/P Bliss/Kostial to approve the application for conversion of the residence located upon PID # 41-562-0106 to a storage structure upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The property was platted in 1946 prior to the adoption of land use regulation.
2. As best can be determined the residence proposed for reconfiguration as an accessory structure was constructed prior to the adoption of land use regulation.

3. As viewed from the lake, the reconfiguration of the residence to a storage structure will entail the removal of the entire upper elevation including the lake side porch thus reducing the exposure to the lake and the neighborhood.
4. The reconfiguration of the residence as an accessory structure is a reasonable use of the property when taking into account the reduction of the height of the structure and will 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.
5. The size of the reconfiguration is not excessive and when considering the height reduction and the proposed green roof will not be obtrusive to the neighborhood and the lake. In addition it does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. The reconfigured residence will not be excessive in size or scale and with a green roof there is no reason to conclude that that area land use will be negatively affected or altered.
7. Due to the reduced size and lower profile of reconfigured residence along with a green roof there is no reason to conclude that that water quality will be negatively affected or altered.
8. There is no reason to conclude that financial consideration is the sole reason for the application.

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

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

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

Conditions:

1. The dimensions of the reconfiguration and height shall not exceed that submitted 03/01/12.
2. The reconfiguration including the green roof design implementation including vegetation, soil, drainage and any other design element or function must be completed by 09/30/13.

3. To assure implementation of the green roof, financial assurance in the amount of \$2500 shall be submitted to ESD which will be returned upon verification of implementation in accordance with the plan submitted 03/01/12.
4. The existing shore line vegetation along with vegetation to the lake must be maintained and replaced as needed.
5. Any debris resulting from reconfiguration construction not reused or recycled must be disposed of in a permitted 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 or adjoining properties is permitted. The approved structure if determined necessary by ESD 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 and adjoining properties.
8. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
9. Approval expires 03/12/14.

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.

Schackmann, Richard & Sandra, Thunder Lake Township on property described as Lot 7, Blk 1, "Norway Beach", Section 6-140-26, PID # 42-358-0170 located at 4661 Snowball Road NE. An application submitted to construct a 30 feet x 40 garage to be located 83 feet from the lake and 5 feet from the closest property boundary line. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet from a lake classified Recreational Development (RD) and 10 feet from a property boundary line. The property contains one acre riparian to Upper Trelipe Lake (RD).

PC members were at the site 03/12/12. 32 notices of the application were mailed. One response offering no objection to the closer property boundary line setback from the adjacent property owners and one response recommending denial of the application were received. The application was discussed and reviewed with Mr. Schackmann.

MS/P Fitch/Gardner to approve a closer lake setback and deny a closer property boundary line setback for the accessory structure to be located upon PID # 42-358-0170 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The residence was constructed at the required lake setback by permit in 2005.

2. The location of the mound treatment system hinders location of the proposed accessory structure at the required lake setback.
3. Due to the size of the lot, a closer property boundary line setback is not reasonable and no practical difficulty has been demonstrated which would require the closer setback.
4. The proposed accessory structure complies with the maximum square footage, 1,200, allowed based upon lot size.
5. The location of the proposed accessory structure is a reasonable use of residential property that will not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
6. The size and height of the proposed accessory is not unusual will not be obtrusive to the neighborhood and be mostly screened for the lake and therefore does not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. There is no indication or evidence that that area land use will be negatively affected or altered.
7. There is nothing to conclude or expect that the location of the accessory structure have any bearing to affect or degrade water quality.
8. There is no reason to conclude that financial consideration is the sole reason for the application.

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

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

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

Conditions:

1. The dimensions and location of the accessory structure shall not vary from that submitted with the application 02/22/12 except that the 10 feet setback from the closest property boundary line shall be observed.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be 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 in favor of Cass County shall be submitted.
5. No storm water run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD 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 and adjoining properties.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. Approval expires 03/12/14.

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.

Sima, Diane & Thomas, Wabedo Township on property described as Lot 8, "Island View", Section 18-140-28, PID # 46-407-0080 located at 192 Island View Lane NE. A revised application submitted to remove the existing residence and construct a 30 feet x 36 feet residence less than 30 feet from the top of a bluff. Section 1126.1 B. of the Land Use Ordinance requires structures to be 30 feet from the top of a bluff. The property contains .55 acre riparian to Woman Lake (GD).

PC members were at the site 01/03/12. This application was tabled 01/09/12 at the applicants' request. 34 notices of the application were mailed. One response questioning driveway access which has no bearing on the variance was received. In addition one response from Wabedo Township recommending approval was received. The application was discussed and reviewed with the applicants and their contractor Mr. McDonald.

MS/P Kostial/Bliss to approve the location as submitted for the residence to be located upon PID # 46-407-0080 upon review of the criteria contained in Section 800 of the Land Use

Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. The property was platted in 1955 prior to the adoption of lot size standards including bluff and bluff setback.
2. The proposed residence location will comply with the required lake setback.
3. The proposed residence will reduce the existing lake and bluff encroachment of the existing residence.
4. The proposed residence is a reasonable use of the property which will not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The proposed residence is not excessive will not be obtrusive to the neighborhood and the lake and will not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. The proposed residence will not be excessive in size, extreme of scale and there is no reason to conclude that that area land use will be negatively affected or altered or that it will affect water quality.
7. There is no reason to conclude that financial consideration is the sole reason for the application.

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

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

No site preparation or building construction shall be commenced until issuance of 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.

1. The dimensions and location of the proposed residence shall not exceed that submitted 03/08/12.
2. Any debris resulting from construction not reused or recycled must be disposed of in a permitted facility.
3. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
4. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement required, the applicant shall submit a written plan and implementation schedule for native vegetation to be approved by ESD and agreed to be implemented by applicant. At applicant's option, the vegetative plan may be 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 in favor of Cass County shall be submitted.
5. No storm water run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD 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 and adjoining properties.
6. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
7. As voluntarily offered by the applicants, the screen porch shall be removed by 09/01/12.
8. Approval expires 03/12/14.

Conditional Use Permit

Notch, David, May Township on property owned Donovan, James & Posch, Robert described as Pt of SE $\frac{1}{4}$, Section 23-134-31, PID # 24-123-4001 located at along County # 34 SE. The applicant has a purchase agreement for a portion of the parcel contingent upon approval of CUP. An application to establish a Home Business, machine shop, which requires a conditional use permit (CUP). Home business is use of a residential property for a commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence. Section 705 of the Land Use Ordinance establishes conditional use permit review criteria. Section 1110 of the Land Use Ordinance establishes Home Business criteria. The proposed home business will be conducted on a newly created parcel that will contain 32 acres in the non-shoreland area ($\frac{1}{4}$ mile from protected waters) classified RR-10.

Members were at the site 03/05/12. 16 notices of the application were mailed. No responses were received. The application was reviewed and discussed with David and Kerri Notch.

MS/P Fitch/Kostial to approve the application as submitted for Home Business to be located at PID # 24-123-4001 upon review of Sections 705 and 1110 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. There is no evidence that the home business will cause adverse effects to adjoining property.
2. The home business will not create any burden to parks, schools, street or other public facilities.
3. No wetland or critical habitat will be disturbed by the home business.
4. No scenic or historic features will be affected by the home business.
5. No threat to public health safety and welfare can be expected from the home business.
6. Existing access to CSAH #34 will be utilized therefore no additional public infrastructure is needed.

Conditions:

1. The machine shop activity shall comply with all applicable MPCA or any other state or federal permits and standards as they apply to any fluids, solvents or any other related product or by-product associated with the machine shop activity.
2. All machine shop related storage shall be inside a structure or screened from CSAH #34 or adjacent neighbor's residences.
3. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
4. Shipping and receiving shall be conducted from 8:00 AM - 5:00 PM Monday - Friday excluding legal holidays.
5. Approval expires 03/12/14.

Other Business

Request received from Cody Diederich to revise CU11-138-30-2 approved 10/10/11 for not more than two vehicles to be located at the property. Mr. Diederich's request includes information that in order to be eligible for a state dealer's license he must be able to have at least 5 vehicles for sale.

MS/P Moore/Fitch to revise CU11-138-30-2 to allow not more than 5 vehicles on-site for the brokerage activity with the following conditions in addition to those adopted 10/10/11.

Conditions:

1. Condition # 3. of CU11-138-30-2 must be implemented by 09/01/12.
2. None of the 5 approved vehicles shall be located less than 100 feet from the right-of-way of 28th Ave SW.

Request received from Knife River Materials to revise CU02-139-30-1 approved 10/25/05. Knife River correspondence and representatives explained their need for expanded hours of operation to comply with MN DOT contract requirements.

MS/P Moore/Fitch to revise CU02-139-30-1 to allow the extended hours of operation as proposed in the Knife River Materials correspondence dated 02/07/12 with the following conditions in addition to those adopted 06/25/02.

Conditions:

1. The revised hours of operation shall apply only to 2012.
2. Knife River Materials shall provide to ESD verification of MN DOT contract terms.
3. Knife River Materials shall notify MN DOT of the proposed operations, shall comply with all MN DOT access requirements to TH #371 and shall provide to ESD verification that MN DOT has no objection and approves applicant's access to TH #371.
4. Knife River materials shall notify MN DNR of the proposed operations involving crossing of the Paul Bunyan Trail, shall comply with all MN DNR crossing requirements of the Paul Bunyan Trail and shall provide verification to ESD that MN DNR has no objections and approves applicant's crossing of the Paul Bunyan Trail.
5. Knife River Materials shall provide financial assurance to Cass County for 15 disturbed acres in the amount of \$1,500 per acres for a total of \$37,500.
6. All condition shall be fulfilled before extended hours of operation can commence.
7. Not later than 10/31/12 Knife River materials shall submit to ESD for Planning Commission approval a plan for reclamation of the property which shall include but not be limited to concurrent/progressive reclamation, reclamation time line and the proposed topography, vegetation and other natural features following reclamation together with information as to future suitable uses of the reclaimed areas.

MS/P Moore/Gardner at 11:30 am, to adjourn and then continue with the ordinance revision review work session.

P. Fairbanks