



Cass County
Planning Commission/Board of Adjustment

April 9, 2012

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting April 9, 2012 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted April 2, 2012 and April 3, 2012 with Asell, Ballenthin, Bliss, Fitch, Gardner, Kostial and Sundberg present.

Sundberg called the meeting to order at 9:05 a.m.

Members present: Asell, Ballenthin, Bliss, Fitch, Gardner, Kostial and Sundberg.

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Rick Adams, Dick Arones, Mary Barbes, Jolene Bengston, Cathy Bettino, Pat Boen, Marcille Braman, Richard Braman, Brian Bruns, Ellie Dechmann, Pam Dechmann, Tim Dolan, Rene Dolan, Charles Duke, Cleopatra Duke, Pat Invie, Larry Martinson, Gary Matteson, Deanne Mezzenga, Joseph Mezzenga, Terry Paul, Jeff Peterson, Chris Raimann, Grant Robbins, Jerry Robertson, Judy Robertson, Gary Utech, Rick Welsh, Cheri Welsh and Norm Wieland.

MS/P Ballenthin/Bliss to approve the minutes of the 03/12/12 PC/BOA meeting with a revision to the Fox application conditions.

Variance/Conditional Use Permit

Robbins, Grant, Ponto Lake Township on property described as Gov Lots 2 & 3 Except the Plat of "Clearwater Haven", Section 29-139-29, PID # 32-029-4100 located along TH #84. An application submitted to be allowed to construct improved access for existing riparian lots on Lake Ada and access for future non-riparian lots without engineered plans. In addition, the application calls for the movement of more than 200 cubic yards for construction of the proposed roadway which requires a conditional use permit. Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 1106.2 of the Land Use Ordinance establishes the earth moving shoreland area standards. The property contains 26.3 acres within the shoreland area of Dead Man Lake (NE).

PC members were at the site 04/03/12. 89 notices of the application were mailed. Five responses all supporting the application were received. The application was discussed and reviewed with Mr. Grant Robbins.

MS/P Ballenthin/Bliss to approve the application as submitted to not require engineered plans and to move more than 200 cubic yards of earthen material within the shoreland area for the road extension project for PID # 32-029-4100 upon review of the criteria contained in Sections 705 and 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Variance Findings:

1. The area of the roadway extension is relatively flat and poses no unique design/construction problems.
2. The roadway will be constructed to township standards.
3. The proposed extension will eliminate the need for several owners to access their property from 16th Ave which will reduce potential negative affect to Lake Ada water quality.
4. The location of the proposed roadway extension is a reasonable use of shoreland 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.
5. The proposed roadway configuration is not unusual, will provide non-riparian access for several properties 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.
7. There is no indication or evidence that that area land use will be negatively affected or altered.
8. There is nothing to conclude or expect that the location of the proposed roadway extension/improvement will negatively affect or degrade water quality.
9. There is no reason to conclude that financial consideration is the sole reason for the application.

CUP Findings:

1. No wetland or critical habitat will be affected.
2. No scenic or historic features will be affected.
3. The roadway extension/improvement poses no particular likelihood to harm to public health, safety or welfare.
4. The roadway extension/improvement is necessary to provide alternative access for several existing residences.
5. The roadway will not increase the need or demand for governmental services.

Conditions:

1. All applicable approvals, permits and easements shall be obtained.
2. If total project area exceeds one acre NPDES must be obtained with copy provided to ESD.

3. Financial assurance in the amount of \$2,500 must be submitted to ESD prior to roadway construction.
3. ESD must approve the placement of appropriate construction erosion control measures prior to the commencement of any construction.
4. Upon completion of construction activity applicant must provide verification of substantial compliance with township standards upon which 50% of financial assurance will be returned.
5. Upon completion of construction activity applicant must provide verification of survey, easements and the vacation of the northerly 320 feet of 16th Ave to ESD upon which 25% of financial assurance will be returned.
6. Upon completion of construction activity applicant must provide verification of establishment vegetation along the roadway upon which 25% of financial assurance will be returned.
7. The roadway must be located as shown on the survey submitted 04/09/12.
8. No non-riparian property owner shall be allowed access to Lake Ada from the roadway extension project and adjacent lots.
9. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
10. Approval expires 04/09/14.

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.

Variance

Braman, Marcille & Richard, Shingobee Township on property described as Revised Description 7 of Gov Lot 7, Section 11-141-31, PID # 38-011-1221 located at 6706 Holly Trail NW. An application submitted to expand a non-conforming residence with non-lakeside 10 feet x 20 feet and 6 feet x 12 feet additions and the enclosure of an existing 18 feet x 23 feet lakeside deck. The residence is non-conforming because it is located 63 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains 1.25 acres riparian to Leech Lake (GD).

PC members were at the site 04/02/12. 42 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the applicants.

MS/P Ballenthin/Kostial to approve the application for the expansion of the non-conforming residence located upon PID # 38-011-1221 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 became a lot of record in 1974 at which time it complied with minimum lot standards.
2. The residence setback was approved by variance in 1977.
3. Enclosure of the existing lake side deck will not alter lake setback.
4. The additions will be non-lakeside and therefore not visible from the lake nor will existing lake setback be altered.
5. 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 configuration of the lot, created in 1974, limits expansion options at the required setback.
6. The proposed enclosure and expansion seems 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.
7. The size and height of the proposed enclosure and expansion 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.
8. The configuration of the proposed enclosure and expansion is not unusual or excessive in size or scale when compared to neighboring property therefore there is no reason to conclude that area land use will be negatively affected or altered.
9. By condition, if approved, run-off from the proposed enclosure and expansion will be directed away from the lake therefore there is no reason to conclude that that water quality will be negatively affected or altered.
10. 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.

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

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

Conditions:

1. The dimensions and height of the enclosure and expansion shall not exceed that submitted with the application 03/22/12 and shall not be closer to the lake than the existing deck.
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 run-off to the lake or adjoining properties is permitted. The approved enclosure and expansion if determined necessary by ESD shall be equipped with gutters to redirect run-off 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. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval expires 04/09/14.

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.

Dolan, Timothy & Rene, Trelipe Township on property described as Lot 4, "Brookmans Linden Beach", Section 8-140-27, PID # 44-365-0040 located at 4019 Northby Creek Trail NE. An application submitted to expand an 18 feet x 34 feet non-conforming residence with a 12 feet x 20 feet deck addition. The residence is non-conforming because it is located 18 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .5 acre riparian to Lake Inguadona (GD).

PC members were at the site 04/02/12. 25 notices of the application were mailed. No responses. The application was discussed and reviewed with the applicants.

MS/P Bliss/Ballenthin to approve the expansion of the residence located at PID # 44-365-0040 as submitted 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 1948 prior to the adoption of land use regulation.
2. As best can be determined the residence was constructed prior to the adoption of land use regulation.
3. The proposed deck will not alter lake setback.
4. The addition of a deck to the residence seems a reasonable use of the property when taking into account the size of the residence and the configuration of the lot 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 proposed deck is not excessive and when considering the lot and the neighborhood it will not be obtrusive 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 residence with deck will not be excessive in size or scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
7. Due to sandy soil and the proposed deck construction 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 deck shall not exceed that submitted 03/07/12.
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 run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. No vegetative shall be removed or altered except as allowed by permit.
8. Approval expires 04/09/14.

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.

Duke, Charles & Cleopatra, Kego Township on property described as Lot 7, Blk 1, "Point of View", Section 24-141-28, PID # 19-427-0135 located at 5942 Mirabella Trail. An application submitted "after the fact" to be allowed to retain an accessory structure that has been constructed 5 feet from a property boundary line and to retain a platform that has been constructed to contain 200 square feet and is located less than 10 feet from the OHWL. Section 1126.1 B. of the Land Use Ordinance requires structures to be 10 feet from the closest property boundary line. Section 1126.7 of the Land Use Ordinance requires that a platform not exceed 150 square feet in size and be located at least 10 feet from the OHWL. The property contains .87 acre riparian to Long Lake (GD).

PC members were at the site 04/02/12. 61 notices of the application were mailed. One response favoring approval and one response objecting to approval of the application were received. The application was discussed and reviewed with the applicants with discussion centering on the location of the garage and that verification of the location of the property boundary line in question must be verified in order to make an informed decision. In addition, steps needed to bring the platform into compliance were discussed.

MS/P Kostial/Fitch to table consideration until 05/14/12 of the portion of the application for the property boundary line setback in order for the applicants to obtain verification of the location of the property line.

ISD # 117, Pine River Township on property described as Pt of SE NE, Section 36-138-30, PID # 31-036-1414 located at 2097 24th Ave SW. An application submitted to construct a bus parking garage structure to be located 24 feet from the right-of-way of CSAH #42. Section 1126.1 B. of the Land Use Ordinance requires structures to be 50 feet from the right-of-way of a county, state or federal highway. The property contains 1.4 acres.

PC members were at the site 04/03/12. 40 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the ISD # 117 Superintendent and Business Manager.

MS/P Fitch/Kostial to approve a closer county roadway right-of-way for the bus storage structure to be located at PID # 31-036-1414 as submitted 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.

Findings:

1. The configuration of the lot along with the location of the existing buildings results in no locations that comply with the right Of way setback from CSAH #42.
2. The proposed bus storage structure seems a reasonable use of the property when taking into account the use of the property along with the size and the configuration of the lot 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.
3. The size of the proposed bus storage structure is not excessive when considering current use and neighboring property which 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.
4. The land use in the area is similar in nature therefore there is no reason to conclude that area land use will be negatively affected or altered.

5. There is no reason to conclude that that area ground water quality will be negatively affected or altered.
6. There is no reason to conclude that financial consideration is the sole reason for the application.

Johnson, Jeffery & Steven, Shingobee Township on property described as Lot 9, Block 1, "Camp LaPine Townhouses", Section 26-142-31, PID # 38-553-0145 located at 7715 Fisher Point Road NW. An application submitted to expand a non-conforming residence with the addition of a walk-out basement. The residence is non-conforming because it is located less than 75 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .01 acre riparian to Leech Lake (GD).

PC members were at the site 04/02/12. 39 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the applicants' representative Brian Bruns. Discussion included whether the walk-out area was to be expanded, expansion be permit and erosion control measures.

MS/P Ballenthin/Bliss to table consideration of the application until the 05/14/12 meeting in order for the applicants to obtain verification of approval of the Camp LaPine Owners Association and to consider foundation replacement options.

Matteson, Gary & Jill, Fairview Township on property described as Lot 9, Block 1, "Pillsbury Forest Addition", Section 15-134-30, PID # 14-384-0190 located at 3323 Long Lake Drive SW. An application submitted to remove the existing residence with new construction at the same footprint dimensions with an increase in height and living space with the addition of a loft located at less than 150 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 150 feet from a lake classified Natural Environment (NE). The property contains .52 acre riparian to Long Lake (NE).

PC members were at the site 04/03/12. 15 notices of the application were mailed. One response from Fairview Township which recommends approval was received. The application was discussed and reviewed with Mr. Matteson.

MS/P Fitch/Gardner to approve the application as submitted for a closer lake setback for a residence to be located at PID # 14-384-0190 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. There is no record of permit for the original construction and as best can be determined the residence was constructed prior to the adoption of land use regulation.

2. The residence could be replaced by permit at existing footprint and volume.
3. The proposed residence will maintain current footprint size with a modest increase in volume, about 300 square feet, of the addition of a loft.
4. The current lake setback will not be altered.
5. Due to the size and configuration of the lot placement at the required lake setback is not possible.
- 6 The proposed residence seems a reasonable use of the property when taking into account the size of the residence and the configuration of the lot 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.
7. The size of the proposed residence is not excessive and when considering the lot and the neighborhood it will not be obtrusive 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.
8. The proposed residence will not be excessive in size or scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
9. There is nothing to indicate that water quality will be negatively affected or altered by the location of the residence.
10. 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.

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

Conditions:

1. The dimensions, height and volume of the residence shall not exceed that submitted 03/22/12.
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 run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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 04/09/14.
8. From the first expansion joint towards the lake the existing concrete must be replaced with permeable material not later than 07/01/13.

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.

Melting, Gail, Turtle Lake Township on property described as Part of Lot 1, Blk 1, "Rocky Point First Addition", Section 35-142-30, PID # 45-549-0110 located at 3130 Rocky Point Drive NW. An application submitted to expand a non-conforming residence with a 12 feet x 36 feet addition which will be located on the non-lakeside of the residence. The residence is non-conforming because it is located 55 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .6 acre riparian to Leech Lake (GD).

PC members were at the site 04/02/12. 26 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the applicant's representative Ms. Moe.

MS/P Gardner/Bliss to approve the application as submitted for the expansion of the non-conforming residence located at PID # 45-549-0110 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 to be expanded was constructed with permit in 1973.
2. The proposed expansion will be located non-lakeside.
3. The proposed expansion seems a reasonable use of the property when taking into account the size of the residence and the configuration of the lot which 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.
4. The size of the proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive 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.
5. The proposed expansion of the residence will not be excessive in scale and observable from the lake therefore there is no reason to conclude that area land use will be negatively affected or altered.
6. There is nothing to indicate that water quality will be negatively affected or altered by the location of the expansion.
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.

NOTICE TO THE APPLICANT: No site preparation or building construction shall be commenced until issuance of Permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a Permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this Variance, deposit of

financial assurance as determined by ESD to secure correction of violations and completion of other measures required by ESD.

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 03/20/12.
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 run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval expires 04/09/14.

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.

Mezzenga, Deanna & Joseph, Torrey Township on property described as Part of Gov Lot 1, Section 20-143-25, PID # 43-020-4208 located at 10519 Vermeil Drive NE. An application submitted to be allowed to maintain an existing residence as guest quarters after the construction of a new residence. The variance application is for relief from the guest quarters minimum size and width requirements. Section 1113.1 of the Land Use Ordinance requires that a guest quarter lot riparian to a Recreational Development (RD) lake contain 80,000 square feet total area, 40,000 square feet buildable area which cannot be bluff, right-of-way, setback or wetland, be at least 225 feet wide at the water and be at least 225 feet wide and the structure setback which is 100 feet from the OHWL. The applicants' parcel contains 74,488 square feet total area, 40,000 square feet buildable area and is about 180 feet wide at the water and the setback. The property contains 1.71 acres riparian to Lake Vermillion (RD).

PC members were at the site 04/02/12. 35 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the applicants.

MS/P Gardner/Bliss to table consideration of the application until the 05/14/12 meeting in order for the applicants to consider location options for the structure to be utilized as guest quarters.

Niebuhr, Brett & Dynette, Crooked Lake Township on property described as Part of Gov Lot 1, Section 33-139-26, PID # 12-033-4305 located at 104 Roosevelt Shores Drive NE. An application submitted to expand a non-conforming residence with a 12 feet x 18 feet x 24 feet x 20 feet x 36 feet addition which will be on the non-lakeside of the residence. The residence is non-conforming because it is located 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 or toe of a bluff. Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .88 acre riparian to Lake Roosevelt (GD).

PC members were at the site 04/03/12. 35 notices of the application were mailed. One response with no objection to approval of the application was received. The application was discussed and reviewed with the applicant's representative Mr. Raiman.

MS/P Gardner/Fitch to approve the application as submitted for the expansion of the non-conforming residence located at PID # 12-033-4305 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.

Findings:

1. The lot was created in 1964 which is prior to the adoption of bluff standards.
2. Although there is no record of permit, it is presumed that the residence to be expanded was constructed prior to the adoption of bluff standards and regulation.
3. The proposed expansion will be located away from the bluff.
4. The proposed expansion seems a reasonable use of the property when taking into account the size of the residence and the configuration of the lot which 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.
5. The size of the proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive 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 expansion will not be excessive in scale, away from the bluff and lake therefore there is no reason to conclude that area land use will be negatively affected or altered.
7. There is nothing to indicate that water quality will be negatively affected or altered by the location of the expansion.
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.

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

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 03/20/12.
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 run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval expires 04/09/14.

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.

Paul, Connie & Terry/Family Traditions Resort, Boy Lake Township on property described as Part of Gov Lot 3, Section 13-142-28, PID # 07-013-3111 located at 8578 22nd Ave NE. An application submitted "after the fact" to be allowed to leave two resort cabin 61 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). The property contains 2.7 acres riparian to Boy Lake (GD).

PC members were at the site 04/02/12. 34 notices of the application were mailed. No responses were received. The application was discussed and reviewed with Mr. Paul.

MS/P Ballenthin/Gardner to approve the application two approve the location of two resort cabins 61 feet from the OHWL for the resort located at PID # 07-013-3111 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. There is no evidence that the location of the resort cabins has affected ground water quality.
2. There is no evidence that the location of the resort cabins has affected surface water quality.
3. The location of the resort cabins has had no affect to the area land use.
4. The location of the resort cabins seems a reasonable use of the property when taking into account the current resort use and the configuration of the property which 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.
5. The size of the resort is not excessive and when considering the surrounding area it will not be obtrusive 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. 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.

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

Conditions:

1. ESD shall evaluate shoreline vegetation and determine the need for enhancement or maintenance. If enhancement is 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.
2. No run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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.
3. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
4. Approval expires 04/09/14.

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.

Robertson, Jerome, Remer Township on property described as 2.5 Acres of Gov Lot 2, Section 3-141-26, PID # 35-003-1203 located at 6209 72nd St NE. An application submitted to remove an existing residence and replace with new construction to be located 50 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet from a lake classified Recreational Development (RD). The property contains 3.04 acres riparian to Big Sand Lake (RD).

PC members were at the site 04/02/12. 30 notices of the application were mailed. No responses were received. The application was discussed and reviewed with the applicants with discussion as to possible locations options and configuration of the proposed residence.

MS/P Fitch/Gardner to table consideration of the application until the 05/14/12 meeting in order for the applicants to consider residence location options and to submit a revised and to scale site plan.

Schieffer, Douglas & Kelli, Fairview Township on property described as Lot 18, "Birch Forest", Section 24-134-30, PID # 14-437-0181 located at 2499 Birch Forest Road SW. An application submitted to exceed the maximum shoreline alteration width with a 10 feet wide beach area. Section 1106.3 of the Land Use Ordinance limits shoreline alteration width to 14 feet. The property contains 2.7 acres riparian to Gull Lake (GD).

PC members were at the site 04/03/12. 28 notices of the application were mailed. One response from Fairview Township which recommends denial was received. The application was discussed and reviewed with the applicants' representative.

MS/P Kostial/Gardner to deny the application as submitted for expanded shoreland alteration for PID # 14-437-0181 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings.

Findings:

1. No compelling grounds have been put forth to substantiate a practical difficulty requiring increased beach area.
2. The existing boat ramp could be modified to provide additional beach area.
3. The proposed increased beach area conflicts with the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed increased area conflicts with the purpose of the comprehensive plan which is intended to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.

5. The applicants failed to articulate that the property cannot be utilized in a reasonable manner except for expanded shoreland alteration/beach area.

Webber, Cheryl & Richard, Inguadona Township on property described as part of Gov Lot 4, Section 7-140-27 & Part of Gov Lot 1, Section 18-141-27, PID # 18-018-2222 located at 6401 Macemon Road NE. An application submitted to expand a non-conforming residence with a 9 feet x 18 feet addition. The residence is non-conforming because it is located less than 75 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 75 feet from a lake classified General Development (GD). Section 1115. B. of the Land Use Ordinance requires a variance for any expansion of a non-conforming structure. The property contains .64 acre riparian to Long Lake (GD).

PC members were at the site 04/02/12. 44 notices of the application were mailed. Two responses both offering no objections to approval of the application were received. The application was discussed and reviewed with Mr. Webber.

MS/P Ballenthin/Gardner to approve the application to expand a non-conforming residence located at PID # 18-018-2222 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 lot was created in 1999 which is prior to the adoption of increased total square feet and lot width at setback standards.
2. The residence was constructed with permit in 2000
3. The enclosure of existing deck along with the proposed new deck will no closer to the lake than the existing residence.
4. The proposed expansion seems a reasonable use of the property when taking into account the setback and size of the residence along with the configuration of the lot which 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.
5. The size of the proposed expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive 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 expansion will not be excessive in size or scale and when compared to the surrounding area there is no reason to conclude that area land use will be negatively affected or altered.
7. There is nothing to indicate that water quality will be negatively affected or altered by the location of the expansion.

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.

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

Conditions:

1. The dimensions of the expansion shall not exceed that submitted 03/21/12.
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 run-off to the lake or adjoining properties is permitted. The approved structure if determined necessary by ESD shall redirect run-off 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. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.

8. Approval expires 04/09/14.

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.

Conditional Use Permit

Hulst, Mark, Wilkinson Township on property on described as SE SE, Section 7-144-31, PID # 49-007-4400 located at 13633 68th Ave NW. An application submitted to re-classify 7.5 acres of the parcel from Agriculture/Forestry (AF) to Rural Residential - 5 (RR-5) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 901 of the Land Use Ordinance established the various land use zone classifications. Section 1113.2 of the Land Use Ordinance establishes minimum lot size standards. The property contains 39.57 acres (AF).

40 notices of the application were mailed. No responses were received. Two members of the Wilkinson Town Board appeared to present the Board's preference that the area remains AF.

MS/P Fitch/Bliss to table consideration of the application until the 05/14/12 meeting in order for the applicant or a representative to be present.

Invie, LeRoy & Patricia, Ponto Lake Township on property on described as part of Gov Lot 3, Section 27-139-29, PID # 32-448-0110 & PID # 32-027-2402 located at 621 12th Ave NW. An application submitted to re-classify 15.2 acres of the property from Water Oriented Commercial (WOC) to Shoreland Residential (SR) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 901 of the Land Use Ordinance established the various land use zone classifications. Section 1113.2 of the Land Use Ordinance establishes minimum lot size standards. The property contains 15.2 acres riparian to Little Ada Lake (RD).

PC members were at the site 04/03/12. 58 notices of the application were mailed. Three responses offering no objection to approval of the application along with one response concerned with the possibility of manufactured housing being place on the property were received. The request was discussed and reviewed with the applicants.

MS/P Ballenthin/Gardner to approve the application as submitted for the reclassification of 15.2 acres in the configuration as submitted from PID # 32-448-0110 upon review of Sections 705, 901 and 1113 of the Land Use Ordinance (01/10/10) with the following findings and

Findings:

1. The application complies with the intent of Shoreland Residential - (SR) classification which is to allow low to medium density seasonal and year-round residential development on land suitable for such uses within the shoreland zone.
2. The 15.2 acres proposed for reclassification represents .00065 of the total acreage of the township.
3. The maximum number of lots that could be created by current standards is 13 and there is no reason to expect that even the maximum number would create adverse effects to adjoining property.
4. Any new lots will utilize existing road ways which will have no impact to the demand for governmental services.
5. No wetland or critical habitat will be affected by the reclassification.
6. No scenic or historic features will be affected by the reclassification.
8. No particular threat to public health, safety and welfare can be expected from the reclassification.
9. The total acres reclassified do not reach the mandatory EAW threshold.
10. There is no reason to expect that the reclassification will have any effect to surface water or ground water quality.

Condition:

1. Approval expires 04/09/14.

Minnesota Towers Holding LLC & T-Mobile, Woodrow Township on property leased from Helen & Stanley Johnson described as SE SW & W $\frac{1}{2}$ SE, Section 6-140-29 & E $\frac{1}{2}$ NE, Section 7-140-29, PID # 51-007-2100 located at 4374 23rd Ave NW. An application submitted to construct 300 feet tower for cellular telephone communication which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 1127 of the Land Use Ordinance establishes the communication tower requirements. The property leased for the tower contains 80 acres non-shoreland.

PC members were at the site 04/02/12. 64 notices of the application were mailed. Eight responses, including that of Woodrow Township, supporting approval of the application along with two responses urging denial of the application were received. The application was discussed and reviewed with Minnesota Towers LLC representative Rick Adams with considerable discussion devoted tower height, tower lighting, co-location, tower engineering and completeness of the application.

MS/P Ballenthin/Kostial to approve the application as submitted for a communication tower/facility to be located on a leased portion of PID # 51-007-2100 upon review of Sections 705 and 1127 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. The Comprehensive Plan recognizes the benefits of wireless communication to the residents of the County.
2. The Comprehensive Plan calls for the reasonable placement of communication towers to adequately service a geographic area.
3. There are no towers within the proposed service area where equipment could be located.
4. No wetland or critical habitat will be disturbed or harmed by the location of the tower.
5. No scenic or historic features will be disturbed or harmed by the location of the tower.
6. The tower will have no effect to public health, safety or welfare.
7. The tower will not change or impact land use in the area.
8. Existing access to the property will be utilized and require no additional public infrastructure.
9. The project does not reach mandatory EAW threshold.

Condition:

1. The applicants must comply with all applicable FAA and FCC requirements.
2. The tower owner must allow access to this tower of equipment other service providers at reasonable/comparable industry rates.
3. Approval expires 04/09/14.

MS/P Kostial/Fitch to reconvene the 1st Reading public hearing for proposed ordinance revisions 05/16/12 at 6:00 pm in the meeting of the Land Department.

MS/P Ballenthin/Gardner at 4:35 pm, to adjourn.

P. Fairbanks