



Cass County  
Planning Commission/Board of Adjustment

August 13, 2012

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting August 12, 2012 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted August 6, 2012 with Ballenthin, Bliss, Fitch, Gardner, Kostial, Moore and Sundberg present.

Sundberg called the meeting to order at 9:15 a.m.

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Bruce Bartelt, Gary Berggren, Sue Berggren, Jim Lafterner, Sue Lafterner, Robert Bierstedt, Carol Clark, Larry Clark, Lori Cleveland, Ron Cleveland, Mark Cross, Terry Daudt, Dennis Day, Ken Dayton, Clyde DeBolt, Tom Dechmann, Melanie Ford, Michelle Glassman, Linda Harl, Steve Harl, Jim Kramer, Ken LaPorte, Carol Lodge, Dave Lodge, Travis Miller, Jeff Peterson, Nancy Richards, Rod Richards, Lori Riekema, Ron Riekema, Marcia Sager, Michael Sager, Gina Theisen, Thomas Theisen, David Veo, Lee Wangstad, Norm Wieland, Marla Yoho and Bonnie Younger.

MS/P Fitch/Bliss to approve the minutes of the 07/23/12 PC/BOA meeting as presented.

Variance

Althaus, Sharon, Trust, Woodrow Township on property described as Lot 2, Block 1, "Gilbert Beach", Section 18-140-29, PID #51-440-0120 located at 3937 23<sup>rd</sup> Ave NW. An application submitted to expand an existing porch with a 12 feet x 16 feet addition. The residence is non-conforming because it is located 91 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115. 3 of the Land Use Ordinance (2010) requires a variance for any expansion of a non-conforming structure. The property contains 5.18 acres riparian to Webb Lake (RD).

PC members were at the site 08/06/12. 27 notices of the application were mailed. One response from Woodrow Township recommending approval was received. The proposed variance was reviewed with the applicant's representative from Red Pine Homes.

MS/P Gardner/Fitch to approve the expansion of the residence located at PID #51-440-0120 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 in 1994 with permit.
2. The proposed addition to the residence will be non-lakeside.
3. The proposed expansion seems a reasonable use of the property when taking into account that the expansion will be 192 square feet and that it will be unobservable from the lake which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed expansion is non-lakeside, not excessive of scale and not obtrusive to neighboring property which does contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
5. There is no reason to conclude that area land use will be negatively affected or altered by the porch size or location.
6. There is no reason to conclude that water quality will be in any way affected by the size or location of the porch.
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 suitable 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 location of the porch shall not vary from that submitted 07/11/12.
2. Any debris resulting from construction or demolition 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 suitable 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 shall expire 08/13/14.

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.

Bartelt, Bruce & Delora, Woodrow Township on property described as Lot 10, "Norway Pine View" and that Part of Gov Lot 7, Section 10-140-29, PID #51-392-0100 located at 4269 McKeown Lake Road NW. An application submitted to replace an existing attached by deck 8 feet x 10 feet structure with new 8 feet x 14 feet construction and to enclose a 16 feet 6 inch x 17 feet area of the existing deck both which will not be closer to the lake than the current setback. The residence is non-conforming because it is located 92 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115. 3 of the Land Use Ordinance (2010) requires a variance for any expansion of a non-conforming structure. The property contains 1.1 acres riparian to McKeown Lake (RD).

PC members were at the site 08/06/12. 43 notices of the application were mailed. Two responses recommending approval along with one from Woodrow Township recommending denial were received. The proposed variance was reviewed with Mr. Bartelt.

MS/P Ballenthin/Kostial to approve the expansion of the residence located at PID #51-392-0100 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 with the following findings and conditions:

Findings:

1. The residence was constructed in 1988 with permit at which time the setback to McKeown Lake was 85 feet.
2. The residence was allowed to be expanded by variance in 2009 at which time the setback to McKeown Lake has become 100 feet.
3. The proposed expansion will not be any closer to the lake than the existing setback.
4. The proposed expansion seems a reasonable use of the property when taking into account that the proposed expansion is 392.5 square feet and that it will be mostly unobservable from the lake and is therefore 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 size of the proposed expansion is not excessive and that it will not be out of scale or obtrusive to neighboring property and 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 area land use will be negatively affected or altered by an addition of 392.5 square feet.
7. There is no reason to conclude based upon the size and location of the proposed expansion that water quality will be negatively affected.
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 suitable 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. All conditions of VP09-140-29-12 must be verified by ESD as fulfilled prior to the issuance of a permit to proceed with the current expansion.
2. The dimensions and location of the expansion shall not exceed that submitted 07/25/12.
3. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. 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.
5. 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 suitable 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 run-off to the lake or adjoining properties is permitted. Run-off must be guttered away from the lake. 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.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval shall expire 08/13/14.

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.

Bergeron, James, Wabedo Township on property described as Lot 2, Block 1, "Kirks Wabedo Park", Section 26-140-28, PID # 46-450-0110 located at 1620 Wabedo Park Road NE. An application submitted to replace the existing residence with a new 40 feet x 46 feet residence with a 12 feet x 40 feet deck located 75 feet from the lake and to locate a SSTS 50 feet from the lake. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet and SSTS 75 feet from a lake classified Recreational Development (RD). The property contains 5 acres riparian to Wabedo Lake (RD).

PC members were at the site 06/04/12 and 07/23/12. 38 notices of the application were mailed. The application was withdrawn from consideration by Mr. Bergeron.

Riekema, Cynthia & Randy, Woodrow Township on property described as Part of Gov Lot 8 & Easement, Section 30-140-29, PID # 51-030-1403 located at 1869 30<sup>th</sup> St NW. An application submitted to demolish a portion of the existing non-conforming residence and replace with 40 feet x 42 feet story and a half expansion no closer to the lake than the existing structure with a walkout basement that will extend into shore impact zone 1. On an RD lake shore impact zone 1 is there area from the OHWL landward 50 feet with shore impact zone 2 extending from 50 feet to 100 feet landward from the lake. The residence is non-conforming because it is located 65 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the land use Ordinance (2010) requires a variance for any expansion of a non-conforming residence. Section 1106.3 of the Land Use ordinance prohibits walkout basement excavation within shore impact zone 1. The property contains 1.55 acres riparian to Big Deep Lake (RD).

PC members were at the site 08/06/12. 30 notices of the application were mailed. One response for Woodrow Township recommending denial of the application was received. The proposal was discussed and reviewed with the applicants concentrating on the walk-out portion of the proposal.

MS/P Ballenthin/Kostial to approve the replacement portion of the application for the residence located at 51-030-1403, but denying a variance for a walk-out basement, 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 in the permit archive for original construction of the residence.
2. An addition to the residence was approved by permit in 1991 with a setback of the residence and addition indicated at 85 feet from the lake.
3. The proposed expansion seems a reasonable use of the property when taking into account that the expansion of the existing structure but not the walkout basement will be no closer to the lake than the existing structure and that it will be mostly unobservable from the lake which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed expansion of the residence is not excessive of scale and not obtrusive to neighboring property which 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.
5. There is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed addition.
6. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed addition.

7. There is no reason to conclude that financial consideration is the sole reason for the application.

8. The proposal for a walkout basement is not a reasonable use of the property because other reasonable means are available to access a basement in the residence including but not limited to an inside stairway as well as entry from the side or non-lakeside. There are no unique circumstances to the property which require a walkout because residential structures commonly and reasonably include inside access to basement levels. A walkout is not consistent with the essential character of the neighborhood because a walkout intrudes into the natural land form of the bank to the shore which is a common feature of lakeshore property and walkouts are not a normal feature of shoreland structures in this area. The request for a walkout also is not consistent with the comprehensive plan and is not in harmony with the purposes of the ordinances because both seek to protect and preserve shoreland close to the water and natural land forms.

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 suitable 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 location of the replacement portion shall not vary from that submitted 07/26/12 and does not include the proposed walk-out area/excavation.
2. 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".
3. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. 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.

5. 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 suitable 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 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.
7. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
8. Approval shall expire 08/13/14.

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.

Bierstedt, Judy & Robert, Crooked Lake Township on property described as That Part of the S 275 Feet of the N 1200 Feet of Gov Lot 8, Section 9-139-26, PID #12-009-2314 located at 1927 Peninsula Road NE. An application submitted to be allowed to retain a 10 feet x 12 feet storage building located 23 feet from the lake and 12 feet x 12 feet screen house located 35 feet from the lake both constructed sans permit at less than the required setback from Lake Washburn (GD). Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD). The property contains 3.95 acres riparian to Lake Washburn (GD).

PC members were at the site 08/06/12. 30 notices of the application were mailed with one response opposed to approval of the application received. The application was discussed and reviewed with Mr. Bierstedt.

MS/P Ballenthin/Bliss to deny the application to retain the two structures as currently located upon PID #12-009-2314 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 setback of the residence at 60 feet was approved by variance in 1994.
2. The storage structure and screened structure appear to be of recent construction and are both located at less than the required lake setback and even less than that of the residence which was approved by variance.



3. It can be reasonably concluded that the applicant has knowledge of permit requirements because applicant applied for and received permits for other work in 1989, 1990 and 1994.
- 4 There is an existing storage structure located at the applicable setbacks that could have been enlarged.
5. There is adequate space to locate the storage structure in question at the applicable setbacks.
6. Although the ice ridge might restrict the view of the lake there is adequate space to locate the screened structure at the applicable setbacks.
7. The applicants could have applied for variance prior to locating the structures without regard for permit or location.
8. The applicant confirmed that the structures are not on permanent foundations and both could be removed from their current location.
9. A variance to retain the structures at their current location is not reasonable use of the property because the property contains adequate area to locate the structures at the required setback from OHWL.
10. There are no practical difficulties unique to the property which prevents location at the required setback from the OHWL.
11. Approval of the application will result in the alteration of the essential character of the area which largely natural shoreline in appearance when viewed from the water and the structures intrude upon that natural appearance.
12. For the foregoing reasons approval of the application would be inconsistent comprehensive plan and not in harmony with the purpose of the land use ordinance.

Conditions:

1. Each structure shall be removed to a location on the property that complies with all applicable setbacks or removed from the property no later than 12/31/12.
2. If retained on the property at required setback, applicable permits for each structure shall be obtained along with an administrative fee, if imposed and determined by ESD Director, no later than 12/31/12.

Clark, Carol, Kego Township on property described as Lots 2 & 3, Block 2, "Pine Gables of the North", Section 33-141-28, PID #19-474-0204 located at 990 Glenmar Drive NE. An application submitted to replace the existing residence located 96 feet from the lake with new 44 feet x 22 feet x 18 feet x 22 feet x 40 feet construction in the same location 96 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD). The property contains 1.3 acres riparian to Girl Lake (RD).

PC members were at the site 08/06/12. 41 notices of the application were mailed. One response endorsing approval received. The proposed variance was discussed and reviewed with the applicants.

MS/P Moore/Ballenthin to approve the location of the residence as submitted at PID # 19-474-0204 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. Although is no permit record of the construction of the residence, the lot was created in 1928 so it is assumed that it was constructed prior to the adoption of land use regulation.
2. The proposed new construction would be no closer than the structure to be removed and will occupy the existing excavated area.
3. The proposed new construction seems a reasonable use of the property when taking into account that the same footprint area will be occupied and that it will be mostly unobservable from the lake which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The proposed new construction is not out of scale and will not be obtrusive to neighboring property which 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.
5. There is no reason to conclude that area land use will be negatively affected by utilizing the existing footprint for new construction.
6. There is no reason to conclude that water quality will be in any way affected by utilizing the existing footprint for new construction.
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 suitable 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 location of the residence shall not vary from that submitted 07/24/12.
2. Any debris resulting from construction or demolition 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 suitable 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 shall expire 08/13/14.

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.

Harl, Linda & Steven, Shingobee Township on property described as S 100 feet of N 400 Feet of Gov Lot 10, Section 11-141-31, PID #38-011-3202 located at 6554 Shingobee Road NW. An application submitted to locate a 28 feet x 40 feet residence with a 12 feet x 24 feet deck to be located at the top of a bluff. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 30 feet from the top or toe of a bluff. The property contains 2.54 acres riparian to Leech Lake (GD).

PC members were at the site 08/06/12. 51 notices of the application were mailed. No responses were received. The proposal was discussed and reviewed with the applicants.

MS/P Kostial/Gardner to approve the application as submitted for the residence to be located at PID #38-011-3202 upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

## Findings:

1. The lot was created in 1969 prior to the adoption of land use regulation and minimum lot size standards.
2. The depth of the lot from lake to right-of-way, 160 feet, limits structure and SSTS placement options.
3. The current setback was approved by variance in 1978 without consideration of the location of the bluff.
4. The proposed new residence/deck will not be closer to the top of the bluff.
5. The proposed residence seems a reasonable use of the property when taking into account that it will be a larger footprint but still mostly unobservable from the lake which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
6. The proposed residence will not be out of scale and not obtrusive to neighboring property which does 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 reason to conclude that area land use will be negatively affected by the location of the proposed residence.
8. There is no reason to conclude that water quality will be in any way affected by the proposed residence.
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 suitable 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 location of the residence shall not vary from that submitted 07/11/12 and shall no closer to the bluff than the existing deck/residence.
2. Any debris resulting from construction or demolition 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 suitable 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. An "as built" scale drawing of the location of the residence shall be submitted to ESD for setback verification upon placement of the residence.
8. Approval shall expire 08/13/14.

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.

Johnson, Mark & Roselind, Wabedo Township on property described as 160 Feet of Gov Lot 8, Section 27-140-28, PID # 46-027-2213 located at 1219 Wabedo Pass Road NE. An application submitted to expand a non-conforming residence with a 19 feet x 24 feet, 12 feet x 14 feet, 12 feet x 19 feet addition. The residence is non-conforming because it is located 87 feet from the lake and less than 30 feet from the top of a bluff. Section 1126.1 A. of the Land Use Ordinance requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1126.1 B. requires structures to be located 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 2.4 acres riparian to Wabedo Lake (RD).

This application was withdrawn from consideration by the Johnsons' representative Don Cook.

LCK Olson Trust, Ponto Lake Township on property described as part of Gov Lot 8, Section 30-139-29, PID #32-030-4306 located at 2170 Hogans Island Drive NW. An application submitted

to expand an existing residence, as amended, for an 11 feet x 14 feet addition with a 12 feet x 14 feet deck. The residence is non-conforming because it is located 88 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (2010) requires a variance for any expansion of a non-conforming structure. The property contains 6.66 acres riparian to Lake Hattie (RD).

PC members were at the site 08/06/12. 17 notices of the application were mailed. No responses were received. The proposal was discussed and reviewed with the trust representative.

MS/P Kostial/Ballenthin to approve the application as submitted and amended for the expansion of the residence located at PID #32-030-4306 upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

#### Findings:

1. The residence was constructed with permit in 1985.
2. The proposed addition seems a reasonable use of the property when taking into account its location and that it will be mostly unobservable from the lake which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
4. The size of the addition will be small when considering the residence and the neighborhood 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 size of the proposed addition will not be out of scale and similar to other residences along the shoreline 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 by the location of the addition.
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 suitable 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 location of the addition shall not exceed 11 feet x 14 feet and of the deck which not exceed 12 feet x 14 feet.
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 08/13/14.

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.

Pine River DAC, Walden Township on property described as E380' of W450' of N250' of Gov Lot 1, Section 2-137-30, PID #48-002-1105 located at 2856 24<sup>th</sup> St SW. An application submitted to exceed the maximum amount of impervious coverage allowed on the property. Proposed paving will bring impervious coverage of the total lot area to 36.7%. Section 1113.2 of the Land

Use Ordinance (2010) allows for 25% impervious coverage on a lot classified RR-2.5. The property contains 2.18 acres in the non-shoreland area (RR-2.5).

PC members were at the site 08/06/12. 39 notices of the application were mailed. One response supporting approval of the application was received. The proposed variance was reviewed concentrating on run-off with the DAC Director.

MS/P Kostial/Moore to approve the application as submitted to exceed the maximum impervious lot coverage allowed for PID #48-002-1105 upon review of Section 800 of the Land Use Ordinance (01/10/10) and M.S. 394.27, Subdivision 7 along with the following findings and conditions.

#### Findings:

1. The building was constructed with permit in 1983.
2. The proposed parking area seems a reasonable use of the property when taking into account its use, location, lack of contour and that the chance of extreme run-off seems unlikely which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
3. The size of the parking lot is not significant when considering the location and the neighborhood which 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.
4. There is no reason to conclude that area land use will be affected or altered by the increase in impervious coverage.
5. There is no reason to conclude that financial consideration is the sole reason for the application.

#### Conditions:

1. 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.
2. No run-off to adjoining properties is permitted. If determined necessary by ESD the applicant shall redirect run-off and if needed water retention structures such as rain gardens shall be installed to retain run-off.
3. Approval expires 08/13/14.

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.



Riesselman Joan & Robert, Kego Township on property described as Lot 12, "Blair's Pine Acres", Section 33- 141-28, PID # 19-477-0120 located at 4896 Barclay Drive NE. An application submitted to remove an existing residence and replace with new 60 feet x 58 feet 8 inch construction to be located 40 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 .56 acre riparian to Girl Lake (RD).

PC members were at the site 07/16/12. More than 50 notices of the application were mailed. Four responses all favoring approval of the application were received. Consideration of this application was tabled 07/23/12 in order for the applicants to consider residence location options. The proposed variance was discussed and reviewed with Mr. Riesselman and their architect.

MS/P Bliss/Fitch to approve the location of the residence as submitted for PID #19-477-0120 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. The setback of current residence was approved in 1974.
2. The proposed setback of the new residence will be from 75 feet to 88 feet from the lake.
3. The location of the SSTS prohibits placement at 100 feet.
4. The proposed residence seems a reasonable use of the property when taking into account the size of the lot, location of existing SSTS and the increase of setback when compared to the existing setback along with proposed lakeside vegetative improvements which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
5. The proposed residence is not out of scale and or will it be obtrusive to neighboring property which does 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 area land use will be negatively affected by the location of the proposed residence further from the lake than the existing residence.
7. There is no reason to conclude that water quality will be in any way affected by the increased setback from the lake.
8. As submitted by the applicants, the impervious coverage of the lot with the new construction is 24.8% and no impervious surfaces beyond those approved in this variance shall be placed upon the property without variance allowing the same.
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 suitable 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 location of the expansion shall not vary from that submitted 08/07/12.
2. Any debris resulting from construction or demolition 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 suitable 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 shall expire 08/13/14.

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.

Sager, Marcia & Michael, Smoky Hollow Township on property described as part Gov Lot 1 & Part Gov Lot 6, Section 7-140-25, PID #40-007-2400 located at 7363 Little Thunder Drive NE. An application submitted to be allowed to retain a RV and two structures for guest quarter purposes on the property. Section 1120 of the Land Use Ordinance (2020) allows for one guest quarter per residential lot. The property contains 46.1 acres riparian to Little Thunder Lake (RD).

PC members were at the site 08/06/12. 24 notices of the application were mailed with no responses received. The proposed variance was discussed and reviewed with the Sagers.

MS/P ballenthin/Gardner to approve the request to retain structure for PID #40-007-2400 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. The property at one time was occupied by a resort of which the structures in question remain.
2. The proposal seems a reasonable use of the property when taking into account that it contains 46 acres and has no impact to neighboring property which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare.
3. Retaining the former resort cabins for private guest occupancy is reasonable when considering the location and size of the 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. Based upon the size of the property and the location of neighbors there is no reason to conclude that area land use will be negatively affected or altered.
5. There is nothing to indicate that water quality will be negatively affected by the proposal.
6. There is no reason to conclude that financial consideration is the sole reason for the application.

Conditions:

1. Applicants shall discuss and resolve waste water treatment questions with ESD staff.
2. All future subdivision shall comply with all applicable standards.
3. Approval only applies to the lakeside cabins and does not include the dilapidated former resort structures located west of the access road.
4. Approval expires 08/13/14.

## Conditional Use Permit

Childs, Lyle, McKinley Township on property on described as NW NE & NE NW, Section 7-138-32, PID #25-007-1200 located at 9385 4<sup>th</sup> St SW. An application submitted to reclassify the NW NW NE containing 10 acres Agricultural/Forestry (AF) to Rural Residential 10 (RR-10) which would result in a reduction of minimum lot size from 40 acres to 10 acres. Such action requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance (2010) establishes conditional use permit (CUP) review criteria and process. Section 903 of the Land Use Ordinance (2010) establishes the various land use zone classifications. Section 1113.2 of the Land Use Ordinance (2010) establishes minimum lot size standards. The property contains 80.75 non-riparian acres (AF).

14 notices of the application were mailed with no responses received. The application was discussed and reviewed with applicant's representative Mr. Veo.

MS/P Gardner/Fitch to approve the reclassification of 10 acres in the configuration as submitted located in PID #25-007-1200 upon review of Sections 705, 901 and 1113 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

### Findings:

1. The applicant intends to retain the 10 acres on which the residence is located.
2. The application complies with the intent of the Rural Residential - 10 (RR-10) classifications which are to promote low density development outside the shoreland zone not close to a municipality.
3. The 10 acres proposed for reclassification represents .0004 of the total acreage of the township.
4. There is no reason to expect that one 10 acre parcel will cause adverse effects to adjoining property.
5. One 10 acre parcel will have no impact to the demand for governmental services.
6. Existing roadways will be utilized with no need to expand exiting public infrastructure.
7. No wetland or critical habitat will be disturbed by reduction of minimum lot size.
8. No scenic or historic features will be affected by the reduction of minimum lot size.
9. No threat to public health, safety and welfare can be expected from a change to minimum lot size.
10. The total acres to be reclassified do not reach the mandatory EAW threshold.
11. There is no reason to expect that the reduced lot size will have any effect to surface water or ground water quality.
12. The remaining 30 acres remain unchanged as AF.

Conditions:

1. An agricultural management easement as described in Appendix B-1 of the Land Use Ordinance shall be recorded in conjunction with the newly described 7.5 acres in order to be compliant and eligible for land use permits.
2. Approval expires 08/13/14.

Dayton, Karin & Kenneth, Fairview Township on property on described as Lot 36. "Birch Bay on Agate" & Unplatted Part of Gov Lot 1, Section 6-134-29, PID #14-357-0360 located along S Agate Shore Drive SW. An application submitted to re-classify 2.4 acres of the 20.07 acre parcel located south of S Agate Shore Drive from Shoreland Residential (SR) to Commercial - 2 (C-2) which requires approval by conditional use permit (CUP). Section 705 of the Land Use Ordinance (2010) establishes conditional use permit (CUP) review criteria and process. Section 903 of the Land Use Ordinance (2010) establishes the various land use zone classifications. Section 1113.2 of the Land Use Ordinance (2010) establishes minimum lot size standards. PID #14-357-0360 contains 20.07 acres (SR) of which 2.4 non-riparian acres are proposed for re-classification.

PC members were at the site 08/06/12. More than 100 notices of the application were mailed. One response from Fairview Township objecting to approval of the application along with one response favoring approval were received. The application was discussed and reviewed with Mr. Dayton and Mr. Cross.

MS/P Moore/Fitch to table, as requested by Mr. Dayton, consideration of the application until 09/10/12 meeting.

Preliminary Plat

"Loch Haven", Monkman, David, McKinley Township, on property owned by Samantha Monkman, Michael Nosek & Christine Ruhl described as Part of Gov Lot 1, PID # 25-034-1100, PID # 25-034-1101, PID # 25-034-1102, s PID # 25-034-1103, Part of Gov Lot 2, PID # 25-034-1403, PID # 25-034-1404, S 200 feet of N 608 Feet of Gov Lot2 , PID # 25-034-1405, Part of NW NE, PID # 25-034-1204, & NW NE Except the N 660 feet Thereof also Including the SW NE Excluding the S 2/3 of S  $\frac{1}{4}$ , PID # 25-034-1001 all in Section 34-138-32 across Spot Lake from TH # 64. The surveyor is James Kramer, KLD. The preliminary plat contains 24 residential unit lots and one common lot located on 34.2 non-riparian acres within the shoreland (1,320 feet) area of Spot Lake (NE) classified Shoreland Residential (SR). Section 1116 of the Land Use Ordinance (2010) establishes conservation design criteria. Article 5 of the Subdivision and Platting Ordinance (2009) establishes preliminary plat criteria.

PC members were at the site 07/16/12. 30 notices of the plat were mailed. Five responses all favoring approval of the plat were received. In addition several persons appeared to voice their objection the applicant and the plat. The plat was discussed and reviewed with Mr. Monkman and his representatives.

MS/Moore/Fitch to approve the preliminary plat of "Loch Haven" upon review of Article 5 of the Subdivision & Platting Ordinance (03/09/09) with the following findings.

Findings:

1. The development complies with the Conservation Design density standards
2. The County Surveyor and ESD has reviewed and approved the preliminary plat for compliance with Article 5 of the Subdivision & Platting Ordinance (03/09/09).

Preliminary/Final Plat

"Rask Addition", Meyers, Constance & Michael, Crooked Lake Township, on property described as Outlot A, "Roosevelt Lake Heights", Section 14-139-26, PID # 12-416-0300 located along 65<sup>th</sup> Avenue SE. The surveyor is Larry Hahn, Norstar Surveying. The preliminary and final plat contains 3 lots located on 11.2 non-riparian acres within the shoreland (1,320 feet) area of Lake Roosevelt (GD) classified Shoreland Residential (SR). The proposed lots are currently made up Outlot A of "Roosevelt Lake Heights". Articles 5 & 6 of the Subdivision and Platting Ordinance (2009) establish preliminary and final plat criteria.

PC members were at the site 08/06/12. More than 100 notices of the plat were mailed. Two responses objection to approval were received. The plat was discussed and reviewed with Mr. Meyers.

MS/Gardner/Fitch to approve the preliminary plat and final plat of "Rask Addition" upon review of Articles 5 & 7 of the Subdivision & Platting Ordinance (03/09/09) with the following findings.

Findings:

1. The plat complies with the non-riparian GD lot standards.
2. The County Surveyor and ESD has reviewed and approved the preliminary plat for with Article 4 of the Subdivision & Platting Ordinance (03/09/09).
3. The County Surveyor and ESD has reviewed and approved the final plat for with Article 7 of the Subdivision & Platting Ordinance (03/09/09).

MS/P Fitch/Moore at 4:12 pm, to adjourn.

P. Fairbanks