



Cass County
Planning Commission/Board of Adjustment

March 11, 2013

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting March 11, 2013 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted March 4, 2013 with Anderson, Fitch, Froehlig, Kostial, LaPorte, Moore and Sundberg present.

Sundberg called the meeting to order at 9:37 a.m.

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Keith Ahlquist, Tom Dechmann, Mike Dumer, Bill Fitzsimmons, Marjorie Goble, Gretchen Fitzsimmons, Melanie Ford, Jane Gunsbury, Cindy Hidde, Darren Hoverson, Jeremy Johnston, Brett Karnowski, Jim Kramer, Gary Krimmel, Jeanne Krimmel, Travis Miller, Israel Moe, Dave Monkman, Raymond Schrupp, Tom Steffens, Dan Switzer, and Marla Yoho.

MS/P Moore/Kostial to approve the minutes of the 01/14/13 PC/BOA meeting as presented.

MS/P LaPorte/Kostial to unanimously select Susan Sundberg Chairperson for 2013.

MS/P Fitch/Froehlig to unanimously select Ken Kostial Vice-Chairperson for 2013.

MS/P Moore/Froehlig to adopt the current Rules of Business for 2013.

Request received from ESD staff to determine date for Hoveida storage building, stairway and patio to be brought into compliance with Land Use Ordinance requirements.

MS/P Moore/Fitch that the Hoveida storage building, stairway and patio must be in compliance with Land Use Ordinance requirements no later than 06/30/13.

Conditional Use Permit

Quarterdeck Partners LLC, Fairview Township on property on described as Lots 11 - 17, "Birch Bay on Big Gull", Section 5-134-29, PID # 14-363-0110 & part of Gov Lots 4 - 6 & Part NW SW, Section 5-134-29, PID # 14-005-3102 located at 9820 Birch Bay Drive SW. An application

submitted to amend CU11-134-29-1 to reconfigure the resort property to include removal of all existing structures with construction of new three story structure that will contain 68 resort units and meeting facilities along with a detached food/beverage facility. The proposed project includes required shoreline vegetation restoration, storm water run-off management and waste treatment. Section 705 of the Land Use Ordinance (01/10/10) establishes conditional use permit (CUP) review criteria and process. Section 1104.9 of the Land Use Ordinance (01/10/10) establishes resort criteria. The property contains 27.03 acres riparian to Gull Lake (GD).

PC members were at the site 02/04/13. More than 100 notices of the application were mailed for the January, February and March meetings. 18 responses from all mailings were received. The proposed re-development of the resort was presented by Mr. Steffens.

MS/P Moore/LaPorte to approve the amendment of CU11-134-29-1 as presented upon review of Sections 705 and 1104.9 of the Land Use Ordinance (01/10/10) with the following findings and conditions.

Findings:

1. The resort operation predates the adoption of land use regulation in 1970.
2. CU11-134-29-1 approving 34 new resort units was adopted by the Planning Commission 01/12/12.
3. There is no evidence to conclude that previous operation of Quarterdeck resort over a period of years has adversely affected adjoining property.
4. The resort clientele which is temporary and transient will have no impact to public facilities such as schools and parks.
5. The resort utilizes existing township and state roadways that will not require expansion or reconfiguration and therefore no additional public infrastructure will be required.
6. No wetland or critical habitat will be disturbed by the redevelopment.
7. No scenic or historic features will be affected by the redevelopment.
8. As lawfully operated, no particular or specific threat to public health, safety and welfare can be expected from the redevelopment.
9. Waste water treatment will comply with applicable county and state standards with no public infrastructure required.
10. As reviewed with 4410.4300 of the Environmental Rules, the project does not reach the mandatory EAW threshold because the expansion of units allowed by CU11-134-29-1 does not exceed 50% of the those approved by the CUP, it is not located within a Sensitive Shoreland area and that the open space for the project exceeds 50% of the total area of the property.
11. The redevelopment configuration complies with applicable density standards.
12. Subject to the Conditions, there is no evidence or reason to expect that the resort redevelopment will adversely affect adjoining property.
13. The redevelopment proposal which includes structure compliance with setback standards, storm water management and shore impact zone vegetation will result in overall property improvement as compared to existing conditions on the property.

14. The property is classified Water Oriented Commercial (WOC) and is currently a Conditional Use in said district. All future alterations and expansion of the resort shall require a permit, amended Conditional Use Permit (CUP) or Conditional Use Permit (CUP) as required by the applicable section of the Land Use Ordinance, so long as resort operations continue and new resort dwelling units that may eventually be constructed in the resort on shall have such riparian lake access and mooring rights as may be permitted by CUP or amended CUP approved by the Cass County Planning Commission.
15. The total number of resort units, 68, proposed by the revised CUP is less than the number of resort units that would be allowed by the density standard.
16. The overall dimensions and lake setback of the proposed residential structure is such that the new structures would not be out of scale in relationship to the property, less visually intrusive from the lakeside than the existing resort cabin.

Conditions:

1. Except as otherwise provided for in these Conditions, the resort shall be configured and constructed in compliance with the written overview dated and the site plan for the development all received 01/24/13.
2. Any materials resulting from the removal of the existing structures not reused or recycled must be disposed of in a permitted facility.
3. As applied for and allowed by density standards, 68 attached resort units and related event/meeting space in the configuration submitted are approved.
4. Additional structures intended for parking or storage must comply with density and setback standards.
5. The swimming area and mooring systems shall be located and configured as approved by ESD. No other Shore Impact Zone 1 area shall be used for swimming, docking, beaching of watercraft or other recreation activity.
6. Except as may be altered by the Landscape/Vegetation Plan or otherwise required or approved by ESD, the Storm Water Management Plan, as described with the submittal documents is adopted and shall be implemented as construction/development is initiated.
7. The Grading Plan that includes construction phase erosion control measures as submitted, approved by ESD, and, except as otherwise approved by ESD, shall be implemented.
8. Prior to the commencement of construction a Landscape Plan shall be approved by ESD and implemented on a schedule approved by ESD and shall be continuously maintained. As provided in Section 705.2 and Section 705.3 of the Land Use Ordinance, the landscape plan shall specifically address measures to limit visibility of structures and other facilities as viewed from the lake, limitations on the natural vegetation to be removed and requirement for additional vegetation to be planted pursuant to the shoreline buffer standards prescribed in Section 1123 of the Land Use Ordinance. Prior to the issuance of a permit, the applicant shall submit to ESD financial assurance in the amount of \$3/square foot for square feet of area included in the Landscape Plan. Financial assurance shall be returned to the applicant upon a schedule approved by ESD and in all events upon substantial implementation of the plan as determined by ESD. Portions of the plan for vegetation not completed in accordance with the implementation schedule shall be installed at the direction of ESD and charged against the financial assurance.

Such financial assurance shall be submitted to ESD in an amount determined by ESD prior to the commencement of any re-development activity.

9. Prior to commencement of any construction, and for the duration of construction, ESD shall be provided with verification of issuance of an MPCA NDPEs permit.

10. ESD shall be provided with verification of MN DOH Resort License; and, for so long as the resort shall be operated; a valid and effective Resort License shall be continuously maintained.

11. All resort units shall be rented daily, weekly or seasonally.

12. No resort unit shall be designated as Homestead.

13. No resort unit owner shall occupy it as a primary residence.

14. Resort units may be required to be removed or relocated in compliance with Cass County residential standards should the property cease to be a licensed resort.

15. Rental of resort units shall be subject to regulation by the Association documents consistent with Cass County Ordinances.

16. The provisions of the declarations shall not be altered or amended without the review and consent of the Cass County Planning Commission.

17. All Shore Impact Zone 1 and 2 areas that are not used for or otherwise approved by ESD shall be re-vegetated landward from the OHWL. Landscaping and vegetative planting shall be approved by ESD with such areas continually maintained.

18. Access to Gull Lake is not permitted through or across re-vegetated areas except as contained in a written plan approved by ESD.

19. Fuel storage shall comply with MPCA standards.

20. All roof structures shall be designed to direct run-off away from the lake.

21. All rain gardens and other water retention structures shall be serviced annually.

22. No fire pits shall be located in the vegetated buffer/no mow areas. Community fire pits are permitted only in the Shoreland Impact Zone II access areas to Gull Lake and portions of the property located more than 75 feet from the OHWL of Gull Lake.

23. Parking of vehicles, trailers, etc. is only permitted in designated areas.

24. The resort at all times shall be owned, operated and maintained in compliance with this Conditional Use Permit and these Conditions and applicable Cass County Ordinances. Without limiting the foregoing, the resort and any conveyance of an interest in the resort or any unit is subject to the provisions of the Land Use Ordinance for Cass County, Minnesota, Section 1104.9 (02/15/13), and as the same may be amended, provided that any such amendment which is more restrictive than that in effect on the date of this CUP shall be effective to govern the resort only as provided by law.

25. No later than 03/31 of each year, commencing 03/31/2014, the holder of the CUP shall submit to ESD for the prior calendar year ending 12/31 a written report showing for each resort unit: 1) the number of days that the resort unit was occupied by the owner, 2) the number of days that the resort unit was offered for rent, 3) the number of days the resort unit was unoccupied and 4) an exception not to be included in the gross data that within 7 days of an unoccupied period if not rented the owners may occupy for a period not to exceed 7 days. The report shall confirm whether or not that over a 3 year period that each resort unit was occupied for fewer days by the owner than offered for rent not to include exception days. For each day of delay of submittal beyond 03/31 the holder of the CUP shall submit with the report \$150.00

26. All applicable county and state permits/licenses shall be maintained by the resort operator.

27. All applicable county inspections and compliance verification shall be obtained and maintained.
28. A vegetative buffer as approved by ESD must be established along the north and south boundaries of the property.
29. Signage must be located at the south boundary along the township roadway as to the boundary of the resort property.
30. The resort owners shall cooperate with the Pillager Area Fire and Rescue as to the placement of a hydrant/holding tank system.
31. The resort owners in conjunction with the Gull Lake Association and the MN DNR shall cooperate in informational, management and mechanical efforts to address invasive species in Gull Lake.
32. CU11-134-29-1 shall remain in effect until and if a plat for this re-development is not submitted and approved.
33. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/11/15.
34. All outdoor lighting must be directed downward.
35. The number of mooring slips shall not exceed 96.
36. Slip canopies of a consistent green color shall not exceed 60.

Variance

Ahlquist, Keith, Crooked Lake Township on property described as Lot 6, "Windy Acres", PID #12-352-0060, Section 4-139-26 located at 5751 Fehrs Drive NE. An application submitted to expand a non-conforming residence with a 22 feet x 30 feet addition. The residence is non-conforming because it is located 50 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD). Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains .28 acre riparian to Lake Washburn (GD).

PC members were at the site 03/04/13. 33 notices of the application were mailed. No responses were received. The application was discussed and reviewed with Mr. Ahlquist.

MS/P Kostial/Fitch to approve the expansion of the residence located upon PID #12-352-0060 based 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 platted in 1960 prior to the adoption of lot standards.
2. The lot contains about .25 acre and varies in depth from about 77 feet to 100 feet on a lake that requires lake setback of 75 feet and right-of-way setback of 20 feet therefore expansion is not possible without variance.
3. The proposed expansion seems a reasonable use of the property when taking into account the size and configuration of the lot and 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 will not be excessive of scale or 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. Because surrounding area contains existing structures similar in scale there is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence.

6. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed 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 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 of the expansion shall not vary from that submitted 02/19/13.
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. No run-off to 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. The applicant voluntarily offers to remove the 6 feet x 10 feet storage structure located along Fehrs Drive.
7. Impervious square feet coverage of the lot shall not exceed 25% of the total lot square feet.
8. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/11/15.

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.

Dumer, Diane & Michael, Crooked Lake Township on property described as E 150 Feet of W 450 Feet of W $\frac{1}{2}$ of NE & E 150 Feet of W 450 Feet of Gov Lot 4, PID #12-026-1004, Section 26-139-30 located at 6629 CSAH # 58 NE. An application submitted to construct guest quarters on non-conforming parcel. Section 1113.1 of the Land Use Ordinance (2010) requires a riparian lot containing guest quarters located on a RD lake to contain at least 1.83 acres and to be at least 225 feet wide at the water and at the structure setback. Although this lot exceeds the size requirement it is 150 feet wide at the water and structure setback. The property contains 10 acres riparian to Lawrence Lake (RD).

PC members were at the site 02/04/13. More than 60 notices of the application were mailed. One response from a directly adjacent owners raising concern in regard to their use of firearm in proximity to the proposed guest quarters occupancy was received. The variance request was reviewed with Mr. Dumer.

MS/P LaPorte/Froehlig to approve the request for guest quarters to be located upon PID #12-026-1004 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 became a lot of record in 1978 prior to the adoption of guest quarters lot standards.
2. The lot is bisected by CSAH # 58 with the area proposed for development on the non-riparian side of the roadway.
3. Although the lot does not meet the minimum width, 225 feet, for guest quarters it exceeds the area size by 8.2 acres.

4. The proposed structure will be mostly unobservable to CSAH # 58 and neighboring residences.
5. The proposed structure seems a reasonable use of the property when taking into account the size and configuration of the lot and 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 structure will not be excessive of scale or 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. The local area contains existing structures similar in scale and there is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence.
8. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed structure.
9. There is no reason to conclude that financial consideration is the sole reason for the application.
10. Approval of the variance does imply or conclude either tacit or direct determination or resolution of the distance of the neighboring owners' target shooting or hunting from the guest quarters and its habitation.

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 guest quarters portion of the structure shall not exceed 900 square feet.
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. No run-off to 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.
5. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/11/15.

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.

Fitzsimmons, William, Powers Township on property described as Portage Resort Co-Op Association, Part of Gov Lots 2, 3 & 4, PID #34-023-0001, Section 23-139-30 located at 1109 W Portage Lake Drive NW. An application submitted to expand an existing 846 square feet residence with an 8 feet x 18 feet 4 inch (146 square feet) addition. The location is non-conforming because it is located 30 feet from Big Portage Lake (GD). Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD). Section 1115.3 of the Land Use Ordinance (2010) requires a variance for the expansion of any non-conforming structure. The property contains 10.05 acres riparian to Big Portage Lake (GD).

PC members were at the site 02/04/13. 52 notices of the application were mailed. One response was received. The variance request was reviewed with the applicant.

MS/P Kostial/Froehlig to approve the application to expand the non-conforming residence located at PID #34-023-0001 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 structure is included in the resort co-op community and is contained within the resort area of 10.05 acres.

2. The Big Portage Lake Resort Co-Op Association has reviewed and approved the proposed expansion.
3. Non-lakeside expansion is not possible because of the proximity of W Big Portage Lake Drive.
4. 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".
5. The size and configuration of the structure limits expansion options.
6. The proposed expansion of 146 square feet seems a reasonable use of the property when taking into account the size and configuration of the structure and that it will be mostly unobservable from the lake and 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.
7. The proposed expansion structure will not be excessive of scale or 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.
8. The area contains existing residences and accessory structures similar in scale and location and there is no compelling reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence.
9. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.
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 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 of the expansion shall not vary from that submitted 01/18/13.
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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 02/11/15.

Freiberger, Steven, Wabedo Township on property described as Ely 220 Feet of Wly 660 Feet of Gov Lot 5, PID #46-011-2103, Section 11-140-28 located at 1705 Birch Lane NE. The applicants intend to replace the existing residence at the same footprint and volume as allowed by M.S. 394.36. The application submitted is to expand the residence with an 8 feet x 20 feet covered porch no closer to the lake than the existing setback. The residence is non-conforming because it is located 30 feet from Little Boy 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 the expansion of any non-conforming structure. The property contains 9.24 acres riparian to Little Boy Lake (RD).

PC members were at the site 02/04/13. 31 notices of the application were mailed. One response from Wabedo Township recommending approval of a platform was received.

MS/P Kostial/Moore to table consideration of the application to the 04/08/13 meeting in order for the applicant to be present to discuss the application.

Hegman, David, Crooked Lake Township on property described as Lot 17 & Wly 30 Feet of Outlot A Lyg Sly of the N Line of Lot 17 Extended Ely from the NE Corner of Lot 17, "Pines-A-Plenty on lake Washburn", PID #12-452-0170, Section 17-139-26 located at 1588 Plummer Point Road. An application submitted to expand a non-conforming residence with a 27 feet x 32 feet

footprint basement, ground level and upper level expansion. In addition, the application calls for the addition of an upper level expansion for the existing portion of the proposed expanded structure. The residence is non-conforming because it is located 36 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD). Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains .48 acre riparian to Lake Washburn (GD).

PC members were at the site 02/04/13. 16 notices of the application were mailed. No responses were received. The proposal was reviewed and discussed with the applicant's representatives from Northland Construction.

MS/P Moore/Fitch to table consideration of the application to the 04/08/13 meeting in order for the members to visit the site again.

Karnowski, Brett, Crooked Lake Township on property owned by Schrantz, Anthony described as Lot 12, Block 1, "Birch Bay on Washburn Lake", PID #12-438-0160, Section 17-139-26 located at 1375 Birch Bay Drive NE. An application submitted to expand a non-conforming with a 10 feet x 25 x 26 feet addition which would include a loft over the addition. The structure is non-conforming because it is located 46 feet from the lake. Section 1126.1 of the Land Use Ordinance (2010) requires structures to be 75 feet from a lake classified General Development (GD). In addition, Section 1115.3 requires a variance for any expansion of a non-conforming structure. The property contains .6 acre riparian to Lake Washburn (GD).

The application was revised to reflect on-site discussion 01/07/13 in regard to the condition of the existing foundation. Applicant now requests new construction of 28 feet x 38 feet x 22 feet to peak to be located 56 feet from the OHWL. The existing structure at 46 feet from the OHWL would be removed.

PC members were at the site 01/07/13. 30 notices of the application were mailed. Two responses supporting approval were received. The variance request was discussed and reviewed with Mr. Karnowski and Mr. Dan Switzer, SSTS Designer, and included the size and location of the existing residence, size and location of the proposed residence and the configuration and location of the proposed SSTS.

MS/P Kostial/Fitch to approve the application to construct a new residential structure at PID #12-438-0160 upon review of the criteria contained in Section 800 of the Land Use Ordinance (01/10/10) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. MS 394.36 would allow replacement at current setback, footprint and volume with permit.
2. The property was platted in 1976 with two residential structures.

3. The structure as proposed will be further from the lake than the one it will replace.
4. The neighboring area consists of similar riparian lots which it seems that the proposed structure will not be particularly noticed and poses no threat to the essential character of the locality.
5. The proposed structure will not be obtrusive to the lake and not out of scale with 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.
6. The proposed structure will not be out of scale and 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.
7. There is no reason to conclude that water quality will be affected by the size or location of the proposed residence.
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. The dimensions of the proposed residence shall not exceed 28 feet x 38 feet and 26 feet to peak.
2. The residence shall not be less than 58 feet from the OHLW.
3. Any debris resulting from construction 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/11/15.

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.

Krimmel, Gary & Jeanne, Birch Lake Township on property described as "Peaceful Shores", Lot 36, PID #16-410-0360, Section 13-140-31 located at 5071 Woodland Drive NW. An application submitted to expand a non-conforming residence with an 18 feet x 30 feet addition. The residence is non-conforming because it is located less than 75 feet from the lake. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be located at 75 feet from a General Development (GD) lake. Section 1115.2 of the Land Ordinance (2013) requires a variance for any expansion of a non-conforming structure. The property contains .87 acre riparian to Birch Lake (GD).

PC members were at the site 02/04/13. 44 notices of the application were mailed. One response was received. The variance request was discussed and reviewed with Mr. Krimmel.

MS/P LaPorte/Fitch to approve the expansion of the non-conforming residence located at PID #16-410-0360 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 platted in 1946 prior to the adoption of lot standards.
2. The residence was constructed in 1977 with permit.
3. The entirety of the expansion will be located beyond the required lake setback.

4. The proposed expansion will be located non-lakeside which seems a reasonable use of the property when taking into account the size and configuration of the residence which does not contradict the purpose 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 expansion will not be excessive of scale and mainly unobservable 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. Because the local area contains existing structures similar in scale there is no evidence to conclude that area land use will be negatively affected or altered by the size or location of the proposed residence.

7. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed 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 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 of the expansion shall not vary from that submitted 01/28/13.

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. No run-off to 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. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/11/15.

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.

Maske, Joan & Roy, Crooked Lake Township on property described as The N 150 Feet of the S 259 Feet of the N 1200 Feet of Gov Lot 8, PID #12-009-2315, Section 9-139-26 located at 1937 Peninsula Road NE. An application submitted "after the fact" to be allowed to retain a deck and a fence located at less than the required lake setback and stairs that exceed the maximum width allowed. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 75 feet from a lake classified General Development (GD). Section 1126.6 of the Land Use Ordinance (2013) establishes maximum stairway width of four feet. The property contains 3.75 acres riparian to Lake Washburn (GD).

PC members were at the site 02/04/13. 32 notices of the application were mailed. No responses were received.

MS/P Moore/Anderson to table consideration of the application to the 04/08/13 meeting in order for the members to visit the site again.

Conditional Use Permit

Bushing, Darrin & Holli, Gould Township on property as described as Part of Gov Lot 8, PID #15-126-4202, Section 24-137-30, located at 10203 Sugar Point Drive NW. An application submitted to expand an existing residential harbor which requires a conditional use permit (CUP). Section 705 of the Land Use Ordinance (2013) establishes conditional use permit (CUP) review criteria and process. Section 1106.5 of the Land Use Ordinance (2013) establishes harbor construction and expansion criteria. The property contains 2.29 acres riparian to Leech Lake (GD).

PC members were at the site 02/04/13. 23 notices of the application were mailed. No responses were received. The application was reviewed and discussed with the Bushings.

MS/P Froeling/Fitch to approve the application for harbor expansion as submitted located at PID #15-126-4202 upon review of the criteria contained in Sections 705 and 1106.5 of the Land Use Ordinance (2010) with the following findings and conditions.

Findings:

1. The long northwest fetch across the lake establishes the need for a harbor and improvements to the entrance.
2. Verification of MN DNR approval has been submitted.
3. No wetland or critical habitat will be impacted by the harbor work.
4. No scenic or historic features will be affected by the harbor work.
4. No particular or specific threat to public health, safety and welfare can be expected from the harbor work.
5. As reviewed with the Environmental Rules, the harbor work does not reach the mandatory EAW threshold.
6. The harbor work will have no effect or impact to public infrastructure.
7. The harbor along with the proposed expansion will not extend landward more than the maximum allowed, 200 feet, from the OHWL.

Conditions:

1. The construction, erosion and buffer plan submitted 02/21/13 shall be implemented and verified as compliant with design by the signatory engineer.
2. Financial assurance of 150% of engineer's cost estimate shall be submitted to ESD prior to any construction.
3. Return of financial assurance shall only be upon verification of construction compliance by the signatory engineer.
4. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
5. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/11/15.

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 CUP, REMOVAL OF VIOLATIONS AND MITIGATION.

Schrupp, Raymond, Walden Township on property as described as SE NE, PID #48-024-1400, Section 24-137-30, NE NE, PID # 48-014-1100, NE SE, PID # 48-014-4100, SE SE PID # 48-014-4400 all in Section 14-137-30. An application submitted for the extraction of peat which requires a conditional use permit (CUP). The peat will be excavated at the Section 14 parcels and transported to the existing pit in Section 24 where it will be stockpiled to be combined with

soil material to create landscape top soil. Section 705 of the Land Use Ordinance establishes conditional use permit (CUP) review criteria and process. Section 1107 of the Land Use Ordinance establishes extractive use criteria. The property contains 202.44 acres in the non-shoreland area (AF).

More than 50 notices of the application were mailed. No responses were received. The application was reviewed and discussed with Mr. Schrupp.

MS/P Fitch/LaPorte to approve the application for peat extraction as submitted upon review of the criteria contained in Sections 705 and 1107 of the Land Use Ordinance (2010) with the following findings.

Findings:

1. The transportation of the peat will utilize existing township and state roadways that will not require expansion or reconfiguration therefore additional public infrastructure will not be required.
2. No wetland or critical habitat will be adversely impacted by the peat excavation.
3. No scenic or historic features will be affected by the peat excavation.
4. As lawfully operated, no particular or specific threat to public health, safety and welfare can be expected from the excavation of the peat.
5. As reviewed with 4410.4300 of the Environmental Rules, the peat excavation does not reach the mandatory EAW threshold.

Trails Park LLC, Shingobee Township on property as described as Part of SW NE, PID #38-105-1301, Section 5-142-31, located at 9424 State 371 NW. An application submitted to reconfigure the site plan, CU07-142-31-1, approved 09/25/07 for 90 sites. The facility currently includes 84 sites. The application calls for the completion of 6 approved sites along with 4 new sites to be located within the perimeter of the existing approved sites. The proposed sites will result in the disturbance of less than one acre. Section 705 of the Land Use Ordinance (2013) establishes conditional use permit (CUP) review criteria and process. Section 1118 of the Land Use Ordinance (2013) establishes recreational vehicle park criteria. The property contains 17.44 acres in the non-shoreland area.

More than 50 notices of the application were mailed. No responses were received. The application was reviewed and discussed with Mr. Moe.

MS/P Moore/Froehlig to approve the application for reconfigure and expand the site plan included in CU07-142-31-1 as submitted upon review of the criteria contained in Sections 705 and 1118 of the Land Use Ordinance (2010) with the following findings.

Findings:

1. The proposed site increase is compliant with the applicable density standards.

2. No wetland or critical habitat will be impacted by the expansion.
3. No scenic or historic features will be affected by the expansion.
4. No particular or specific threat to public health, safety and welfare has been noted by the current size and configuration or can be expected from expansion.
5. As reviewed with the Environmental Rules, the expansion does not reach the mandatory EAW threshold.
6. The expansion will have no effect or impact to public infrastructure.

Conditions:

1. The expansion configuration shall be constructed as to the plan submitted 02/27/13.
2. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
3. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 03/11/15.
4. ESD shall approve/verify the requirement of any existing or planned run-off control measures.
5. The applicant must submit verification of the adequacy of the existing waste water treatment system for the proposed site increase.

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 CUP, REMOVAL OF VIOLATIONS AND MITIGATION.

Final Plat

"Loch Haven", Monkman, David, McKinley Township, on property owned by Samantha Monkman and Michael Nosek in Section 34-138-32 on the west side of Spot Lake. The surveyor is James Kramer, KLD. The 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. Articles 5 -7 of the Subdivision and Platting Ordinance (2009) establish plat criteria. The preliminary plat was approved 08/13/12.

More than 25 notices of the application were mailed. No responses were received. The application was reviewed and discussed with Mr. Monkman and Mr. Kramer.

MS/P Moore/Kostial to approve the final plat of "Loch Haven" upon review of the criteria contained in Articles 5-7 of the Subdivision and Platting Ordinance (2010) with the following findings.

Findings:

1. The development complies with the Conservation Design density standards
2. The County Surveyor and ESD have reviewed and approved the plat for compliance with Article 7 of the Subdivision & Platting Ordinance (03/09/09).

MS/P Fitch/Moore at 3:00 pm, to adjourn.

P. Fairbanks