



Cass County  
Planning Commission/Board of Adjustment

May 13, 2013

The Cass County Planning Commission/Board of Adjustment conducted a regular meeting May 13, 2013 in the meeting room of the Cass County Land Department in Backus. The field inspection was conducted May 6, 2013 with Fitch, Froehlig, Kostial, LaPorte, Moore and Sundberg present.

Sundberg called the meeting to order at 9:30 a.m.

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

Staff Present: Berg, Fairbanks and Ringle.

Citizens Present: Greg Anderson, Mary Anderson, Jim Ballenthin, Wade Blumke, Carolyn Burk, Greg Burk, Carol Carron, Scott Carron, Dean Eggena, Bonnie Heniker, Dave Johnson, Marge Johnson, Norm Johnson, Jeremy Johnston, Joseph Karst, Keith Kostial, Corey Krantz, Shana Krantz, Jon Lacho, Mary Lacho, Julie Lohse, Ron Lohse, Butch McDonald, Travis Miller, Steve Northway, Steve Peters, Jeff Peterson, Ardell Schuttz, Chris Schuttz, Verdale Soukop, Norm Wieland, Shawn Weinand and Marla Yoho.

MS/P Moore/Kostial to approve the minutes of the 04/08/13 PC/BOA meeting as presented.

Variance

Burk, Carolyn & Greg, Blind Lake Township on property described as Part of Gov Lot 3, PID #06-028-4310, Section 28-139-28 located at 1192 4<sup>th</sup> St NE. An application submitted to expand a non-conforming residence with a 12 feet x 16 feet deck, a 10 feet x 14 deck and a 16 feet x 24 feet addition all to be located no closer to the lake than the existing setback. The residence is non-conforming because it is located 103 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be 150 feet from a lake classified Natural Environment (NE). Section 1115.3 of the Land Use Ordinance (02/15/13) requires a variance for the expansion of any non-conforming structure. The property contains 3.59 acres riparian to Blind Lake (NE).

PC members were at the site 05/06/13. 17 notices of the application were mailed. No comments in response to the mailed notification were received. The application was discussed and reviewed with the owner's representative Mr. Burk.

MS/P Kostial/Fitch to approve the expansion of the residence located upon PID #06-028-4310 based upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. There is no record of the original construction in the permit archive and the placement at less than the required setback.
2. The applicants are not responsible for construction at less than the required lake setback.
3. The proposed expansion seems a reasonable use of the property when taking into account the size and configuration of the residence along with were it located on the lot 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 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 the surrounding area contains structures similar in scale there is no reason to conclude that area land use will be negatively affected or altered by the size or location of the proposed expansion.
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. No responses or objections have been received from any persons or governmental entities notified of the application.
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 addition shall not exceed 20 feet x 30 feet.
2. The dimensions of the additional decks shall not exceed 6 feet x 20 feet, north side, and 10 feet x 14 feet, east side.
3. 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".
4. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
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 05/13/15.

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.

Carron, Carol & Scott, Sylvan Township on property described as Lots 51 - 54, Block 1, "Sylvan Beach". PID #41-498-0144, Section 11-133-30 located at 12537 Lower Sylvan Road SW. An application submitted for a lake setback of 37 feet for a residential structure. The applicants intend to demolish and remove the existing residential structure, 2,120 square feet, and replace with new construction of 2,576 square feet. Section 1126.1 of the Land Use Ordinance (02/15/13) requires that structures located on a General Development (GD) lake to be located 75 feet from the lake. The property contains 2.17 acres riparian to Sylvan Lake (GD).

PC members were at the site 05/06/13. 50 notices of the application were mailed. One response from Sylvan Township recommending approval of the application was received. The variance request was reviewed with Mr. and Mrs. Carron along with their architect Travis Miller.

MS/P Moore/LaPorte to approve the new construction of a residence to be located upon PID #41-498-0144 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions.

Findings:

1. Although the lot contains 2.14 acres, it was platted in 1924 and is of a peninsular configuration.
2. The current residence is and the proposed residence will comply with the required lake setback, 75 feet, to the north but less than the required lake setback to the west.
3. The proposed residence location will result in increased setback from the lake to the north and east and be approximately same distance to the lake from the west.
4. There is no record of the original construction in the permit archive and it is assumed it was prior to the adoption of land use regulation.
5. The proposed residence seems a reasonable use of the property when taking into account the configuration of the lot and the proposed location of the residence 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, including the walk-out, will comply with the height to peak requirements of the ordinance which therefore assumes it 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. Because the surrounding area contains residence similar in size, there is no reason 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 expansion.
9. One response from Sylvan Township recommending approval of the application has been received. No other responses or objections have been received from any persons or governmental entities notified of the application.
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 04/25/13.
2. The walk-out area to the north shall comply with the elevation received 05/15/13.
3. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
4. The walk-out level excavation must be in compliance with the standards of Section 1106.3
5. The walk-out excavation slope and bottom area width shall not vary from that submitted with the application page A4 dated 0/23/13.
6. 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.
7. 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.
8. ESD shall consider the recommendations of Sylvan Township as to shoreline vegetation and run-off control measures.
9. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
10. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/13/15.

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.

Hegman, David, Crooked Lake Township on property described as Lot 17 & Westerly 30 Feet of Outlot A Lying Southerly of the N Line of Lot 17 Extended Easterly from the NE Corner of Lot 17, "Pines-A-Plenty on Lake Washburn", PID #12-432-0170, 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 40 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires structures to be 75 feet from a lake classified General Development (GD). Section 1115.3 of the Land Use Ordinance (02/15/13) requires a variance for the expansion of any non-conforming structure. The property contains .48 acre riparian to Lake Washburn (GD). Consideration of this application was tabled during the 03/11/13 and 04/08/13 meetings.

PC members were at the site 03/04/13 and 04/01/13. 17 notices of the application were mailed. One response recommending approval was received. The variance request was reviewed with the applicants' contractor Jeremy Johnston.

MS/P Kostial/LaPorte to approve the application to expand the non-conforming residence located at PID #12-432-0170 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The lot was platted in 1948 prior to the adoption of lot standards.
2. The lot contains about .5 acre and varies in depth from about 50 feet to 115 feet on a lake that requires setback of 75 feet from the lake and 20 feet setback from the platted right-of-way therefore expansion is not possible without variance.
3. The residence was constructed in 1976 with setback approved by variance in 1972.
4. 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 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 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.
6. Because the 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. One response recommending approval has been received. No other responses or objections have been received from any persons or governmental entities notified of the application.
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 of the expansion shall not vary from that submitted 02/21/13.
2. The expansion must be offset at least four feet from the existing lake setback of the southeast corner of the residence.
3. As per Section 1106.3 excavation for the expansion shall not exceed 50 cubic yards in Shore Impact Zone 2.
4. Access to the lower level expansion must be through the existing entrance.
5. Exposure of the lower level expansion area to the lake shall be daylight windows.
6. Approval does not allow or imply that the structure to be expanded can be removed by demolition or any other method from the site nor shall the structure to be expanded be reduced to "one wall".
7. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
8. 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.
9. 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.
10. ESD must verify applicable SSTS bedroom sizing prior to the issuance of a land use permit.
11. Applicant consents to inspection of the property from time to time by ESD to verify compliance with conditions.
12. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/13/15.

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.

Karst, Diane & Joseph, Woodrow Township on property described as Lot 8, "Fergers Nature Retreat", PID #51-429-0180, Section 16-140-29 located at 3854 14<sup>th</sup> Ave NW. An application submitted to be allowed to exceed the maximum amount square footage allowed for accessory structures based on lot size. The applicants propose to exceed the maximum allowed, 1,800 square feet, by 225 square feet by constructing a 15 feet x 15 feet structure. Section 1101 of the Land Use Ordinance (02/15/13) allows 1,800 square feet of accessory structure on lots that contain 1.5 - 1.99 acres. The property contains 1.9 acres riparian to Child Lake (RD).

PC members were at the site 05/06/13. 30 notices of the application were mailed. One response from Woodrow Township recommending approval of the application was received. The variance request was discussed and reviewed with Mr. Karst.

MS/P Fitch/Kostial to approve the allowance of extra accessory structure square footage footprint as submitted for PID #51-429-0180 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The kennel complies with applicable setback requirements.
2. The neighboring area consists of similar single family riparian lots to which the kennel seems not to be out of the ordinary and seems not to have created any particular threat to the essential character of the locality.
3. The kennel area in excess of that permitted seems inconsequential and a reasonable use of the property when taking into account the size and configuration of the structure and that it is mostly unobservable from neighboring property and 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 kennel is not excessive of scale or 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. Woodrow Township as recommended approval of the application and no other responses or objections has been received from any persons or governmental entities notified of the application.
6. There is no reason to conclude that financial consideration is the sole reason for the application.



Kostial, Keith & Maureen, Ponto Lake Township on property described as Lot 7, "Snodgrass Second Addition", PID #32-385-0071, Section 10-139-29 located at 1919 E Ponto Lake Road NW. An application submitted to expand a non-conforming residence with a 17 feet x 24 feet screened porch addition located at the same setback from the lake, 75 feet, as the existing residence. The residence is non-conforming because it is located 75 feet from the lake. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains .93 acre riparian to Ponto Lake (RD).

PC members were at the site 05/06/13. 28 notices of the application were mailed. One response urging approval of the application has been received. The variance request was discussed and reviewed with Mr. Kostial.

MS/P LaPorte/Moore - Kostial/Recused to approve the location and size of the expansion to the residence located at PID #32-385-0071 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

#### Findings:

1. The lot was platted in 1950.
2. There is no record of the original construction in the permit archive.
3. The applicants are not responsible for previous construction at less than the required lake setback.
4. The proposed expansion will be no closer to the lake than the residence.
5. The proposed expansion seems a reasonable use of the property when taking into account the size and configuration of the residence along with where it located on the lot 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 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.
7. Because surrounding area contains 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 expansion.
8. There is no reason to conclude that water quality will be in any way affected by the size or location of the proposed expansion.

9. One written response recommending approval of the application has been received and a neighbor appeared to voice support of the application. No other responses or objections have been received from any persons or governmental entities notified of the application.
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/Approve:

1. The dimensions of the expansion shall not vary from that submitted 04/23/13.
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 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 05/13/15.

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.

Krantz, Corey & Shana, Fairview Township on property described as Lot 15, "First Addition to Manatauk", PID #14-353-0151, Section 5-134-29 located at 1451 Ossego Road SW. An application submitted to expand a non-conforming residence with a 32 feet x 52 feet attached garage/upper living area addition. The residence is non-conforming because it is located 65 feet from the lake and less than 30 feet from the top of a bluff. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 75 feet from a lake classified General Development (GD) and 30 feet from the top or toe of a bluff. Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains .65 acre riparian to Gull Lake (GD).

PC members were at the site 05/06/13. 42 notices of the application were mailed. One response from Fairview Township recommending approval has been received has been received. The variance request was discussed and reviewed with the applicants.

MS/P Moore/Fitch to approve the location and size of the expansion to the residence located at PID #14-353-0151 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings and conditions:

Findings:

1. The property was platted in 1957.
2. There is no record of the original construction in the permit archive and it obvious that it was permitted prior to the enforcement of the bluff standards.
3. A deck at 65 feet from the lake was approved for previous owners in 1990.
4. The applicants are not responsible for the construction at less than the required lake setback.
5. The proposed expansion will be to the non-lakeside of the residence.
6. The proposed expansion seems a reasonable use of the property when taking into account the size and configuration of the residence along with were it located on the lot 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 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. Because surrounding area contains 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 expansion.
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. One response recommending approval of the application from Fairview Township has been received. No other responses or objections have been received from any persons or governmental entities notified of the application.
11. 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 configuration of the expansion shall not vary from that submitted 04/25/13.
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 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 05/13/15.

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.

Lacho, Jon & Mary, Ponto Lake Township on property described as Part of Gov Lot 3, PID #32-006-4406, Section 6-139-29 located at 2051 20<sup>th</sup> Ave NW. An application to be allowed to retain a 14 feet x 22 feet area attached to a garage deemed living area. The applicants' property contains 107,600 square feet total area, 80,000 square feet buildable area, is 208 feet wide at the lake and 200 feet wide at the structure setback. Section 1113.1 of the Land Use Ordinance (2013) requires that in order to have detached living area/guest quarters a riparian lot on a Natural Environment (NE) lake must contain not less than 120,000 square feet total area, 60,000 square feet buildable area, be at least 300 feet wide at the lake shore and be 300 feet wide at the structure setback. The property contains 2.47 acres riparian to Little Portage Lake (NE).

PC members were at the site 05/06/13. 16 notices of the application were mailed. The variance request was discussed and reviewed with the applicants.

MS/P Moore/LaPorte to deny the application to continue to utilize guest quarters upon PID #32-006-4406 which does not comply with the minimum lot standards upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The lot contains 89.6% of the required total square feet, 105.6% of the buildable area, 69.3% of the shoreline lot width and 66.6% of the setback lot width required for guest quarters.
2. The living area occupies 22% of the total space in the existing storage structure.
3. The living area contains 29.3% of the total maximum guest quarter space allowed.
4. No responses or objections have been received from any persons or governmental entities notified of the application.
5. There is no reason to conclude that financial consideration is not the sole reason for the application.
6. In this situation the practical difficulty is of the applicants' creation.

Long, Carl, Powers Township on property described as Lots 25 & 26, "Horseshoe Beach". PID #34-417-0250, Section 21-139-30 located at 1068 W Horseshoe drive NW. An application submitted to be allowed to retain the existing lake setback, 40 feet, for construction of a new

residence. The applicant intends to demolish and remove the existing residential structure and construct a 24 feet x 32 feet residence with an attached 16 feet x 16 feet porch and 6 feet x 40 feet deck to be located 40 feet from the lake. Section 1126.1 of the Land Use Ordinance (02/15/13) requires that structures located on a Recreational Development (RD) lake to be located 100 feet from the OHWL. The property contains .5 acre riparian to Horseshoe Lake (RD).

PC members were at the site 05/06/13. 23 notices of the application were mailed. The variance request was discussed and reviewed with the applicant's representative Verdale Soukop.

MS/P Moore/Kostial to approve the application to remove and replace the existing residence at PID #34-417-0250 at less than the required lake setback upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The property was platted in 1923.
2. MS 394.36 and ordinance would allow replacement at current setback, footprint and volume with permit.
3. There is no record of the original construction in the permit archive and it is likely that it was constructed prior to the adoption shoreland standards.
4. The depth of the property from lake to road, 175 feet to 185 feet, limits structure and SSTS setback compliance.
5. The proposed increase in size for the new residence will be modest in size and no closer to the lake.
6. The proposed residence seems a reasonable use of the property when taking into account the configuration and size of the building area and its location within the property which therefore 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 size of the proposed residence is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
8. No responses or objections have been received from any persons or governmental entities notified of the application.
9. The proposed residence will be reasonable in size and scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
10. There is no reason to conclude based upon the size and location of the proposed residence that water quality will be negatively affected.

11. 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 residence shall not exceed 24 feet x 32 feet and the decks shall not exceed 16 feet x 16 feet and 4 feet x 40 feet.
2. No part of the structure including decks shall be less than 52 feet from the OHWL.
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 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 05/13/15.

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.

Peters, Steve, Kego Lake Township on property described as Lot 19, "Blairs Pine Gables", PID #19-477-0190, Section 33-141-28 located at 4858 Barclay Drive NE. An application submitted to remove the existing carport and replace with a 28 feet x 34 feet addition. The residence is non-conforming because it is located 42 feet from the lake. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains .71 acre riparian to Girl Lake (RD).

PC members were at the site 05/06/13. 57 notices of the application were mailed. The variance request was discussed and reviewed with the applicant and his contractor Jason Pinski.

MS/P LaPorte/Kostial to approve the application to expand the residence at PID #19-477-0190 upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The property was platted in 1961.
2. There is no record of the original construction in the permit archive and it was likely constructed prior to the adoption shoreland standards.
3. The proposed expansion will be modest in size and no closer to the lake.
4. The proposed residence expansion seems a reasonable use of the property when taking into account the configuration and size of the residence and its location within the property which therefore 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 size of the proposed residence expansion is not excessive and when considering the lot and the neighborhood it will not be obtrusive and will not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. No responses or objections have been received from any persons or governmental entities notified of the application.
7. The proposed residence expansion will be reasonable in size and scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
8. There is no reason to conclude based upon the size and location of the proposed residence expansion that water quality will be negatively affected.
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 of the expansion shall not exceed 28 feet x 34 feet.
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 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 05/13/15.

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.

Schaffer, Lee, Ottertail Peninsula Township on property described as Lot 1, Block 1, "Parobek Estates", PID #28-546-0110, Section 24-144-30 located along N Shore Drive NW. An application submitted to connect two existing resort cabins with a 20 feet x 30 feet addition. One of the cabins is non-conforming because it is located 66 feet from the lake. Section 1126.1

of the Land Use Ordinance (2013) 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 .66 acre riparian to Leech Lake (GD).

PC members were at the site 05/06/13. 19 notices of the application were mailed. One response from the Leech Lake Association objecting to approval was received. The variance request was discussed and reviewed with Mr. Schaffer.

MS/P LaPorte/Kostial to approve the application to expand the non-conforming residence at PID #28-546-0110 by connection to the conforming residence on the property upon review of the criteria contained in Section 800 of the Land Use Ordinance (02/15/13) and in M.S. 394.27, Subdivision 7 with the following findings:

Findings:

1. The property was operated as a resort until platted in 2004.
2. There is no record of the original construction in the permit archive of the two former resort structures, one 66 feet from the lake and one 75 feet from the lake, but it seems likely that they were constructed prior to the adoption shoreland standards.
3. The proposed expansion intended to connect the two structures will not increase encroachment to the lake.
4. The proposed expansion to connect the structures seems a reasonable use of the property when taking into account the configuration and size of the structures and their location within the property which therefore 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 size of the proposed expansion is not excessive and when considering the lot and the neighborhood, it will not be obtrusive and will not contradict the purpose of the comprehensive plan which is to 1. Provide a rational basis to make difficult land and resource decisions wisely, 2. Eliminate the conflicts caused by unplanned development, 3. Improve coordination and communication between county, local governments and the citizens in land use planning, and 4. Protect the County's natural resources from degradation.
6. One response of objection was received. No other responses or objections have been received from any persons or governmental entities notified of the application.
7. The proposed expansion will be reasonable in size and scale therefore there is no reason to conclude that area land use will be negatively affected or altered.
8. There is no reason to conclude based upon the size and location of the proposed residence expansion that water quality will be negatively affected.
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 of the expansion shall comply with the site plan submitted 04/22/13.
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 future construction to replace the existing structure, as allowed to be configured by this approval, shall comply with all applicable setback requirements.
4. Any debris resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
5. ESD shall determine the need for construction erosion control and if required applicant shall install ESD approved erosion control placement prior to the commencement of construction.
6. No run-off to the lake or adjoining property 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 05/13/15.

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.

Trice, Jennifer, Ponto Lake Township on property described as Part of Gov Lot 6, PID #32-003-1403, Section 3-139-29 located at 865 22<sup>nd</sup> St NW. An application submitted to expand a non-conforming residence with a 22 feet x 44 feet second story addition. The residence is non-conforming because it is located 23 feet from the lake. Section 1126.1 of the Land Use Ordinance (2013) requires structures to be 100 feet from a lake classified Recreational Development (RD). Section 1115.3 of the Land Use Ordinance (2013) requires a variance for the expansion of any non-conforming structure. The property contains 1.3 acres riparian to Island Lake (RD).

PC members were at the site 05/06/13. 38 notices of the application were mailed. One response urging approval of the application was received. The variance request was discussed and reviewed with the applicant's representative/contractor Mr. McDonald.

MS/Failed Moore/Fitch to approve the application to expand the non-conforming residence at PID #32-003-1403.

M/Withdrawn/Fitch to deny the application to expand the non-conforming residence at PID#32-003-1403.

MS/P Moore/Fitch to table consideration of the application until the 06/10/13 meeting.

#### Conditional Use Permit

Peltier, Mark, Loon Lake Township on property as described as Part of Gov Lots 8 & 9, PID #22-019-4404, Section 19-139-29. An application submitted to construct a road for a minor subdivision to be known as "Loon Lake Hidden Estates" that will grade/excavate more than 200 cubic yards of earthen material. Section 705 of the Land Use Ordinance (02/15/13) establishes conditional use permit (CUP) review criteria and process. Section 1106.2 of the Land Use Ordinance (02/15/13) establishes earth moving and grading requirements within the shoreland area which is 1,320 feet from public waters. The property contains 46.71 acres riparian to Loon Lake (RD).

PC members were at the site 05/06/13. More than 50 notices of the application were mailed. One response offering no objection to approval was received. The CUP request was discussed and reviewed with Mr. Peltier.

MS/P Kostial/LaPorte to approve the CUP application for road construction at PID #22-019-4404 upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

#### Findings:

1. The proposed roadway will provide access to the lots in the plat to be known as "Loon Lake Hidden Estates".

2. A MPCA SWPPP for the project has been obtained.
3. No wetland or critical habitat will be affected.
4. No scenic or historic features will be affected.
5. The proposed roadway poses no particular likelihood to harm to public health,
6. The proposed roadway will not increase the need or demand for governmental services.
7. One response offering no objection to the proposed CUP was received. No other responses or objections have been received from any persons or governmental entities notified of the application.
8. The proposed construction does not reach mandatory EAW/EIS threshold.

Conditions/Approve:

1. The plans and specifications submitted with the application prepared by Bolton & Menk are adopted for implementation.
2. Financial assurance in the amount of  $\$1,500 \times 2.42 \text{ acres} = \$3,630$  must be submitted to ESD proper to the commencement of construction.
3. Construction erosion control measures as called for in the plans shall be placed prior to the commencement of construction and verified by ESD.
4. Bolton & Menk shall verify to ESD completion of construction in compliance with their plans and specifications at which time financial assurance shall be reduced to \$1,500.
5. Applicant shall request ESD verify establishment of right-of-way vegetation at which time remaining financial assurance shall be released.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/13/15.

Verville, Diana & Steve, Loon Lake Township on property currently owned by Mark Peltier described as Part of Gov Lots 8 & 9, PID #22-019-4404, Section 19-139-29. An application submitted to establish a home business, welding shop, on property that the applicants have a purchase agreement for Lots 3 and 4 of the proposed minor subdivision of "Loon Lake Hidden Estates". "Loon Lake Hidden Estates" has been approved by ESD but not yet recorded. Section 705 of the Land Use Ordinance (02/15/13) establishes conditional use permit (CUP) review criteria and process. Section 1110 of the Land Use Ordinance (02/15/13) establishes home business criteria. The property contains 46.71 acres riparian to Loon Lake (RD).

PC members were at the site 05/06/13. More than 50 notices of the application were mailed. One response objecting to approval was received. The CUP request was discussed and reviewed with the applicants.

MS/P LaPorte/Moore to approve the CUP application for a home business upon review of the criteria contained in Sections 705 and 1110 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

### Findings:

1. There is nothing to indicate that the home business activity if conducted in a responsible manner will cause adverse effects to neighboring property.
2. The home business activity will not create any burden to parks, schools, street or other public facilities.
3. No wetland or critical habitat will be disturbed by the home business activity.
4. No scenic or historic features will be affected by the home business activity.
5. No threat to public health safety and welfare can be expected from the home business if conducted in a responsible manner.
6. No public infrastructure is needed for the home business activity.

### Conditions:

1. For the purpose of the home business Lots 3 & 4 of "Loon Lake Hidden Estates" shall be considered as one property.
2. Any change in occupancy by the applicants shall result in termination of the approval to conduct the home business/welding shop.
3. Any change in the home business/welding shop activity to any other form of business or commercial activity shall result in termination of the approval to conduct the home business/welding activity.
4. Other than deliveries and collections there shall be no home business activity beyond the confines of the welding shop structure including outside storage of equipment supplies and completed product.
5. The applicant shall comply with the Home Business sign criteria contained in Section 1110 B. of the Land Use Ordinance.
6. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/13/15.

Weinand, Shawn, Home Brook Township on property as described as NW SW, PID #17-015-3200, Section 15-135-30 and Part of SW SW, PID #17-022-3301, Section 22-135-30 located at 8236 CSAH 1. An application submitted to construct a water storage reservoir for an irrigation that will grade/excavate more than 200 cubic yards of earthen material. Section 705 of the Land Use Ordinance (2013) establishes conditional use permit (CUP) review criteria and process. Section 1106.2 of the Land Use Ordinance (2013) establishes earth moving and grading requirements within the shoreland area which is 1,320 feet from public waters. The property contains 80 acres riparian to Cory Brook (TR).

PC members were at the site 05/06/13. 14 notices of the application were mailed. The CUP request was discussed and reviewed with Mr. Weinand and Mr. Blumke.

MS/P Kostial/LaPorte to approve the CUP application for road construction at PID #22-019-4404 upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance (02/15/13) with the following findings and conditions:

Findings/Approve:

1. No critical habitat will be affected.
2. No scenic or historic features will be affected.
3. The proposed project poses no particular likelihood to harm to public health,
4. The proposed project will have no affect to the need or demand for governmental services.

Conditions/Approve:

1. The plans and specifications submitted are adopted for implementation.
2. The applicant must comply with all applicable state requirements/permits.
3. The applicant must comply with all applicable wetland requirements.
4. The applicant must comply with all applicable storm water requirements.
5. If necessary, the placement of appropriate construction erosion control measures prior to the commencement of construction shall be approved by ESD.
6. Financial assurance in the amount of \$1,500 must be submitted prior to the commencement of construction.
7. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/13/15.

Other Business

Eggena, Dean/Crosslake Aggregate request to revise conditions CU02-139-30-1 on property owned by Greg Anderson to provide aggregate material for ready mix plants located in Crosslake and Hackensack. In addition aggregate for road construction would be prepared on as needed contractual basis.

MS/P Fitch/LaPorte to approve the use of the Anderson Pit CUP/CU02-139-30-1 as requested with the following conditions:

Conditions:

1. The applicant shall maintain and create as necessary a vegetative screening buffer along the trail of not less than 100 feet from the right-of-way.
2. A written plan for additional vegetation as necessary shall be submitted to ESD.
2. The applicant shall provide financial assurance to Cass County on annual basis for the projected acres to be disturbed in the amount of \$1,500 per acre.
3. The applicant shall submit on an annual basis a plan for reclamation of the area disturbed which shall include but not be limited to reclamation, reclamation time line, topography and vegetation.
4. Approval applies only to Mr. Eggena. All other persons/businesses shall require separate review and approval.

Lohse, Ron & Julie request to revise conditions of the approval of VP06-139-26-7. It was determined that the members will visit the site during the 06/03/13 field inspection.

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

P. Fairbanks