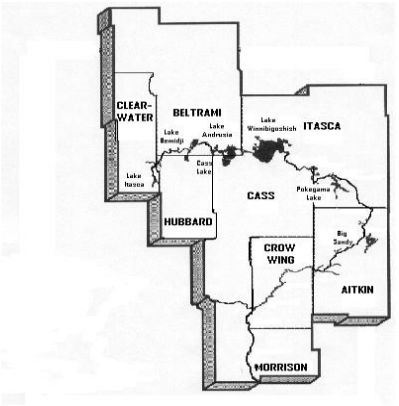
Mississippi Headwaters Board
Meeting Agenda
Cass County Courthouse
Walker, MN
May 20, 2016
9:00 am



- **Call to Order/Pledge of Allegiance**

Approve/Amend

- **Agenda**
- **Consent Agenda – April '16 Minutes & Expenses** (att. 1 & 2)
- **ED Staff Report & Correspondence** (att. 3&4)

Planning and Zoning (Actions)

- GBA5a16- Jason and Angela Caron- Variance (att. 5)

Action / Discussion Items:

- LSOHC Mississippi Northwoods- Jake Frie- informational
- LSOHC Proposal- Approve (att. 6)
- Enbridge program update- informational
- Calculated billing rate for MHB.- informational
- Picture
- NJPA June 2nd 9:00 am – 2 pm.

Misc: ☼ Legislature Update (if any) ☼ County Updates (if any)

Meeting Adjourned - Thank you

Mtgs:

June 17, '16, 9:00 AM – MHB Board meeting- Walker, MN

Attachment 1 & 2

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board

April 15, 2016

Cass County Courthouse, Walker MN 56484

MEETING MINUTES

Members present: Kevin Maurer (Morrison), Cal Johannsen (Hubbard), Scott Bruns (Cass), Brian Napstad (Aitkin),Keith Winger (Beltrami) and Tim Terrill (Executive Director).

Others Present: Shawn Tracy of HR Green and Chip Leer of Fishing the Wildside.

Chairman Maurer called the meeting to order followed by the Pledge of Allegiance.

M/S Napstad/Winger to accept the agenda. Motion Carried.

M/S Napstad/Winger to accept the consent agenda. Motion Carried.

Executive Director's Report

- Set up meeting with Aitkin County Land department to present the MHB sub watershed prioritization process to them.
- Submitted the Biennial Budget Review to BWSR. The MHB has the potential to fund conservation efforts in the region for $2.3M over the next two years.
- Met with Little Falls to discuss stormwater Clean Water Grant with them. The city is choosing to use the P8 modeling and perform another study using their resources, and apply for a CWL grant in the fall.
- A video was filmed by the NJPA trying to demonstrate to their vendors the work that the MHB is doing to protect against AIS.
- A phone interview was held between the ED and the Initiative Foundation to discuss the MHB AIS Campaign. This could potentially develop into an article about our work in the IQ newsletter.
- Tim met with the North Central Conservation Roundtable to discuss who is applying for LSOHC funding this year. The Star Tribune was present and will write a story about drinking water and where it originates, threats, and the current efforts being done in this area to protect the Source Water.
- Tim and Commissioner Thiede held a teleconference with Enbridge to discuss potential partnership projects. Lake Irving is being investigated more closely as a top priority.
- Commissioners Winger and Maurer along with the ED attended a meeting with the Governor's Sr. Policy Advisor, Molly Peterson to discuss raising the base of the MHB.

Action/Discussion Items

Chip Leer presented an overview of the MHB AIS Awareness Campaign to the Board and demonstrated how the infomercials and social media will work together to prevent the spread of AIS through media.

Shawn Tracy from Howard R. Green engineering provided a presentation to the Board about the 1 Watershed 1 Plan and how the program works. The 1W1P replaces county water plans and is able to combine many different plans into a single plan over the next 10 years. The plan allows counties to apply for Targeted Watershed grants to implement the plan.

Tim presented a LSOHC budget document to the board. He discussed that since the $9M was not obtained this round, that the best way to move forward would be to have the ED work this program the first year, and look at adjustment over the next few years as we apply and receive more funding. The board suggested that the ED bring to the board the salary and overhead and show them how an hourly rate is calculated.

Tim presented to the Board with a letter of support for the MHB board to sign as a prerequisite to obtaining a grant with NJPA.

M/S Napstad/Johannsen to sign and send the letter of support as drafted by Tim regarding application to the National Joint Powers Alliance Innovative Funding grant. Motion carried.

Tim presented Resolution 2016-02 to the MHB Board to allow the MHB Executive Director the authority to prepare, submit, and sign grant proposals with approval from the MHB of such action, and sign a grant agreement if a grant application is approved. Tim explained that there are core, nontraditional program development, and other grants that he works with, and the other grants that he applies for sometimes require an affirmation that he has authority to sign and carry out the grant.

M/S Winger/Napstad to approve Resolution 2016-02. Motion carried.

Legislative Update- None

M/S Winger/Napstad to adjourn. Motion carried.

_____ _____

Kevin J. Maurer, Chairman **Tim Terrill, Executive Director**

ORG / YR/PR	ACCOUNT / JNL	EFF DATE	SRC	REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
74	74-00-000-000-000-000-0000-10001- Cash & Pooled Investments									
16/04	9	04/01/16	PRJ						-3,416.86	-3,416.86
16/04	24	04/01/16	GNI		AT4	16572			20.00	-3,396.86
	iNovah	SYSTEM GENERATED DUE TO LINE								
16/04	34	04/04/16	GNI						23,351.19	19,954.33
	ST OF MN	SYSTEM GENERATED DUE TO LINE								
16/04	70	04/05/16	APP	A0405					-1,560.26	18,394.07
	A040512									
16/04	196	04/11/16	GNI						3,109.85	21,503.92
	ST OF MN	SYSTEM GENERATED DUE TO LINE								
16/04	227	04/15/16	PRJ						-3,527.52	17,976.40
16/04	278	04/15/16	GNI						1,889.21	19,865.61
	ST OF MN	SYSTEM GENERATED DUE TO LINE								
16/04	333	04/19/16	APP	A0419					-568.23	19,297.38
	A041916									
16/04	390	04/21/16	GNI		Tammyw	16835			24.58	19,321.96
	iNovah	SYSTEM GENERATED DUE TO LINE								
16/04	534	04/29/16	PRJ						-2,729.99	16,591.97
16/04	618	04/30/16	GNI	MARCH					-269.52	16,322.45
	WF PCARD	SYSTEM GENERATED DUE TO LINE								
16/04	629	04/30/16	GEN						-525.00	15,797.45
	RECURRING	SYSTEM GENERATED DUE TO LINE								
	LEDGER BALANCES --- DEBITS:			28,394.83		CREDITS:		-12,597.38	NET:	15,797.45
74	74-00-000-000-000-000-0000-20050- Vouchers Payable									
16/04	10	04/01/16	API	B 563					-1,560.26	-1,560.26
	W A040512									
16/04	70	04/05/16	APP	A0405					1,560.26	.00
	A040512	AP CASH DISBURSEMENTS JOURNAL								
16/04	325	04/19/16	API	B 596					-6.97	-6.97
	W A041916									

ORG YR/PR	ACCOUNT JNL	EFF DATE	SRC	REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
16/04	332	04/19/16	API	B 595					-561.26	-568.23
	W A041916									
16/04	333	04/19/16	APP	A0419					568.23	.00
	A041916	AP CASH DISBURSEMENTS JOURNAL								
	LEDGER BALANCES --- DEBITS:				2,128.49	CREDITS:		-2,128.49	NET:	.00
74	74-00-000-000-000-000-0000-38400- Expenditures									
16/04	9	04/01/16	PRJ	pr0401 1160401	1160401				3,416.86	3,416.86
	pay040116	WARRANT=160401	RUN=1	BI-WEEKL						
16/04	10	04/01/16	API	B 563					1,560.26	4,977.12
	W A040512									
16/04	227	04/15/16	PRJ	pr0415 1160415	1160415				3,527.52	8,504.64
	pay041516	WARRANT=160415	RUN=1	BI-WEEKL						
16/04	325	04/19/16	API	B 596					6.97	8,511.61
	W A041916									
16/04	332	04/19/16	API	B 595					561.26	9,072.87
	W A041916									
16/04	534	04/29/16	PRJ	pr0429 1160429	1160429				2,729.99	11,802.86
	pay042916	WARRANT=160429	RUN=1	BI-WEEKL						
16/04	618	04/30/16	GNI	MARCH					269.52	12,072.38
	WF PCARD									
16/04	629	04/30/16	GEN						525.00	12,597.38
	RECURRING									
	LEDGER BALANCES --- DEBITS:				12,597.38	CREDITS:		.00	NET:	12,597.38
74	74-00-000-000-000-000-0000-38500- Revenues									
16/04	24	04/01/16	GNI	AT4	16572				-20.00	-20.00
	iNovah									
16/04	34	04/04/16	GNI						-23,351.19	-23,371.19
	ST OF MN									
16/04	196	04/11/16	GNI						-3,109.85	-26,481.04
	ST OF MN									

ORG / YR/PR	ACCOUNT / JNL EFF DATE	SRC	REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
16/04	278 04/15/16	GNI						-1,889.21	-28,370.25
	ST OF MN								
16/04	390 04/21/16	GNI		Tammyw	16835			-24.58	-28,394.83
	iNovah								
	LEDGER BALANCES --- DEBITS:				.00	CREDITS:	-28,394.83	NET:	-28,394.83
74830	74-00-830-000-000-000-0000-53090- Water & Soil Resources								
16/04	196 04/11/16	GNI						-3,109.85	-3,109.85
	ST OF MN FY15 COMPETITIVE GRANT								
	LEDGER BALANCES --- DEBITS:				.00	CREDITS:	-3,109.85	NET:	-3,109.85
74830	74-00-830-000-000-000-0000-53180- Environmental Assistance /MPCA								
16/04	278 04/15/16	GNI						-1,889.21	-1,889.21
	ST OF MN INVOICE 10								
	LEDGER BALANCES --- DEBITS:				.00	CREDITS:	-1,889.21	NET:	-1,889.21
74830	74-00-830-000-000-000-0000-53290- Natural Resources								
16/04	34 04/04/16	GNI						-23,351.19	-23,351.19
	ST OF MN DNR2W-16								
	LEDGER BALANCES --- DEBITS:				.00	CREDITS:	-23,351.19	NET:	-23,351.19
74830	74-00-830-000-000-000-0000-58400- MHB - Sales								
16/04	24 04/01/16	GNI	527387 AT4		16572			-20.00	-20.00
	iNovah MISSISSIPPI HEADWATERS BOARD								
16/04	390 04/21/16	GNI	537769	Tammyw	16835			-24.58	-44.58
	iNovah GUIDE BOOK								
	LEDGER BALANCES --- DEBITS:				.00	CREDITS:	-44.58	NET:	-44.58

ORG / YR/PR	ACCOUNT / JNL EFF DATE	SRC	REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
74830	74-00-830-000-000-000-0000-61000- Salaries & Wages - Regular								
16/04	9 04/01/16	PRJ	pr0401 1160401		1160401			2,370.82	2,370.82
	pay040116 WARRANT=160401 RUN=1 BI-WEEKL								
16/04	227 04/15/16	PRJ	pr0415 1160415		1160415			2,370.82	4,741.64
	pay041516 WARRANT=160415 RUN=1 BI-WEEKL								
16/04	534 04/29/16	PRJ	pr0429 1160429		1160429			2,370.82	7,112.46
	pay042916 WARRANT=160429 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS: 7,112.46 CREDITS: .00 NET: 7,112.46								
74830	74-00-830-000-000-000-0000-61200- Active Insurance								
16/04	9 04/01/16	PRJ	pr0401 1160401		1160401			701.86	701.86
	pay040116 WARRANT=160401 RUN=1 BI-WEEKL								
16/04	227 04/15/16	PRJ	pr0415 1160415		1160415			704.07	1,405.93
	pay041516 WARRANT=160415 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS: 1,405.93 CREDITS: .00 NET: 1,405.93								
74830	74-00-830-000-000-000-0000-61300- Employee Pension & FICA								
16/04	9 04/01/16	PRJ	pr0401 1160401		1160401			344.18	344.18
	pay040116 WARRANT=160401 RUN=1 BI-WEEKL								
16/04	227 04/15/16	PRJ	pr0415 1160415		1160415			347.63	691.81
	pay041516 WARRANT=160415 RUN=1 BI-WEEKL								
16/04	534 04/29/16	PRJ	pr0429 1160429		1160429			359.17	1,050.98
	pay042916 WARRANT=160429 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS: 1,050.98 CREDITS: .00 NET: 1,050.98								
74830	74-00-830-000-000-000-0000-62100- Telephone								
16/04	227 04/15/16	PRJ	pr0415 1160415		1160415			55.00	55.00
	pay041516 WARRANT=160415 RUN=1 BI-WEEKL								
16/04	325 04/19/16	API	006205		22175	5452	B	1.80	56.80
	W A041916 April CTC & 3/1-3/31 LD CALLS Consolidated Telecom								

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC	REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
16/04	325 04/19/16	API	006205		22175	5452	B	5.17	61.97
	W A041916 April CTC & 3/1-3/31 LD CALLS Consolidated Telecom								
	LEDGER BALANCES --- DEBITS:				61.97	CREDITS:	.00	NET:	61.97
74830	74-00-830-000-000-000-0000-62680- Non-Employee Per Diems								
16/04	227 04/15/16	PRJ	pr0415 1160415		1160415			50.00	50.00
	pay041516 WARRANT=160415 RUN=1 BI-WEEKL								
16/04	332 04/19/16	API	002837		22189	5456	B	50.00	100.00
	W A041916 MILEAGE AND PER DIEM FOR 04151 Johannsen, Calvin								
16/04	332 04/19/16	API	004028		22190	5491	B	50.00	150.00
	W A041916 MILEAGE AND PER DIEM FOR 04111 Winger, Keith								
16/04	332 04/19/16	API	002737		22191	5467	B	50.00	200.00
	W A041916 MILEAGE AND PER DIEM FOR 04/15 Napstad, Brian G.								
16/04	332 04/19/16	API	100532		22192	5466	B	50.00	250.00
	W A041916 MHB MTG PER DIEM 041516 Morrison County Audi								
	LEDGER BALANCES --- DEBITS:				250.00	CREDITS:	.00	NET:	250.00
74830	74-00-830-000-000-000-0000-62720- Non-Employee Mileage								
16/04	332 04/19/16	API	002837		22189	5456	B	27.00	27.00
	W A041916 MILEAGE AND PER DIEM FOR 04151 Johannsen, Calvin								
16/04	332 04/19/16	API	004028		22190	5491	B	111.24	138.24
	W A041916 MILEAGE AND PER DIEM FOR 04111 Winger, Keith								
16/04	332 04/19/16	API	004028		22190	5491	B	42.66	180.90
	W A041916 MILEAGE AND PER DIEM FOR 04111 Winger, Keith								
16/04	332 04/19/16	API	002737		22191	5467	B	97.20	278.10
	W A041916 MILEAGE AND PER DIEM FOR 04/15 Napstad, Brian G.								
16/04	332 04/19/16	API	002833		22194	5458	B	83.16	361.26
	W A041916 MILEAGE FOR MHB MTG 041516 Maurer, Kevin J.								
	LEDGER BALANCES --- DEBITS:				361.26	CREDITS:	.00	NET:	361.26

ORG / YR/PR	ACCOUNT / JNL EFF DATE	SRC	REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
74830	74-00-830-000-000-000-0000-62990- Prof. & Tech. Fee - Other								
16/04	10 04/01/16	API	101308	20674		5294	B	719.71	719.71
	W A040512	WSB INVOICE 10A		WIDSETH SMITH NOLTIN					
16/04	10 04/01/16	API	101308	20675		5294	B	840.55	1,560.26
	W A040512	WSB INVOICE 10B		WIDSETH SMITH NOLTIN					
16/04	629 04/30/16	GEN					B	525.00	2,085.26
	RECURRING	FINANCIAL SERVICE							
	LEDGER BALANCES --- DEBITS:		2,085.26	CREDITS:		.00	NET:		2,085.26
74830	74-00-830-000-000-000-0000-63320- Employee Mileage								
16/04	618 04/30/16	GNI	MARCH				B	45.36	45.36
	WF PCARD	MHB							
		PAUL THIEDE - OOP							
16/04	618 04/30/16	GNI	MARCH				B	32.45	77.81
	WF PCARD	City council of Little Falls							
		TIM TERRILL - OOP							
16/04	618 04/30/16	GNI	MARCH				B	57.24	135.05
	WF PCARD	monthly MHB meeting							
		TIM TERRILL - OOP							
16/04	618 04/30/16	GNI	MARCH				B	97.74	232.79
	WF PCARD	Bemidji WRAPS implementation							
		TIM TERRILL - OOP							
16/04	618 04/30/16	GNI	MARCH				B	32.45	265.24
	WF PCARD	Little Falls Stormwater meeti							
		TIM TERRILL - OOP							
	LEDGER BALANCES --- DEBITS:		265.24	CREDITS:		.00	NET:		265.24
74830	74-00-830-000-000-000-0000-64090- Office Supplies								
16/04	618 04/30/16	GNI	MARCH				B	4.28	4.28
	WF PCARD	snack for PRC meeting							
		TIM TERRILL - MCDONALD'S F17495							
	LEDGER BALANCES --- DEBITS:		4.28	CREDITS:		.00	NET:		4.28
	GRAND TOTAL --- DEBITS:		55,718.08	CREDITS:		-71,515.53	NET:		-15,797.45

65 Records printed

** END OF REPORT - Generated by Jason Rausch **

Attachment 3 & 4

Executive Directors Report

DNR LSP response letter

Executive Director Report

April 2016 – May 2016

Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed over monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Held weekly call in meeting with MPCA.
5. Sent in electronic data processing coverage report to MCIT.
6. Sent email to LSOHC showing them our infomercials and social media websites.
7. Chip Leer sent a press release to Walker newspaper explaining our AIS work.
8. Wrote NJPA AIS grant and LSOHC grant this past month.
9. Sent in DNR 3rd Quarter report.
10. Through Commissioner Thiede, connected with the Miss. River Basin Panel which covers 26 states with various levels of agency cooperation. They will be holding a conference in September, and we are on the Panel's July agenda for consideration.
11. Sent out annual budget request to MHB member counties.
12. Worked on LSOHC proposal to submit on May 26th.

Meetings & Networking

1. Attended stormwater scoping meeting with Grand Rapids. We will be looking at implementing the project this year, and begin preparation for a CWL grant in the fall.
2. Attended meeting with Aitkin Land Commissioner to provide some background knowledge of what might be ranking high in Aitkin County for acquisition.
3. Attended Cohort meeting learning about civic engagement.
4. Press release written by Chip Leer placed in Walker paper about our AIS awareness campaign.
5. Attended State of the Waters Conference and participated in the AIS track portion of the conference.
6. Attended Brainerd Riverfront meeting to explore opportunities to help the natural and recreational values of the river.
7. Continued project development with Enbridge.
8. Held meeting with Fishing the Wildside to discuss next year's plan with AIS promotion.
9. Attended Crow Wing AIS inspector training to inform them about social media opportunities.
10. Attended CW County DRT planning and zoning meeting.

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL OFFICE

MNDNR

April 11, 2016

Kevin J. Maurer
Chairman of the Mississippi Headwaters Board
Crow Wing County Land Services Bldg.
322 Laurel St.
Brainerd, MN 56401

Dear Mr. Maurer:

Thank you for your March 25th, 2016 letter to Commissioner Landwehr regarding providing expanded training opportunities for lake service providers (LSP). Your letter was forwarded to me for reply.

We recognizes the challenges resort owners face to complete required Lake Service provider (LSP) permit training between January and May. We know many resort owners are out of state during the winter and early spring months when lake service provider trainings are offered and still have not completed their permit application or training.

In order to address resort needs for LSP training, the DNR has worked with the Congress of Minnesota Resorts to offer training at their annual meetings each year, has offered trainings in resort communities such as the Gunflint Trail, Kabetogama, Brainerd Lakes area, Ely, and throughout the state.

In addition, we are creating an online version of the permit training, due to launch in 2017 as an additional way to satisfy training requirements. We will make extra efforts to get the word out to resorts, outfitters and other rental companies to inform them about the legal requirements and expanded training opportunities.

In the meantime, we can do our best to offer in-person trainings to resort communities on request. If you have a group of resort owners who would like training please contact Heidi Wolf, Invasive Species Unit Supervisor (651-259-5152, Heidi.wolf@state.mn.us). Heidi can answer any questions you may have or arrange a session in the 8 county Mississippi Headwater Board (MHB) area if needed.

Sincerely,

Luke Skinner, Director
Division of Ecological and Water Resources

Planning and Zoning (att. 5)

GBA5a16- Jason and Angela Caron

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2016-15

RESOLUTION APPROVING VARIANCE FOR PARCEL 31.00959.00

WHEREAS, the "Joint Powers Agreement for The Provision of Planning and Zoning Services" in 2007, formed the Greater Bemidji Area Joint Planning Board (JPB) to administer and enforce planning and zoning for the area governed by these Local Governmental Units (LGU's); and

WHEREAS, an application was made on March 31, 2016 by Jason & Angela Caron requesting a variance in order construct a single-family house, located at 5800 Birchmont in the R3 Residential District of Northern Township, within the bluff setback; and

WHEREAS, the proposed requested variance will be located on parcel 31.00959.00, legally described as Sect-28 Twp-147 Range-033 AUDITOR'S PLAT NO 13 Lot-006 2.46 AC A PORTION OF LOT 6 DESC AS FOLLOWS: BEG AT SW CORNER OF LOT 6 THENCE N4'25"E - 74.51' TO IM THENCE AT A DEFLECTION ANGLE TO RIGHT OF 88*31'35" LINE BEARING 88*36" E - 351.3' TO IM T (see also attached Warranty Deed); and

WHEREAS, the Property is zoned R-3 (Suburban Residential); and

WHEREAS, the requested variance meets all requirements, standards and specifications of the Greater Bemidji Area Zoning and Subdivision Ordinance; and

WHEREAS, the Joint Planning Commission held a public hearing on April 28, 2016, to review the application for a Variance following mailed and published noticed as required by law; and

WHEREAS, the Greater Bemidji Area Joint Planning Board has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

WHEREAS, the Planning Board has made the following findings regarding the Variance application request:

1. **The property owner proposes to use the property in a reasonable manner not permitted by the Zoning and Subdivision Ordinance;**
   The subject parcel is zoned R3 Suburban Residential. A single family home is a reasonable use of the property. The JPB has determined that the definition of a bluff is ambiguous and this slope does not qualify as a bluff for the JPB. Therefore the walkout basement is a reasonable use of the property.

2. **The plight of the landowner is due to circumstances unique to the property not created by the landowner;**
   The lot is vacant, but the slope of the property is not dramatic enough to be a bluff. The JPB has determined that the definition of a bluff is ambiguous and this slope does not qualify as a bluff for the JPB. Therefore this is not created by the landowner.

3. **The variance, if granted, will not alter the essential character of the locality;**
   There are other encroachments into the bluff on adjoining lots.

4. **Economic considerations alone do not constitute practical difficulties.**
   Economic considerations were not reviewed with this project. The JPB has determined that the definition of a bluff is ambiguous and this slope does not qualify as a bluff for the JPB. Therefore the walkout basement is a reasonable use of the property.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the requests for the variance in order construct a single-family house, located at 5800 Birchmont in the R3 Residential District of Northern Township, within the bluff setback, with the following conditions:

1. A full erosion control plan will be designed by a licensed engineer.

2. A full engineered plan indicating the geotechnical characteristics of this slope will not be negatively altered by this construction.

3. No "driveway" or other type of access will be allowed to be between or adjacent to the house and the OHW.

4. A reclamation plan will be provided for the existing cut into the bluff.

5. All other setbacks will be identified in a land use permit.

6. No other setbacks have been proposed to be encroached on and will not be allowed (side yard or OHW).

7. A land use permit will be applied for if there is a proposal for steps and landings are proposed down to the shore

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this 11th day of May, 2016 by Reed Olson, Joint Planning Board Chair.

_____
Reed Olson, Joint Planning Board Chair

Subscribed and sworn to before me
this 11th day of May, 2016.

_____
Notary Public

BUSINESS OF THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD

ITEM: V-16-31.00959.00

APPLICANT: Jason and Angela Caron

PROCEEDING: Bluff Variance

PREPARED BY: Josh Stearns

MEETING DATE: April 28, 2016

60-DAY RULE DATE: May 31, 2016

Zoning District: R3

EXHIBITS: 1. MN DNR Bluff Facts

PLANNING REPORT

I **SUMMARY OF REQUEST** –
Jason and Angela Caron are requesting a variance in order to construct a single-family house, located at 5800 Birchmont in the R3 Residential District of Northern Township, within the bluff setback.

II **Updates** –
At the JPC meeting the applicants gave many reasons defending there variance and the idea that this is not a bluff but staff still considers this to be a bluff. Staff has taken the following actions since the JPC meeting.

1. Staff contacted Tim Terrill. Tim Terrill is the director of the Mississippi Headwaters and together we reviewed the codes. During our conversation he informed me about how they work with the code and how they are going to look at this case. At the end of our conversation he was under the impression that it was a bluff but he did state that he hadn't gone through all the information on it.
2. Reviewed and Researched the Mississippi Headwaters Code and the DNR Shoreland Management code. In looking at these codes and applying them to this case the research shows that this would be a bluff based on these two codes and GBAJPB's code as well.
3. Through research staff has found a facts sheet for bluffs created by the MN DNR that has been added to your packets. This fact sheet further solidifies why bluffs should not be disturbed and protected.

III **Definitions** –

JPB Bluff Definitions

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:
A. Part or all of the feature is located within a shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the water body;
C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
D. The slope drains toward the water body.

BLUFF, TOE OF: The lower end of a 50 foot segment, measured on the ground, with an average slope exceeding eighteen (18%) percent.

TOP OF THE BLUFF: The higher point of a 50 foot segment with an average slope exceeding 18 percent.

MHB Bluff Definition

Bluff. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:
The slope rises at least 25 feet above the ordinary high water level of the water body for riparian lots or 25 feet above the toe of the bluff for non-riparian lots.
The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots averages 30 percent or greater;
The slope must drains toward the waterbody.
Part or all of the feature is located in a shoreland area.

Toe of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from gentler to steeper slope above. If no break is apparent, the toe of bluff shall be determined to be the lower end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from steeper to gentler slope above. If no break is apparent, the top of bluff shall be determined to be the upper end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

MN DNR

Subp. 1b. **Bluff.**

"Bluff" means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

A. part or all of the feature is located in a shoreland area;

B. the slope rises at least 25 feet above the ordinary high water level of the waterbody;

C. the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and the slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

Subp. 18b. ***Toe of the bluff.***

"Toe of the bluff" means the lower point of a 50-foot segment with an average slope exceeding

18 percent.

Subp. 18c. ***Top of the bluff.***

"Top of the bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

IV. RECOMMENDATION & FINDINGS

Staff still cannot recommend approval of a property that proposes to cut into the bluff. This is far greater than encroaching on the setback. There are no specific standards in the code that allow this type of approval of the variance. The property is large and the house could easily meet the setback as it is provided.

Yet, the survey work provided a wide variety of interpretations of the definition.

Because of that staff is providing two (2) sets of potential sets of findings and recommendations. The JPB will need to discuss this case with the applicant and their representatives at the JPB meeting to determine if there is merit to the request.

FINDINGS FOR RECOMMENDATION FOR DENIAL

The GBA Zoning and Subdivision Ordinance require that variances are evaluated based on the following criteria:

a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning and Subdivision Ordinance;
The subject parcel is zoned R3 Suburban Residential. A single family home is a reasonable use of the property. Yet, the code says NO structures, with the exception of stairways, lifts and landings, may be placed within bluff impact zones. All structures

must be set back at least thirty (30) feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
The lot is vacant therefore this structure will be due to the landowner.

c. The variance, if granted, will not alter the essential character of the locality;
There are other encroachments into the bluff. Yet, one setback encroachment does not indicate that all the others should be recommended for approval.

d. Economic considerations alone do not constitute practical difficulties.
Economic considerations were not reviewed. The regulations from the DNR, MHB and the GBA were utilized in the analysis.

Management of Bluffs and Slopes

Bluffs and Steep Slopes: Sensitive Resources in Shoreland Areas

Some of Minnesota's lake and riverfront properties are steep and sensitive resources that are susceptible to damage if not properly managed. Erosion is a natural process, but our activities can accelerate erosion of these sensitive shorelines and can even result in bank failure.

Bank instability threatens property and negatively affects natural resources. Some common activities that reduce the stability of steep slopes include removing natural vegetation, reshaping the slope to create level areas, installing cuts in the bank for stairs, installing retaining walls, or channeling runoff that creates erosion and compromises the integrity of the bluff.

These impacts can be measured in both physical and aesthetic terms. Physically, development that encroaches on bluff tops can accelerate soil erosion, loading, and slope failure. Aesthetically, development that encroaches on bluff tops can compromise or eliminate the natural appearance of this topographic feature in shoreland areas.

Preventing Problems

To manage bluffs and slopes properly, communities use preventative controls. These include zoning for compatible land uses, implementing appropriate bluff setbacks for structures, and

Definitions

Bluff: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- Part or all of the feature is located in a shoreland area.
- The slope rises at least 25 feet above the ordinary high water level of the waterbody.
- The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.
- The slope drains toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more is not considered part of the bluff.

Bluff impact zone: A bluff and land located within 20 feet from the top of a bluff.

Shore impact zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Steep slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Toe of the bluff: The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff: The higher point of a 50-foot segment with an average slope exceeding 18 percent.

requiring modern erosion-control and stormwater measures that are necessary to preserve the integrity of steep slopes and bluffs. These preventative measures also preserve property values, minimize the visual impact of built features, and preserve native vegetation that stabilizes slopes and provides habitat for wildlife.

This is an example of eroded bluff in Meeker County.

Bluff Impact Zone

Setbacks from bluff tops for structures are needed in order to protect the bluff tops from adverse environmental impacts of development and construction activities.

A bluff impact zone is established for preservation and management of shoreland vegetation and soils, and all structural development is excluded from this zone, except for stairways, lifts, and landings. Consequently, the zone can reduce or avoid erosion problems. Preserving and maintaining vegetation can protect soils, screen development, and maintain the natural appearance of bluff areas.

Alterations to Vegetation and Topography

Alterations to vegetation and topography shoud be controlled by local governments because the mismanagement of soil and vegetation can adversely affect the natural resources. Where grading and filling is absolutely needed, local permits should be required for grading or filling topography in bluff impact zones and on steep slopes. Grading or filling impacts include sedimentation to receiving water bodies, soil deposition onto adjacent properties or into wetlands, and significant erosion or soil slumping problems on steep slopes or on highly erosive soils.

Vegetation is important to bluff and steep slope stability in several ways. The vegetation softens the impact of raindrops that otherwise can loosen soil particles. Vegetation slows runoff and filters out suspended sediments. Native vegetation is preferred over turf grass and other non-native species because native vegetation generally has deeper roots, which better stabilize the slope. As a condition of allowing vegetation alterations in the shore and bluff impact zones and on steep slopes, a permit should specify performance standards and provisions to ensure that natural characteristics of these areas will be properly managed.

Stormwater Management Issues

The importance of managing site drainage and precipitation runoff from natural and impervious surfaces cannot be understated. It is essential that the landowner, developer, and the contractors plan for and manage runoff where bluffs or steep slopes are nearby. Developing a lake lot generates greater amounts of runoff from the impervious surfaces. Directing excess water to a lake or river would be a big mistake. Allowing water to flow over bluffs or steep slopes will cause erosion problems. Designing the site so infiltration is promoted and runoff is directed away from the steep areas is crucial to protecting our lakeshores. Restoration of failed bluffs and steep slopes can be extremely expensive, and the repaired hillside often is not as stable so recurrent erosion becomes more likely.

The comments in this brochure address jurisdictional matters and concerns of the DNR, Division of Waters. Please contact your DNR Area Hydrologist to discuss issues relating to your project or this brochure. More information is available at this website: http://mndnr.gov/waters/shoreland.html

BUSINESS OF THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD

ITEM: V-16-31.00959.00

APPLICANT: Jason and Angela Caron

PROCEEDING: Bluff Variance

PREPARED BY: Josh Stearns

MEETING DATE: April 28, 2016

60-DAY RULE DATE: May 31, 2016

Zoning District: R3

EXHIBITS: 1. Application 2. Zoning map 3. Aerial map 4. COS/site plan 5. Pictures

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PLANNING REPORT

I **SUMMARY OF REQUEST** –

Jason and Angela Caron are requesting a variance in order to construct a single-family house, located at 5800 Birchmont in the R3 Residential District of Northern Township, within the bluff setback.

II **BACKGROUND** –

The applicant owns the subject parcel. Staff has spent a significant amount of time discussing with the applicant, the realtor and the surveyors why this area constitutes a bluff and is required to receive a variance if any construction of this nature is to occur on this site.

Several items are of serious concern to the JPB staff:

1. This bluff has been compromised prior the applicants applying for a bluff variance. The pictures attached will show that a cut was made into the bluff in order to allow access to the shoreland.
2. There has been a lot of "discussion" on if this constitutes a bluff by comparing many different definitions by the applicant's surveyor. Yet, this is within the Mississippi Headwaters area and the definition by this board specifically makes this area a bluff. Therefore the GBA can be no less strict even though the zoning code's definition seems to have a certain level of interpretation.
3. The description by the applicant that the surrounding property owners all have walk out basements is not a reason to grant this variance. This is a stand alone property that must be based on the merits as they exist here.

The DNR website gives some specifics of what constitutes a bluff and why they are important to protect. *"For lands within a Shoreland Management District, a 'bluff' is defined as land draining toward a water body, which rises more than 25 feet above the water body and exceeds more than 30 percent rise in grade. Architects claim that homes can be built in slopes that approach 18 percent grade if proper geo-technical precautions are followed.*

To provide for some consumer protection, the rules for lands within a Shoreland Management District state that building sites should be located 30 feet either above or below the top or toe of a bluff (defined as that point where the grade becomes less than 18 percent). In situations where land slopes exceed 12 percent, expertise should be obtained to ensure that any proposed development meets requirements, does not create erosion during construction, and does not lead to problems from gravitational slippage after construction (i.e., when soils become saturated with precipitation and gravitational forces on the structure move it down slope). City or county planning/zoning officials should be contacted for district boundaries, requirements, and best management practices before undertaking any construction activity in these areas that will be highly vulnerable to erosion and soil slippage.

For lands within a Shoreland Management District, the 'bluff impact zone' is the first 20 feet of the 30-foot setback for structures proposed to be built in bluff areas that are located immediately adjacent to an 18 percent or steeper slope. This 20-foot bluff impact area should not be disturbed either by removing the vegetation or by excavation. Diseased or dying vegetation may be removed, and selective pruning of branches is permitted to allow a view. Local officials should be contacted for district boundaries and requirements before undertaking these types of activities."

III DEVELOPMENT SUMMARY

	REQUIRED	EXISTING / PROPOSED
Lot Area	15,000 s.f.	2.46 AC
Lot Width	100 ft. min.	185 ft.
Lot Depth	100 ft.	561ft.

IV DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations-
Section 1206 of the *GBA Zoning and Subdivision Ordinance* under the title *Variances, Appeals and Adjustments*, states:

> *Variances shall only be permitted when they are in harmony with the general purposes and intent of the Zoning and Subdivision Ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.*

An evaluation of the variance request based on the criteria of the above-cited ordinance reference, is as follows:

JPB Zoning Code definition of a bluff.

BLUFF: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

A. Part or all of the feature is located within a shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the water body;
C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
D. The slope drains toward the water body.

MHB definition of a bluff.
A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

1. The slope rises at least 25 feet above the ordinary high water level of the water body for riparian lots or 25 feet above the toe of the bluff for nonriparian lots.
2. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots averages 30 percent or greater;
3. The slope must drain toward the waterbody.
4. Part or all of the feature is located in a shoreland area.

What is a bluff?
It is a slope in the "shoreland area".
It is a slope that is draining towards a waterbody.
It is a slope that raised at least 25 feet higher than the ordinary high water level.
It is a slope that the "rise over the run" for a distance of 25 feet or more is equal to or greater than 30%

The elevation at the water is 1340. The top of the bluff is 1370. The difference between the two elevations is 30 feet. This is a "slope" that rises at least 25 higher than the ordinary high water level.

Within the area that constitutes the toe and top of the bluff has a slope average (described by the survey) of 29%-33%

So this qualifies as a bluff.

What can occur in the bluff impact zone?

1. Definitely "not" the giant cut that has already been put in the hill.
2. **Section 907. Bluff Impact Zones**. No structures, with the exception of stairways, lifts and landings, may be placed within bluff impact zones. All structures must be set back at least thirty (30) feet from the top of a bluff. **Walkout basements shall not be allowed in bluff impact zones.**

The extremely confusing definition in the GBA code is what constitutes the "toe" of the bluff: **BLUFF, TOE OF:** The lower end of a 50 foot segment, measured on the ground, with an average slope exceeding eighteen (18%) percent.

The report provided by the surveyor shows their determination of the variety of definitions, yet staff still continues to interpret this as a bluff.

Sanitary and water services: The property will be served by City Services.

Neighbor input: At the time of this writing, staff has received no input from neighbors or the general public concerning the applicant's requests.

V. RECOMMENDATION & FINDINGS

Staff cannot recommend approval of a property that proposes to cut into the bluff. This is far greater than encroaching on the setback. There are no specific standards in the code that allow this type of approval of the variance. The property is large and the house could easily meet the setback as it is provided.

Yet, the survey work provided a wide variety of interpretations of the definition.

Because of that staff is providing two (2) sets of potential sets of findings and recommendations. The JPB will need to discuss this case with the applicant and their representatives at the JPB meeting to determine if there is merit to the request.

FINDINGS FOR RECOMMENDATION FOR DENIAL

The GBA Zoning and Subdivision Ordinance require that variances are evaluated based on the following criteria:

a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning and Subdivision Ordinance;
The subject parcel is zoned R3 Suburban Residential. A single family home is a reasonable use of the property. Yet, the code says NO structures, with the exception of stairways, lifts and landings, may be placed within bluff impact zones. All structures must be set back at least thirty (30) feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
The lot is vacant therefore this structure will be due to the landowner.

c. The variance, if granted, will not alter the essential character of the locality;

There are other encroachments into the bluff. Yet, one setback encroachment does not indicate that all the others should be recommended for approval.

d. Economic considerations alone do not constitute practical difficulties.
Economic considerations were not reviewed. The regulations from the DNR, MHB and the GBA were utilized in the analysis.

Recommend approval of the project due to the nature of the definition of the toe and top of bluff being flexible, with conditions as follows:

1. A full erosion control plan will be designed by a licensed engineer.

2. A full engineered plan indicating the geotechnical characteristics of this slope will not be negatively altered by this construction.

3. No "driveway" or other type of access will be allowed to be between or adjacent to the house and the OHW.

4. A reclamation plan will be provided for the existing cut into the bluff.

5. All other setbacks will be identified in a land use permit.

6. No other setbacks have been proposed to be encroached on and will not be allowed (side yard or OHW).

7. A land use permit will be applied for if there is a proposal for steps and landings are proposed down to the shore

FINDINGS FOR RECOMMENDATION FOR APPROVAL

The GBA Zoning and Subdivision Ordinance require that variances are evaluated based on the following criteria:

a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning and Subdivision Ordinance;
The subject parcel is zoned R3 Suburban Residential. A single family home is a reasonable use of the property. The JPB has determined that the definition of a bluff is ambiguous and this slope does not qualify as a bluff for the JPB. Therefore the walkout basement is a reasonable use of the property.

b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
The lot is vacant, but the slope of the property is not dramatic enough to be a bluff. The JPB has determined that the definition of a bluff is ambiguous and this slope does not qualify as a bluff for the JPB. Therefore this is not created by the landowner.

c. The variance, if granted, will not alter the essential character of the locality;
There are other encroachments into the bluff on adjoining lots.

d. Economic considerations alone do not constitute practical difficulties.
Economic considerations were not reviewed with this project. The JPB has determined that the definition of a bluff is ambiguous and this slope does not qualify as a bluff for the JPB. Therefore the walkout basement is a reasonable use of the property.

MURRAY
SURVEYING, INC.
ROBERT W. MURRAY • MATTHEW R. MURRAY
LICENSED LAND SURVEYORS
P.O. BOX 1038
304 THIRD STREET NW
BEMIDJI, MINNESOTA 56601
BUSINESS (218) 751-5828
FAX (218) 444-9611

April 31, 2016

Mayana Rice
Greater Bemidji Area Joint Planning Board
317 4th Street NW
P.O. Box 1100
Bemidji, MN 56619

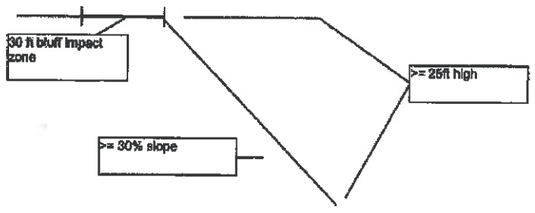
Re: Jason J. Caron and Angela M. Caron Application for Variance

Issue:

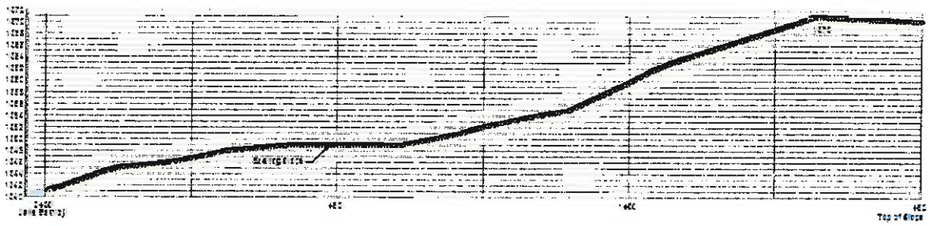
Can a single definition equitably address every circumstance associated with something as unique and irregular as a natural topographical feature; and, even if it is perceived applicable, should a land owner be subject to more restrictive treatment than his neighbors when all evidence suggests that there would not be any harm to the health, safety or welfare of people or natural resources? A practical difficulty exists in applying a questionable rule to preclude a landowner from the reasonable use of his property in the same manner that similarly situated adjacent landowners have enjoyed.

The Caron's are seeking a variance to construct a home in a slope that is less than 25 feet in height, where at least one definition determines the slope is not a bluff, and under a set of circumstances that would result in consistency with nearby homes that have already been constructed in the same slope.

A bluff is often graphically depicted as follows:



Above: Bluff Diagram
Source: Cass County Land Use Ordinance
Beltrami County draft update to Shoreland Management Ordinance



Above: Slope on Caron Property

A bluff is defined according to the Greater Bemidji Area Joint Planning Board Ordinance as follows:

A topographic feature such as a hill, cliff, or embankment having the following characteristics:

A. Part or all of the feature is located within a shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the water body;
C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
D. The slope drains toward the water body.

Toe of Bluff: ***The lower end*** of a 50 foot segment, measured on the ground, with an average slope exceeding eighteen (18%) percent.

Top of Bluff: ***The higher point*** of a 50 foot segment with an average slope exceeding 18 percent.

A bluff is defined according to the Mississippi Headwater Board as follows:

A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

A. The slope rises at least 25 feet above the ordinary high water level of the water body for riparian lots ***or 25 feet above the toe of the bluff for non-riparian lots.***
B. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots **averages** 30 percent or greater;
C. The slope must drains toward the waterbody.
D. Part or all of the feature is located in a shoreland area.

Toe of the Bluff: The point on a bluff where there is, as visually observed a clearly identifiable break in the slope from gentler to steeper slope above. If no break is apparent, the toe of bluff shall be determined to be the lower end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff: The point on a bluff where there is, as visually observed a clearly identifiable break in the slope from steeper to gentler slope above. If no break is apparent, the

top of bluff shall be determined to be the upper end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

Based on the bluff definition and typical bluff diagrams, there seem to be a tendency to assume that the toe of the slope for riparian lots begins at the water line. This is not always the case. Here, the slope rises above the ordinary high water elevation approximately six to seven feet where it levels to an average slope of six percent. After rising four to six feet at a gentle slope, the slope breaks and rises 19 to 22 feet to the top. From the top of the slope, the remaining portion of the lot declines over the length of the lot to Birchmont Drive. This means there is no runoff directed toward the top of the slope.

Depending on which definition is applied, the top of slope is 19 to 22 feet above the toe of the slope; however, the bluff definition for a riparian lot specifies that the height of the slope is based on its height above the ordinary high water elevation, not the toe. If the slope begins at the water line, this definition is fine; however, for slopes like this one, even slopes less in height, the definition seems to have unintended consequences because the height of the slope is based on an elevation that is independent of the slope itself. A bluff is a unique feature. It is not simply any 30% slope. A bluff has a height element and a slope element that may be restated as follows: (1) A height of 25 feet and (2) an average slope of 30% of greater. In this instance, the top of slope is more than 25 feet above the ordinary high water; however, the top of the slope is not 25 feet above the toe (the slope is not 25 feet in height).

This may be more clearly differentiated by considering the definition of a bluff for a non-riparian lot which specifies that the slope rises 25 feet above the toe. In other words, to be a bluff, the slope must be 25 feet in height. As an example of the likely unintended consequence of the riparian definition, if the Caron's were to convey one foot along the shoreline to their neighbor, the parcel would no longer be a riparian lot. In applying the definition of non-riparian lot to the existing slope, the slope would not be a bluff because the slope does not rise 25 feet above the toe. A slope is a slope, the height of the top of the slope above water does not define it, the height above its toe does.

In classifying the slope as a bluff, the practical difficulty associated with this variance application is the inability to use the property in a similar manner as the neighbors, despite being located on an equal or lesser slope. Development on adjoining parcels has demonstrated that building on the slope has not had any negative consequences to the slope, the lake, or the homes. An analysis of the rule has demonstrated a probable unintended consequence.

Landowners should not be deprived the use of their property because of an ambiguous definition; especially, when the neighbors have not been deprived of such use, and when there is no clear risk or danger to the health, safety or welfare of people or natural resources. Not permitting construction on the slope substantially deprives the owner of the right to use and enjoy the property in a like manner as his neighbors based on a rule that lacks any clear reasoning.

Sincerely,

Matt Murray

GREATER BEMIDJI AREA JOINT PLANNING BOARD

Application for Variance

Please complete this application carefully (PRINT) and completely according to the instructions. Failure to fill in all of the required information may result in a delay of processing your application.

A fee of $ 500 made payable to **JOINT PLANNING BOARD** must accompany this application.

An Escrow payment of $_____ shall accompany this application.

OFFICE USE ONLY

Planning Case # _____

Complete Application Rec'd 3/31/16

Payment Rec'd 3/31/16

60-day Rule Date _____

Hearing Date _____

Zoning District _____

Comments _____

An escrow account is established as indicated above to cover technical and legal expenses incurred by the Joint Planning Board (JPB) as part of the plan review. The applicant is responsible for all costs incurred by the JPB during plan review. If the escrow amount drops below 10% of the original deposit amount the JPB may require submittal of an additional escrow deposit sufficient to cover any anticipated expenses. Upon determination by the JPB that the project is complete or expired, the JPB will return the remaining escrow deposit to the applicant.

NAME OF APPLICANT: Jason and Angela Caron EMAIL _____

MAILING ADDRESS: 5973 Tall Pines Rd NE

PHONE NUMBER: WORK _____ HOME 444-3976

CONTRACTOR NAME: Murray Surveying PHONE # 751-5898

PROPERTY DATA

Site Address: 5800 Birchmont Dr NE

Primary Access Road: Birchmont Dr NE

Parcel Number: 31009500 Section: 28

Legal Description (attach copy of Deed) Deed is attached

Property Dimensions: Width 185 ft± at ft Depth 561± ft Total area 1.3 +/- sq ft/acres (acres)
shoreline

Have there been any variances granted on this property? ☐ Yes ☐ No ☒ Don't Know

List ALL existing structures and their dimensions (attach site plan drawn to scale): The site is vacant

Is property within 1000 feet of a public water? ☒ Yes ☐ No

Is property in an airport zone? ☐ Yes ☒ No

Certificate of Survey: Y/N N Date of Survey _____ N/A _____

Site Plan showing surveyed slope data 3/30/2016

VARIANCE

ENVIRONMENTAL DATA

Does your property contain low areas, wetlands, or areas with standing water ? ☐ Yes ☒ No
If Yes, do you intend to drain, fill or otherwise alter this area for any reason? ☐ Yes ☐ No

Explain: _____

Is this property served by Municipal water? ☒ Yes ☐ No Municipal sewer? ☒ Yes ☐ No If No, please answer the following: Well data: Depth _____ ft Depth of casing __ ft
Size of casing _____ in

Septic Data: Type _____ Year installed _____ Permit # (if available) _____

NOTE: A certificate of septic compliance MUST accompany this Application. It may be necessary to upgrade or even replace the entire septic system based on the findings of the septic compliance inspection.

EXPLANATION OF REQUEST FOR VARIANCE (Use additional sheets if necessary)

Are there any other Conditional Use Permits or Variances on this property? (explain /dates) :
There are no known permits on this property.

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)
Seeking the ability to build on a slope similar to neighbors. May constitute variance for bluff.

What standard(s) or measurement(s) are you requesting (be specific)
Seeking a variance to build on a slope meeting the definition of a bluff but that is less than 25 feet high

Describe the existing use of your property:
The property is vacant land.

Will the use of your property change with the variance? ☒ Yes ☐ No The goal is to build a walkout home like the neighbors have done.

Will the granting of a variance impact the character of the surrounding properties? ☐ Yes ☒ No ☐ Unknown

Explain The variance will permit a structure similar to adjacent parcels.

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely limit your construction site options? ☐ Yes ☒ No Explain
The application of the definition of a bluff is the only construction constraint

Does the design or floor plan of your building severely limit your construction options? ☐ Yes ☒ No

Are there construction options or alternatives that may eliminate the need for a variance? ☐ Yes ☒ No

Explain A walkout basement is easily achievable and has been done on adjacent parcels.

Explain the hardship that exists with your request
The definition of a bluff for a riparian parcel does not account for numerous types of lot conditions

Assuming that a hardship is demonstrated, and a variance justified, what measures are you willing to take to mitigate the impact of development on your property (remove other buildings, vegetative screens, etc.)
An erosion control plan is being prepared to minimize any erosion concerns and will be implemented during site construction and in permanent vegetation establishment

CONSTRUCTION DATA (if applicable)

Proposed structure/use: New single family residence _____ Building alteration _____
Multi family dwelling _____ Accessory building ___
Commercial building _____ Other (explain) _____

Structure Dimensions: Width _____ ft Length _____ ft Height _____ ft(to roof peak)
(including eaves)

Final Structure Setbacks: Front property line or Road Right of Way _____ ft
Rear yard _____ ft
Side yard _____ ft Side yard _____ ft
Distance to other buildings _____

Total number of bedrooms after construction: ___

Will there be any commercial use of this property after construction? ☐ Yes ☐ No

Estimated Cost of construction: $ _____

Submit a complete sketch of your property drawn to scale with this application showing all buildings, proposed and existing, setbacks, wells, septic and accesses.

ALL APPLICANTS MUST SIGN BELOW

I hereby certify that I am the owner or authorized agent of the owner of the above described property and that all uses will conform to the provisions of the Greater Bemidji Area Zoning and Subdivision Regulations. I further certify that I will comply with all conditions placed upon this permit should this application be approved. Intentional or unintentional falsification of this application or any attachments thereto will serve to make this application and any resultant permit invalid. I also authorize Greater Bemidji Area Joint Planning staff to inspect the property during review of this application and subsequent construction during reasonable times of the day.

Applicant: _____ Applicant _____
Date: 3/30/16

RETURN THIS APPLICATION TO:

GREATER BEMIDJI JOINT PLANNING BOARD
PO BOX 1100
BEMIDJI 56619-1100
218-759-3579

OR DELIVER TO:

LOWER LEVEL
(CITY HALL)
317 4TH STREET NW
BEMIDJI, MN 56601

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:4,261

Date: 4/5/2016

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Bemidji
First City On The Mississippi

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Caron Property

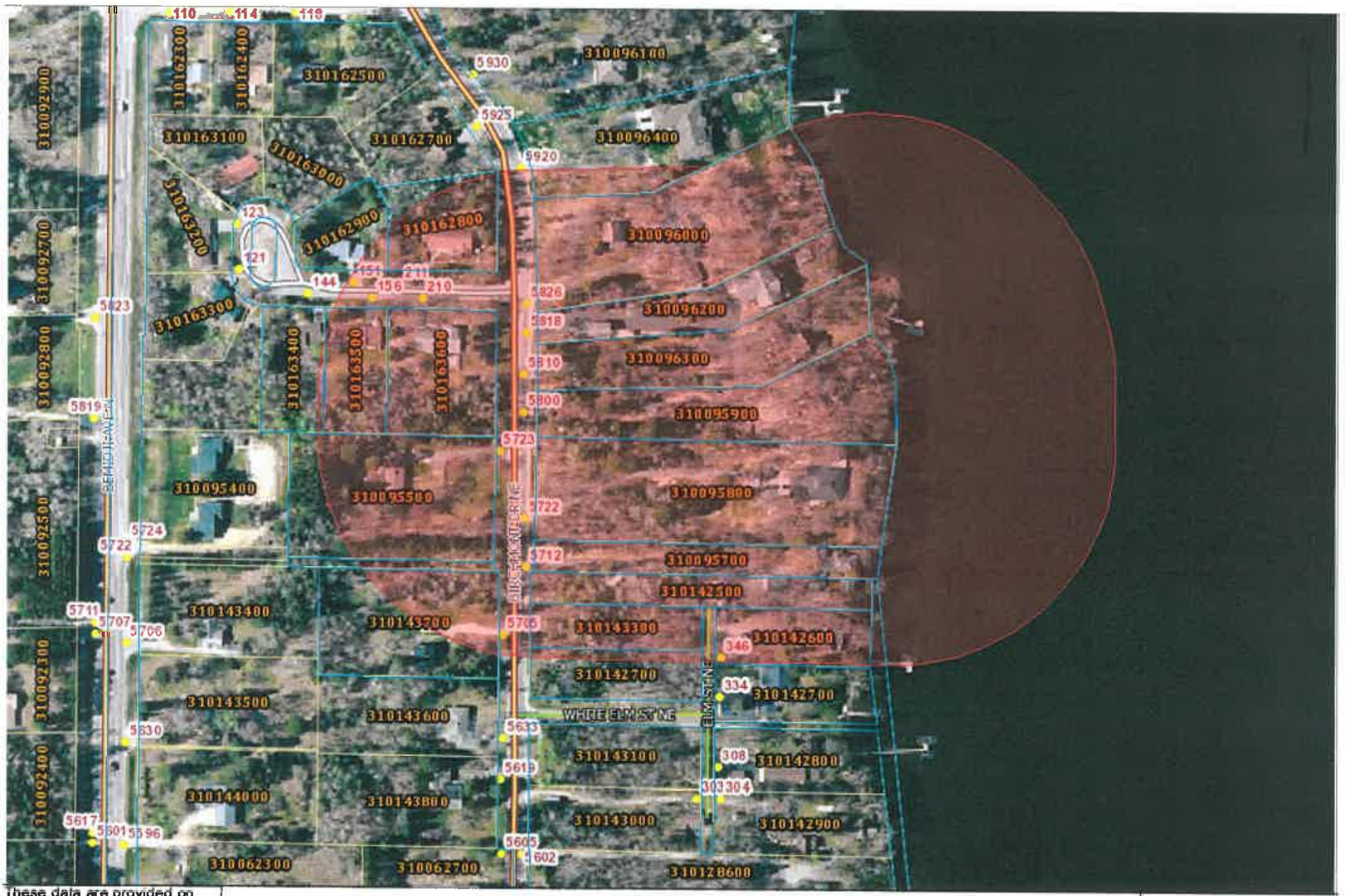
5800 Birchmont Dr NE

1:4,025

Date: 4/1/2016

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Beltrami County
Minnesota



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:3,551

Date: 4/6/2016

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Bemidji
First City On The Mississippi

BRIAN K KOLBUSZ
HOLLY J KOLBUSZ
5705 BIRCHMONT DR NE
BEMIDJI, MN 56601

DAVID B SJOSTROM
MARTA M SJOSTROM
334 ELM ST NE
BEMIDJI, MN 56601

JAMES J CASTAGNA TRUSTEE
5723 BIRCHMONT DR NE
BEMIDJI, MN 56601

JAMES M PINSONNEAULT
CANDIS PINSONNEAULT
211 KENWOOD CIR NE
BEMIDJI, MN 56601

RODNEY H PICKETT
DELORES A PICKETT
PO BOX 653
BEMIDJI, MN 56619-0653

ALICIA L HEINRICH
151 KENWOOD CIR NE
BEMIDJI, MN 56601

PAUL A FREUDE
PEARL M FREUDE
4525 SE 1ST AVE
CAPE CORAL, FL 33904-8335

WILLIAM F FISHER
144 KENWOOD CIR NE
BEMIDJI, MN 56601

JASON J CARON
ANGELA M CARON
5973 TALL PINES RD NE
BEMIDJI, MN 56601

CRAIG A HOUGEN
ANN M HOUGEN
156 KENWOOD CIR NE
BEMIDJI, MN 56601

MARGIE T ISAACSON
5826 BIRCHMONT DR NE
BEMIDJI, MN 56601

PETER A OFSTEDAL
210 KENWOOD CIRCLE NE
BEMIDJI, MN 56601

THOMAS SUNNARBORG
YVONNE SUNNARBORG
5818 BIRCHMONT DR NE
BEMIDJI, MN 56601

MICHAEL D HAARSTAD
ANNA M HAARSTAD
708 MISSION PT RD
IOWA CITY, IA 52245

TERRANCE L JOHNSON
SUSAN J JOHNSON
5920 BIRCHMONT DR NE
BEMIDJI, MN 56601

ROBERT D COOK TRUSTEE
COOK FAMILY TRUST
346 ELM ST NE
BEMIDJI, MN 56601

19 April 2016

Greater Bemidji Area Joint Planning Board
P.O. Box 1100
Bemidji, MN 56619

To Whom It Concerns:

RE: Northern Township---V-16-31.00959.00 Jason and Angela Caron's request for a Variance to construct a new single family home inside a bluff impact zone at 5800 Birchmont Drive NE in the R3 Suburban Residential district of Northern Township.

My wife, Marta Sjostrom and myself, David Sjostrom, have no objections to said variance. We support the variance being passed and allowing the construction to be completed.

Sincerely,

Marta M Sjostrom

Marta M. Sjostrom

David B. Sjostrom

April 31, 2016

Mayana Rice
Greater Bemidji Area Joint Planning Board
317 4th Street NW
P.O. Box 1100
Bemidji, MN 56619

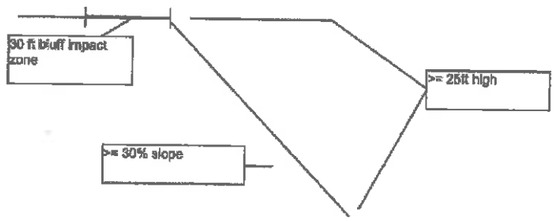
Re: Jason J. Caron and Angela M. Caron Application for Variance

Issue:

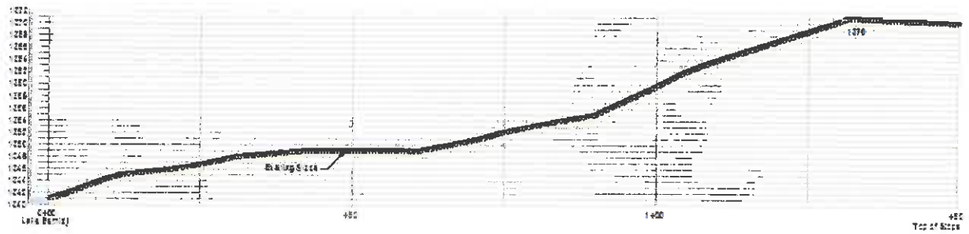
Can a single definition equitably address every circumstance associated with something as unique and irregular as a natural topographical feature; and, even if it is perceived applicable, should a land owner be subject to more restrictive treatment than his neighbors when all evidence suggests that there would not be any harm to the health, safety or welfare of people or natural resources? A practical difficulty exists in applying a questionable rule to preclude a landowner from the reasonable use of his property in the same manner that similarly situated adjacent landowners have enjoyed.

The Caron's are seeking a variance to construct a home in a slope that is less than 25 feet in height, where at least one definition determines the slope is not a bluff, and under a set of circumstances that would result in consistency with nearby homes that have already been constructed in the same slope.

A bluff is often graphically depicted as follows:



Above: Bluff Diagram
Source: Cass County Land Use Ordinance
Beltrami County draft update to Shoreland Management Ordinance



Above: Slope on Caron Property

A bluff is defined according to the Greater Bemidji Area Joint Planning Board Ordinance as follows:

A topographic feature such as a hill, cliff, or embankment having the following characteristics:

A. Part or all of the feature is located within a shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the water body;
C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
D. The slope drains toward the water body.

Toe of Bluff: ***The lower end*** of a 50 foot segment, measured on the ground, with an average slope exceeding eighteen (18%) percent.

Top of Bluff: ***The higher point*** of a 50 foot segment with an average slope exceeding 18 percent.

A bluff is defined according to the Mississippi Headwater Board as follows:

A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

A. The slope rises at least 25 feet above the ordinary high water level of the water body for riparian lots ***or 25 feet above the toe of the bluff for non-riparian lots.***
B. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level for riparian lots or 25 feet above the toe of the bluff for non-riparian lots **averages** 30 percent or greater;
C. The slope must drains toward the waterbody.
D. Part or all of the feature is located in a shoreland area.

Toe of the Bluff: The point on a bluff where there is, as visually observed a clearly identifiable break in the slope from gentler to steeper slope above. If no break is apparent, the toe of bluff shall be determined to be the lower end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff: The point on a bluff where there is, as visually observed a clearly identifiable break in the slope from steeper to gentler slope above. If no break is apparent, the

top of bluff shall be determined to be the upper end of a ten (10) foot segment, measured on the ground, with an average slope exceeding 18 percent.

Based on the bluff definition and typical bluff diagrams, there seem to be a tendency to assume that the toe of the slope for riparian lots begins at the water line. This is not always the case. Here, the slope rises above the ordinary high water elevation approximately six to seven feet where it levels to an average slope of six percent. After rising four to six feet at a gentle slope, the slope breaks and rises 19 to 22 feet to the top. From the top of the slope, the remaining portion of the lot declines over the length of the lot to Birchmont Drive. This means there is no runoff directed toward the top of the slope.

Depending on which definition is applied, the top of slope is 19 to 22 feet above the toe of the slope; however, the bluff definition for a riparian lot specifies that the height of the slope is based on its height above the ordinary high water elevation, not the toe. If the slope begins at the water line, this definition is fine; however, for slopes like this one, even slopes less in height, the definition seems to have unintended consequences because the height of the slope is based on an elevation that is independent of the slope itself. A bluff is a unique feature. It is not simply any 30% slope. A bluff has a height element and a slope element that may be restated as follows: (1) A height of 25 feet and (2) an average slope of 30% of greater. In this instance, the top of slope is more than 25 feet above the ordinary high water; however, the top of the slope is not 25 feet above the toe (the slope is not 25 feet in height).

This may be more clearly differentiated by considering the definition of a bluff for a non-riparian lot which specifies that the slope rises 25 feet above the toe. In other words, to be a bluff, the slope must be 25 feet in height. As an example of the likely unintended consequence of the riparian definition, if the Caron's were to convey one foot along the shoreline to their neighbor, the parcel would no longer be a riparian lot. In applying the definition of non-riparian lot to the existing slope, the slope would not be a bluff because the slope does not rise 25 feet above the toe. A slope is a slope, the height of the top of the slope above water does not define it, the height above its toe does.

In classifying the slope as a bluff, the practical difficulty associated with this variance application is the inability to use the property in a similar manner as the neighbors, despite being located on an equal or lesser slope. Development on adjoining parcels has demonstrated that building on the slope has not had any negative consequences to the slope, the lake, or the homes. An analysis of the rule has demonstrated a probable unintended consequence.

Landowners should not be deprived the use of their property because of an ambiguous definition; especially, when the neighbors have not been deprived of such use, and when there is no clear risk or danger to the health, safety or welfare of people or natural resources. Not permitting construction on the slope substantially deprives the owner of the right to use and enjoy the property in a like manner as his neighbors based on a rule that lacks any clear reasoning.

No delinquent taxes and transfer entered;
Certificate of Real Estate Value
(✓) filed ( ) not required
Certificate of Real Estate Value No. 17447
August 27, 2008
KAY L MACK AUDITOR-TREASURER
Beltrami County Auditor-Treasurer
by _____ Deputy
31.00 959.00

OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA

THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 08/28/2008 AT
09:15:37AM BY DOCUMENT NUMBER

A00048604

_____ DEPUTY

CHARLENE D. STURK
COUNTY RECORDER

PAGES: 1

WARRANTY DEED
Individual to Joint Tenants

STATE DEED TAX DUE HEREON: $1,237.50

Date: July 25, 2008

FOR VALUABLE CONSIDERATION, PAUL D. EGGEBRAATEN and DIANE M. EGGEBRAATEN, TRUSTEES OF THE PAUL D. EGGEBRAATEN AND DIANE M. EGGEBRAATEN REVOCABLE LIVING TRUST, U/A/D NOVEMBER 1, 2004, Grantor, hereby conveys and warrants to JASON J. CARON and ANGELA M. CARON, husband and wife, Grantees, as joint tenants, real property in Beltrami County, Minnesota, described as follows:

That part of Lot Six (6), Auditor's Plat No. 13, described as follows: Beginning at the southwest corner of said Lot 6; thence running North 0°04'25" East along the West boundary of said Lot 6 for a distance of 74.51 feet; thence running North 88°36' East for a distance of 351.3 feet to an iron monument; thence running North 63°58' East for a distance of 193.6 feet to an iron monument; thence continuing on the same course North 63°58' East to the water's edge of Lake Bemidji; thence running southerly and southeasterly along the water's edge of Lake Bemidji to the southeast corner of said Lot 6; thence running westerly along the southerly boundary of said Lot 6 to the southwest corner of said Lot 6 and the place of beginning;

together with all hereditaments and appurtenances belonging thereto, and subject to any prior conveyances of minerals or mineral rights, any prior reservations, restrictions, easements, rights of way and any zoning and use regulations, and subject also to the lien of any unpaid special assessments and interest thereon.

Check if applicable:

___ Grantor certifies that Grantor does not know of any wells on the described real property.
_X_ A well disclosure certificate accompanies this document.
___ Grantor is familiar with the property described in this instrument and certifies that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Beltrami County, MN
Deed Tax Paid 1237.50
Deed Tax Receipt No. 137042 jm

Paul D. Eggebraaten
Paul D. Eggebraaten, Trustee

Diane M. Eggebraaten
Diane M. Eggebraaten, Trustee

OFFICE OF COUNTY RECORDER
BELTRAMI COUNTY, MN
☒ Well Certificate Received
☐ Well Certificate Not Required

STATE OF MINNESOTA
ss.
COUNTY OF BELTRAMI

The foregoing instrument was acknowledged before me this 25 day of July, 2008, by Paul D. Eggebraaten and Diane M. Eggebraaten, as Trustees of the PAUL D. EGGEBRAATEN and DIANE M. EGGEBRAATEN REVOCABLE LIVING TRUST, U/A/D NOVEMBER 1, 2004, Grantor.

STEVEN J. MOTZKO
Notary Public Minnesota
My Comm. Exp. 1-31-10

Notary Public

THIS INSTRUMENT DRAFTED BY:
DRAHOS KIESON & CHRISTOPHER, P.A.
Attorneys at Law
502 - 24th Street N.W.
Bemidji, MN 56601
(218) 444-1750

TAX STATEMENTS SHOULD BE SENT TO:
Jason J. Caron and Angela M. Caron
~~1675 Ford Parkway~~ 5810 Birchmont Dr NE
~~St. Paul, MN 55116-2138~~ Bemidji MN 56601

F:\DKC\SAVEDOCS\vae000\FR-Eggebraaten-Caron-WD.wpd (trc)

Greater Bemidji Area Joint Planning Board
Bemidji Township City of Bemidji Northern Township
PO Box 1100 Bemidji, MN 56619 Office (218) 759-3579 Fax (218) 759-3591

April 5, 2016

> **Northern Township** – V-16-31.00959.00: Jason and Angela Caron are requesting a Variance to construct a new single family home inside a bluff impact zone. The parcel is located at 5800 Birchmont Drive Northeast in the R3 Suburban Residential District of Northern Township of Bemidji. The parcel is legally described as the following: Sect-15 Twp-147 Range-033 BIRCHMONT HILL Lot-006 Block-001

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **April 28, 2016** in the Council Chambers at Bemidji City Hall.

If you have any comments, you may present them to the Commission at that time. Alternatively, you may direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at josh.stearns@jpbgba.org. If possible, your comments should be submitted by April 18, 2016 so they may be incorporated into my report to the Joint Planning Commission. Attached is a copy of the application and other supporting documentation.

If you have any questions or need further information, please feel free to contact me at 218-759-3579.

Respectfully,

Josh Stearns
Site Plan Analyst
Greater Bemidji Area Joint Planning Board

Mayana Rice

From: Sam Anderson <Sam.Anderson@karvakko.com>
Sent: Monday, April 11, 2016 5:46 PM
To: Mayana Rice
Cc: Josh Stearns
Subject: Caron Agency - Variance Packet - Engineering Review

Hey Mayana,

I took a few minutes reviewing the packet information for the Caron Agency Packet and the following are my comments:

At this point in the design, I don't have any major engineering comments. An erosion control plan and SWPPP appear to have been stated to be provided in the Variance application by the client which I feel is important when in close proximity to an area lake or other body of water. I would also request a proposed grading plan documenting pre- and post-stormwater calculations once the proposed structure(s) have been placed on the site and any other site features (driveways, ponds, retaining walls, etc.) should be included as well.

Please let me know if you need additional information.

Thank you,

Sam Anderson, P.E.
Civil Engineer

Karvakko, P.A. *(Formerly Karvakko Engineering and RRA)*
O: (218) 444-8004
M: (218) 766-1513
www.karvakko.com

Packet Distribution List

4/6/16

Northern Township – V-16-31.00959.00: Jason and Angela Caron are requesting a Variance to construct a new single family home inside a bluff impact zone. The parcel is located at 5800 Birchmont Drive Northeast in the R3 Suburban Residential District of Northern Township of Bemidji. The parcel is legally described as the following: Sect-15 Twp-147 Range-033 BIRCHMONT HILL Lot-006 Block-001

		Date E-mailed	Date US Mailed
X	1. Applicant AKA – Matt Murray	✓	
X	2. JPB Attorney	✓	
X	3. JPB Engineer Kanvaldko	✓	
	4. City Building Department		
	5. City Attorney		
	6. City Engineer		
	7. City Manager		
	8. City GIS Department		
	9. City Police Department		
X	10. City Fire Department	✓	
	11. City Parks Department		
X	12. Northern Township	✓	
	13. Bemidji Township		
X	14. Beltrami County Environmental Services/SWCD	✓	
	15. Beltrami County Recorder		
	16. Beltrami County GIS Department		
	17. Beltrami County Sheriff		
	18, Beltrami County Engineer/Highway Department		
	19. MN DNR		
	Trails		
	Waters		
	District		
	20. MN DOT		
	21. Airport		
X	22. MHB	✓	
	23. School District		
	24. MPCA Closed Landfill Program		
	25. Other: cc Josh, Mayana	✓	

Memorandum

Re: Caron Property- Bluff review

April 26, 2016

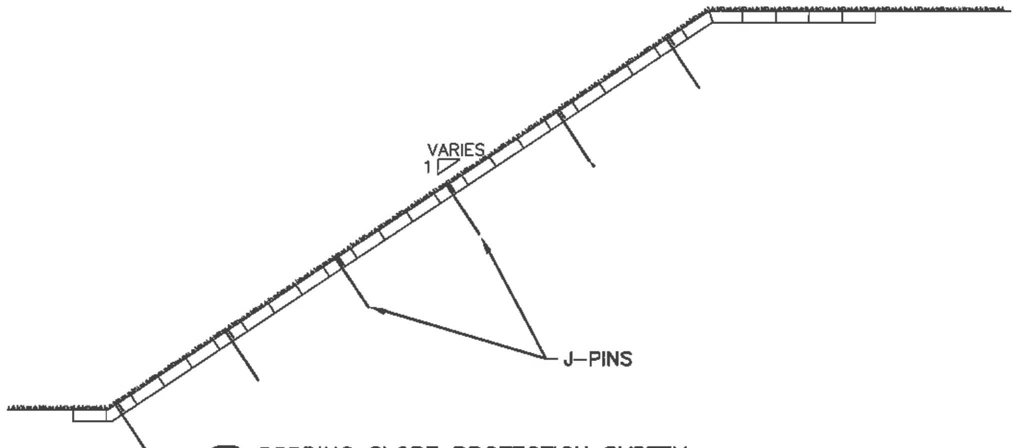
I have visited the site, looked at existing erosion and adjacent development. When looking at bluffs, two things come to mind. First is the stability of the slope itself. This slope shows no evidence of sliding or cracking at this time. If the owner has further concerns about the structural nature of the slope as it relates to the foundation of a home, a geotechnical evaluation could be performed.

The second is erosion. While there is little evidence of erosion at this point, several things associated with development could impact this, so we recommend a few simple steps in order to prevent erosion in the future.

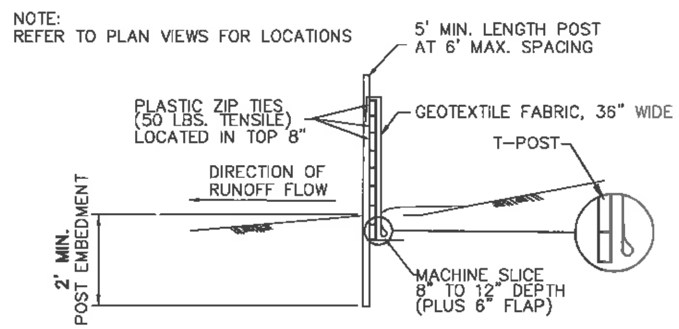
1- All runoff (including the roof water) be collected via a gutter/downspout and directed away from the slope itself.
2- All existing trees with exception of those required to be removed for construction, should remain. If one should die, we would recommend replacing it with another tree and leaving the roots in place of the dead tree until another tree can root itself. Tree roots are critical to long term stability of steep slopes.
3- The slope should be planted with a cover crop with will limit erosion. Typically a good stand of sod would prevent such erosion. A detail showing sod placement with pins to hold the sod in place until the sod is firmly rooted is attached.
4- During construction, and until the sod has taken hold, we recommend a silt fence be placed to protect the shoreline from any erosion that may take place.

With these simple steps, the slope should remain stable as it has for many years.

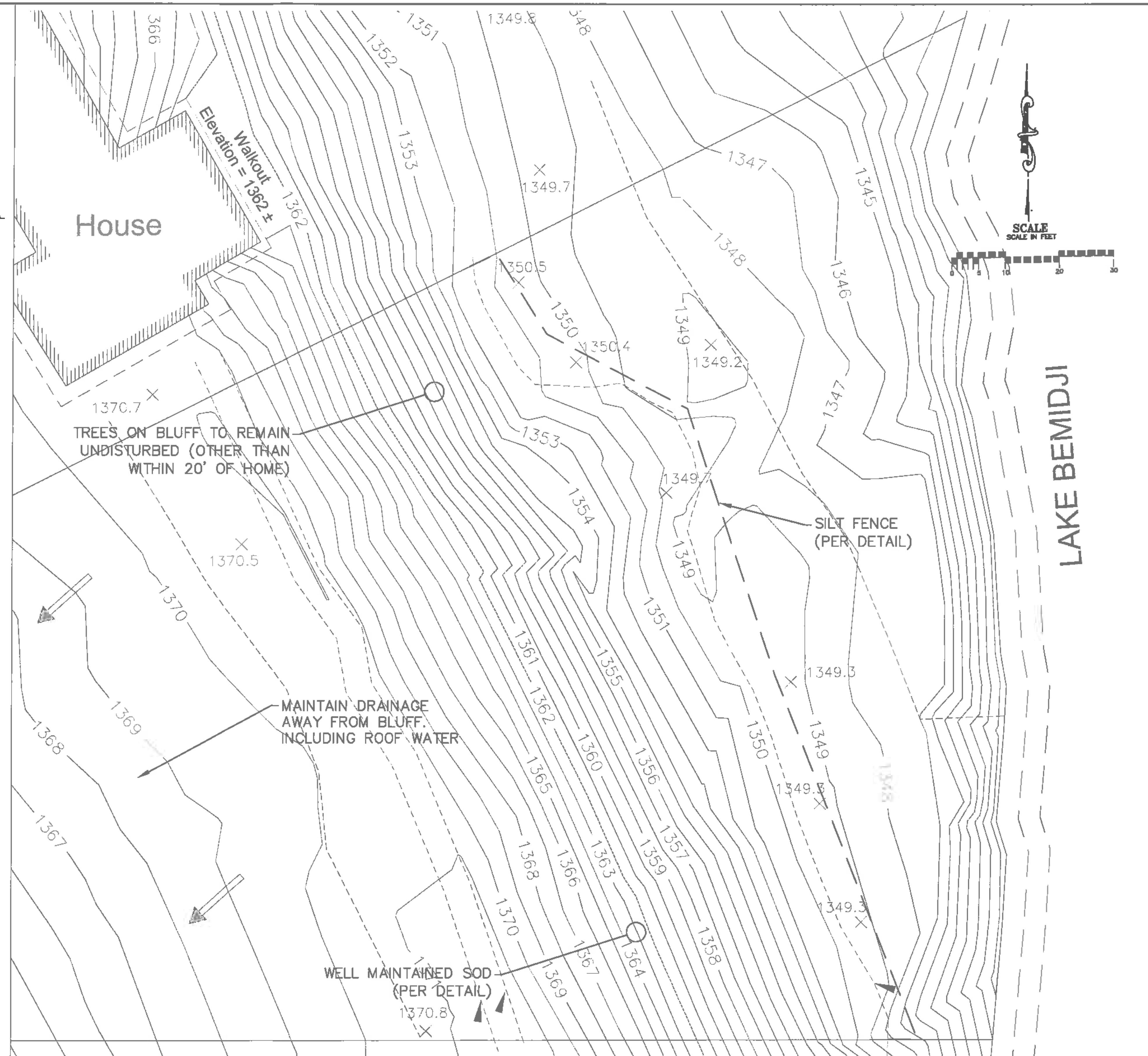
Brian Grund, P.E. #24051
Freeberg and Grund Inc.



1 / C–1 SODDING SLOPE PROTECTION SYSTEM
NO SCALE



STANDARD MACHINE SLICED
2 / C–1 SILT FENCE DETAIL
NO SCALE



REVISIONS:				
BY	CHK.	APP.	DATE	DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
BRIAN V. GRUND LIC. NO. 24051

	A	B	C	1	2
CONSTRUCTION					
RELEASED					
		DATE RELEASED			

Freeberg & Grund Inc. Consulting Engineers

	BY	DATE
DESIGNED	BVG	4/25/16
DRAWN	WAM	4/25/16
CHECKED	BVG	4/25/16
APPROVED		

JASON CARON PROPERTY
BEMIDJI, MINNESOTA

EROSION CONTROL PLAN

FGI PROJECT NO. 16008
CLIENT PROJECT NO. 00000

1 OF 1
SHEET NO.
C - 1

SITE PLAN

Application for Variance

Parcel No. 310095900

Parcel Address: 5800 Birchmont Dr NE

Applicant: Jason J. Caron and Angela M. Caron

Parcel Area: 1.3 Acres

DESCRIPTION OF PROPERTY

The part of Lot 6, Auditor's Plat No. 13, described as follows: Beginning at the southwest corner of said Lot 6; thence running North 0°04'25" East along the West boundary of said Lot 6 for a distance of 74.51 feet; thence running North 88°36' East for a distance of 351.3 feet to an iron monument; thence running North 63°58' East for a distance of 193.6 feet to an iron monument; thence continuing on the same course North 63°58' East to the water's edge of Lake Bemidji; thence running southerly and southeasterly along the water's edge of Lake Bemidji to the southeast corner of said Lot 6; thence running westerly along the southerly boundary of said Lot 6 to the southwest corner of said Lot 6 and the place of beginning.

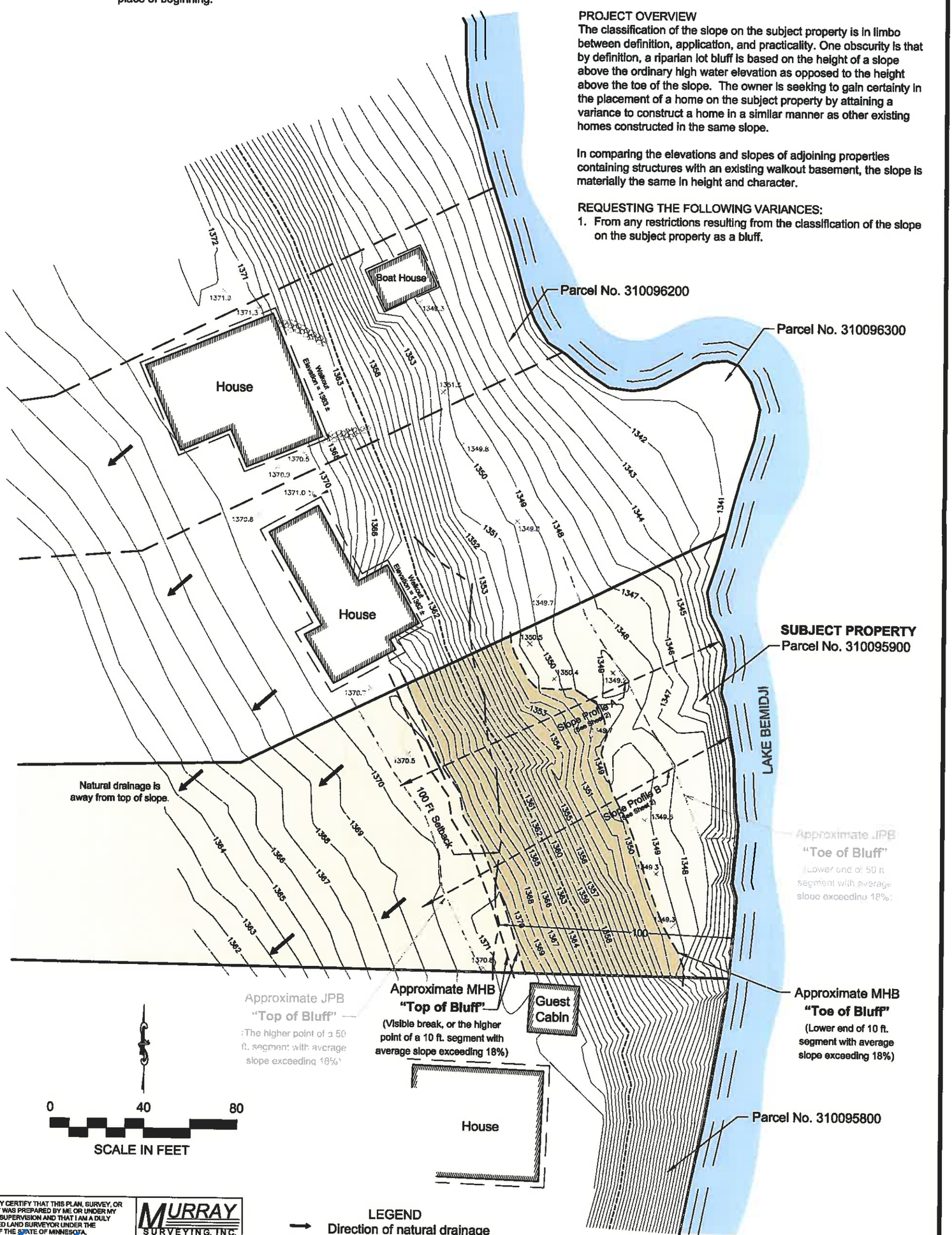
PROJECT OVERVIEW

The classification of the slope on the subject property is in limbo between definition, application, and practicality. One obscurity is that by definition, a riparian lot bluff is based on the height of a slope above the ordinary high water elevation as opposed to the height above the toe of the slope. The owner is seeking to gain certainty in the placement of a home on the subject property by attaining a variance to construct a home in a similar manner as other existing homes constructed in the same slope.

In comparing the elevations and slopes of adjoining properties containing structures with an existing walkout basement, the slope is materially the same in height and character.

REQUESTING THE FOLLOWING VARIANCES:

1. From any restrictions resulting from the classification of the slope on the subject property as a bluff.



I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MATTHEW R. MURRAY LICENSE NO. 46188

DATE: 03-31-16 FILE NO. 15-49

MURRAY SURVEYING, INC.
P.O. BOX 1038 BEMIDJI, MN 56601
218-751-5698
MURRAYSURVEYING.COM
MMURRAY@PAULBUNYAN.NET

LEGEND

Direction of natural drainage

1346 Existing 1 ft. contour interval

1349.3 × Existing spot elevation

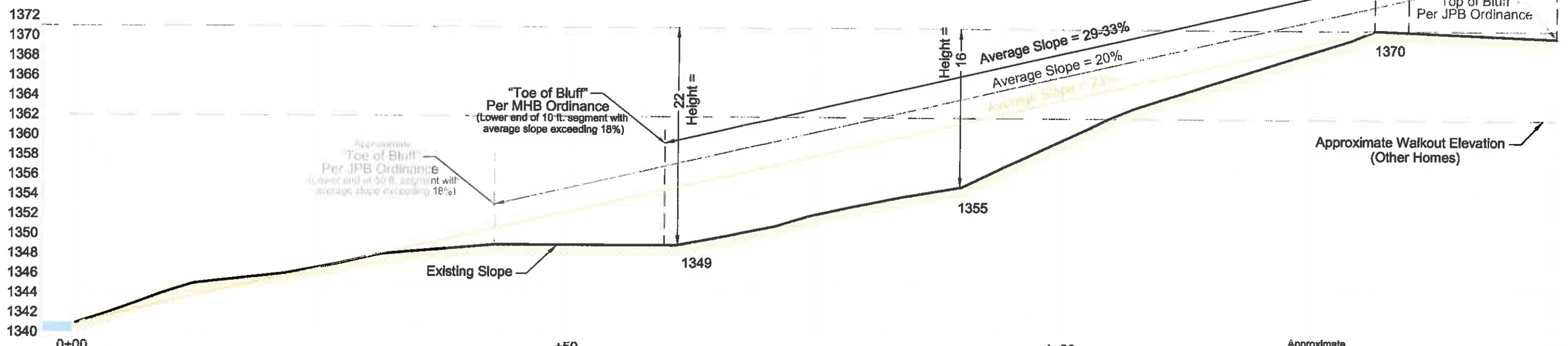
Application for Variance

Parcel No. 310095900

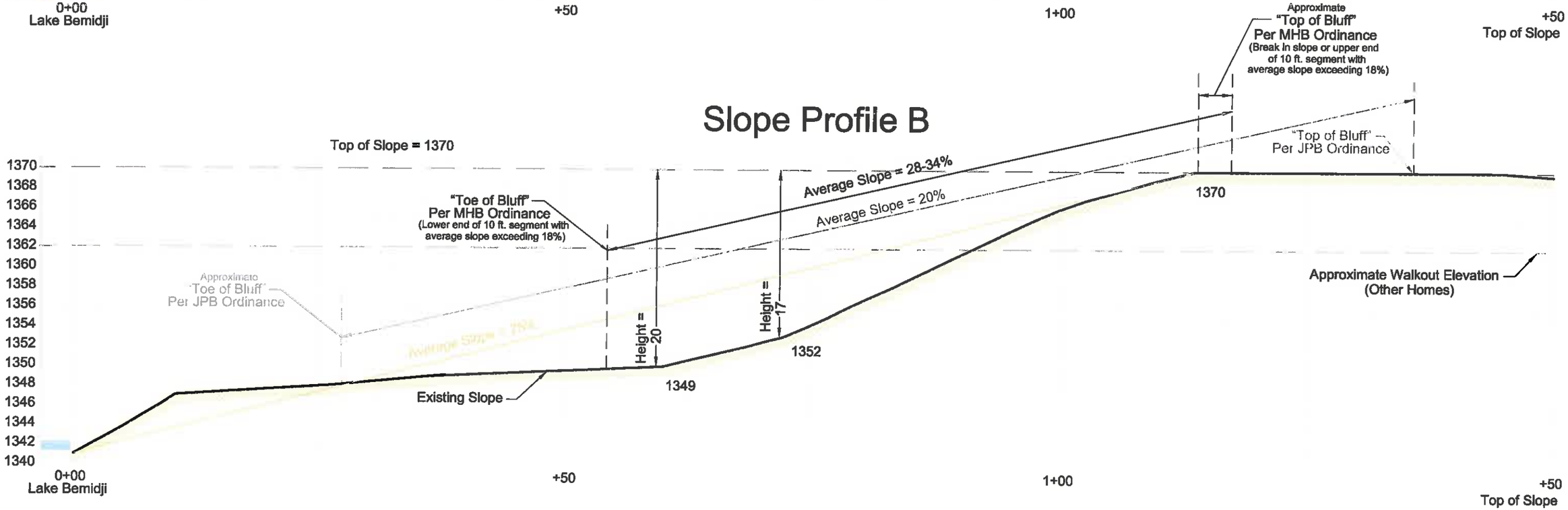
Parcel Address: 5800 Birchmont Dr NE

Applicant: Jason J. Caron and Angela M. Caron

Slope Profile A



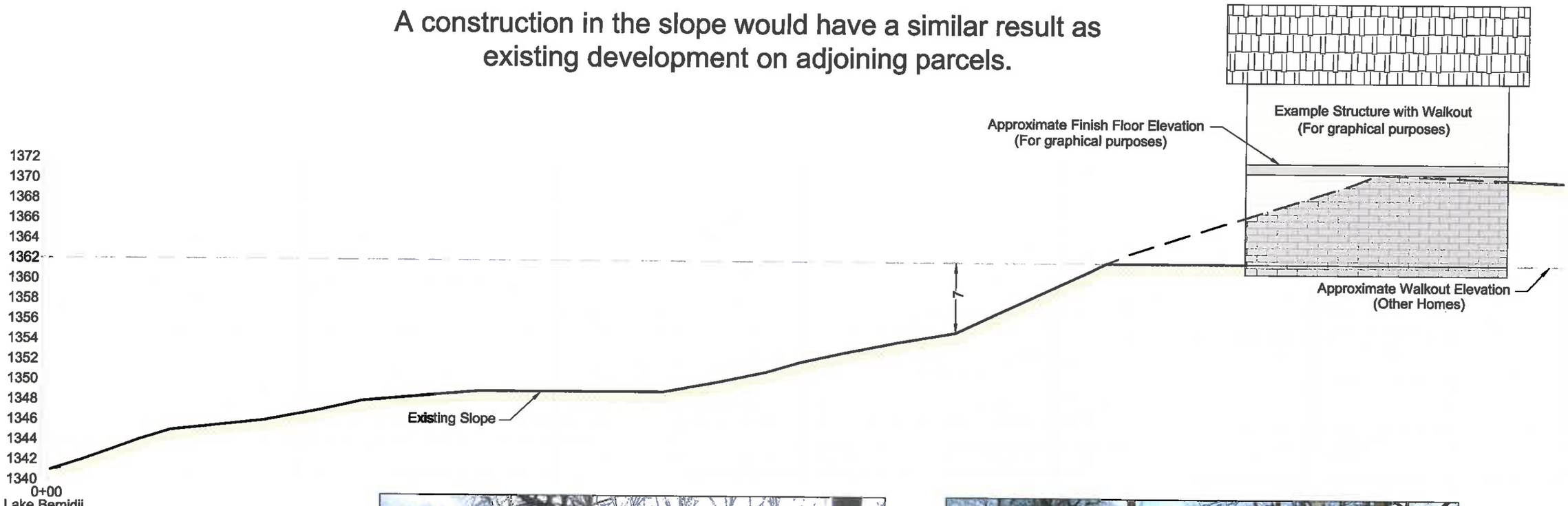
Slope Profile B



SITE PLAN

Application for Variance
Parcel No. 310095900
Parcel Address: 5800 Birchmont Dr NE
Applicant: Jason J. Caron and Angela M. Caron

A construction in the slope would have a similar result as existing development on adjoining parcels.



I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MATTHEW R. MURRAY LICENSE NO. 48168

DATE: 03-31-16 FILE NO. 16-49

MURRAY SURVEYING, INC.
P.O. BOX 1038 BEMIDJI, MN 56601
218-751-5898
MURRAYSURVEYING.COM
MMURRAY@PAUL BUNYAN.NET

View from subject property looking toward home on Parcel No. 3100996200

View from Parcel No. 310096200 looking toward subject property

Lake side of home on Parcel No. 310096200

Lake side of home on Parcel No. 310096200

Action/Discussion (att. 6)

LSOHC Mississippi Northwoods update
LSOHC Proposal
Enbridge Program update
Billing Rate Calculation

Lessard-Sams Outdoor Heritage Council
Fiscal Year 2018 / ML 2017 Request for Funding

Date: May 12, 2016

Program or Project Title: Mississippi Headwaters Habitat Corridor Project

Funds Requested: $8,998,500

Manager's Name: Tim Terrill
Title: Executive Director
Organization: Mississippi Headwaters Board
Address: 322 Laurel St., Suite 11
City: Brainerd, MN 56401
Office Number: 218-824-1189
Email: timt@mississippiheadwaters.org
Website: www.mississippiheadwaters.org

County Locations: Aitkin, Beltrami, Clearwater, Crow Wing, and Hubbard.

Regions in which work will take place:

- Northern Forest
- Forest / Prairie Transition

Activity types:

- Protect in Easement
- Protect in Fee

Priority resources addressed by activity:

- Forest
- Prairie

Abstract:

The Mississippi Headwaters Board will work with the Board of Water & Soil Resources, The Trust for Public Land, headwaters counties, and Soil & Water Conservation Districts to protect and preserve targeted habitat in high quality shoreland areas and provide access on the Mississippi River, headwater's reservoirs, and connecting corridor tributaries through fee title and permanent easements.

Design and scope of work:

The Mississippi River is known as "America's River." It is the largest river in North America, and provides drinking water, industry, and recreation for millions of people, and is the embodiment of Minnesota's outdoor traditions. Strategic and well placed public ownership is essential to maintaining the hunting, fishing, and game habitat along the Mississippi River. Public lands adjacent to private property are in danger of losing habitat connectivity because of the continued development pressures on private lands which result in further fragmentation. Land accessibility to these lands is essential to ensuring high quality, memorable experiences while hunting and fishing within the Mississippi River Corridor. Riparian corridors and tributaries are of particular value to resident and migrating wildlife populations, providing connectivity to multiple habitat types.

As loss of habitat in western Minnesota and the Dakotas occurs, and climate change causes the drying up of existing wetlands, the Mississippi flyway will take on a more important role. The Mississippi flyway is the longest migration route of any in the western hemisphere, and is well timbered and watered to afford ideal conditions to support migrating birds. The Mississippi Headwaters supports more than 350 species of animals, mammals, and birds and is an important national treasure which must be preserved.

The Mississippi Headwaters Board will use targeted land acquisitions and permanent conservation easements to accomplish the goals of this proposal. All fee title acquisitions will be approved by the local governmental unit and the Mississippi Headwaters Board where the property exists. The Mississippi river and its connecting tributaries and headwaters lakes are essential to wildlife, bird, and waterfowl transportation and sustainability. The Mississippi Headwaters Board will work with The Trust for Public Land to protect the

priority lands using fee title acquisitions; and the Soil and Water Conservation Districts in the counties of Clearwater, Beltrami, Hubbard, Cass, Itasca, Aitkin, Crow Wing, and Morrison to implement the Reinvest in Minnesota (RIM) program through the Board of Water and Soil Resources to gain permanent conservation easements. These actions will protect against fragmentation of forest land, and provide access to existing public land. Parcels identified as potential acquisitions on the Mississippi River are shown on the attached map. The Mississippi Headwaters Board will administer, provide updated reports to the council, coordinate efforts, and develop a consistent process that utilizes county support to ensure that the program and spirit of this proposal is met. The Department of Natural Resources or individual counties will hold the fee title acquisitions, and the Board of Water and Soil Resources will hold the permanent easements. A local Project Technical Committee will review and rank potential acquisitions and easements.

Local support was obtained by the MHB counties writing resolutions of support for this program. Various conservation partnerships were formed with The Trust for Public Land and the 8 local Soil & Water Conservation Districts to also help implement this program at the field level.

Which sections of the Minnesota Statewide Conservation and Preservation Plan are applicable to this project:

- H2 Protect critical shoreland of streams and lakes
- H3 Improve connectivity and access to recreation

Which other plans are addressed in this proposal:

- Mississippi River Headwaters Comprehensive Plan
- Outdoor Heritage Fund: A 25 Year Framework

Describe how your program will advance the indicators identified in the plans selected:

This program will advance the indicators by preventing fragmentation of forested land and allow access or better access to landlocked parcels through a permanent easement and acquisition program. It will protect shore land and provide critical habitat for game and non game species and prioritize the Mississippi River and the natural values that exist there. It will protect migrating waterfowl and related species to increase migratory and breeding success. It will also identify and promote protection of critical habitat for flora and fauna on public and private lands, minimizing duplicative efforts. The program will also protect threatened or endangered species that exist in the first 400 miles of the Mississippi River.

Which LSOHC section priorities are addressed in this proposal:

Forest / Prairie Transition:

- Protect, enhance, and restore wild rice wetlands, shallow lakes, wetland/grassland complexes, aspen parklands, and shoreland that provide critical habitat for game and nongame wildlife

Northern Forest:

- Protect shoreland and restore or enhance critical habitat on wild rice lakes, shallow lakes, cold water lakes, streams and rivers, and spawning areas

Describe how your program will produce and demonstrate a significant and permanent conservation legacy and/or outcomes for fish, game, and wildlife as indicated in the LSOHC priorities:

Multiple benefits can be obtained where the water and land meet to preserve an outdoor heritage for generations to come . This program will build resilience into the Mississippi River system to protect against fragmentation and parcelization, and to protect the various aquatic and terrestrial species that use the river as a travel corridor. As fee title acquisitions are obtained, measurable results as to population increases and densities will be given to help tell the story how the conservation legacy is unfolding. By utilizing permanent conservation easements and acquisitions, along with science based tools that allow us to target the best areas for habitat; we will be able to sustain a permanent conservation legacy for us to enjoy now, and for our children to appreciate from generation to generation.

Describe how the proposal uses science-based targeting that leverages or expands corridors and complexes, reduces fragmentation or protects areas identified in the MN County Biological Survey:

This proposal emphasizes high quality, riparian tracts adjacent to public land to target the best land suitable for habitat protection. Zonation modeling that was developed by the North Central Conservation Roundtable (NCCR) helps prioritizes fish and wildlife habitat along with water quality benefits to be utilized on a ranking sheet to help locate areas that provide the best fish, wildlife, and game habitat. The NCCR is a group of non-governmental organizations, state and local agencies that meet quarterly to coordinate and

develop strategy for the protection of land in North Central Minnesota. The Mississippi Headwaters sub-watershed prioritization model will be utilized to identify adjacent public land and access. This land that is targeted next to adjacent public land will help expand the corridors and complexes that currently exist through an organized method.

How does the proposal address habitats that have significant value for wildlife species of greatest conservation need, and/or threatened or endangered species, and list targeted species:

The areas targeted by this proposal will strategically protect the habitat and connectivity for fish and game using permanent conservation easements and fee title acquisition to target riparian forest, wetland complexes, tributary confluences, and wild rice communities along the Mississippi river, headwater's reservoirs, and connecting corridors and tributaries. Land conversion and forest fragmentation have a threaten on habitat, corridor connectivity, and aquatic function on both land and water in this area. This proposal will specifically protect habitat for the Blanding's Turtle, Gray wolf, Red Shoulder hawk, and the Northern Long Eared Bat.

Identify indicator species and associated quantities this habitat will typically support:

Much of this forested corridor provides habitat for red-shouldered hawk and Blanding's turtle populations. This project supports the Mississippi River migratory corridor for both waterfowl and neo-tropical song bird.

Outcomes:

Programs in the northern forest region:

- Increased availability and improved condition of riparian forests and other habitat corridors *An increase of lineal shoreland habitat permanently protected by easement or fee acquisition. An increase in the percent (%) of minor watersheds habitat being permanently protected.*

Programs in forest-prairie transition region:

- Rivers and streams provide corridors of habitat including intact areas of forest cover in the east and large wetland/upland complexes in the west *An increase of lineal shoreland habitat permanently protected by easement or fee acquisition. An increase in the percent (%) of minor watersheds habitat being permanently protected.*

How will you sustain and/or maintain this work after the Outdoor Heritage Funds are expended:

Once a RIM easement is acquired, BWSR is responsible for maintenance, inspection and monitoring into perpetuity. The BWSR partners with local SWCDs to carry-out oversight, monitoring and inspection of its conservation easements. Easements are inspected for the first five consecutive years beginning in the year after the easement is recorded. Thereafter, on-site inspections are performed every three years and compliance checks are performed in the other two years. SWCDs report to BWSR on each site inspection conducted and partners' staff document findings. A non-compliance procedure is implemented when potential violations or problems are identified. Perpetual monitoring and stewardship costs have been calculated at $6,500 per easement. This value is based on using local SWCD staff for monitoring and landowner relations and existing enforcement authorities. The amount listed for Easement Stewardship cover costs of the SWCD regular monitoring, BWSR oversight, and any enforcement necessary.
The non-governmental organizations will transfer all fee title lands to the Dept. of Natural Resources or county for permanent stewardship. Lands acquired by counties will be managed utilizing individual county land management plans, and lands acquired by the DNR will be required to develop a management plan consistent with their division.

Explain the things you will do in the future to maintain project outcomes:

Year	Source of Funds	Step 1	Step 2	Step 3
2020	OHF	Work with landowners and agencies to determine interest and develop long term habitat priorities.	Utilize RIM program to maintain and monitor easements.	Perform on-site inspections for 5 consecutive years, and every 3 years thereafter.
2020	OHF	Work with landowners to determine interest and develop long term game, hunting and fishing priorities.	Work with Trust for Public Land to acquire parcels for fee title acquisitions.	Follow monitoring guidelines established by the DNR or Counties (depending on ownership) to monitor acquired parcels.

What is the degree of timing/opportunistic urgency and why it is necessary to spend public money for this work as soon as possible:

The Mississippi River is the dominant river in the lakes tourism industry. This area is experiencing development pressure at the lake and Mississippi River level, and forest fragmentation from the economic decline of the timber industry.

How does this proposal include leverage in funds or other effort to supplement any OHF appropriation:

The Mississippi Headwaters Board (MHB) is a Joint Powers Board formed in 1980 to preserve the wild and scenic values of the Mississippi river. This proposal, coordinated and administered by the Mississippi Headwaters Board, will bring together state agencies, local governmental units, Comprehensive Water Plans, county government, Land Resource Plans, and nongovernmental organizations to provide a consistent and coordinated approach to permanent habitat preservation. Since 2003, the MHB has leveraged almost $11 million worth of in-kind support for their work on the Mississippi River. This proposal scope that includes the upper 400-miles of the Mississippi has opportunity to leverage Department of Defense funding appropriated to the Camp Ripley buffer project and BWSR Pine River Clean Water Fund easement program.

Relationship to other funds:

- Clean Water Fund

Describe the relationship of the funds:

The MHB has been successful in gaining and utilizing the Clean Water Fund to address water quality issues to compliment this habitat effort. They have currently secured with partners 3 Clean Water Fund grants totaling $322,000. This allowed them to assess the first 400 miles of the Mississippi River to develop habitat and water quality strategies, and develop and organization campaign to address the issues identified.

Describe the source and amount of non-OHF money spent for this work in the past:

Not Listed

Activity Details

Requirements:

If funded, this proposal will meet all applicable criteria set forth in MS 97A.056 - **Yes**

Will local government approval be sought prior to acquisition - **Yes**

Is the land you plan to acquire free of any other permanent protection - **Yes**

Is the land you plan to acquire free of any other permanent protection - **Yes**

Do you anticipate federal funds as a match for this program - **No**

Land Use:

Will there be planting of corn or any crop on OHF land purchased or restored in this program - **Yes**

Explain

In certain circumstances food plots for wildlife are an allowable use on RIM easements and must be part of an approved Conservation Plan. Food plots on narrow buffers, steep slopes and wet areas are not allowed. RIM policy limits food plots to 10% of the total easement area or 5 acres whichever is smaller. There is no cost share for establishment of food plots and upon termination the landowners must reestablish the vegetation as prescribed in the Conservation Plan at their own expense. Food plots are a rarely selected option by landowners, to date only 2.2% of RIM easements have food plots.

Are any of the crop types planted GMO treated - **No**

Is this land currently open for hunting and fishing - **No**

Will the land be open for hunting and fishing after completion - **Yes**

Land conveyed to the Dept. of Natural Resources or counties will fall under management plans that allow for hunting and fishing opportunities.

Will the eased land be open for public use - **No**

Are there currently trails or roads on any of the acquisitions on the parcel list - **Yes**

Describe the types of trails or roads and the allowable uses:

Informal trails on private property are typically used for personal access for hunting, fishing. Informal trails on Potlatch property are a remnant of forestry practices.
Roads or trails are typically excluded from easement areas if they serve no beneficial purpose to easement maintenance, monitoring, or enforcement. This question is being answered with utmost flexibility in absence of a LSOHC definition of trails and specified trail types (permanent or temporary, beneficial for maintenance, animal trails, etc.).

Will the trails or roads remain and uses continue to be allowed after OHF acquisition - **Yes**

How will maintenance and monitoring be accomplished:

Land that is in an easement will be maintained by the landowner, and will be involved in a scheduled monitoring program by the County Soil & Water Conservation District. Land that is fee title acquired by the Dept. of Natural Resources will follow typical DNR management rules and monitoring plan. Land acquired by the county will follow a maintenance and monitoring plan developed by specific county forest resource plans.
The easements secured under this project will be managed as part of the MN Board of Water and Soil Resources (BWSR) RIM Reserve program that has over 6,000 easements currently in place. Easements are monitored annually for each of the first 5 years and then every 3rd year after that. BWSR, in cooperation with Soil and Water Conservation Districts (SWCD), implement a stewardship process to track, monitor quality and assure compliance with easement terms.
Under the terms of the Reinvest In Minnesota (RIM) easement program, landowners are required to maintain compliance with the easement. A conservation plan is developed with the landowner and maintained as part of each easement. Basic easement compliance costs are borne by the landowner, periodic enhancements may be cost shared from a variety of sources.

Will new trails or roads be developed as a result of the OHF acquisition - **Yes**

Describe the types of trails or roads and the allowable uses:

On easements, though uncommon, there could be a potential for new trails may be developed, if they contribute to easement maintenance or benefit the easement site (e.g. firebreaks, berm maintenance, etc). This question is being answered with utmost flexibility in absence of a LSOHC definition of trails and specified trail types (permanent or temporary, beneficial for maintenance, animal trails, etc.). No new trails are planned for fee acquisitions.

How will maintenance and monitoring be accomplished:

The easements secured under this project will be managed as part of the MN Board of Water and Soil Resources (BWSR) RIM Reserve program that has over 6,000 easements currently in place. Easements are monitored annually for each of the first 5 years and then every 3rd year after that. BWSR, in cooperation with Soil and Water Conservation Districts (SWCD), implement a stewardship process to track, monitor quality and assure compliance with easement terms.
Under the terms of the Reinvest In Minnesota (RIM) easement program, landowners are required to maintain compliance with the easement. A conservation plan is developed with the landowner and maintained as part of each easement. Basic easement compliance costs are borne by the landowner, periodic enhancements may be cost shared from a variety of sources.

Accomplishment Timeline

Activity	Approximate Date Completed
Partners- Landowner negotiations, due dilligence, acquire land and convey to State or County	6/30/20
SWCDs- Complete conservation easements applications	6/30/20
BWSR- Process and acquire easements through the RIM program.	6/30/20
DNR, Counties- Acquire and manage land for habitat	6/30/20
MHB- Coordination, administration, reporting	6/30/20

Budget Spreadsheet

Total Amount of Request: $8,998,500

Budget and Cash Leverage

Budget Name	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Personnel	$720,400	$191,000	Private	$911,400
Contracts	$116,000	$0		$116,000
Fee Acquisition w/ PILT	$4,400,000	$0		$4,400,000
Fee Acquisition w/o PILT	$500,000	$0		$500,000
Easement Acquisition	$2,587,000	$0		$2,587,000
Easement Stewardship	$214,500	$0		$214,500
Travel	$19,900	$0		$19,900
Professional Services	$110,000	$0		$110,000
Direct Support Services	$118,900	$118,900	Private	$237,800
DNR Land Acquisition Costs	$100,000	$0		$100,000
Capital Equipment	$0	$0		$0
Other Equipment/Tools	$4,900	$0		$4,900
Supplies/Materials	$6,900	$0		$6,900
DNR IDP	$100,000	$0		$100,000
Total	$8,998,500	$309,900	-	$9,308,400

Personnel

Position	FTE	Over # of years	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Protection and Legal Staff	1.30	3.00	$398,000	$191,000	Private	$589,000
Program Coordinator	1.00	3.00	$208,900	$0		$208,900
Grant Administration	0.30	3.00	$10,000	$0		$10,000
Program Management	0.15	3.00	$45,000	$0		$45,000
Easement processing	0.30	3.00	$58,500	$0		$58,500
Total	3.05	15.00	$720,400	$191,000	-	$911,400

Budget and Cash Leverage by Partnership

Budget Name	Partnership	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Personnel	TPL	$398,000	$191,000	Private	$589,000
Contracts	TPL	$50,000	$0		$50,000
Fee Acquisition w/ PILT	TPL	$4,400,000	$0		$4,400,000
Fee Acquisition w/o PILT	TPL	$500,000	$0		$500,000
Easement Acquisition	TPL	$0	$0		$0
Easement Stewardship	TPL	$0	$0		$0
Travel	TPL	$10,000	$0		$10,000
Professional Services	TPL	$110,000	$0		$110,000
Direct Support Services	TPL	$118,900	$118,900	Private	$237,800
DNR Land Acquisition Costs	TPL	$100,000	$0		$100,000
Capital Equipment	TPL	$0	$0		$0
Other Equipment/Tools	TPL	$0	$0		$0
Supplies/Materials	TPL	$2,000	$0		$2,000
DNR IDP	TPL	$100,000	$0		$100,000
Total	-	$5,788,900	$309,900	-	$6,098,800

Personnel - TPL

Position	FTE	Over # of years	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Protection and Legal Staff	1.30	3.00	$398,000	$191,000	Private	$589,000
Total	1.30	3.00	$398,000	$191,000	-	$589,000

Budget Name	Partnership	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Personnel	MHWB	$218,900	$0		$218,900
Contracts	MHWB	$0	$0		$0

Fee Acquisition w/ PILT	MHWB	$0	$0		$0
Fee Acquisition w/o PILT	MHWB	$0	$0		$0
Easement Acquisition	MHWB	$0	$0		$0
Easement Stewardship	MHWB	$0	$0		$0
Travel	MHWB	$5,000	$0		$5,000
Professional Services	MHWB	$0	$0		$0
Direct Support Services	MHWB	$0	$0		$0
DNR Land Acquisition Costs	MHWB	$0	$0		$0
Capital Equipment	MHWB	$0	$0		$0
Other Equipment/Tools	MHWB	$0	$0		$0
Supplies/Materials	MHWB	$0	$0		$0
DNR IDP	MHWB	$0	$0		$0
Total	-	$223,900	$0	-	$223,900

Personnel - MHWB

Position	FTE	Over # of years	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Program Coordinator	1.00	3.00	$208,900	$0		$208,900
Grant Administration	0.30	3.00	$10,000	$0		$10,000
Total	1.30	6.00	$218,900	$0	-	$218,900

Budget Name	Partnership	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Personnel	BWSR	$103,500	$0		$103,500
Contracts	BWSR	$66,000	$0		$66,000
Fee Acquisition w/ PILT	BWSR	$0	$0		$0
Fee Acquisition w/o PILT	BWSR	$0	$0		$0
Easement Acquisition	BWSR	$2,587,000	$0		$2,587,000
Easement Stewardship	BWSR	$214,500	$0		$214,500
Travel	BWSR	$4,900	$0		$4,900
Professional Services	BWSR	$0	$0		$0
Direct Support Services	BWSR	$0	$0		$0
DNR Land Acquisition Costs	BWSR	$0	$0		$0
Capital Equipment	BWSR	$0	$0		$0
Other Equipment/Tools	BWSR	$4,900	$0		$4,900
Supplies/Materials	BWSR	$4,900	$0		$4,900
DNR IDP	BWSR	$0	$0		$0
Total	-	$2,985,700	$0	-	$2,985,700

Personnel - BWSR

Position	FTE	Over # of years	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Program Management	0.15	3.00	$45,000	$0		$45,000
Easement processing	0.30	3.00	$58,500	$0		$58,500
Total	0.45	6.00	$103,500	$0	-	$103,500

Amount of Request:	$8,998,500
Amount of Leverage:	$309,900
Leverage as a percent of the Request:	3.44%
DSS + Personal:	$839,300
As a % of the total request:	9.33%
Easement Stewardship:	$214,500
As a % of the Easement Acquisition:	8.29%

How did you determine which portions of the Direct Support Services of your shared support services is direct to this program:

Based on TPL's federal reimbursement rate.

Does the amount in the contract line include R/E work?

N/A

Does the amount in the travel line include equipment/vehicle rental? - Yes

Explain the amount in the travel line outside of traditional travel costs of mileage, food, and lodging:

N/A

Describe and explain leverage source and confirmation of funds:

The Trust for Public Land has committed to contributing staff fringe costs and on half of its DSS as leverage for this proposal.

Does this proposal have the ability to be scalable? - Yes

Tell us how this project would be scaled and how administrative costs are affected, describe the "economy of scale" and how outputs would change with reduced funding, if applicable:

A reduction in funding would reduce outputs proportionally for the most part. Program management costs would be the exception, due to program development & oversight remaining somewhat consistent regardless of appropriation amount.

Output Tables

Table 1a. Acres by Resource Type

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	0	0	0	0	0
Protect in Fee with State PILT Liability	0	0	1,478	0	1,478
Protect in Fee W/O State PILT Liability	0	0	167	0	167
Protect in Easement	0	0	1,320	0	1,320
Enhance	0	0	0	0	0
Total	0	0	2,965	0	2,965

Table 2. Total Requested Funding by Resource Type

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	$0	$0	$0	$0	$0
Protect in Fee with State PILT Liability	$0	$0	$5,284,700	$0	$5,284,700
Protect in Fee W/O State PILT Liability	$0	$0	$653,500	$0	$653,500
Protect in Easement	$0	$0	$3,060,300	$0	$3,060,300
Enhance	$0	$0	$0	$0	$0
Total	$0	$0	$8,998,500	$0	$8,998,500

Table 3. Acres within each Ecological Section

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest	Total
Restore	0	0	0	0	0	0
Protect in Fee with State PILT Liability	0	100	0	0	1,378	1,478
Protect in Fee W/O State PILT Liability	0	0	0	0	167	167
Protect in Easement	0	100	0	0	1,220	1,320
Enhance	0	0	0	0	0	0
Total	0	200	0	0	2,765	2,965

Table 4. Total Requested Funding within each Ecological Section

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest	Total
Restore	$0	$0	$0	$0	$0	$0
Protect in Fee with State PILT Liability	$0	$300,000	$0	$0	$4,984,700	$5,284,700
Protect in Fee W/O State PILT Liability	$0	$0	$0	$0	$653,500	$653,500
Protect in Easement	$0	$300,000	$0	$0	$2,760,300	$3,060,300
Enhance	$0	$0	$0	$0	$0	$0
Total	$0	$600,000	$0	$0	$8,398,500	$8,998,500

Table 5. Average Cost per Acre by Resource Type

Type	Wetlands	Prairies	Forest	Habitats
Restore	$0	$0	$0	$0
Protect in Fee with State PILT Liability	$0	$0	$3,576	$0
Protect in Fee W/O State PILT Liability	$0	$0	$3,913	$0
Protect in Easement	$0	$0	$2,318	$0
Enhance	$0	$0	$0	$0

Table 6. Average Cost per Acre by Ecological Section

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest
Restore	$0	$0	$0	$0	$0
Protect in Fee with State PILT Liability	$0	$3,000	$0	$0	$3,617
Protect in Fee W/O State PILT Liability	$0	$0	$0	$0	$3,913
Protect in Easement	$0	$3,000	$0	$0	$2,263
Enhance	$0	$0	$0	$0	$0

Target Lake/Stream/River Feet or Miles

400

Parcel List

Explain the process used to select, rank and prioritize the parcels:

BWSR includes a statement about how parcels are selected and/or supplies a copy of signup criteria, when applicable. They do not identify easement parcels on a proposal, since the proposal requests funding for a program rather than a list of already identified projects.

Section 1 - Restore / Enhance Parcel List

No parcels with an activity type restore or enhance.

Section 2 - Protect Parcel List

Aitkin

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Mississippi River, Aitkin	04727224	247	$300,000	No	Full	Full
Verdon Township	05124222	158	$640,000	No	Full	Full

Beltrami

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Frohn	14632223	168	$670,000	No	Full	Full
Wolf	14632236	460	$2,000,000	No	Full	Full

Clearwater

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Mississippi River, Iron Springs Bog SNA	14436233	60	$200,000	No	Full	Full

Crow Wing

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Mississippi River, Baxter	13329223	600	$1,800,000	No	Full	Full
Mississippi River, Buffalo	04431203	500	$2,000,000	No	Full	Full
Mississippi River, Crow Wing State Forest North	04729220	159	$500,000	No	Full	Full
Mississippi River, Crow Wing State Forrest South	04730225	358	$700,000	No	Full	Full
Rabbit Lake Township	04728219	73	$300,000	No	Full	Full

Hubbard

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
LaSalle Creek SNA	14435235	350	$800,000	No	Full	Full
Schoolcraft River AMA	14533219	130	$400,000	No	Full	Full

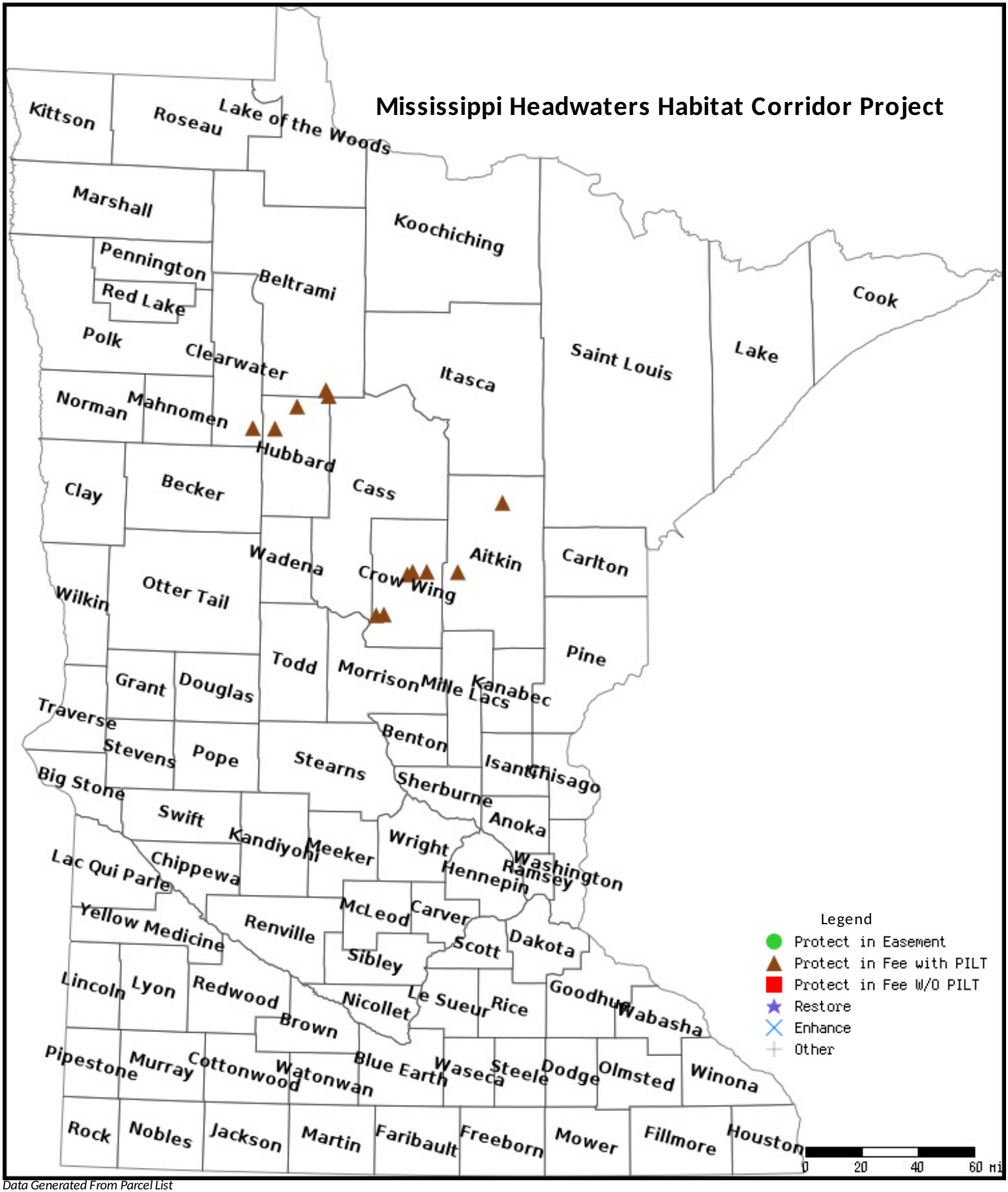
Section 2a - Protect Parcel with Bldgs

No parcels with an activity type protect and has buildings.

Section 3 - Other Parcel Activity

No parcels with an other activity type.

Parcel Map



Data Generated From Parcel List