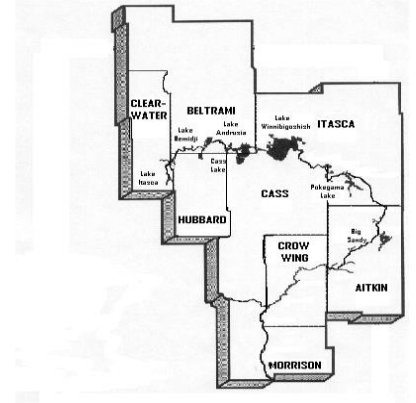




**Mississippi Headwaters Board  
Meeting Agenda  
Cass County Courthouse  
Walker, MN  
July 15, 2016  
9:00 am**



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

**Appeal Hearing 9:00 AM**

**9:05 AM**

- **Reading of Greater Bemidji Area Joint Powers Board Findings of Facts.**
- **Reading of Mississippi Headwaters Board minutes**
- **Reading of Miss. Headwaters Board Notice of Decision letter**

**9:15 AM**

- **Request for new updates and supporting data**
- **Discussion of variance**

**9:45 AM**

- **Decision of the MHB Board**
- **Hearing adjourned- break**

**10:00 AM Approve/Amend**

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

**Planning and Zoning (Actions)**

- **Ca7a16- Thomas Menth Variance (att. 4)**

**Action / Discussion Items:**

- **LSOHC update**
- **Canoe Days (att. 5)**
- **Financial Picture**

**Misc:** ☀ Legislature Update (if any)      ☀ County Updates (if any)

**Meeting Adjourned - Thank you**

**Mtgs:**

**August 6, '16, 10:00 AM- Canoe Days- Kiwanis Park, Brainerd, MN**  
**August 19, '16, 9:00 AM – MHB Board meeting- Walker, MN**

**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

**MEETING DATE:** April 28, 2016

**APPLICANT:** Jason and Angela Caron

**60-DAY RULE DATE:** May 31, 2016

**PROCEEDING:** Bluff Variance

**Zoning District:** R3

**PREPARED BY:** Josh Stearns

**EXHIBITS:** 1. MN DNR Bluff Facts

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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 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 drain 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.

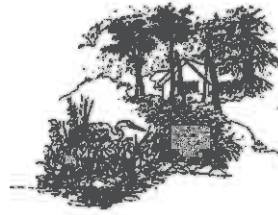
***d. Economic considerations alone do not constitute practical difficulties.***

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.

## Management of Bluffs and Slopes

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.

### 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.



This is an example of eroded bluff in Meeker County.

### Alterations to Vegetation and Topography

Alterations to vegetation and topography should 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

**MEETING DATE:** April 28, 2016

**APPLICANT:** Jason and Angela Caron

**60-DAY RULE DATE:** May 31, 2016

**PROCEEDING:** Bluff Variance

**Zoning District:** R3

**PREPARED BY:** Josh Stearns

**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.



April 31, 2016

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

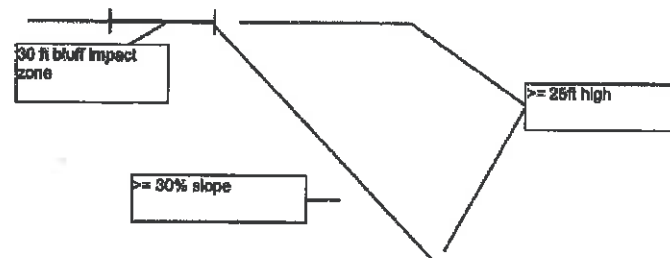
Re: Jason J. Caron and Angela M. Caron Application for Variance

**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.

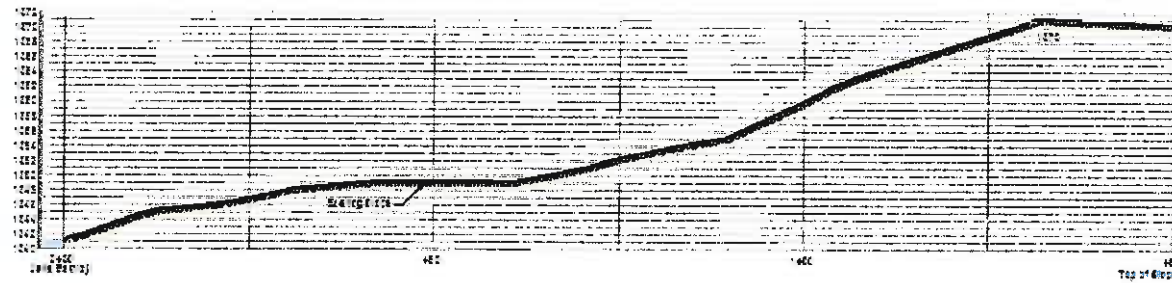
A bluff is often graphically depicted as follows:



**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 drain 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.

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.

OFFICE USE ONLY	
Planning Case #	_____
Complete Application Rec'd	<u>3/31/16</u>
Payment Rec'd	<u>3/31/16</u>
60-day Rule Date	_____
Hearing Date	_____
Zoning District	_____
Comments	_____ _____ _____

NAME OF APPLICANT:	<u>Jason and Angela Caron</u>	EMAIL	_____
MAILING ADDRESS:	<u>5973 Tall Pines Rd NE</u>		
PHONE NUMBER: WORK	_____	HOME	<u>444-3976</u>
CONTRACTOR NAME:	<u>Murray Surveying</u>	PHONE #	<u>751-5898</u>

**PROPERTY DATA**

Site Address:	<u>5800 Birchmont Dr NE</u>		
Primary Access Road:	<u>Birchmont Dr NE</u>		
Parcel Number:	<u>310095900</u>	Section:	<u>28</u>
Legal Description (attach copy of Deed)	<u>Deed is attached</u>		
Property Dimensions: Width	<u>185<sup>ft</sup> at</u>	Depth	<u>561<sup>ft</sup></u>
<u>ft/acres</u>	<u>structure</u>	Total area	<u>1.3<sup>sq</sup></u>
Have there been any variances granted on this property?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know		
List ALL existing structures and their dimensions (attach site plan drawn to scale):	<u>The site is vacant</u>		
Is property within 1000 feet of a public water?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property in an airport zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Certificate of Survey: Y/N	<u>N</u>	Date of Survey	<u>N/A</u>
	<u>Site Plan showing surveyed slope data 3/30/2016</u>		

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 variations

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


like  
types  
of variations  
topography,

**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?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Estimated Cost of construction: \$	_____		
<b>Submit a complete sketch of your property drawn to scale with this application showing all buildings, proposed and existing, setbacks, wells, septic and accesses.</b>			

**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 4<sup>TH</sup> 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

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

Date: 4/5/2016







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

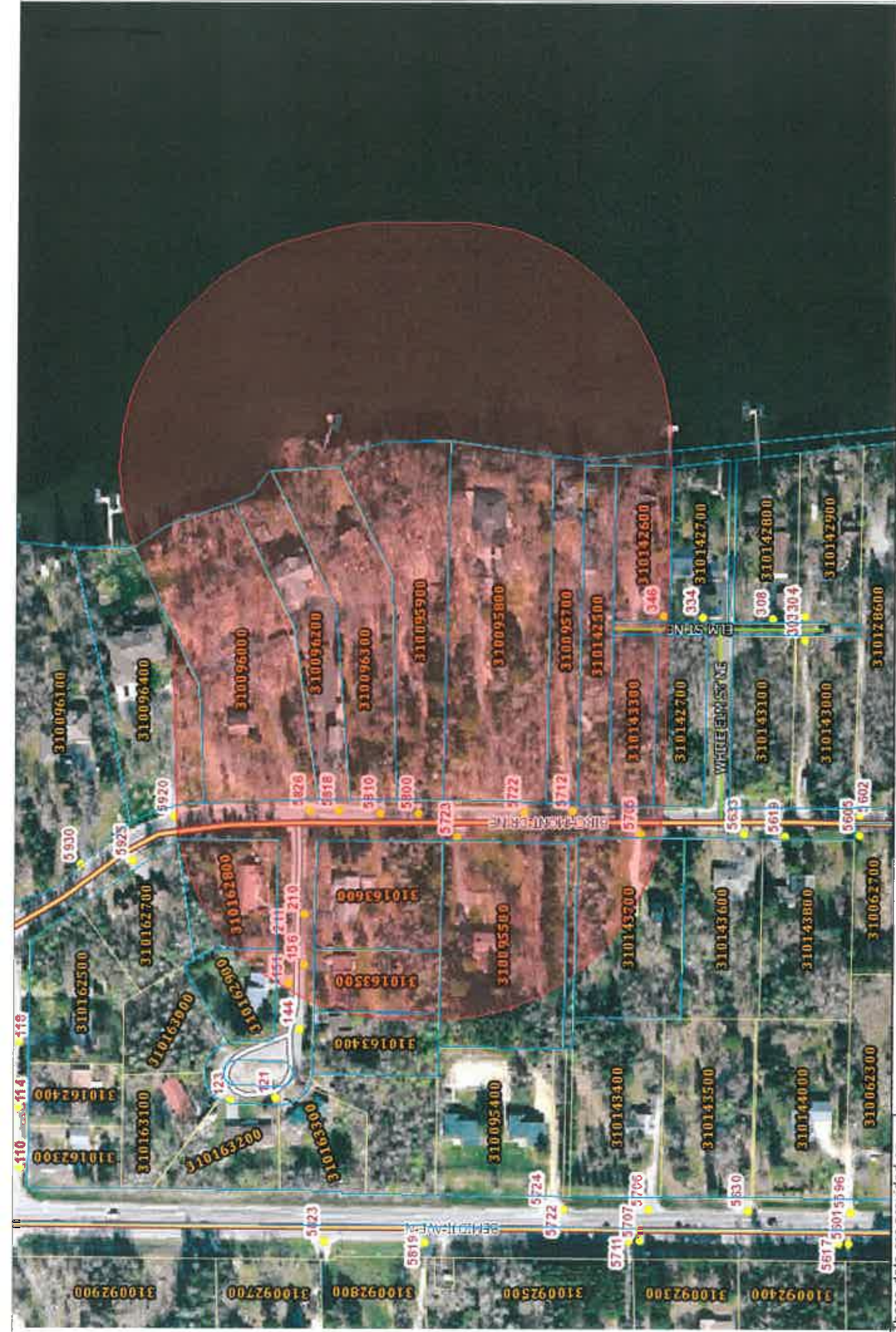
**Beltrami  
County  
Minnesota**

1:4,025

Date: 4/1/2016

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





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

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

Date: 4/6/2016



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

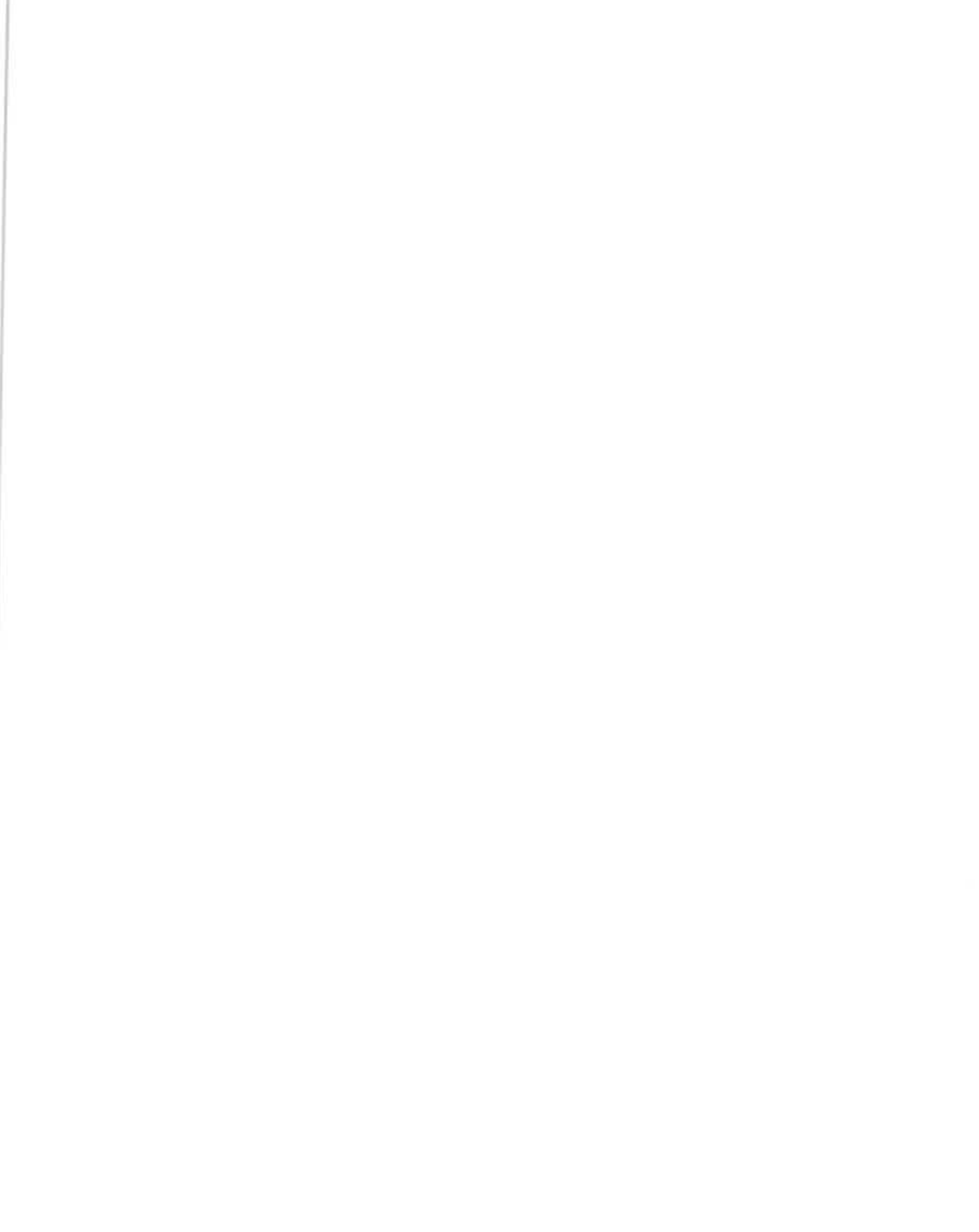
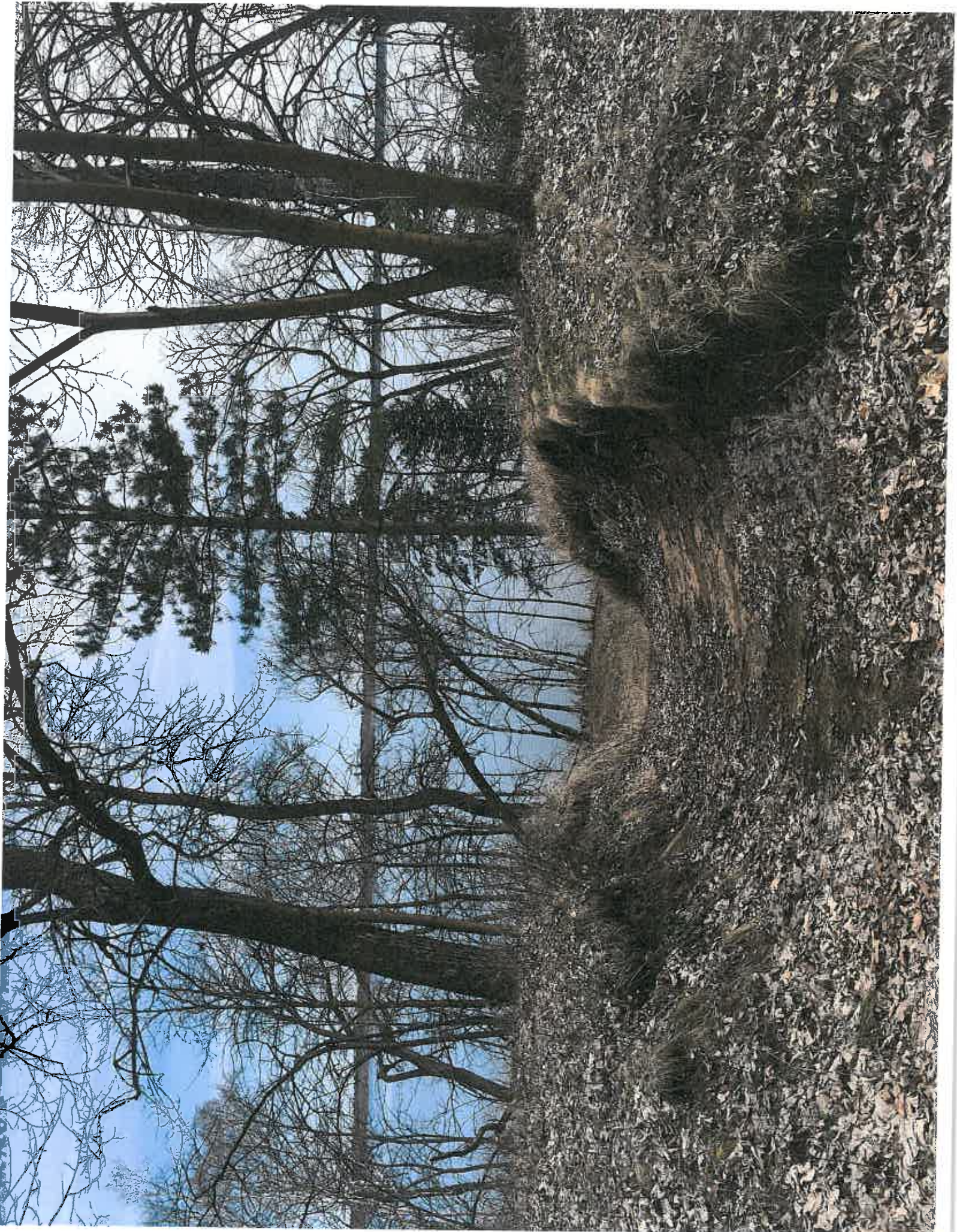




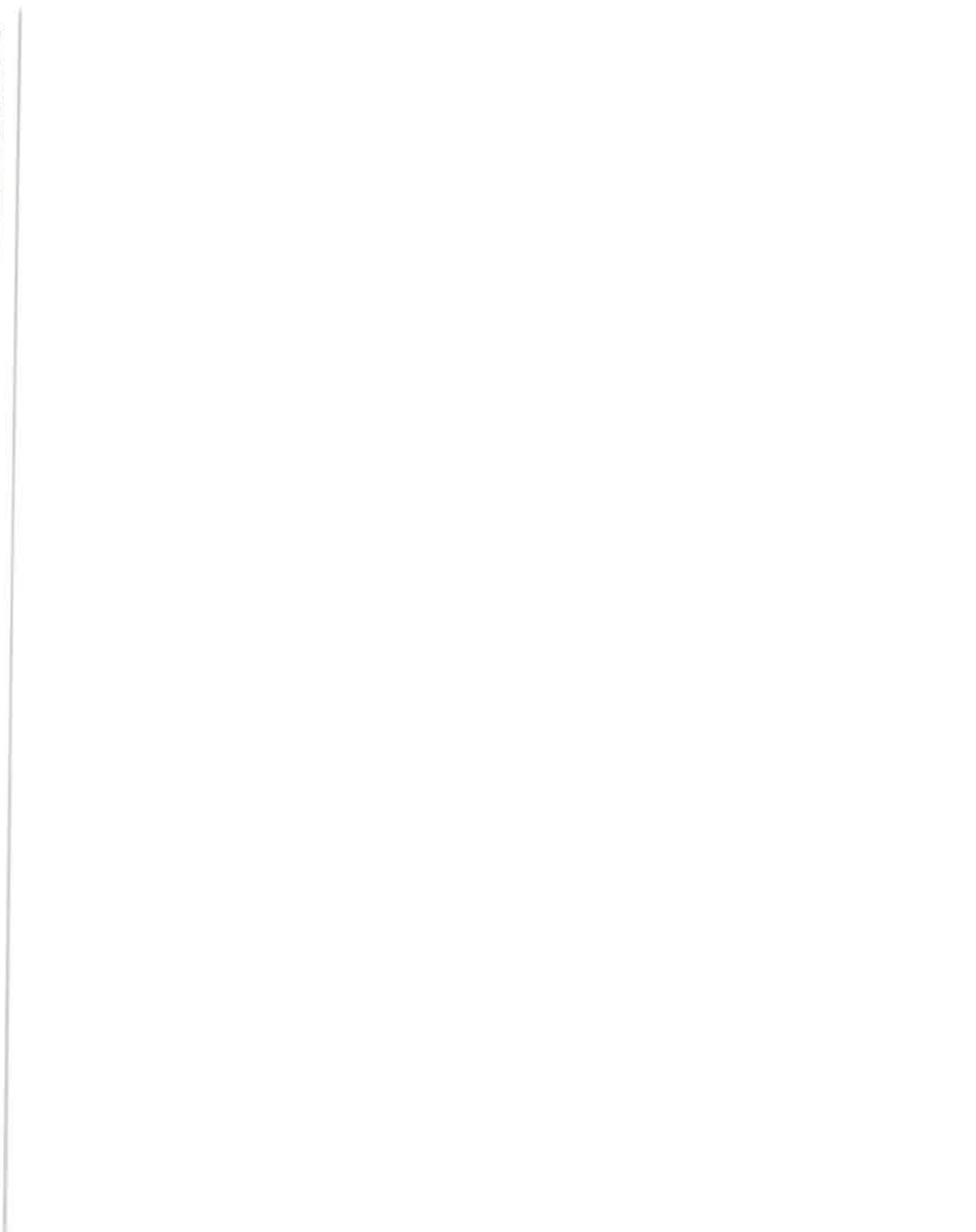




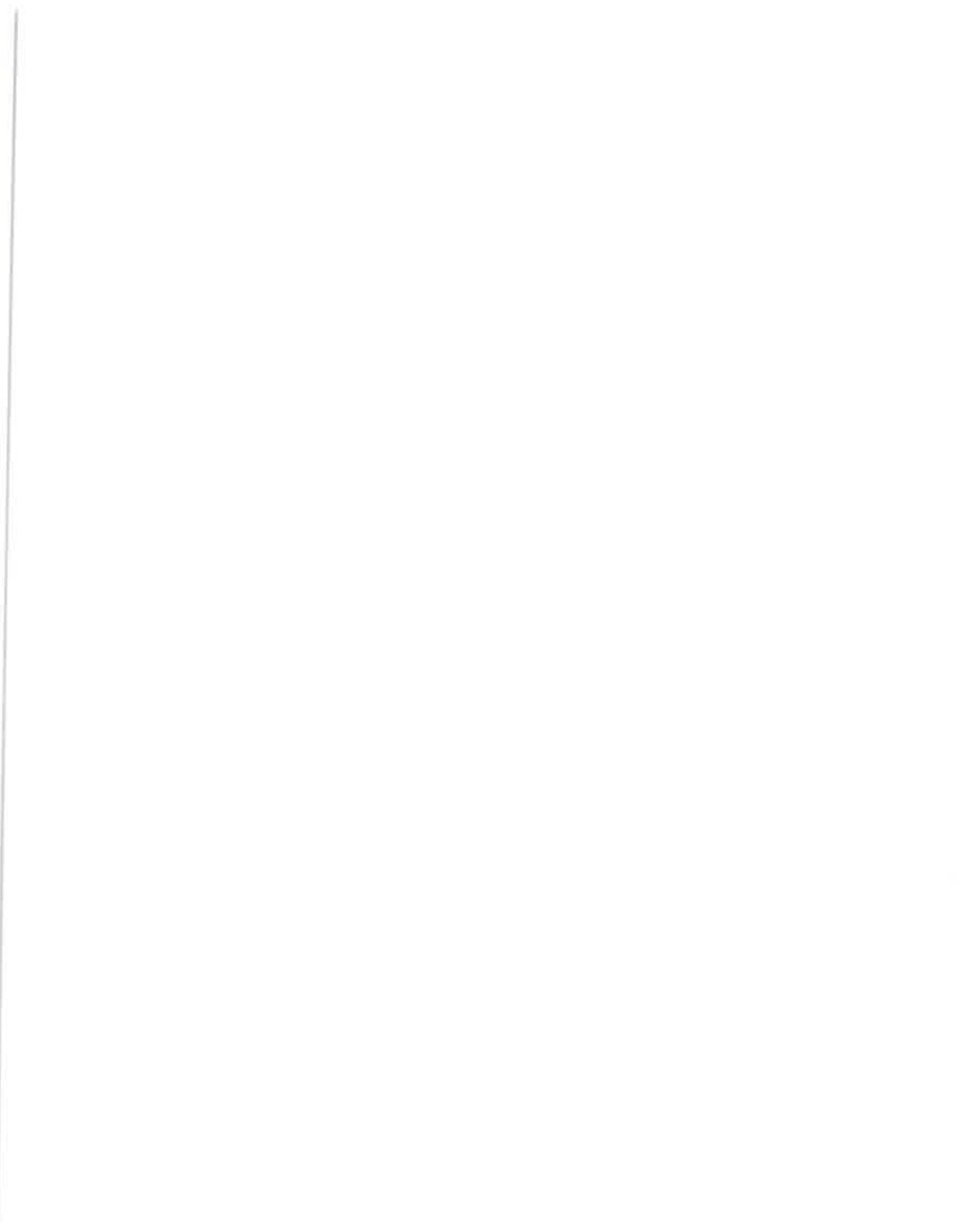




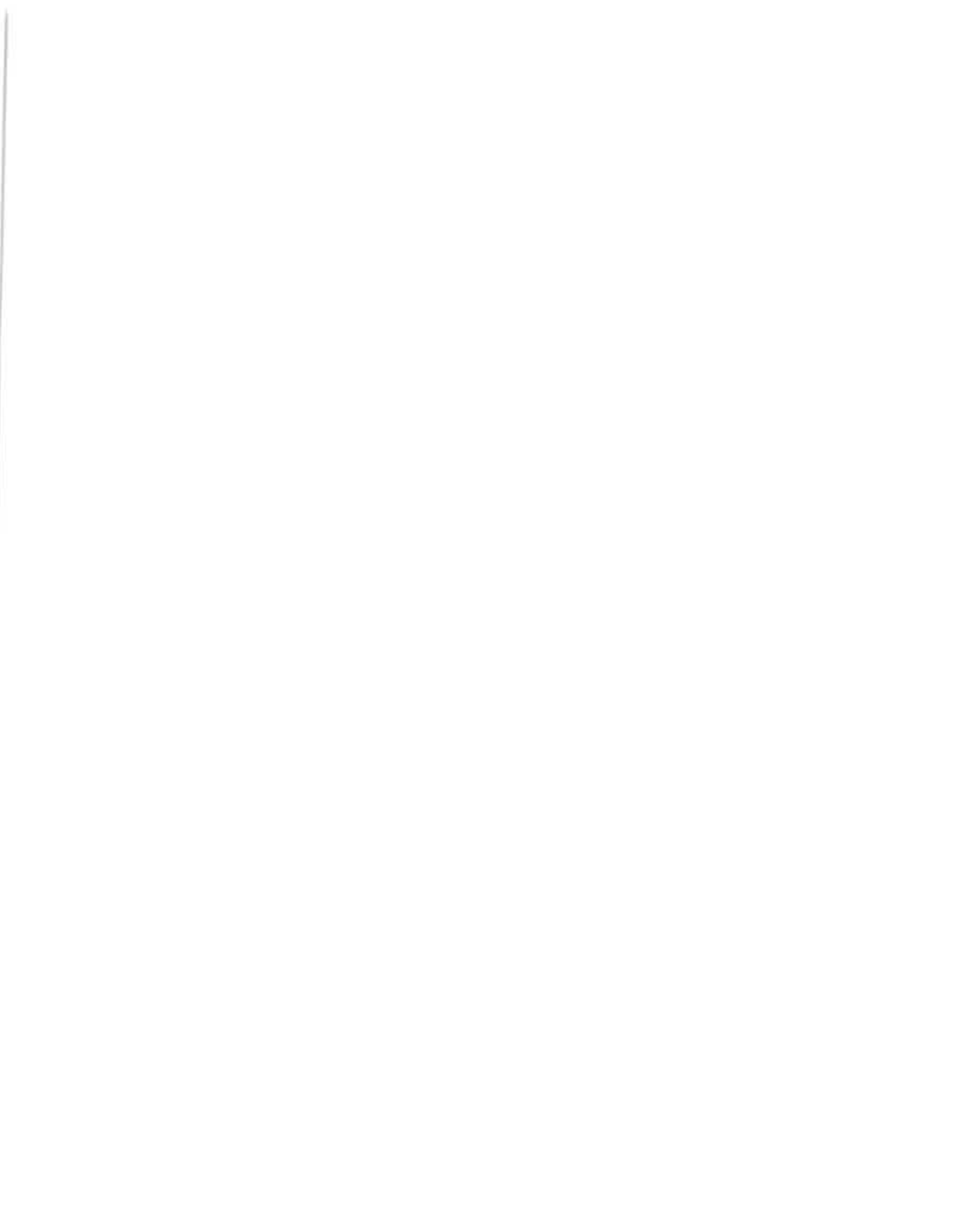
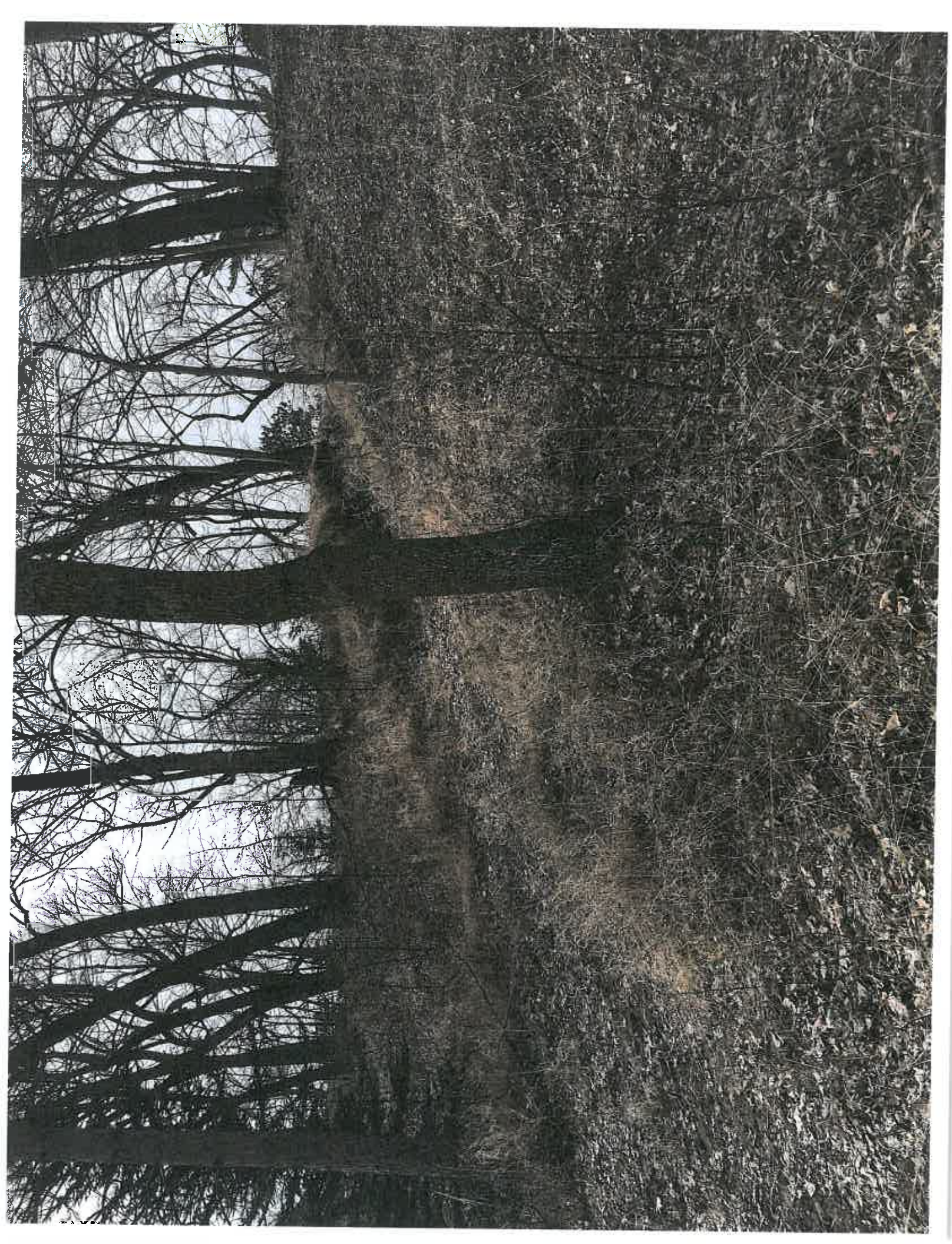














19 April 2016

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



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

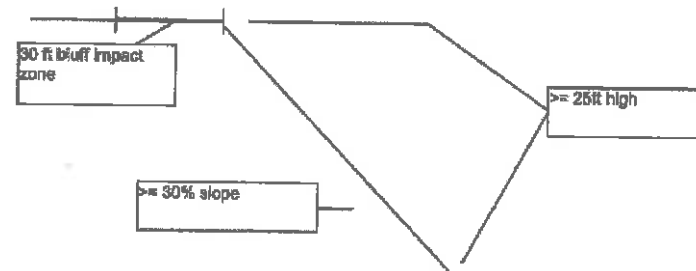
Re: Jason J. Caron and Angela M. Caron Application for Variance

**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.

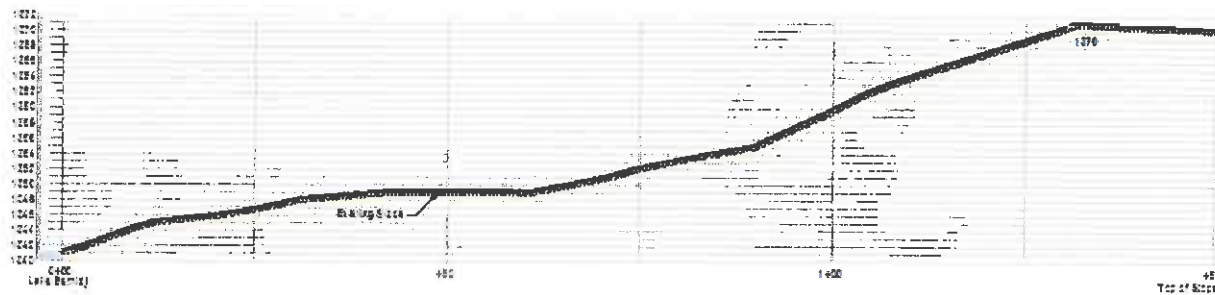
The Caron's are seeking a variance to construct a home in a slope that is less than 25 feet in height, where at least one definition determines the slope is not a bluff, and under a set of circumstances that would result in consistency with nearby homes that have already been constructed in the same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

[Signature] 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. EGGBRAATEN and DIANE M. EGGBRAATEN, TRUSTEES OF THE PAUL D. EGGBRAATEN AND DIANE M. EGGBRAATEN 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 southwesterly 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.
- 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 jw

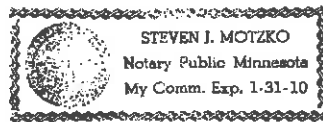
[Signature]  
 Paul D. Eggebraaten, Trustee

[Signature]  
 Diane M. Eggebraaten, Trustee

STATE OF MINNESOTA  
 ss.  
 COUNTY OF BELTRAMI

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

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. EGGBRAATEN and DIANE M. EGGBRAATEN REVOCABLE LIVING TRUST, U/A/D NOVEMBER 1, 2004, Grantor.



[Signature]  
 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  
 1695 Ford Parkway - 5810 Birchmond Dr NE  
 St. Paul, MN 55116-2138 Bemidji, MN 56601



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

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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 4<sup>th</sup> Street NW, or by email at [josh.stearns@jpbgba.org](mailto: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

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

Memorandum

Re: Caron Property- Bluff review

April 26, 2016

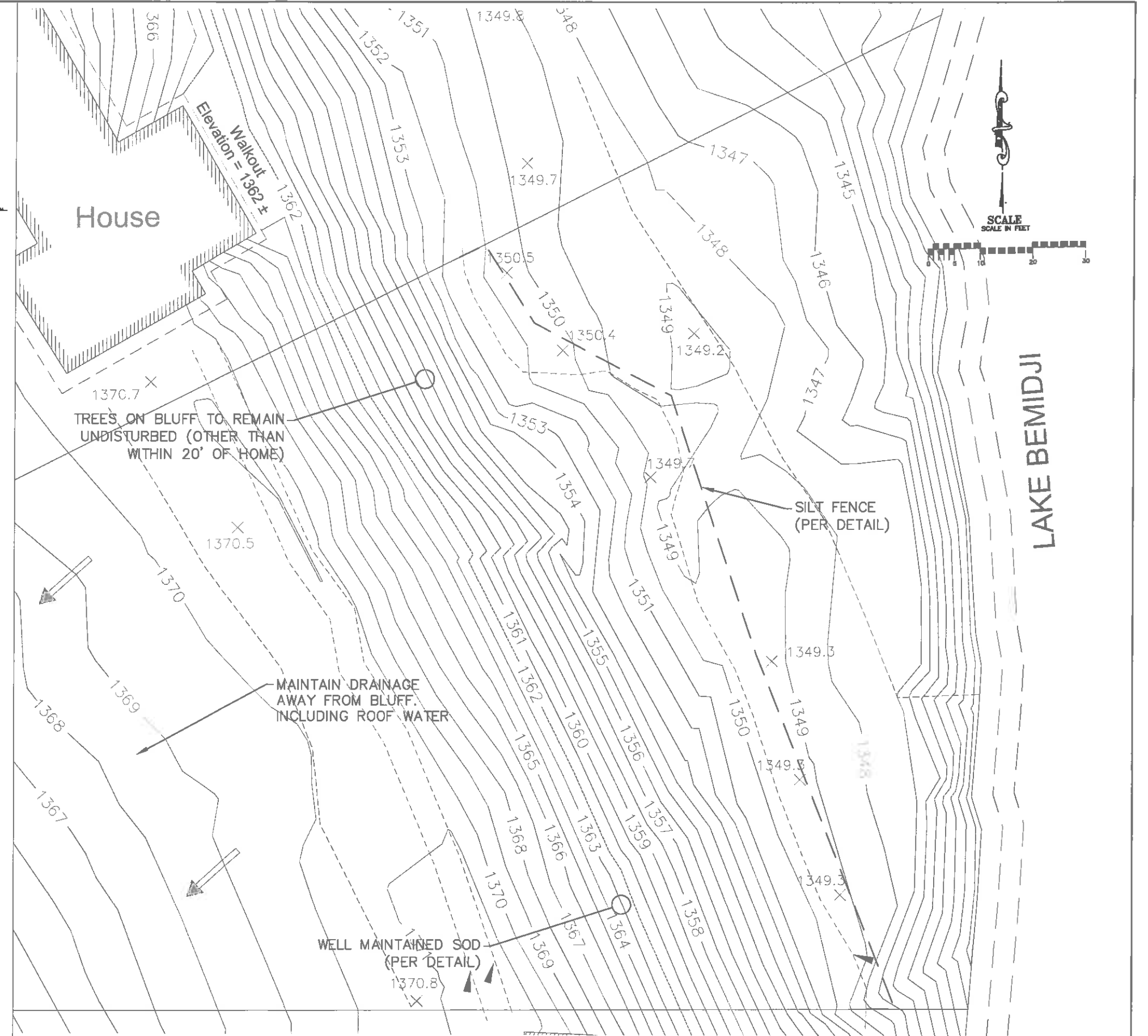
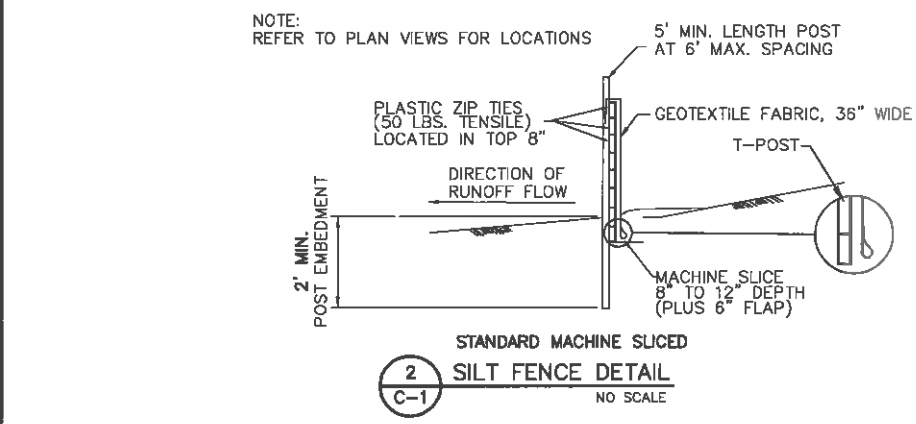
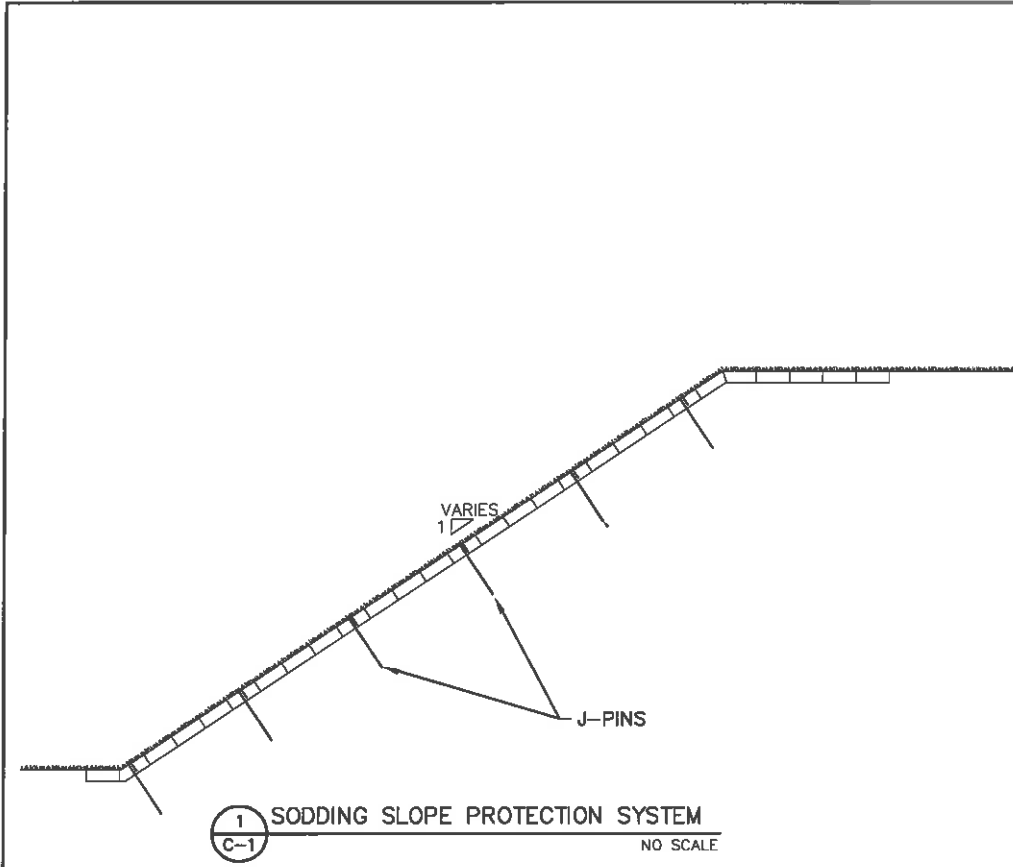
I have visited the site, looked at existing erosion and adjacent development. When looking at bluffs, two things come to mind. First is the stability of the slope itself. This slope shows no evidence of sliding or cracking at this time. If the owner has further concerns about the structural nature of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



REVISIONS:			
NO.	DATE	DESCRIPTION	BY

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. GRUNG LIC. NO. 24051

CONSTRUCTION					
RELEASED	A	B	C	1	2



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

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.

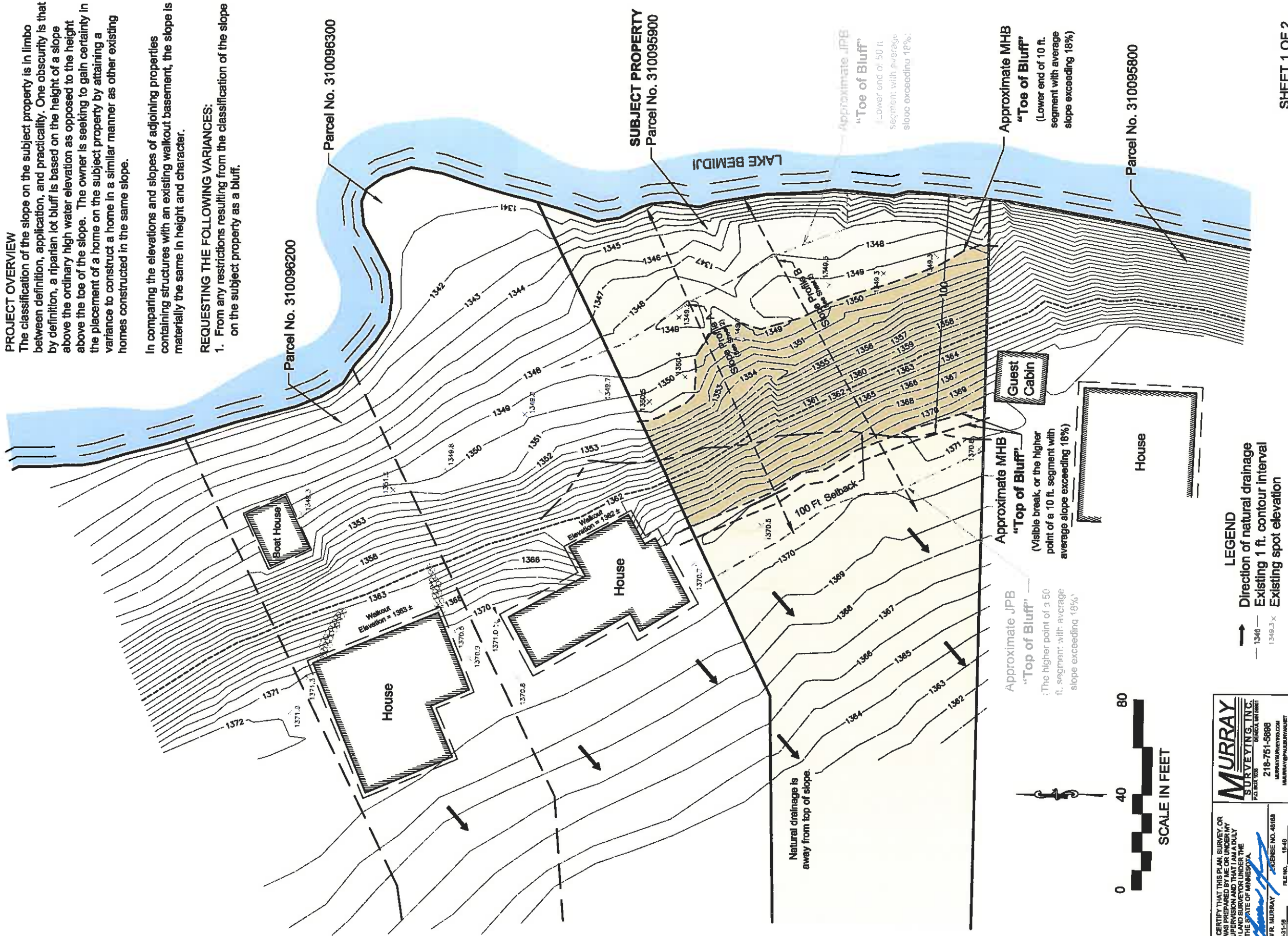
### PROJECT OVERVIEW

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.



**LEGEND**  
 → Direction of natural drainage  
 — Existing 1 ft. contour interval  
 — Existing spot elevation



I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
**MURRAY SURVEYING, INC.**  
 P.O. BOX 105    BELOIT, WISCONSIN  
 218-751-5898  
 MURRAY@MURRAYSURVEYING.COM  
 MURRAY/SURVEYING

DATE: 03/31/18    LICENSE NO. 48188    FILE NO. 15-40



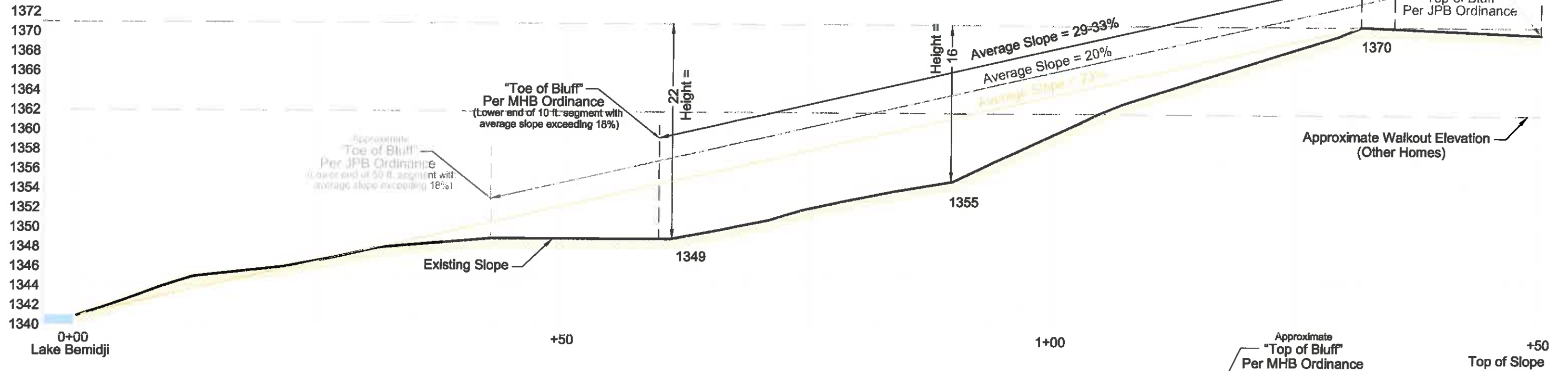
# Application for Variance

Parcel No. 310095900

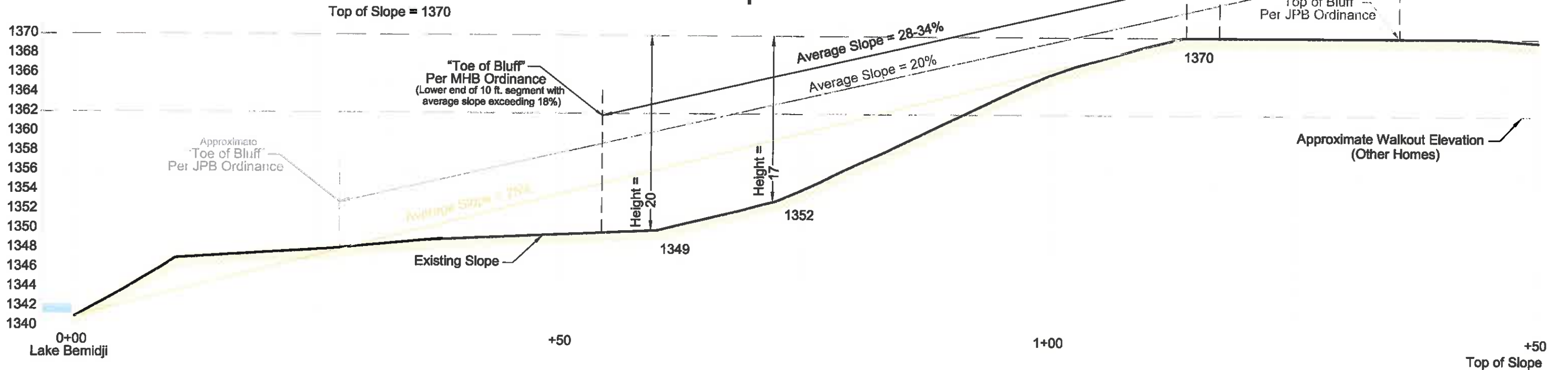
Parcel Address: 5800 Birchmont Dr NE

Applicant: Jason J. Caron and Angela M. Caron

## Slope Profile A



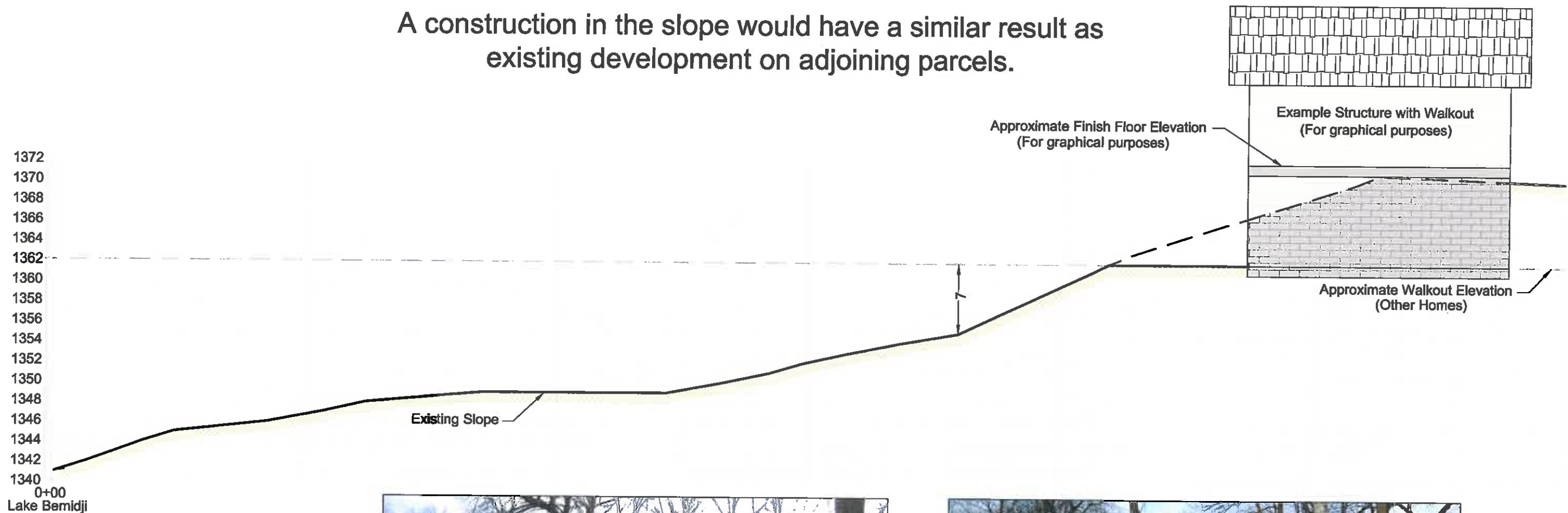
## Slope Profile B



# 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  
DATE: 03-31-16  
LICENSE NO. 48168  
FILE NO. 16-49

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





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

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



## Mississippi Headwaters Board

(MHB) May 20, 2016

Cass County Courthouse, Walker MN  
56484

### MEETING MINUTES

**Members present:** Keith Winger (Beltrami), Neal Gaalswyk (Cass), Paul Thiede (Crow Wing), Kevin Maurer (Morrison), Dean Newland by phone and then in person (Clearwater) and Tim Terrill (Executive Director).

**Others Present:** Chris Pence (Crow Wing Land Services Supervisor), Mark Liedl (Land Services Director, County Recorder), Josh Stearns & Cory Bushee (GBAJPB), Dan Steward (BWSR), Todd Holman (The Nature Conservancy), Lori Dowling-Hanson (DNR), Mark Willoughby (Enbridge), and Matthew Murray (Murray Surveying).

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

#### Executive Director's Report

- Held meeting with MPCA.
- Sent in report to MCIT.
- Sent an email to LSOHC showing them the infomercial and media websites.
- Wrote a NJPA and LSOHC grant this past month.
- Attended the Grand Rapids Stormwater Scoping Meeting. Will begin preparing for a CWL grant.
- Attended the State of the Waters Conference and participated in the AIS session.
- Met with the Brainerd Riverfront group to explore opportunities for the river front.
- Attended the Crow Wing AIS Inspector training to inform them about social media opportunities.
- Attended the Crow Wing County DRT planning meeting.

#### Planning and Zoning Actions

Josh Sterns from the GBAJPB presented the variance to the MHB Board. Matthew Murray from Murray Surveying discussed his technical survey and his opinion that practical and ordinance definitions may differ of what constitutes a bluff. The board determined that the MHB definition applies since it is in our jurisdictional area, and it appeared to Commissioner Gaalswyk that some questions in the finding of fact were not answered. Questions were answered in regard to the appeal process and timeline.

**M/S Gaalswyk/Thiede to deny certification of the Caron variance as submitted by the Greater Bemidji Area Joint Planning Board based on the MHB's definition of a bluff and the fact that restrictions on building in the bluff impact zone apply. Gaalswyk, Thiede, Maurer and Newland - Aye, Commissioner Winger abstained. Motion Carried.**

## **Action and Discussion Items**

Chris Pence discussed the Mississippi Northwoods Trail Proposal. The property was previously owned by Potlatch and has since been deeded to Crow Wing County. The proposal is to designate 11.5 miles of the existing 35 miles as multiple use recreation trails.

Tim discussed the Lessard-Sams Outdoor Heritage Council FY 2018/ML 2017 Proposal for Funding. Easement and acquisition locations will be in the 8 county MHB area on or close to the Mississippi River, headwaters lakes and reservoirs, and connecting corridors and tributaries.

**M/S Gaalswyk/Thiede to accept the agenda as presented. Motion Carried.**

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

**M/S Winger/Thiede to move forward and submit the Lessard-Sams Outdoor Heritage Council Proposal for funding. Motion Carried.**

Mark Willoughby of Enbridge explained that Enbridge and MHB have some overlapping concerns with water quality, including, but not limited to stormwater management. Enbridge is proposing to start with the Lake Irving area. Benefits of working together could include minimizing degradation of water quality, reducing runoff and improving wildlife habitat, and reducing risk factors associated with pipelines. Commissioner Thiede explained that he has participated in some meetings with Enbridge and he appreciates the lengths that Enbridge has gone to address runoff and water safety.


Tim was asked to explain how he determined the MHB billing rates when he applies for grants. He gave a brief demonstration of how he determines the rate at this time.

As a reminder – the NJPA will hold their grant award meeting on June 2<sup>nd</sup>.

Next meeting to be held June 17, 2016 at the Cass County Commissioners meeting room in the Cass County Courthouse.

**M/S Gaalswyk/Thiede to adjourn. Motion carried.**

  
Kevin J. Maurer, Chairman

  
Tim Terrill, Executive Director



PROTECTING THE FIRST 400 MILES

## Mississippi Headwaters Board

Crow Wing County Land Service Bldg. - 322 Laurel St. Brainerd, MN 56401

Web Site: [www.mississippiheadwaters.org](http://www.mississippiheadwaters.org)

**Date:** May 20, 2016

**To:** Jason and Angela Caron  
5973 Tall Pines Rd NE  
Bemidji, MN 56601

**From:** Mississippi Headwaters Board

**RE:** Notification of Denial

This is to inform you that the Mississippi Headwaters Board has reviewed and discussed your Variance: Action # **GBA5a16** at their **May 20, 2016** board meeting. Your request was denied based on the following:

- 1) Through review of the technical survey, the Board determined that the height and slope met the definition of a Bluff, and therefore restrictions on building in the bluff impact zone apply.

The LGU or applicant does have the option to appeal to the MHB (and demand a hearing) within 30 days of the denial notice. The LGU or applicant will need to send a letter to the MHB to notify the organization that they wish to appeal the decision. If the demand for hearing is not filed within 30 days, the denial becomes final. If the demand is received within 30 days, a hearing must be held within 60 days of the demand with published notice 2 wks prior to the hearing. After the hearing, the MHB has 30 days to affirm its approval or denial of the proposed action.

Tim Terrill, Executive Director

CC: **Mayana Rice** Planning/Zoning





# **Attachment 1 & 2**

Draft Minutes

Monthly Expenses

## **Mississippi Headwaters Board**

**(MHB) June 17, 2016**

**Cass County Courthouse, Walker MN  
56484**

### **MEETING MINUTES**

**Members present:** Neal Gaalswyk (Cass), Paul Thiede (Crow Wing), Kevin Maurer (Morrison), Dean Newland (Clearwater), Davin Tinquist (Itasca), Brian Napstad(Aitkin), Cal Johannsen and Tim Terrill (Executive Director).

**Others Present:** Dawn Berg (Cass County Environmental Services), Sue Maske ( Crow Wing Planning Assistant) and Lori Dowling-Hanson (DNR).

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

**M/S Napstad/Thiede to accept the agenda as presented. Motion Carried.**

**M/S Turnquist/Newland to accept the consent agenda. Motion Carried.**

#### **Executive Director's Report**

- Reviewed monthly budget and expense report.
- Prepared agenda.
- Reviewed forth coming variances.
- Sent a NJPA grant for AIS funding support.
- Submitted a MHB LSOHC proposal to the OHC.
- Worked on an appeal & hearing process for the Caron Variance.
- Submitted a report to the IF for AIS.
- Attended the NCLC meeting to develop shared goals for a Landscape plan.
- Met with an interested Landowner from Morrison County and him sign a landowner form stating that he wanted to be put on the acquisition list. No funding has been received yet. When it does come in, Tim will advertise in the papers. The commissioners requested that they be notified of potential acquisitions in their respective areas before they actually go before the county boards.
- Held a telephone conversation with a Star Tribune reporter about MHB's role in protecting the Mississippi River.
- Held a conversation with a Cass County landowner to discuss the variance procedure between the county and MHB.
- Attended a meeting with Barr Engineering and Enbridge to discuss Bemidji Lake Irving storm water options.
- Attended a meeting with the National Joint Powers Association Innovation Funding. Did not receive funding for AIS.
- Hopes to apply for funding for rain gardens for the City of Little Falls.

#### **Planning and Zoning Actions**

**M/S Gaalswyk /Napstad to certify the Pecchia variance as submitted by Cass County Environmental Services Department with the following conditions: 1.All conditions as determined by CCESD will be met. Motion Carried.**

**M/S Thiede/Gaalswyk to certify the Bartholomaus variance as submitted by Crow Wing Planning Assistant and to include their findings and conditions. Motion carried.**

**Action/Discussion Items**

Tim briefly discussed the making some changes to the MHB website. He stated that the website works well with a desktop computer or a tablet but not with a mobile phone. He would like to redesign the website so that it is more mobile friendly. The cost estimate is \$1,735.00.

**M/S Gaalswyk/Thiede to approve the expense as submitted to upgrade and MHB Website. Motion carried.**

Next meeting to be held July 15, 2016 at the Cass County Commissioners meeting room in the Cass County Courthouse.

**M/S Napstad/Thiede to adjourn at 10:20 A.M. Motion carried.**

---

**Kevin J. Maurer, Chairman**

---

**Tim Terrill, Executive Director**



07/10/2016 08:00  
JasonR

Crow Wing County  
MHB Detail History

P 1  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	
74	74-00-000-000-000-0000-10001- Cash & Pooled Investments								
16/06	171 06/10/16	PRJ					-3,416.87	-3,416.87	
16/06	197 06/07/16	GNI					4,322.42	905.55	
	ST OF MN SYSTEM GENERATED DUE TO LINE								
16/06	254 06/14/16	APP A0614					-5.37	900.18	
	A061416								
16/06	397 06/21/16	APP A0621					-581.56	318.62	
	A062116								
16/06	428 06/24/16	PRJ					-3,453.68	-3,135.06	
16/06	498 06/27/16	GNI					263.00	-2,872.06	
	EFT SYSTEM GENERATED DUE TO LINE								
16/06	526 06/30/16	GNI MAY					-222.76	-3,094.82	
	WF PCARD SYSTEM GENERATED DUE TO LINE								
16/06	696 06/30/16	GEN					-525.00	-3,619.82	
	RECURRING SYSTEM GENERATED DUE TO LINE								
	LEDGER BALANCES --- DEBITS:		4,585.42	CREDITS:		-8,205.24	NET:	-3,619.82	
74	74-00-000-000-000-0000-20050- Vouchers Payable								
16/06	249 06/14/16	API B 711					-5.37	-5.37	
	W A061416								
16/06	254 06/14/16	APP A0614					5.37	.00	
	A061416 AP CASH DISBURSEMENTS JOURNAL								
16/06	367 06/20/16	API B 718					-581.56	-581.56	
	W A062116								
16/06	397 06/21/16	APP A0621					581.56	.00	
	A062116 AP CASH DISBURSEMENTS JOURNAL								
	LEDGER BALANCES --- DEBITS:		586.93	CREDITS:		-586.93	NET:	.00	

07/10/2016 08:00  
JasonR

Crow Wing County  
MHB Detail History

P 2  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	
74	74-00-000-000-000-0000-38400-	Expenditures							
16/06	171 06/10/16 PRJ pr0610 1160610 1160610						3,416.87	3,416.87	
	pay061016 WARRANT=160610 RUN=1 BI-WEEKL								
16/06	249 06/14/16 API B 711						5.37	3,422.24	
	W A061416								
16/06	367 06/20/16 API B 718						581.56	4,003.80	
	W A062116								
16/06	428 06/24/16 PRJ pr0624 1160624 1160624						3,453.68	7,457.48	
	pay062416 WARRANT=160624 RUN=1 BI-WEEKL								
16/06	526 06/30/16 GNI MAY						222.76	7,680.24	
	WF PCARD								
16/06	696 06/30/16 GEN						525.00	8,205.24	
	RECURRING								
	LEDGER BALANCES --- DEBITS:		8,205.24				CREDITS: .00	NET: 8,205.24	
74	74-00-000-000-000-0000-38500-	Revenues							
16/06	197 06/07/16 GNI						-4,322.42	-4,322.42	
	ST OF MN								
16/06	498 06/27/16 GNI						-263.00	-4,585.42	
	EFT								
	LEDGER BALANCES --- DEBITS:		.00				CREDITS: -4,585.42	NET: -4,585.42	
74830	74-00-830-000-000-000-0000-53180-	Environmental Assistance /MPCA							
16/06	197 06/07/16 GNI						-4,322.42	-4,322.42	
	ST OF MN INVOICE 11 MPC								
	LEDGER BALANCES --- DEBITS:		.00				CREDITS: -4,322.42	NET: -4,322.42	
74830	74-00-830-000-000-000-0000-58300-	Miscellaneous Other Revenue							
16/06	498 06/27/16 GNI						-263.00	-263.00	
	EFT MCIT WORK COMP REFUND								

07/10/2016 08:00  
JasonR

Crow Wing County  
MHB Detail History

P 3  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
	LEDGER BALANCES --- DEBITS:			.00	CREDITS:		-263.00	NET: -263.00
74830	74-00-830-000-000-000-0000-61000-				Salaries & Wages - Regular			
16/06	171 06/10/16 PRJ pr0610 1160610 1160610						2,370.83	2,370.83
	pay061016 WARRANT=160610 RUN=1 BI-WEEKL							
16/06	428 06/24/16 PRJ pr0624 1160624 1160624						2,370.82	4,741.65
	pay062416 WARRANT=160624 RUN=1 BI-WEEKL							
	LEDGER BALANCES --- DEBITS:			4,741.65	CREDITS:		.00	NET: 4,741.65
74830	74-00-830-000-000-000-0000-61200-				Active Insurance			
16/06	171 06/10/16 PRJ pr0610 1160610 1160610						701.86	701.86
	pay061016 WARRANT=160610 RUN=1 BI-WEEKL							
16/06	428 06/24/16 PRJ pr0624 1160624 1160624						683.66	1,385.52
	pay062416 WARRANT=160624 RUN=1 BI-WEEKL							
	LEDGER BALANCES --- DEBITS:			1,385.52	CREDITS:		.00	NET: 1,385.52
74830	74-00-830-000-000-000-0000-61300-				Employee Pension & FICA			
16/06	171 06/10/16 PRJ pr0610 1160610 1160610						344.18	344.18
	pay061016 WARRANT=160610 RUN=1 BI-WEEKL							
16/06	428 06/24/16 PRJ pr0624 1160624 1160624						344.20	688.38
	pay062416 WARRANT=160624 RUN=1 BI-WEEKL							
	LEDGER BALANCES --- DEBITS:			688.38	CREDITS:		.00	NET: 688.38
74830	74-00-830-000-000-000-0000-62100-				Telephone			
16/06	249 06/14/16 API 006205 26532 6273 B						1.81	1.81
	W A061416 June CTC & 05/01-05/31 LD CALL CONSOLIDATED TELECOM							
16/06	249 06/14/16 API 006205 26532 6273 B						3.56	5.37
	W A061416 June CTC & 05/01-05/31 LD CALL CONSOLIDATED TELECOM							
16/06	428 06/24/16 PRJ pr0624 1160624 1160624						55.00	60.37
	pay062416 WARRANT=160624 RUN=1 BI-WEEKL							



07/10/2016 08:00  
JasonR

Crow Wing County  
MHB Detail History

P 4  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
	LEDGER BALANCES --- DEBITS:			60.37			CREDITS: .00	NET: 60.37
74830	74-00-830-000-000-000-0000-62680- Non-Employee Per Diems							
16/06	367 06/20/16 API 002837			26838	6308	B	50.00	50.00
	W A062116 MILEAGE AND PER DIEM FOR 06171 Johannsen, Calvin							
16/06	367 06/20/16 API 002534			26839	6315	B	109.40	159.40
	W A062116 MILEAGE AND PER DIEM FOR 06171 Newland, Dean							
16/06	367 06/20/16 API 002737			26840	6314	B	50.00	209.40
	W A062116 MILEAGE AND PER DIEM FOR 06171 Napstad, Brian G.							
16/06	367 06/20/16 API 100532			26841	6312	B	50.00	259.40
	W A062116 PER DIEM FOR 061716 MHB MTG Morrison County Audi							
16/06	367 06/20/16 API 002809			26843	6331	B	50.00	309.40
	W A062116 MILEAGE AND PER DIEM FOR 06171 Tinquist, Davin C.							
	LEDGER BALANCES --- DEBITS:			309.40			CREDITS: .00	NET: 309.40
74830	74-00-830-000-000-000-0000-62720- Non-Employee Mileage							
16/06	367 06/20/16 API 002837			26838	6308	B	27.00	27.00
	W A062116 MILEAGE AND PER DIEM FOR 06171 Johannsen, Calvin							
16/06	367 06/20/16 API 002737			26840	6314	B	97.20	124.20
	W A062116 MILEAGE AND PER DIEM FOR 06171 Napstad, Brian G.							
16/06	367 06/20/16 API 002833			26842	6309	B	83.16	207.36
	W A062116 MILEAGE FOR 061716 MHB MTG Maurer, Kevin J.							
16/06	367 06/20/16 API 002809			26843	6331	B	64.80	272.16
	W A062116 MILEAGE AND PER DIEM FOR 06171 Tinquist, Davin C.							
	LEDGER BALANCES --- DEBITS:			272.16			CREDITS: .00	NET: 272.16
74830	74-00-830-000-000-000-0000-62990- Prof. & Tech. Fee - Other							
16/06	696 06/30/16 GEN					B	525.00	525.00
	RECURRING FINANCIAL SERVICE							
	LEDGER BALANCES --- DEBITS:			525.00			CREDITS: .00	NET: 525.00

07/10/2016 08:00  
JasonR

Crow Wing County  
MHB Detail History

P 5  
glacthst

ORG YR/PR	ACCOUNT JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE
74830	74-00-830-000-000-000-63320-							Employee Mileage
16/06	526 06/30/16	GNI MAY				B	45.36	45.36
	WF PCARD	MHB						
		PAUL THIEDE-OOP						
16/06	526 06/30/16	GNI MAY				B	24.68	70.04
	WF PCARD	AIS social media training CWC						
		TIM TERRILL-OOP						
16/06	526 06/30/16	GNI MAY				B	34.94	104.98
	WF PCARD	Landscape Stewardship plannin						
		TIM TERRILL-OOP						
16/06	526 06/30/16	GNI MAY				B	18.09	123.07
	WF PCARD	Potential acquisition parcel						
		TIM TERRILL-OOP						
16/06	526 06/30/16	GNI MAY				B	57.24	180.31
	WF PCARD	monthly meeting						
		TIM TERRILL-OOP						
16/06	526 06/30/16	GNI MAY				B	26.68	206.99
	WF PCARD	ACUB meeting						
		TIM TERRILL-OOP						
	LEDGER BALANCES --- DEBITS:			206.99				
					CREDITS:		.00	NET: 206.99
74830	74-00-830-000-000-000-64090-							Office Supplies
16/06	526 06/30/16	GNI MAY				B	6.31	6.31
	WF PCARD	snacks for board meeting						
		TIM TERRILL-PEQUOT SUPERVALU						
16/06	526 06/30/16	GNI MAY				B	3.46	9.77
	WF PCARD	mailing agenda packet						
		TIM TERRILL-USPS 26110004033407503						
16/06	526 06/30/16	GNI MAY				B	6.00	15.77
	WF PCARD	mailing certified letter						
		TIM TERRILL-USPS 26110004033407503						
	LEDGER BALANCES --- DEBITS:			15.77				
					CREDITS:		.00	NET: 15.77
	GRAND TOTAL --- DEBITS:			21,582.83				
					CREDITS:		-17,963.01	NET: 3,619.82

50 Records printed

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

## **Attachment 3**

Executive Directors Report

Chip. Nat. Forest Quarterly report



# Executive Director Report

June 2016 – July 2016

## Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed over monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Reviewed over potential variances that may be coming before the Board next month.
5. Attended weekly call in meeting with MPCA.
6. Reviewed over potential timeline for TMDL on Lake Irving.
7. Responded to various inquiries about the MHB easement and acquisition program.
8. Prepared and submitted report to Initiative Foundation for AIS program.
9. Prepared and submitted report to MPCA for water monitoring program.
10. Clarified MHB history for the Great River Road Corridor Management Plan.
11. Prepared 4<sup>th</sup> quarter MHB Quarterly Report.
12. Classified ad was placed in the pilot independent and Bemidji Pioneer for announcement of hearing.
13. Researched Creosote railroad ties and prepared findings for the MHB Board.

## Meetings & Networking

1. Provided social media opportunity for Beltrami and Aitkin AIS inspectors.
2. Held meeting with Enbridge and had further discussion about project scope, pre-screening, and timeline.
3. Attended the Leech Lake WRAPS meeting.
4. Attended Listening/Discussion meeting in Little Falls in which John Jaschke discussed with local SWCD's and county employees discussion topics. The conversation focused around the new buffer policy, and capacity funding.
5. Attended Sentinel Landscape meeting to discuss partner priorities to help determine a boundary to work within.



## Schedule of Proposed Action (SOPA)

07/01/2016 to 09/30/2016

### Chippewa National Forest

This report contains the best available information at the time of publication. Questions may be directed to the Project Contact.

Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
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<b>Chippewa National Forest, Forestwide (excluding Projects occurring in more than one Forest)</b>	<b>R9 - Eastern Region</b>
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<b>Site Preparation and Regeneration Activities</b> CE  <p style="color: blue; text-align: center;">*NEW LISTING*</p>	- Vegetation management (other than forest products)	Developing Proposal Est. Scoping Start 07/2016	Expected:07/2016	08/2016	Rosemary Johnson 218-547-1044 x 128 rrjohnson@fs.fed.us
<b>Description:</b> Site preparation and/or planting/seeding of stands salvage harvested after a 2012 wind storm.					
<b>Location:</b> UNIT - Chippewa National Forest All Units. STATE - Minnesota. COUNTY - Beltrami, Cass, Itasca. LEGAL - Not Applicable. Stands are primarily on the Blackduck district but also includes stands on the Walker and Deer River Districts. Stands are within the Leech Lake Reservation.					

<b>Chippewa National Forest, Occurring in more than one District (excluding Forestwide)</b>	<b>R9 - Eastern Region</b>
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<b>Noma Vegetation Management Project</b> EA  <p style="color: blue; text-align: center;">*UPDATED*</p>	- Wildlife, Fish, Rare plants - Forest products - Watershed management - Road management	Developing Proposal Est. Scoping Start 07/2016	Expected:05/2017	06/2017	Lisa Arbucci-Schmid 218-835-3117 larbuccischmid@fs.fed.us
<b>Description:</b> Management of: vegetation composition/age class through harvest, site prep, planting; wildlife/pollinator habitats through diversity planting, seeding; riparian/wetland through harvest, diversity planting; forest system roads.					
<b>Location:</b> UNIT - Blackduck Ranger District, Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - T149N R25-27W and T150N R 25 -27W. Northeastern portion of Blackduck District and extends into northwestern part of Deer River district. Project area lies between Big Fork and Dora Lake. Project is outside Leech Lake Reservation.					

<b>Chippewa National Forest Blackduck Ranger District (excluding Projects occurring in more than one District)</b>	<b>R9 - Eastern Region</b>
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Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
<b>Chippewa National Forest Blackduck Ranger District (excluding Projects occurring in more than one District)</b>					<b>R9 - Eastern Region</b>
<b>Beltrami County CSAH 55 road rebuild</b> CE  <b>*UPDATED*</b>	- Special area management - Road management	In Progress: Scoping Start 02/24/2016	Expected:07/2016	08/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
	<b>Description:</b> Beltrami County has applied for an easement to rebuild CSAH 55 where it crosses Chippewa National Forest land in 3 places. The affected lands are located in Beltrami County, Chippewa National Forest and outside the Leech Lake Reservation administrat				
	<b>Location:</b> UNIT - Blackduck Ranger District. STATE - Minnesota. COUNTY - Beltrami. LEGAL - Not Applicable. The project is located on CSAH 55 in Beltrami County just south of Blackduck.				
<b>Knutson Dam Campground Holding Tank</b> CE  <b>*UPDATED*</b>	- Facility management	Completed	Actual: 04/28/2016	06/2016	Kenneth Hansen 218-835-3116 khansen@fs.fed.us
	<b>Description:</b> installation of a 1,000 gallon wastewater holding tank at Knutson Dam Campground host site				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=47947">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=47947</a>				
<b>Lydick Brook East Wildlife Habitat Improvement Project</b> CE  <b>*UPDATED*</b>	- Wildlife, Fish, Rare plants	Developing Proposal Est. Scoping Start 07/2016	Expected:10/2016	01/2017	Cory Mlodik 218-835-3119 corymlodik@fs.fed.us
	<b>Description:</b> Increase stand heterogeneity and complexity that is associated with older age red pine forests within a Large Upland Mature Patch. The project area consists almost entirely of 50 year old red pine plantations. Prescribe burn & commercial harvest.				
	<b>Location:</b> UNIT - Blackduck Ranger District. STATE - Minnesota. COUNTY - Cass. LEGAL - T. 145 N. R. 29 W., Sections 4, 5, and 9 and T. 146 N. R. 29 W., Section 33. The project area is south of the Mississippi River and east of Lydick Brook on the Blackduck Ranger District, Cass County, Minnesota. The entire project area is within the boundary of the Leech Lake Band of Ojibwe Reservation.				
<b>Menth Garage and Cabin Addition</b> CE  <b>*UPDATED*</b>	- Special area management	Completed	Actual: 04/26/2016	05/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
	<b>Description:</b> Construct a garage and expand a cabin on a permitted recreation resident lot, Mississippi Tract, Lot 7				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49060">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49060</a>				
<b>Location:</b> UNIT - Blackduck Ranger District. STATE - Minnesota. COUNTY - Cass. LEGAL - Not Applicable. Mississippi River summer home group off FR 2235.					



Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
<b>Chippewa National Forest</b>	<b>Blackduck Ranger District (excluding Projects occurring in more than one District)</b>			<b>R9 - Eastern Region</b>	
<b>Paul Bunyan Telephone amendment</b> CE  <b>*UPDATED*</b>	- Special use management	Completed	Actual: 05/26/2016	06/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
<b>Description:</b> This permit amendment will authorize Paul Bunyan Telephone to install underground fiber optic cable 20 feet off the of Birchmont Beach, Timberwolf and Damon Lake Roads. This is inside the Leech Lake					
<b>Location:</b> UNIT - Blackduck Ranger District. STATE - Minnesota. COUNTY - Beltrami. LEGAL - T147N, R30W, S19, S23, S24, S29. The project is located along Timberwolf Road, Damon Lake Road, and Birchmont Beach Road, Chippewa National Forest.					

<b>Chippewa National Forest</b>	<b>Deer River Ranger District (excluding Projects occurring in more than one District)</b>			<b>R9 - Eastern Region</b>	
<b>Bear Brook, Ball Club, and Holland Decommissioning</b> CE  <b>*UPDATED*</b>	- Wildlife, Fish, Rare plants - Watershed management	In Progress: Scoping Start 02/08/2016	Expected:07/2016	08/2016	Eric Raitanen 218-246-3475 ericraitanen@fs.fed.us
<b>Description:</b> Remove all control structures and wetland fill and re-vegetate to a natural condition. Bear Brook will be replaced with a suitable culvert or bridge that meets standards for aquatic organism passage.					
<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48111">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48111</a>					
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Cass, Itasca. LEGAL - Ball Club Impoundments: T145 R26 Sec 8, Bear Brook Impoundment: T144 R27 Sec 15, Holland Lake Impoundment T149R25 Sec 7. Leech River Watershed, Bear Brook sub watershed;Ball Club sub-watershed, tributary to Ball Club Lake;Big Fork Watershed, Big Fork Watershed, Upper Bigfork River. Fletcher Creek sub-watershed.					
<b>Camp Fire USA building reroof and gate</b> CE  <b>*NEW LISTING*</b>	- Special use management - Road management	Completed	Actual: 06/30/2016	08/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
<b>Description:</b> Replace roof on craft center building. Place locked gate on FR2065E at permitted area boundary					
<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49613">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49613</a>					
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - T57N, R25W, sec. 18, Lot 1. Camp Fire USA organization camp on west shore of Bluewater Lake. This project is NOT on the LLBO Reservation.					

Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
<b>Chippewa National Forest Deer River Ranger District (excluding Projects occurring in more than one District)</b>					<b>R9 - Eastern Region</b>
<b>Edge of the Wilderness Resort and Visitor Center Permit issuance</b> CE  <b>*NEW LISTING*</b>	- Special use management	In Progress: Scoping Start 06/15/2016	Expected:07/2016	08/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
	<b>Description:</b> The old Marcell Ranger district facilities have been operating under a special use permit issued to Northern Joint Itasca Powers Board since 2014. Edge of wilderness Discovery Center has taken over the operations resulting in new permit.				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49645">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49645</a>				
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - 4th PM, T59N, R26W, Sec. 18. Discovery Center and Marcell Lodge off Highway 38 in Marcell.					
<b>Highbanks Resort Pig Race and Storage Expansion</b> CE  <b>*UPDATED*</b>	- Special use management	Completed	Actual: 06/30/2016	07/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
	<b>Description:</b> Request to conduct pig race July 2016 and clear an area in the woods for storage under resort permit. This project is not within the LLBO Reservation boundary.				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49158">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49158</a>				
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - 5th PM, T146N, R27W, Sec 20 and Sec. 29. Highbanks Resort off of FR 2205.					
<b>Holmgren Septic Replacement request</b> CE  <b>*NEW LISTING*</b>	- Special use management	Completed	Actual: 04/21/2016	06/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
	<b>Description:</b> The Holmgrens need to replace the septic system for their cabin on Lot 7, Little Cut Foot Sioux Tract. The lot is within the Leech Lake Reservation administrative boundary.				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49335">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49335</a>				
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - T147N, R27W, Section 36, 5th Principal Meridian. The project is located on Lot 7, Little Cut Foot Sioux summer home group, Deer River, MN.					

Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
<b>Chippewa National Forest</b>	<b>Deer River Ranger District (excluding Projects occurring in more than one District)</b>			<b>R9 - Eastern Region</b>	
<b>Horn Windows</b> CE  <b>*UPDATED*</b>	- Special use management	Completed	Actual: 04/13/2016	05/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
<b>Description:</b> Request to replace windows on a cabin on a permitted recreation resident lot, North Sioux Tract, Lot 5 This project is located within the LLBO Reservation					
<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49160">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49160</a>					
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - 5th PM, T147N, R27W, Sec 22. North Sioux summer home group on Cut Foot Sioux Lake.					
<b>Long Lake Vegetation Management Project</b> EA	- Wildlife, Fish, Rare plants - Forest products - Watershed management - Road management	In Progress: Scoping Start 02/03/2016 Est. Comment Period Public Notice 08/2016	Expected:11/2016	06/2018	Barb Knight 218-246-2362 bknight@fs.fed.us
<b>Description:</b> This purpose of the project is to move toward achieving Landscape Ecosystem vegetation objectives, and restoring conditions more representative of native vegetation communities. Outside the LLBO reservation boundary					
<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48175">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48175</a>					
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Cass. LEGAL - T141N R25W Sec3-6, 8-9, 13-17, 20-36;T142N R25W Sec3-6,8-11,18-22,28-34; T143N R25W Sec1,3,4-6,8-17,19-24,26,28-33; T143N R26W Sec1&24; T144N R25W Sec5-9,16-23,26-36; T144N R26W Sec12-14, 23-26-36. This project is located south of Hwy 2 and North of the National Forest boundary and on the very eastern side of the Forest.					
<b>Pehrson Rec Residence Project</b> CE  <b>*NEW LISTING*</b>	- Special use management	Completed	Actual: 06/16/2016	06/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
<b>Description:</b> Cabin log replacement, cabin door/window replacement, 30%u2019x30%u2019 clearing, stair to shore replacement					
<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49612">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49612</a>					
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - T146N, R27W, Sec. 29. Highbanks Summer home tract, Lot 8. East side of Lake Winnie off FR2219. This project is within the Leech Lake Band of Ojibwe Reservation.					



Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
<b>Chippewa National Forest</b>	<b>Deer River Ranger District (excluding Projects occurring in more than one District)</b>			<b>R9 - Eastern Region</b>	
<b>The Pines Resort Cabin Expansion</b> CE  <b>*UPDATED*</b>	- Special use management	Completed	Actual: 05/18/2016	06/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
	<b>Description:</b> The Pines Resort has requested permission to enlarge 2 cabins on their permitted resort. The resort is within the Leech Lake Reservation administrative boundary.				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48857">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48857</a>				
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - T146N, R27W, Sections 25 and 26, 5th Principal Meridian. The project is located at The Pines Resort at 17221 Winnie Dam Road NE, Deer River, MN.					
<b>The Pines Resort Tree Planting</b> CE  <b>*NEW LISTING*</b>	- Special use management	Completed	Actual: 04/11/2016	05/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed.us
	<b>Description:</b> The Pines Resort has requested permission to plant trees on their permitted resort. The resort is within the Leech Lake Reservation administrative boundary.				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49321">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=49321</a>				
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - T146N, R27W, Sections 25 and 26, 5th Principal Meridian. The project is located at The Pines Resort at 17221 Winnie Dam Road NE, Deer River, MN.					
<b>Trunk Highway (TH) 38 Improvement Project</b> CE	- Road management	In Progress: Scoping Start 11/25/2015	Expected:09/2016	03/2017	Barb Knight 218-246-2362 bknight@fs.fed.us
	<b>Description:</b> Construct a new road pavement, replace 41 and repair 9 culverts, repair the eroding inslope at 7 locations, raise the road surface at milepost 26, lower the crest hill at milepost 14.5, tree removal a some areas. Outside the LLBO reservation.				
	<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48171">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48171</a>				
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - Not Applicable. TH38 north-south corridor between Pughole Lake to Marcell.					

Project Name	Project Purpose	Planning Status	Decision	Expected Implementation	Project Contact
<b>Chippewa National Forest</b>	<b>Deer River Ranger District (excluding Projects occurring in more than one District)</b>			<b>R9 - Eastern Region</b>	
<b>Williams Propane Tank</b> CE  <b>*UPDATED*</b>	- Special use management	In Progress: Scoping Start 02/23/2016	Expected:07/2016	07/2016	Laura Underhill 218-246-3455 laurabunderhill@fs.fed. us
<b>Description:</b> The Williams have requested permission to install a 500 gallon above ground propane tank and gas line to their cabin on Lot 13, Winnie Dam Tract. The lot is within the Leech Lake Reservation administrative boundary.					
<b>Web Link:</b> <a href="http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48858">http://www.fs.fed.us/nepa/nepa_project_exp.php?project=48858</a>					
<b>Location:</b> UNIT - Deer River Ranger District. STATE - Minnesota. COUNTY - Itasca. LEGAL - T146N, R27W, Sections 24, 5th Principal Meridian. The project is located on Lot 13, Winnie Dam summer home group, Deer River, MN.					

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This report contains the best available information at the time of publication. Questions may be directed to the Project Contact.

## **Planning and Zoning (att. 4)**

Ca7a16- Thomas Menth





ENVIRONMENTAL SERVICES DEPARTMENT  
PO Box 3000 Courthouse, 303 Minnesota Ave W  
Walker MN 56484  
218-547-7241

DATE: June 23, 2016

## NOTICE OF HEARING FOR VARIANCE

APPLICANT: Thomas M Menth  
14370 Bowers Dr NW  
ADDRESS: Ramsey MN 55303

LEGAL DESCRIPTION: Lot 7 "Mississippi River Group" USFS Lease Lot, Section: 2-145-29  
PID # 74-845-0070 - Unorganized Township

MEETING DATE: Monday, July 11, 2016 at 1:00 PM (time is approximate, please plan on being here 15 minutes prior to scheduled time)

PLACE: Cass County Land Department Building - 218 Washburn Ave E. Backus, MN 56435

PURPOSE: An application submitted to expand a non-conforming residence with a 10 feet x 13 feet addition and to construct 16 feet x 24 feet detached accessory structure both located 100 feet from the water. The residence is non-conforming because it is less than 200 feet from the water. The applicable portions of the Land Use Ordinance include Section 800 which establishes variance criteria and Section 1115.3 which establishes non-conforming structure expansion criteria. In addition the parcel is subject to the jurisdiction of the Mississippi Headwaters Board (MHB) to which their mapping classifies parcel as riparian to the Mississippi River. Section F.1. of the MHB Management Plan requires structures to be located 200 feet from a river segment classified as Wild (W). The property contains .7 acre riparian to the Mississippi River (W). The field inspection for this application will be conducted 07/05/16 @ 11:45 AM.

### TO: ADJACENT PROPERTY OWNERS:

This is the notice of hearing for a variance. ESD attempts to notify all property owners within  $\frac{1}{4}$  mile of the property of the applicant or the nearest 10 property owners whichever results in the most notices. Please share this notice with anyone that may have not been notified. If you have questions, please contact ESD at 218-547-7241. A complete copy of the variance application may be viewed at or obtained from our office.

Written comments maybe submitted to Paul Z. Fairbanks, ESD, Cass County Courthouse, PO Box 3000, Walker MN 56484. Comments may also be submitted to [paul.fairbanks@co.cass.mn.us](mailto:paul.fairbanks@co.cass.mn.us).

# Variance Application Permit

Parcel ID # 74-845-0070

Applicants Name Thomas M. Menth

Applicant is: **Owner:** Yes **Agent** \_\_\_\_\_

**Property Owner:** Thomas M. Menth

Mailing Address: 14370 Bowers Drive NW

City, State, Zip: Ramsey, MN 55303

Day Time Phone: 763-755-7677

Township: Unorganized

Section 2 Twp: 145.0 Rg: 29

E-911 Address: 784 Trappers Drive NW / Bena

Lake, River, Stream Mississippi Headwaters

Classification: Recreation Residence

Legal Description: Lot 7 of the Mississippi Sumer

Home Group, Township 145 North, Range 29 West,

Section 2, Northwest 1/4 of the Northwest 1/4.

Cass County, Minnesota

June 1, 2016

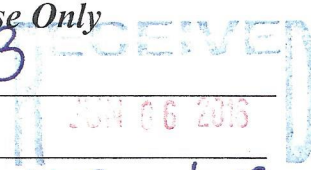
**Property Owners Signature** **Date**

Thomas M. Menth

**Applicants Signature (if different than Owner)**

**Office Use Only**

Received By: OB



Date \_\_\_\_\_

Total Fees Paid: 395.00 + 46.00

Check # online Receipt: 259291

Date Field Inspected: \_\_\_\_\_

**Date Application filed with ESD**

**Applicant assisted by:**

**Applicant & MN/DNR notified:**

**Filing Acknowledgement by:**

**Date of hearing:**

2/11/16

**This Variance Application is hereby**

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_

**By the Cass County BOA / PAC**

**Date:** \_\_\_\_\_

**By** \_\_\_\_\_

**Property Information:**

Property Became Lot of Record 1950's

Lot Width: 150'

Lot Depth: 297'

Water Frontage: Approximately 150'

Total Acres: .7

ROW Setback \_\_\_\_\_ Lake Setback \_\_\_\_\_

Property Line Setback \_\_\_\_\_

Building Height: 13'-4"

Previous Owner: Joseph D. Menth

Year Sold: November 17, 2015

Year ISTS installed: May 29, 1979

Date of Last Inspection: November 5, 2015

Section of Ordinance: 115.3/MHB III F.1.

Requested Use: \_\_\_\_\_

EXP NC RESIDENCE



File Code: 2720  
Date: April 21, 2016

Thomas Menth  
14370 Bowers Drive  
Anoka, MN 55303

Dear Mr. Menth:

We received your request for permission to complete several projects on your permitted recreation residence lot located in Mississippi River summer home tract, Lot 7. By this letter, I am authorizing you to complete the following:

1. Construct a 24' x 16' (384 square foot) garage twenty feet to the east of the existing cabin. The garage will have cedar lap siding to match the existing cabin. It will be shingled with burnt sienna shingles to match the existing cabin. It will include two 10' x 8' overhead doors and a concrete floor. The project will require the removal of 5 trees.
2. Construct a 10' x 12'8" addition to the northwest corner of the existing cabin. The addition will expand the living room area. Siding, shingles and the foundation will match the existing cabin.
3. Remove the existing 80 square foot storage shed.

The 5 trees you are removing as part of your project may be placed on Forest Service land near your cabin. If you wish to use the trees for firewood, you will need to purchase a firewood permit at one of our district offices.

If you have any questions on this information, please contact Laura Underhill at 218-246-3455 or by email at [laurabunderhill@fs.fed.us](mailto:laurabunderhill@fs.fed.us).

Sincerely,

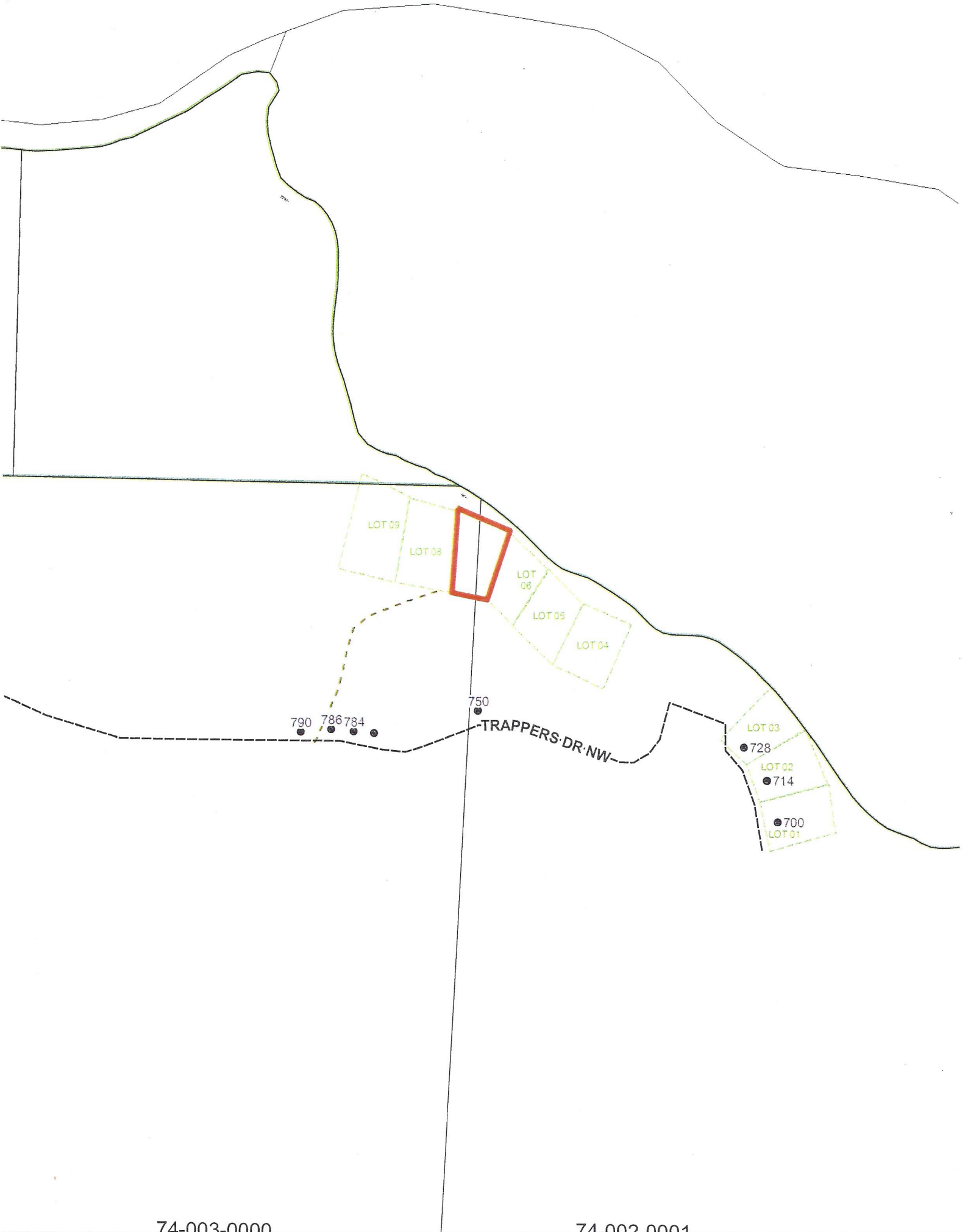


KAREN L. LESSARD  
District Ranger









74-003-0000

74-002-0001

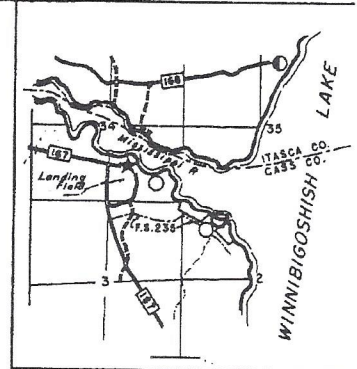


R-9  
 U. S. Department of Agriculture  
 Forest Service  
 MISSISSIPPI RIVER  
 SUMMER HOME AREA

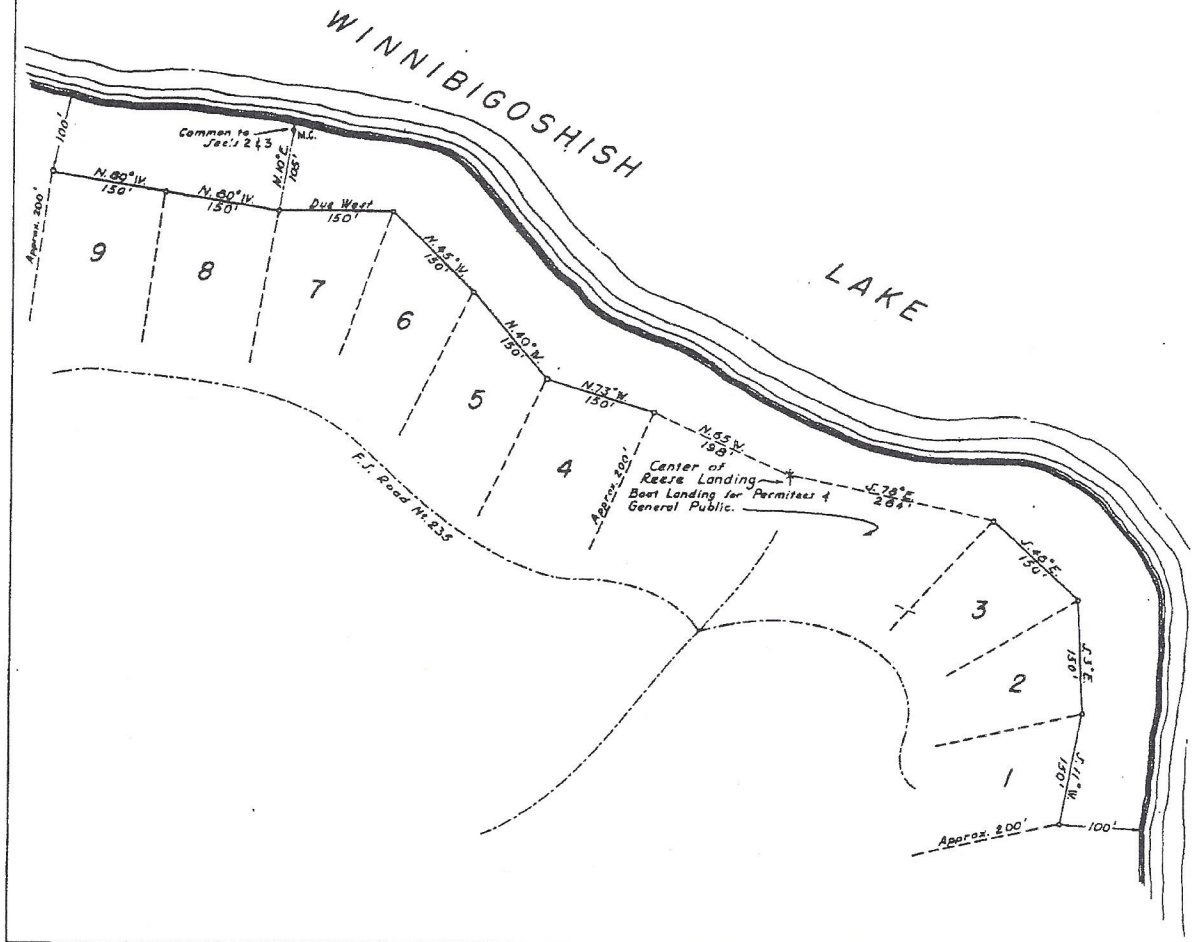
Location, Sec. 2, T.145N., R.29W.  
 Scale = 1 inch = 100 feet

Chippewa National Forest  
 Minnesota

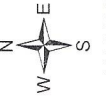
Field Work by: R.S.D., E.J.B., R.E.B.  
 Approved by: L.S.H., & H.A.S.  
 Chief's Letter, H.H., Nov.'5  
 Drawn by: L.E.G., 3-26-'5



PROXIMITY MAP  
 Scale: 2" = 1 mile  
 T.145, 146N., R.29W.







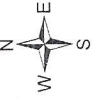
Date: 6/20/2016



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

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.





Date: 6/20/2016

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TRAPPERS DR NW

TRAPPERS DR

LOT 09

LOT 08

LOT 06

LOT 05

LOT 04

LOT 03

LOT 02

LOT 01

790

786

784

772

750

728

714

700

74-003-0000

672.61 AC  
13.61 ROW

74-002-0001

21.51 AC  
1.07 ROW  
11.8 WATER





TRAPPERS DR NW

TRAPPERS DR NW

TRAPPERS DR

LOT 09

LOT 08

LOT 07

LOT 06

LOT 05

LOT 04

LOT 03

LOT 02

LOT 01

750

790

786

784

772

728

714

700

74-003-0000

672.81 AC ±  
43.84 ROW

74-002-0001

21.31 AC ±  
1.97 ROW  
11.82 WATER





LOT02

LOT03

LOT03

LOT05

LOT04

TRAPPERS DR NW

750

740

776

784

772

TRAPPERS DR

LOT03

728

LOT02

714

760

LOT01

74-003-0000

672.91 AC±  
10.84 ROW

74-002-0001

21.5 AC±  
1.07 ROW  
11.61 WATER





Google earth

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Google earth

feet  
km

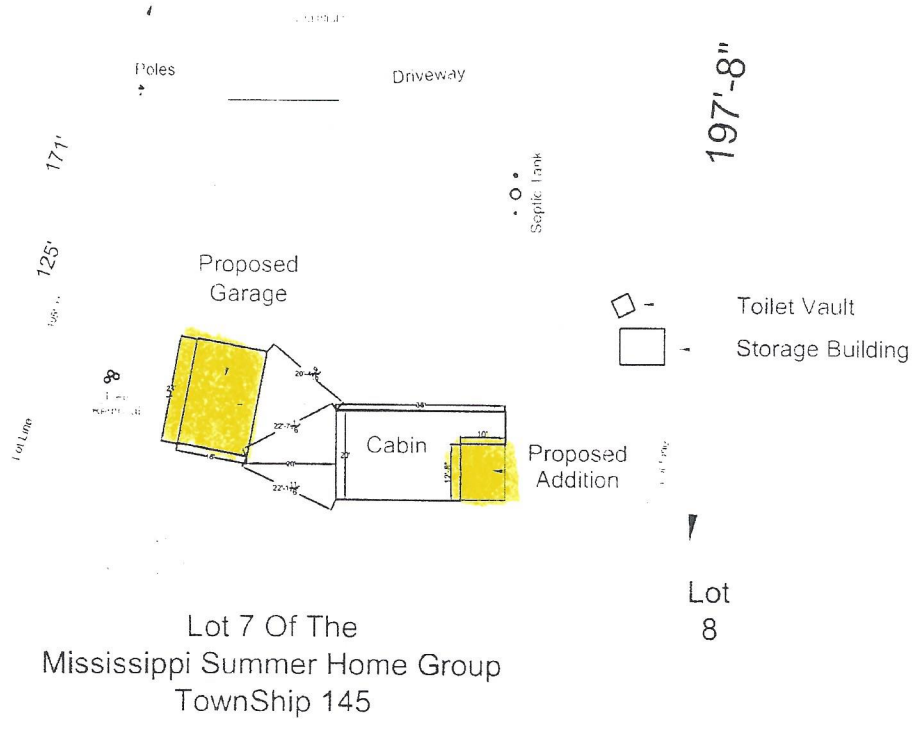
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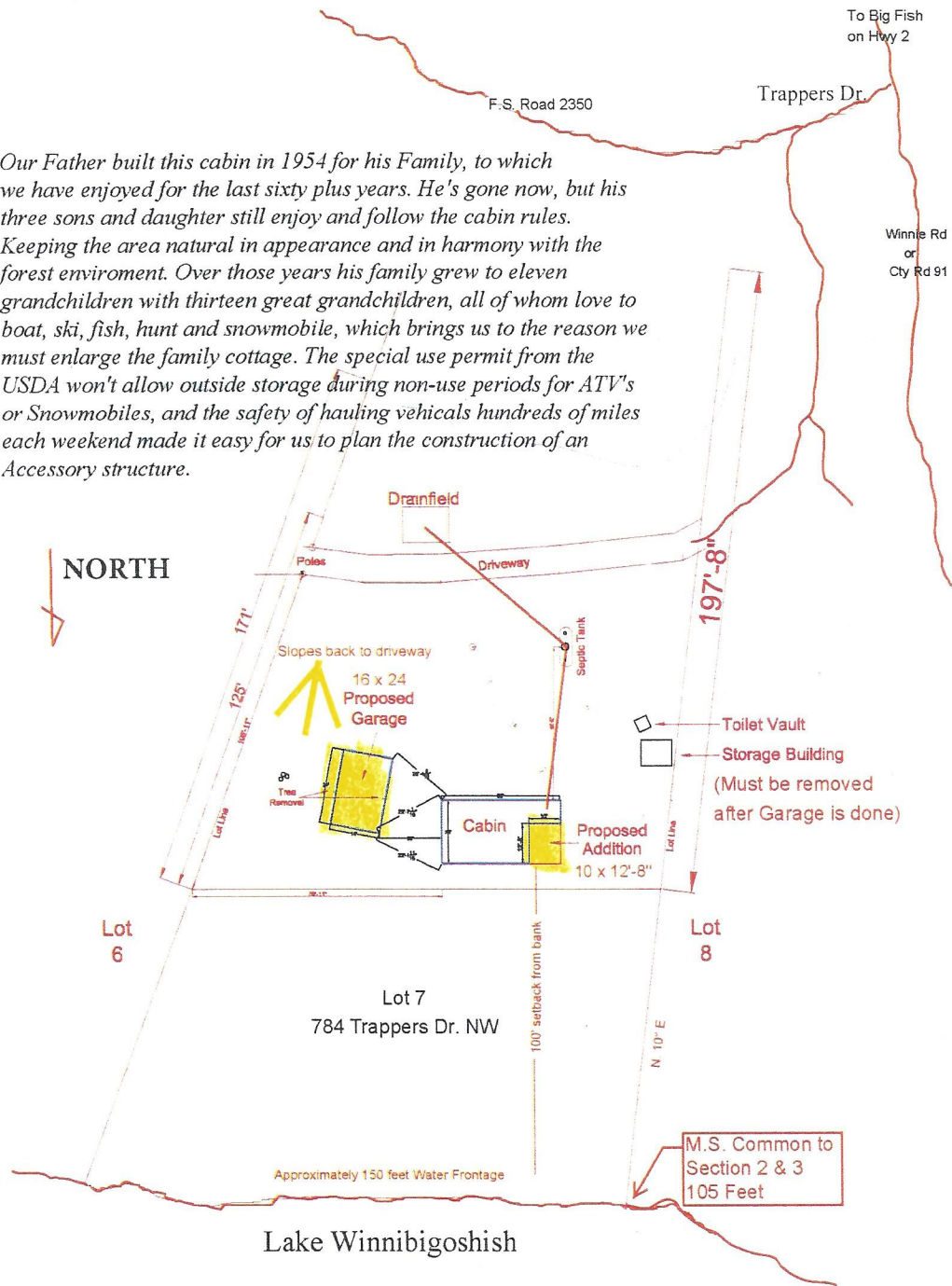


# F.S. Road 2350



# CASS COUNTY ENVIRONMENTAL SERVICES

*Our Father built this cabin in 1954 for his Family, to which we have enjoyed for the last sixty plus years. He's gone now, but his three sons and daughter still enjoy and follow the cabin rules. Keeping the area natural in appearance and in harmony with the forest environment. Over those years his family grew to eleven grandchildren with thirteen great grandchildren, all of whom love to boat, ski, fish, hunt and snowmobile, which brings us to the reason we must enlarge the family cottage. The special use permit from the USDA won't allow outside storage during non-use periods for ATV's or Snowmobiles, and the safety of hauling vehicals hundreds of miles each weekend made it easy for us to plan the construction of an Accessory structure.*



I hereby certify and agree that the above sketch accurately represents the work to be done in conjunction with this permit or restoration order.

APPLICANT OR AGENT SIGNATURE: \_\_\_\_\_

DATE: June 1, 2016

*[Handwritten Signature]*





LOT 7 OF THE MISSISSIPPI SUMMER HOMES

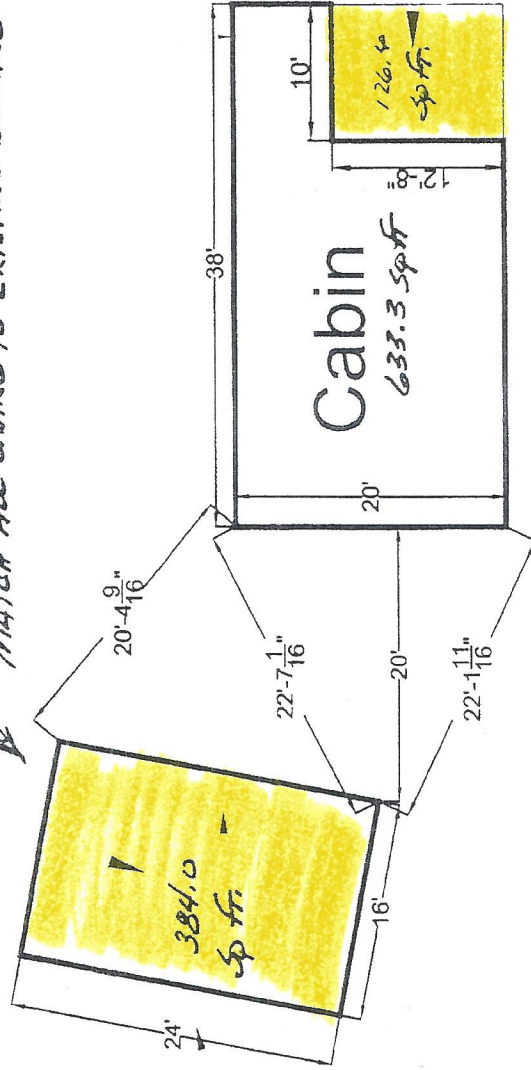
TOM MENTH -

PROPOSED GARAGE & CABIN ADDITIONS

PROPOSED GARAGE 384.0 SPT.

48

MATCH ALL SIDING TO EXISTING BUILDING

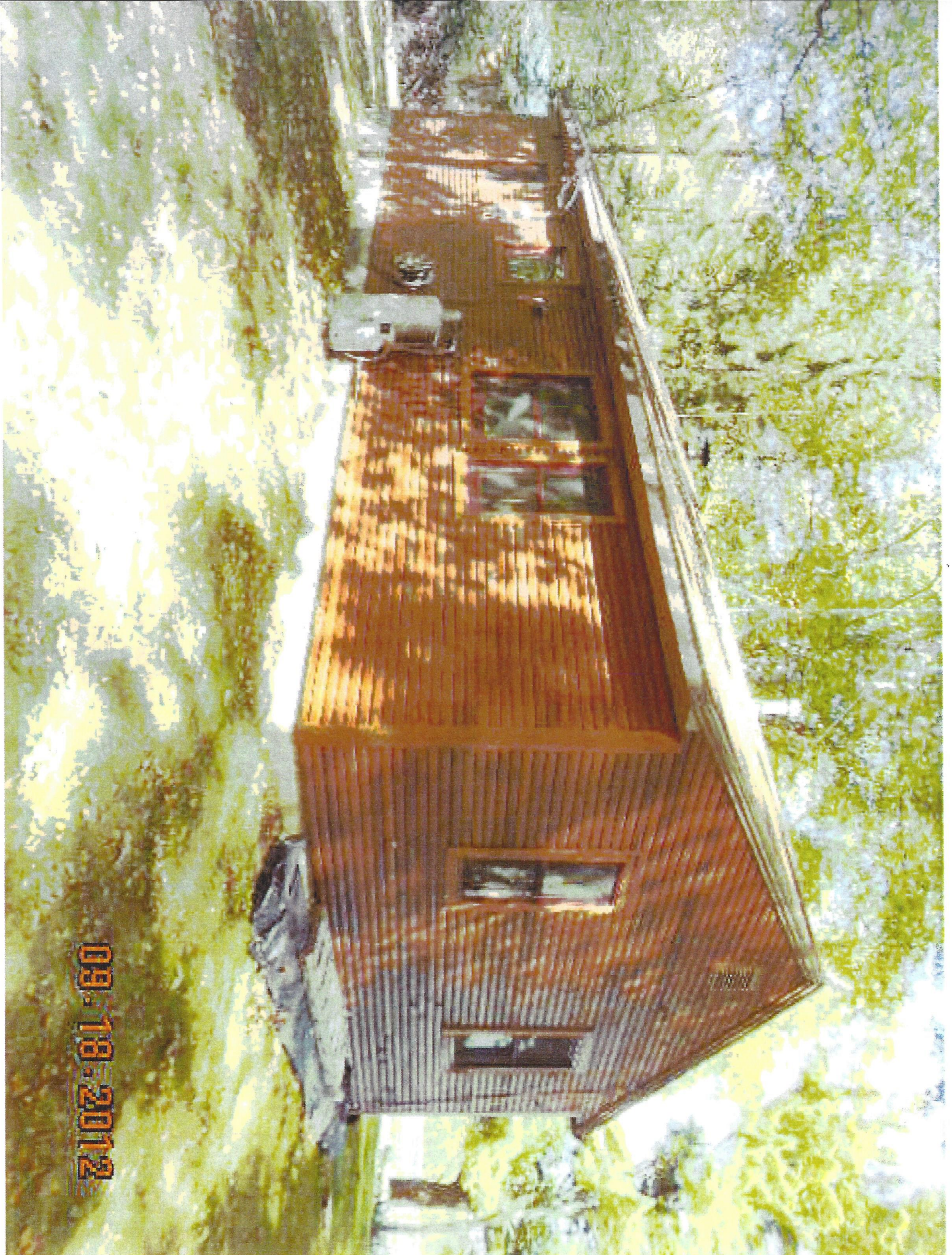


Tree Removal

PROPOSED ADDITION

CURRENT SP FOOTAGE 633.3  
 PROPOSED ADDITION 126.6  
 759.90





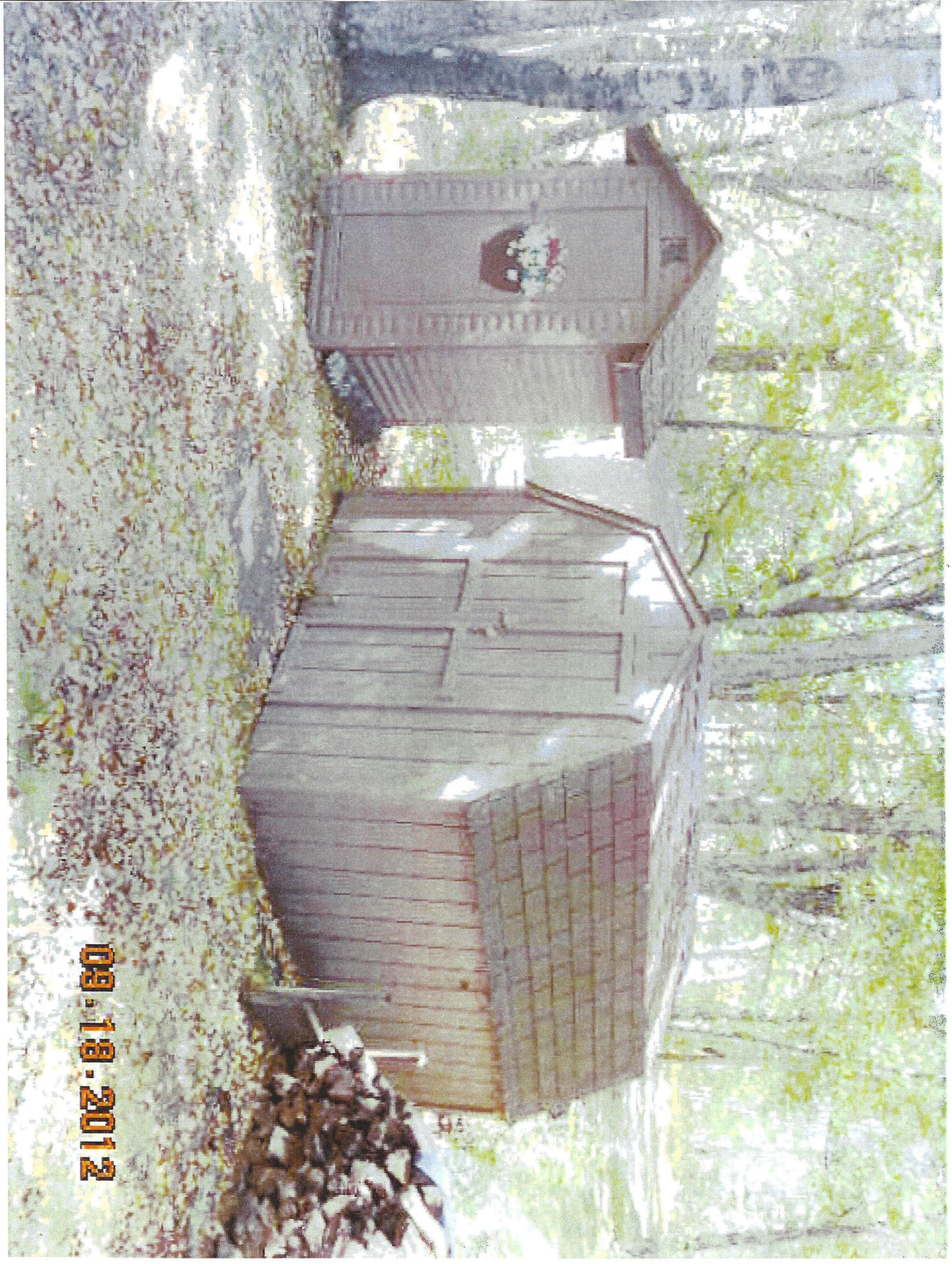
09.18.2012





09.18.2012





09.18.2012

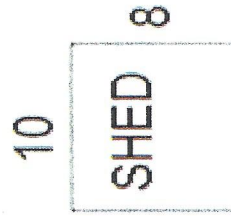
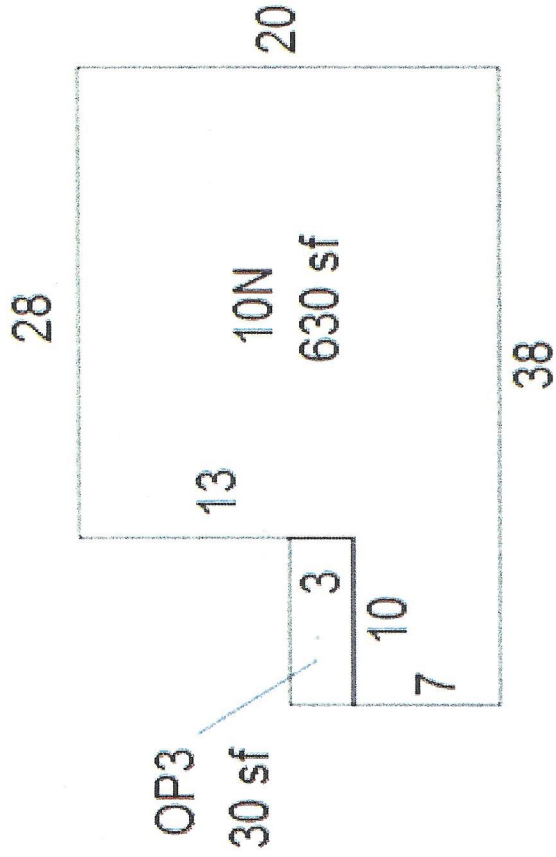




09.18.2012



74-845-0070



O.H.

Lot 1

KULSTAD, JOHN M  
88945 LAURA LANE  
STURGEON LAKE, MN 55783

Lot 2

HAMPLE, RICHARD L & DARLENE  
25631 105TH ST  
SPIRIT LAKE IA 51360

Lot 3

MILLER, DALE & GLORIA  
5440 - 99TH ST SOUTH  
ST PAUL PARK, MN 55071

Lot 4

BINA, DENISE & TODD D & JEROD C  
15711 118TH ST KPN  
GIG HARBOR WA 98329

Lot 6

SMITH, RICHARD  
641 HIAWATHA AVE  
VADNAIS HEIGHTS MN 55127

Lot 8

RETKA, THOMAS J  
1622 E GASTEL CIRCLE  
MISSION TX 78572

Lot 9

MCCAULEY, JERRY M & ARLYS F  
2422 FOREST DR  
DES MOINES IA 50312

Lot 5

ALDRICH, CHRISTINE  
12470 HARRIET LAKE RD  
HIBBING MN 55746

Lot 7

MENTH, JOSEPH  
147 CHESNEY WAY NE  
FRIDLEY, MN 55432

USDA Forest Service  
Laura Underhill  
417 Forestry Drive  
Blackduck MN 56630

Mississippi Headwaters Board  
Crow Wing County Land Services  
Tim Terrell  
322 Laurel St  
Brainerd MN 56401

74-845.

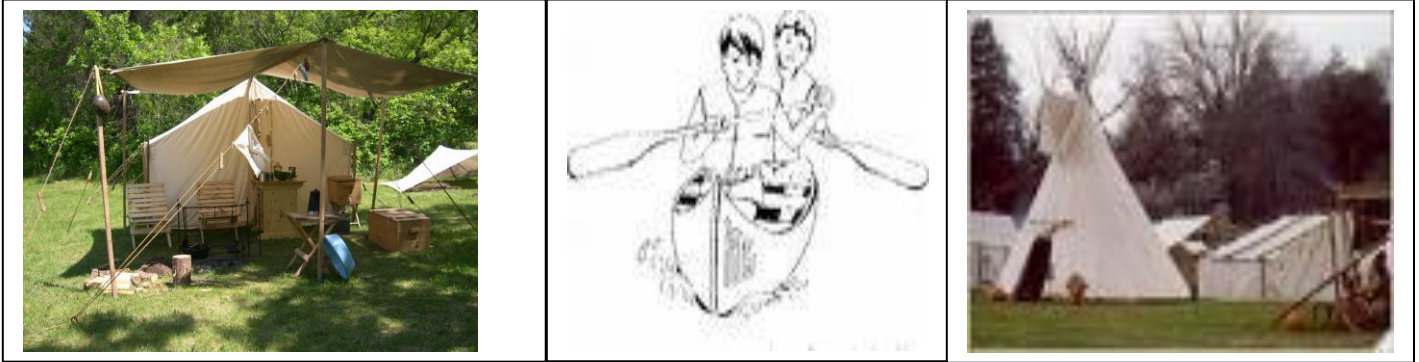


**Action/Discussion (att. 5)**

Canoe Days Flyer

Financial Picture

# Crow Wing Canoe Days & Fur Trade Encampment



**Saturday, August 6, 2016**

**\*No vehicle permit required**

## **FAMILY CANOE EXCURSION!**

Bring the family, a picnic lunch, and your canoe to Kiwanis Park in Brainerd at 10 a.m. Gather for coffee, doughnuts and camaraderie. 11 a.m. is launch time down one of the most peaceful stretches of the Mississippi River. Arrival time is about 1:30 p.m. at Crow Wing State Park. A shuttle service will be provided. The shuttle will return canoeists to Kiwanis Park, so they can pick up their vehicles.

## **FUR TRADE ENCAMPMENT!**

The Crow Wing County Muzzle Loaders will set up an authentic Fur Trade-era encampment at Crow Wing State Park. Crafts of the era will be demonstrated from 10 a.m. to 3 p.m.

### **HOSTED BY:**

Minnesota Department of Natural Resources, Crow Wing County Muzzle Loaders  
Friends of Old Crow Wing, Mississippi Headwaters Board  
Crow Wing County Land Services  
For information, call Crow Wing State Park at 218-825-3075

**CAMPING IS AVAILABLE AT THE PARK CAMPGROUNDS**