



## **Attachment 1 & 2**

Draft Minutes

Monthly Expenses

Mississippi Headwaters Board  
April 27, 2018  
Cass County Courthouse  
Walker, MN 56484

MEETING  
MINUTES

Members present: Paul Thiede (Crow Wing), Keith Winger (Beltrami), Cal Johannsen (Hubbard), Scott Bruns (Cass), Davin Tinquist (Itasca), Mike Wilson (Morrison), and Tim Terrill (Executive Director).

Others Present: Marcel Noyes, Hubbard County SWCD Supervisor, Bob Lessard, DNR Liaison, Gary Leaf, Sportsmen For Change.

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

**M/S (Tinquist/Johannsen) to approve of the agenda with the addition of a Accelerated Rough Grouse Action Plan. Motion Carried.**

**M/S (Johannsen/Winger) to approve of the consent agenda. Motion Carried.**

#### **Planning & Zoning**

None

#### **Action/Discussion Items Executive Director Report**

Tim advised the board on the MHB statute clarification and that it was heard before the Senate Environment and Natural Resources Policy and Legacy Finance Committee, and it was recommended to be heard by the House Environment and Natural Resources Policy and Finance Committee.

Tim explained that he met with DNR Regional Management Teams in NE and NW Minnesota to provide them with an update on the MHB acquisition program.

Tim attended the Leech Lake 1W1P advisory committee meeting and pointed out a few governance issues that could be positive or negative to the policy committee.

Tim attended the State of the Waters conference held by the Freshwater Society.

Tim expressed his need for guidance from the Board about a request from Aitkin county to use certain pages from our Guidebook to place on Aitkin county signs. By consensus, the Board thought that a contract agreement be drawn up by Aitkin county with detailed information on the specific purpose the content would be used for and to come before the Board to explain it.

Forest Friendly Brewery project- Tim explained the purpose of this project which will provide education to brewery's along the Mississippi how clean water is essential to producing beer. The board expressed hesitancy

to get involved in this particularly because the MHB brand is connected to it. They stated that the group should come before the board with a proposal if they want the MHB to get involved.

Accelerated Ruffed Grouse Action Plan- Gary Leaf presented the idea to the board that the Lessard Outdoor Heritage council will be organizing and having a meeting on June 6<sup>th</sup> in Superior to discuss the development of a Statewide Ruffed Grouse Action Plan. He thought the MHB would be a good organization to participate in the development and possible implementation of it because a large majority of public land exist within our eight counties. After much discussion, the Board agreed that the ED and Land Commissioners should attend this meeting to get an idea about what they are discussing and then see if any MHB involvement should take place.

Comprehensive Plan revision- The Board reviewed pages 13- 38 of the Comprehensive Plan. They suggested that Tim write up a summary of what the important changes are and send it out to the Board for review before the next meeting.

County Updates- Comm. Wilson discussed how there was a court case that Morrison county won determining that Camp Ripley must abide by the county ordinances. He asked if this would affect MHB in any way. Tim said that it would in that the jurisdictional area on the river would need to follow MHB Comprehensive Plan rules.

Legislative Update- Gary Leaf informed the Board that a Bill is going through the legislature next week about county notification for land acquisition.

**M/S (Johannsen/Winger) to adjourn. Motion carried.**

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Chairman Paul Thiede

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Executive Director Tim Terrill

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2018 04 TO 2018 04

P 1  
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ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	53090		Water & Soil Resources							
								REVISED BUDGET		.00
18/04	474	04/16/18	GNI 788262	AmyG	26608			-1,996.26	-1,996.26	
	iNovah		ITASCA TOWNSHIP							
			LEDGER BALANCES --- DEBITS:		.00		CREDITS:	-1,996.26	NET:	-1,996.26
74830	53180		Environmental Assistance /MPCA							
								REVISED BUDGET		.00
								PER 01	-503.14	-503.14
								PER 02	-1,106.64	-1,609.78
								PER 03	-884.05	-2,493.83
18/04	687	04/20/18	GNI					-1,113.04	-3,606.87	
	ST OF MN		POLLUTION CONTROL							
			LEDGER BALANCES --- DEBITS:		.00		CREDITS:	-3,606.87	NET:	-3,606.87
74830	53290		Natural Resources							
								REVISED BUDGET		.00
								PER 01	-27,571.56	-27,571.56
								PER 02	-5,838.18	-33,409.74
18/04	849	04/30/18	GNI					-6,240.39	-39,650.13	
	ST OF MN		INV 7							
18/04	849	04/30/18	GNI					-70,235.59	-109,885.72	
	ST OF MN		DNR3Q-18							
			LEDGER BALANCES --- DEBITS:		.00		CREDITS:	-109,885.72	NET:	-109,885.72
74830	61000		Salaries & Wages - Regular							
								REVISED BUDGET		.00
								PER 01	4,955.02	4,955.02
								PER 02	4,955.03	9,910.05
								PER 03	7,804.16	17,714.21
18/04	405	04/13/18	PRJ PR0413	1180413	1180413			2,539.45	20,253.66	
	PAY041318		WARRANT=180413	RUN=1	BI-WEEKL					
18/04	766	04/27/18	PRJ PR0427	1180427	1180427			2,539.45	22,793.11	
	PAY042718		WARRANT=180427	RUN=1	BI-WEEKL					
			LEDGER BALANCES --- DEBITS:		22,793.11		CREDITS:	.00	NET:	22,793.11

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2018 04 TO 2018 04

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	61200	Active Insurance							
							REVISED BUDGET		.00
					PER 01		1,470.56	1,470.56	
					PER 02		1,469.38	2,939.94	
					PER 03		1,449.18	4,389.12	
18/04	405 04/13/18	PRJ PR0413	1180413	1180413			734.47	5,123.59	
	PAY041318	WARRANT=180413	RUN=1	BI-WEEKL					
18/04	766 04/27/18	PRJ PR0427	1180427	1180427			714.47	5,838.06	
	PAY042718	WARRANT=180427	RUN=1	BI-WEEKL					
	LEDGER BALANCES --- DEBITS:		5,838.06		CREDITS:		.00	NET:	5,838.06
74830	61300	Employee Pension & FICA							
							REVISED BUDGET		.00
					PER 01		722.96	722.96	
					PER 02		725.48	1,448.44	
					PER 03		1,151.16	2,599.60	
18/04	405 04/13/18	PRJ PR0413	1180413	1180413			369.14	2,968.74	
	PAY041318	WARRANT=180413	RUN=1	BI-WEEKL					
18/04	766 04/27/18	PRJ PR0427	1180427	1180427			369.14	3,337.88	
	PAY042718	WARRANT=180427	RUN=1	BI-WEEKL					
	LEDGER BALANCES --- DEBITS:		3,337.88		CREDITS:		.00	NET:	3,337.88
74830	62100	Telephone							
							REVISED BUDGET		.00
					PER 01		60.42	60.42	
					PER 02		59.83	120.25	
					PER 03		57.43	177.68	
18/04	506 04/17/18	API 006205		72863	14593	B	2.56	180.24	
	W A041718	APRIL 2018 BILLING		CONSOLIDATED	TELECOM				
18/04	506 04/17/18	API 006205		72863	14593	B	1.33	181.57	
	W A041718	APRIL 2018 BILLING		CONSOLIDATED	TELECOM				
18/04	766 04/27/18	PRJ PR0427	1180427	1180427			55.00	236.57	
	PAY042718	WARRANT=180427	RUN=1	BI-WEEKL					
	LEDGER BALANCES --- DEBITS:		236.57		CREDITS:		.00	NET:	236.57

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2018 04 TO 2018 04

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
74830	62990	Prof. & Tech. Fee - Other								
							REVISED BUDGET		.00	
					PER 01		5,226.89	5,226.89		
					PER 02		2,783.18	8,010.07		
					PER 03		172,078.09	180,088.16		
18/04	163 04/03/18	API 002876		71941	14465	B	287.50	180,375.66		
	W A040318	PACE SHORT FALL FOR INVOICE #1 PACE ANALYTICAL SERV								
18/04	310 04/10/18	API 101649		72246	14531	B	4,760.00	185,135.66		
	W A041018	PROF SERVICES/ TRAVEL REIMBURS WEST COMMUNICATIONS								
18/04	310 04/10/18	API 101649		72246	14531	B	8.62	185,144.28		
	W A041018	PROF SERVICES/ TRAVEL REIMBURS WEST COMMUNICATIONS								
18/04	310 04/10/18	API 101308		72247	14532	B	892.86	186,037.14		
	W A041018	WSN INVOICE #22 WIDSETH SMITH NOLTIN								
18/04	310 04/10/18	API 002876		72248	14528	B	57.50	186,094.64		
	W A041018	PACE LAB #22 SAMPLED 3/7/18 PACE ANALYTICAL SERV								
18/04	875 04/30/18	GEN					525.00	186,619.64		
	RECURRING FINANCIAL SERVICE									
	LEDGER BALANCES --- DEBITS:		186,619.64	CREDITS:		.00	NET:	186,619.64		
74830	63320	Employee Mileage								
							REVISED BUDGET		.00	
					PER 01		220.96	220.96		
					PER 02		440.36	661.32		
					PER 03		472.75	1,134.07		
18/04	654 04/30/18	GNI MAR					98.10	1,232.17		
	WF PCARD	1434 - DNR regional headqtr								
		TIM TERRILL-OOP								
18/04	654 04/30/18	GNI MAR					67.04	1,299.21		
	WF PCARD	1434 - Hubbard county mtg								
		TIM TERRILL-OOP								
18/04	654 04/30/18	GNI MAR					57.77	1,356.98		
	WF PCARD	1434 - monthly MHB Mtg								
		TIM TERRILL-OOP								
	LEDGER BALANCES --- DEBITS:		1,356.98	CREDITS:		.00	NET:	1,356.98		
74830	63340	Hotel & Meals Travel Expense								
							REVISED BUDGET		.00	
					PER 01		102.27	102.27		
18/04	654 04/30/18	GNI MAR					8.00	110.27		
	WF PCARD	AMC capitol day								
		TIM TERRILL-MN ST IAP ADM PMD PARK								

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Crow Wing County  
ACCOUNT DETAIL HISTORY FOR 2018 04 TO 2018 04

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ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
	LEDGER BALANCES --- DEBITS:			110.27			CREDITS: .00	NET: 110.27	
74830	63380		Training & Registration Fees				REVISED BUDGET		.00
18/04	654 04/30/18		GNI MAR				153.00	153.00	
	WF PCARD		Freshwater society registratio						
			TIM TERRILL-PAYPAL FRSHWTR SOC						
	LEDGER BALANCES --- DEBITS:			153.00			CREDITS: .00	NET: 153.00	
74830	64090		Office Supplies				REVISED BUDGET		.00
							PER 01 131.87	131.87	
							PER 02 30.82	162.69	
							PER 03 6.15	168.84	
18/04	654 04/30/18		GNI MAR				1.42	170.26	
	WF PCARD		agenda item mailing						
			TIM TERRILL-USPS PO 2611000401						
18/04	654 04/30/18		GNI MAR				3.98	174.24	
	WF PCARD		board snack						
			TIM TERRILL-SUPER ONE FOODS #45						
18/04	654 04/30/18		GNI MAR				17.56	191.80	
	WF PCARD		business card paper						
			TIM TERRILL-OFFICEMAX/DEPOT 6590						
	LEDGER BALANCES --- DEBITS:			191.80			CREDITS: .00	NET: 191.80	
	GRAND TOTAL --- DEBITS:			220,637.31			CREDITS: -115,488.85	NET: 105,148.46	

27 Records printed

\*\* END OF REPORT - Generated by Alaina Bundy \*\*



# **Planning and Zoning**

**Sundby Variance**  
**Nelson Variance**

**09. Variance Application**  
**Permit # 1800100**

**Crow Wing County**  
**326 Laurel St.**  
**Brainerd, MN 56401**

### Property Information

Selected:

PID	Township	Lake	Physical Address	Owner	Owner Address	Section Township Range	Zoning District(s)	Acres
930231203D00009	WOLFORD TOWNSHIP	MISSISSIPPI RIVER	26842 FOX RD CROSBY, MN 56441	SUNDBY, TIMOTHY J & MARY J	1033 MINNESOTA AVE DETROIT LAKES, MN 56501	S:23 T:47 R:29	RR-2.5; SD	4.94

Are you the Yes property owner?

Landowner Contact information:

Name:  
Timothy Sundby

Phone:  
(218 ) 234 - 0771

Email Address:  
tjsundby@hotmail.com

Mailing Address:  
26842 Fox Rd  
Crosby MN 56441

### Required Information

Please provide info about your existing septic system: Winter window agreement is attached (winter only)

Did you attend a Development Review Team (DRT) meeting? Yes

### Project Specifics

Please indicate type of variance (s) requested: Lake / River Setback  
Bluff Setback

If other, please specify: ATF

Please explain your request: Bluff setback of 0.5' for ATF 8X16 porch  
Mississippi River setback of 52' for ATF 8X16 porch  
Bluff setback of 29' for ATF 8X4 entry  
Mississippi River setback of 80' for ATF 8X4 entry

Is survey already on file with Crow Wing County? Yes

**Findings of Fact**

1. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance? Why?	No. Added a porch.
2. Is the need for a Variance due to circumstances unique to the property and not created by the property owner? Why?	The cabin is approximately 8' from the top of the bluff and does not meet the Mississippi River setbacks
3. Will the issuance of a Variance maintain the essential character of the locality? Why?	Yes. Added a small 8X16 screen porch on cabin that has existed on site since 1960's
4. Does the need for a Variance involve more than economic considerations? Why?	Yes. The structure does not meet the bluff and Mississippi River setbacks.
Is this an after-the-fact application?	<u>Yes</u>

**Findings of Fact - ATF only**

Did you fail to obtain a variance/or comply with the applicable requirements before commencing work? Why?	Yes. Did not research the requirements of building.
Did you attempt to comply with the ordinance by obtaining the proper permits? Why?	No. No permits were obtained.
Did you make a substantial investment in or improvement to the property?	About \$2,000 in remodeling costs.
Are there other similar structures in the neighborhood?	No, heavily wooded area.
Would the minimum benefits to the County appear to be far outweighed by the detriment you would suffer if forced to move or remove the structure?	The small screen porch will have little to no impact on the County other than possibly raising the tax value of the cabin

**Terms****Terms & Conditions**

No decisions were made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of applications is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 394 and the Crow Wing County Land Use Ordinance.

**Invoice 04/18/2018**

Charge	Cost	Quantity	Total
<b>Recording Fee</b> added 04/18/2018 1:46 PM	\$46.00	x 1	\$46.00
<b>Variance Application Fee</b> added 04/18/2018 1:46 PM	\$500.00	x 1	\$500.00
<b>Grand Total</b>			
		<b>Total (Paid)</b>	<b>\$546.00</b>

**Approvals**

Approval	Signature
Applicant	Tim Sundby - 04/18/2018 1:46 PM - witnessed by Tracy Giza d04c696fd80b42ece2f52e1e4f050a35 c7bf74a4ec12b98864ad53333472f8e1
#1 Planning Assistant (Application Reviewed)	

Tracy Giza - 04/18/2018 1:46 PM  
210c77ff86782c8302639d923bcc39b6  
655cafdb84411ad2329367850a531b07

#2 Board Approval

[Print View](#)



## Development Review Team (DRT) Meeting November 13, 2017

### Timothy Sundby

Present: Sue Maske, Planning Assistant; Tracy Giza, Planning Assistant; Tim Terrill, MHB; Timothy Sundby, Conference Call

Township: Not present  
DNR: Not present

Request: ATF Variance for bluff and river setback  
Location: Sec 23, Wolford Township  
Current Zoning: Shoreland District

### DRT 1

- Did not know a permit was required (no permit obtained)
- Built 8X16 screen porch – river side of dwelling that was built in 1960's
- 12' bluff setback
- 42' OHW Mississippi River setback
- Re-roofed the cabin 3 years ago, built a 4X6 covered entry to tie into dwelling
- Need to update COS from 2014, identify location of bluff, additions, setbacks
- No septic system, electricity on property
- Old outhouse and portable outhouse CI needed on outhouse, winter window needed
- Property is used about 2 times per month
- MHB process, final approval after County BOA meeting
- Packet of information will be mailed out for Tim
- Won't be able to access property after snow accumulation
- Property owner was informed that before they could be placed on a public hearing agenda the following information is required:
  1. A certificate of survey meeting the requirements outlined in Article 8.1 of the County Land Use Ordinance
  2. A completed Variance application
  3. The public hearing fee of \$546.00
  4. Winter Window agreement for the septic compliance



**Timothy & Mary Sundby  
930231203D00009**

Timothy Sundby, property owner, was present. Frie read the request into the record, citing the Land Use Ordinance and staff comments. Discussion by the board members involved the 05-8-18 on-site, the bluff and Mississippi River setbacks and location to porch and entry way; stable bluff and area surrounding the cabin and bluff and the secluded area. There was discussion that any alternative locations for the screened porch would have to meet all required setbacks, or would need to seek a variance. The board stated that if the screened porch application was before the board as a variance, prior to construction, the board would not have approved the screen porch variance. The applicant stated that the cabin was re-roofed and the entry constructed in 2014. The screened porch was constructed in 2017. Frie noted this application will be before the Mississippi Headwaters Board on May 25, 2018 for the final decision on this after the fact application. The board decided to place no conditions or timeline for removal of the screened porch due to the pending Mississippi River Headwaters decision.

**May 17, 2018 Action:**

**Motion by Haglin; supported by Yliniemi to deny the variance for**

- 1. Bluff setback of 0.5 feet where 30 feet is required to porch**
- 2. Mississippi River setback of 52 feet where 150 feet is required to porch**

**For:**

- 128 square foot porch**

**Motion by Haglin; supported by Yliniemi to approve the variance for**

- 1. Bluff setback of 29 feet where 30 feet is required for entry**
- 2. Mississippi River setback of 80 feet where 150 feet is required to entry**

**To allow:**

- 24 square foot entry**

**Per findings of fact discussed, 05-8-18 on-site and as shown on the certificate of survey received at the Land Services Department on 04-18-18 located on Pt Gov Lot 3, Sec 23, Wolford Township.**

**Findings:** See attached

**All members voting "Aye", Motion carried**



Crow Wing County – Board of Adjustment

Summary of Record

**Timothy & Mary Sundby** – Part Gov Lot 3, Sec 23, Wolford Township, 930231203D00009, at 26842 Fox Road, Crosby, MN 56441

Request is an After-the-Fact Variance for:

1. Bluff setback of 0.5 feet where 30 feet is required to porch
2. Mississippi River setback of 52 feet where 150 feet is required to porch
3. Bluff setback of 29 feet where 30 feet is required to entry
4. Mississippi River setback of 80 feet where 150 feet is required to entry

**To allow:**

- 128 square foot porch
- 24 square foot entry

Chronology of events:

- November 13, 2017 – Development Review Team Meeting
- April 18, 2018 – Application submitted
- May 3, 2018 – Notices sent out
- May 3, 2018– Published in local newspaper
- May 8, 2018 – Board of Adjustment on-site
- May 17, 2018 – Board of Adjustment Meeting – Decision made to deny to allow the after-the-fact variance request for river and bluff setback for screen porch and to approve to allow the after-the-fact variance request for river and bluff setback for entry

Packet Information:

- Notice of Hearing
- Staff Report
- Variance application
- Certificate of Survey

Correspondence:

- There was no correspondence received

May 17, 2018

FINDINGS OF FACT

SUPPORTING / DENYING A VARIANCE REQUEST

*A Variance may be granted by the Board of Adjustment when it is found that strict enforcement of the Land Use Ordinance will result in a “practical difficulty” according to Minnesota Statute 394.27 Subdivision 7. The Board of Adjustment should weigh each of the following questions to determine if the applicant has established that there are “practical difficulties” in complying with regulations and standards set forth in the Land Use Ordinance.*

1. Is the Variance request in harmony with the purposes and intent of the Ordinance?

Yes **X** No

Why?

- An existing lot of record established prior to zoning regulations established in 1970.
- The impervious surface coverage is 5.5% which is below the 25% maximum allowed by Ordinance.



2. Is the Variance consistent with the Comprehensive Plan?

Yes  No

Why?

- Encourage residential development that provides housing options for different socioeconomic groups – particularly the aging population – while protecting the characteristics that people value, a sense of community, as well as a plan to provide all citizens reasonable access to a diversity of recreational and open space opportunities (pg. 42)

3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes No

Why?

- Although the 128 sq ft and 24 sq ft additions are minimal additions to the existing legal non-conforming structure, the screened porch addition is an additional 8-foot encroachment to the top of the bluff, which is closer than the existing cabin

4. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes  No

Why?

- The property is located on a bluff and the original structure was built prior to bluff regulations established in 1990
- It is an existing legal non-conforming dwelling built prior to any zoning regulations in 1970

5. Will the issuance of a Variance maintain the essential character of the locality?

Yes  No

Why?

- Maintain essential character of the locality due to the fact that the area is nice and secluded

6. Does the need for a Variance involve more than economic considerations?

Yes  No

Why?

- There is a minimal increase in impervious coverage from 4.5% to 5.5%
- The addition of the entry is new roof to entry from awning that was previously there

7. Did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? (Whether the applicant acted in good faith should be considered in the analysis of this factor)

Yes  No

Why?

- After the fact, no permit was obtained
- Acted in good faith after the fact and came in to apply for a variance

8. Did the applicant attempt to comply with the ordinance by obtaining the proper permits?

Yes No

Why?

- The property owner tried to obtain proper permits after he was notified of the need for a permit, following construction of the additions

9. Did the applicant make a substantial investment in or improvement to the property?

Yes  No

Why?

- The porch and entry were not a substantial investment, but were an improvement to the property

10. Are there other similar structures in the neighborhood?

Yes      No **X**

Why?

- The are no similar structures as noted on the on-site on 05-08-18, very secluded area

11. Would the minimum benefits to the County appear to be far outweighed by the detriment the applicant would suffer if forced to move or remove the structure?

Yes **X**      No

Why?

- Improving water quality, reducing soil erosion, bluff setback stability, by removing the screened porch
- There is not a lot of increase in water run-off, as the bluff is stable (by leaving the porch where it is)

12. What is the Township recommendation?

Approve                  Deny                  No Comment **X**

**Decision: Motion by Haglin; supported by Yliniemi to deny the after the fact variance for**

- 1. Bluff setback of 0.5 feet where 30 feet is required to porch**
- 2. Mississippi River setback of 52 feet where 150 feet is required to porch**

**For:**

- **128 square foot porch**

**Motion by Haglin; supported by Yliniemi to approve the after the fact variance for**

- 1. Bluff setback of 29 feet where 30 feet is required for entry**
- 2. Mississippi River setback of 80 feet where 150 feet is required to entry**

**To allow:**

- **24 square foot entry**

**Per findings of fact discussed, on-site conducted on 05-08-18 and as shown on the certificate of survey received at the Land Services Department on 04-18-18, located on Part of Gov Lot 3, Sec 23, Wolford Township.**

**Findings:** As listed above

**All members voting "Aye", Motion carried.**

Date: 6-21-18

Signature: \_\_\_\_\_

Chairman



Staff Report

**Property Owner/Applicant:** Timothy & Mary Sundby

**Parcel Number(s):** 930231203D00009

**Application Submitted:** 04/18/18

**Action Deadline:** 06/16/18

**60 Day Extension Signed:** N/A

**Authorized Agent:** N/A

**Current Zoning:** Shoreland District

**After the Fact Variance for:**

1. Bluff setback of 0.5 feet where 30 feet is required to porch
2. Mississippi River setback of 52 feet where 150 feet is required to porch
3. Bluff setback of 29 feet where 30 feet is required to entry
4. Mississippi River setback of 80 feet where 150 feet is required to entry

**To allow:**

- 128 square foot porch
- 24 square foot entry

**Existing Impervious Coverage:**

4.5%

**Proposed Impervious Coverage**

5.5%

**Stormwater Plan:** A stormwater plan is not required with the impervious coverage below 15%

**05-08-18 On-Site Comments – Best; Haglin; Frie; Giza; Zeik:**

- Alternative locations
- Porch to the side
- Would not have approved with a non-after-the-fact variance request

**11-13-18 Development Review Team Minutes:**

- Did not know a permit was required (no permit obtained)
- Built 8X16 screen porch – river side of dwelling that was built in 1960's
- 12' bluff setback
- 42' OHW Mississippi River setback
- Re-roofed the cabin 3 years ago, built a 4X6 covered entry to tie into dwelling
- Need to update COS from 2014, identify location of bluff, additions, setbacks
- No septic system, electricity on property
- Old outhouse and portable outhouse on site, CI needed on old outhouse, winter window needed
- Property is used about 2 times per month
- MHB process, final approval after County BOA meeting
- Packet of information will be mailed out for Tim Terril, Mississippi Headwaters Board
- Will not be able to access property after snow accumulation
- Property owner was informed that before they could be placed on a public hearing agenda the following information is required:
  1. A certificate of survey meeting the requirements outlined in Article 8.1 of the County Land Use Ordinance
  2. A completed Variance application
  3. The public hearing fee of \$546.00

4. Winter Window agreement for the septic compliance

**Parcel History:**

- The property is classified as Shoreland District
- There is no permit history on this property

**Agencies Notified and Responses Received:**

**Township:** No comments were received as of 5-08-18

**County Highway Dept:** N/A

**DNR:** No comments were received as of 5-08-18

**MHB:** No comments were received as of 5-08-18

**Soil & Water:** No comments were received as of 5-08-18

**Concerned Parties:** No comments were received as of 5-08-18

**ACTION REQUIRED:**

**POSSIBLE MOTION:** To approve/table/deny the After the Fact variance for:

1. Bluff setback of 0.5 feet where 30 feet is required to porch
2. Mississippi River setback of 52 feet where 150 feet is required to porch
3. Bluff setback of 29 feet where 30 feet is required to entry
4. Mississippi River setback of 80 feet where 150 feet is required to entry

**To allow:**

- 128 square foot porch
- 24 square foot entry

Per findings of fact discussed, on-site conducted on 05-08-18 and as shown on the certificate of survey received at the Land Services Department on 04-18-18, located on Part of Gov Lot 3, Sec 23, Wolford Township.





















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

DATE: April 25, 2018

## NOTICE OF HEARING FOR VARIANCE

**APPLICANT:** James A Nelson  
**ADDRESS:** 11457 92<sup>nd</sup> Ave NE  
Deer River MN 56636

**LEGAL DESCRIPTION:** Part of Govt Lot 3, Section: 11-143-25 PID # 43-011-1402  
Torrey Township

**MEETING DATE:** **Monday, May 14, 2018 at 11:30 AM** (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 construct a 32 feet x 60 feet detached accessory structure garage/shop located 115 feet from the river. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section F of the Mississippi Headwaters Plan which requires structures to be setback 150 feet from the river along those areas of the corridor classified as Scenic. The property contains 36.29 acres riparian to the Mississippi River (Scenic). The field inspection for this application will be conducted 05/07/18 at 10:45 AM.

**TO: ADJACENT PROPERTY OWNERS:**

This is the notice of hearing for a variance. ESD attempts to notify all property owners within ¼ 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 # 43-011-1402

Applicants Name James A. Nelson

Applicant is: Owner: X Agent \_\_\_\_\_

Property Owner: James A Nelson

Mailing Address: 1145N 92nd AV. N.E

City, State, Zip: Deer River, MN. 56636

Day Time Phone: 1-218-566-2374

Township: Torrey

Section 11 Twp: 143 Rg: 25

E-911 Address: same as above

Lake, River, Stream MISSISSIPPI RIVER

Classification: SCENIC

Legal Description: Torrey Twp 143 R25  
Sec 11 Part 600t Lot 3

James A Nelson 4-22-18  
Property Owners Signature Date

Applicants Signature (if different than Owner)

Office Use Only

RECEIVED

Received By: BLD APR 24 2018

Date \_\_\_\_\_

Total Fees Paid: 441.00

Check # 3067 Receipt: 230511

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

Applicant assisted by: \_\_\_\_\_

Applicant & MN/DNR notified: \_\_\_\_\_

Filing Acknowledgement by: \_\_\_\_\_

See ZP18.143.25-4

Date of hearing Torrey  
5/14/18 VP18-143-25-1

This Variance Application is hereby

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

By the Cass County BOA / PAC

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

By \_\_\_\_\_

## Property Information:

Property Became Lot of Record 1969

Lot Width: 1335'

Lot Depth: 1850'

Water Frontage: 1000'

Total Acres: 3629

ROW Setback 50'+ River Setback 115'

Property Line Setback 50'+

Building Height: 22'

Previous Owner: NELSON

Year Sold: 1985

Year ISTS installed: TBI

Date of Last Inspection: UKN

Section of Ordinance: 800/MH/BSCT

Requested Use: Closer OHW setback

to Mississippi River of 115'. Required

is 150'.

EMAIL: johnelson2374@gmail.com  
PLEASE PRINT

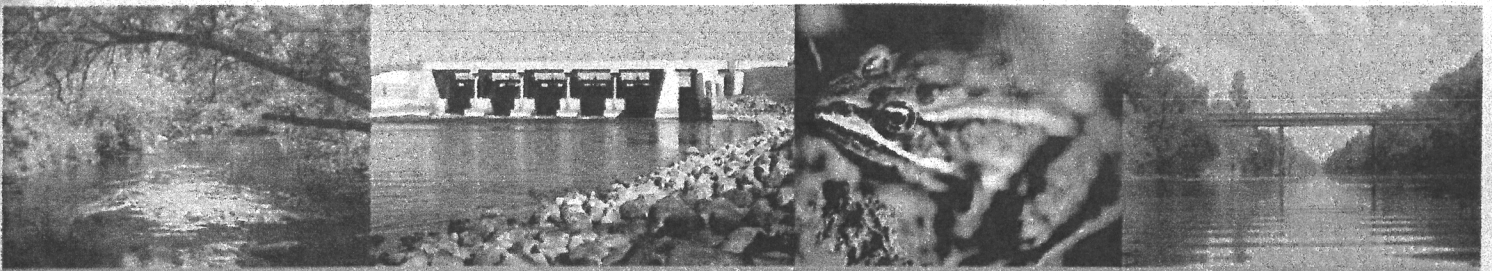
INQPCL-1  
Data Set: PRD Production

Parcel Description

4/24/18  
11:42:27

Parcel/Acct : 43-011-1402      33728      Asmt/Tax year: 2017 2018      Type: RE  
Pri. owner : 16453      Unit . . . :      Hold tax stmt:  
NELSON, JAMES A      Emergency # :      Lease Type:  
Taxpayer . . : 16453      FALCO: 1 FO      Escrow . . . :  
NELSON, JAMES A      Surveyed . . :      Notes :  
Ref. parcel :      Com district: 5      UDI . . : 100.00%  
Lake #/Name : 11123500 MISSISSIPPI RIV      MH court nbr:      Billing: P  
Physical adr: 11457 92ND AVE NE      TIF district:      KD:  
                 DEER RIVER 56636      User defined:  
Acres . . . : 36.29      UTA-Twp/City: 43 TORREY TWP  
Lot/Block . :      School . . . : 317 DEER RIVER SCHOOL  
Plat/Desc . :      SCHL EMER C/T \*\*\*\*  
Sec/Twp/Rge : 11 143.0 25      00      00      00      00  
Description : PART OF GOVT LOT 3      <--Version: 2

Press Enter to continue or enter new parcel/tax year: 43-011-1402      2018  
F1=Help      F2=Trans History      F3=Exit  
F6=Parcel History      F7=Name/Addresses      F8=Legal      F24=More keys



# Mississippi Headwaters Management Plan



A publication  
of the  
Mississippi  
Headwaters  
Board



Rules and principles guiding protection of  
the first 400 miles of the Mississippi River.





## Section F - Construction or Structure Standards

### F.1. Standards

The following table establishes the minimum standards for lot size, lot width, structure and ISTS setback, shore impact zone, and structure height for each zoning classification. The following standards apply to the Corridor:

Classification	Minimum lot size	Structure setback from OHWM	ISTS setback from OHWM	Lot Width at OHWM and at Building line	Shore Impact Zone	Structure Height
River Wild	10 acres	200 feet	150 feet	330 feet	100 feet	18 feet
River Scenic	5 acres	150 feet	125 feet	330 feet	75 feet	35 feet
Headwaters Lakes: General Development*	30,000 square feet	100 feet	75 feet	100 feet	50 feet	35 feet
Headwaters Lakes: Recreational Development*	40,000 square feet	100 feet	75 feet	150 feet	50 feet	35 feet
Headwaters Lakes: Natural Environment*	80,000 square feet	150 feet	150 feet	200 feet	75 feet	35 feet

\*Unsewered / single dwelling – see MN Rules 6120-3300.

The MHB recognizes that other local government, state, or federal regulations may be more restrictive than the above standards in certain areas or situations. The more restrictive regulations take precedence.

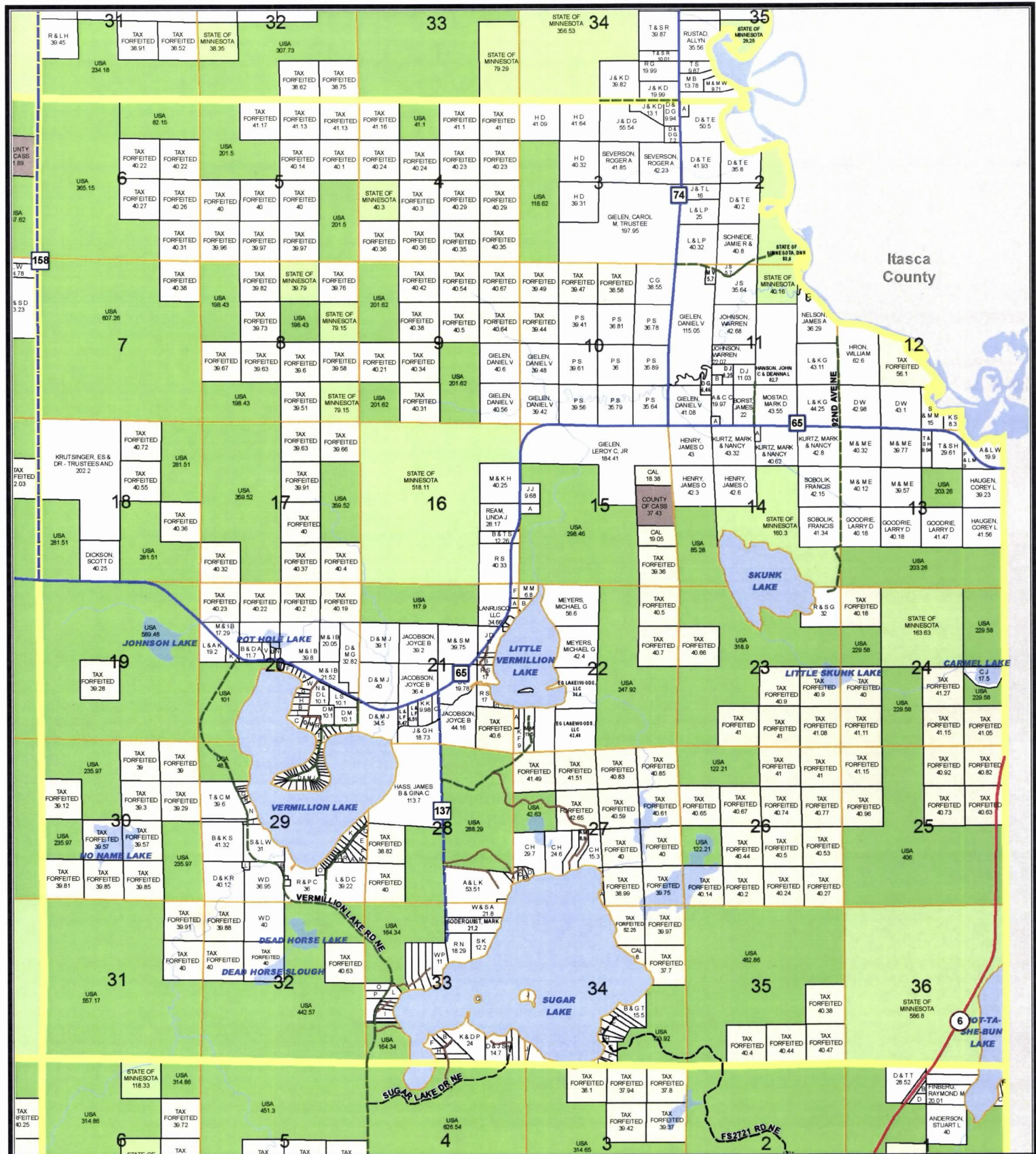
### F.2. Agricultural Building Height Exemption

Buildings used for agricultural purposes are exempt from maximum structure height restrictions.

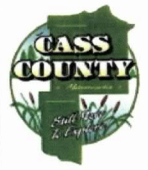
### F.3. Substandard Lots

Lots that do not meet the above standards, and that are on record in the office of the County Recorder on or before the effective date of July 1, 1992, will be allowed as building sites if: 1) the use is allowed within the zoning district(s); 2) the lot is in single and separate ownership from adjoining lots at all times since it became substandard; 3) the lot meets the land suitability requirements of the Plan; and 4) all the sanitary and setback requirements are met.

Substandard lots which change from ISTS to connect with public service districts or municipal systems do not require a variance for applicable sewage disposal infra-structure



- Ownership**
- County
  - Tax Forfeit
  - State
  - Federal
  - Tribal
  - Township
  - City
  - Other Exempt
- Infrastructure**
- Pipeline
  - Railroad
  - North Country Trail
  - Paved Bike Trails
  - Snowmobile Trails
  - US Forest Trails
  - Parcels
  - Sections
  - Township
  - City Limits
  - Public Waters



# Torrey Township

## T 143 N R 25 W

### Cass County, Minnesota



10/9/2017



- Road Classification**
- US
  - STATE
  - CNTY-PAVED
  - CNTY-GRAVEL
  - LLBO-PAVED
  - LLBO-GRAVEL
  - TWP-PAVED
  - TWP-GRAVEL
  - TWP-UNIMPROVED
  - MUNICIPAL
  - UNDESIGNATED
  - FOREST
  - TIMBER ACCESS
  - OTHER COUNTY

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.

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



43-002-2201

1102

43-002-2300

43-002-2400

SCHOOLCRAFT STATE PARK

88TH AVE NE

3201

43-002-3200

43-002-3100

43-002-3300

43-002-3400

43-002-4200

SCHOOLCRAFT LN NE

43-011-2102

43-011-2001

43-011-1200

43-011-2101

1401

43-011-2300

43-011-2400

43-011-1401

RIVER

43-011-3100

43-011-4202

43-011-4100

43-012-3100

43-011-3101

43-011-3103

43-011-3102

43-011-3001

90TH AVE NE

43-011-3403

43-011-3402

43-011-4300

43-011-4400

43-012-3300

43-012-3400

43-011-3300

3401

43-012-4302

43-012-4301

COUNTY 65 NE

43-014-2200

43-014-2100

43-014-1200

43-014-1100

43-013-2200

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1102

43-014-2300

43-014-2400

43-014-0001

43-014-1400

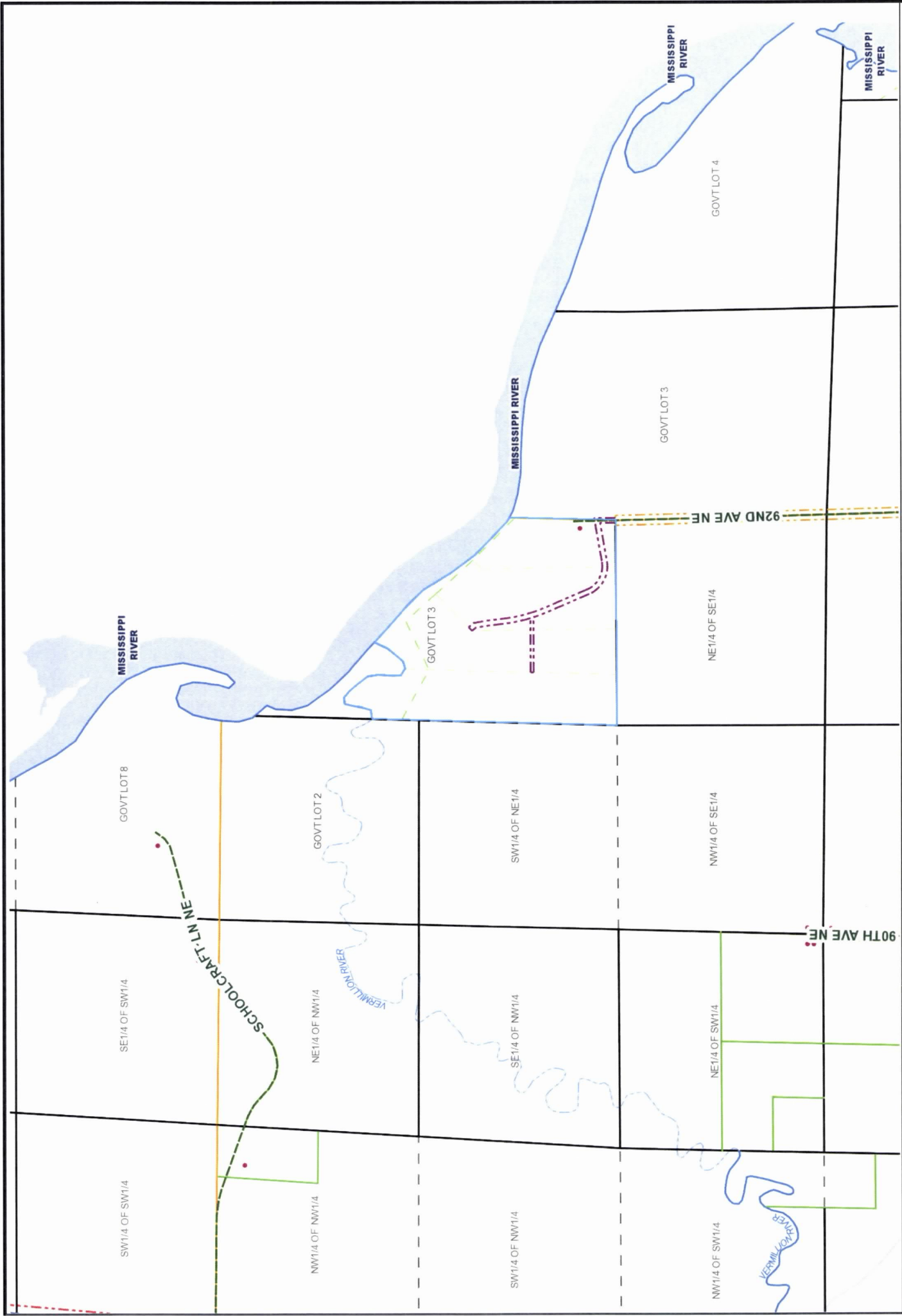
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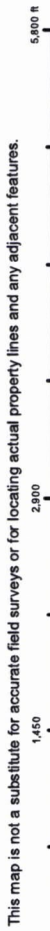
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43-0

92ND AVE NE

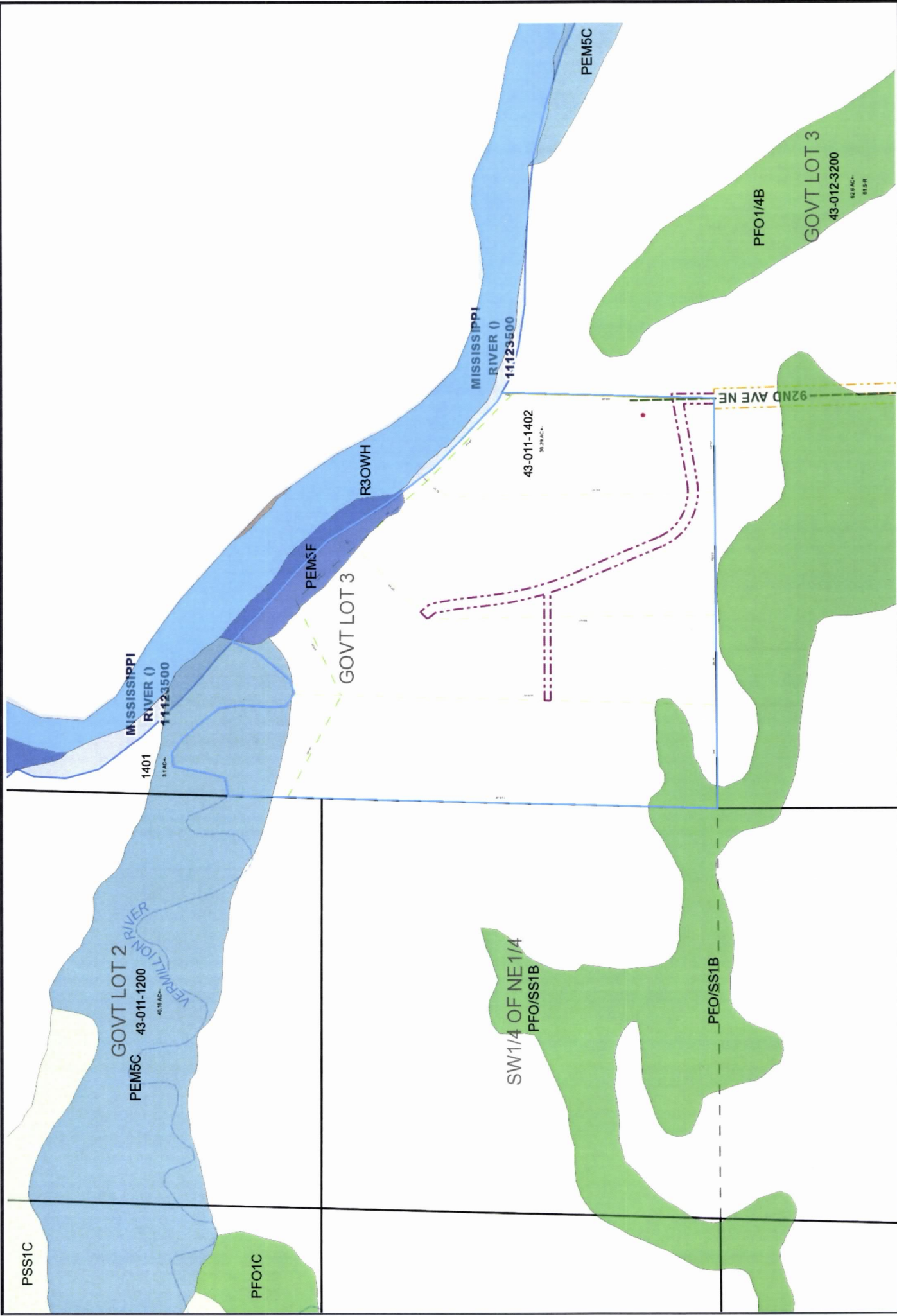


Date: 4/24/2018



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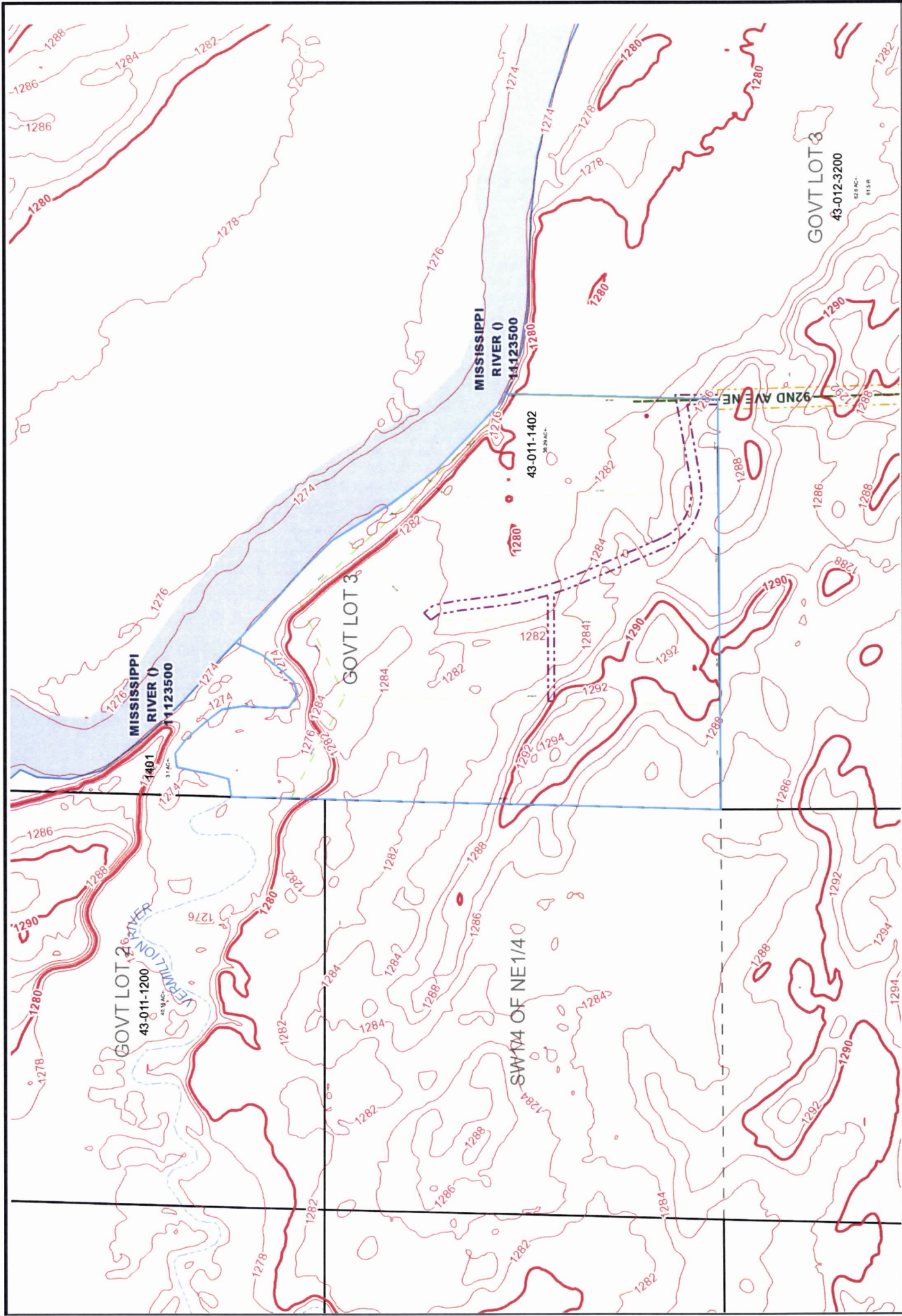


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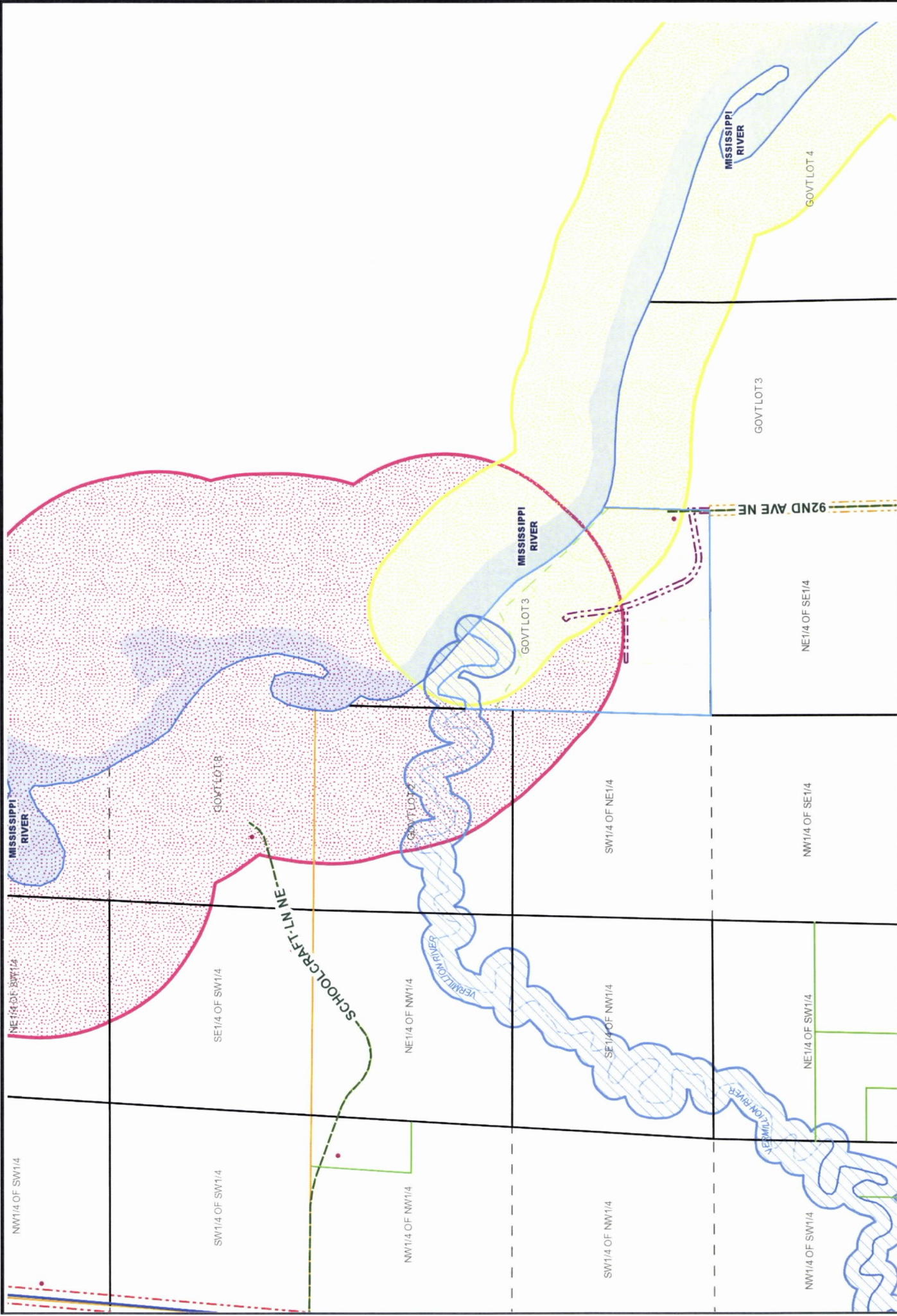




Date: 4/24/2018

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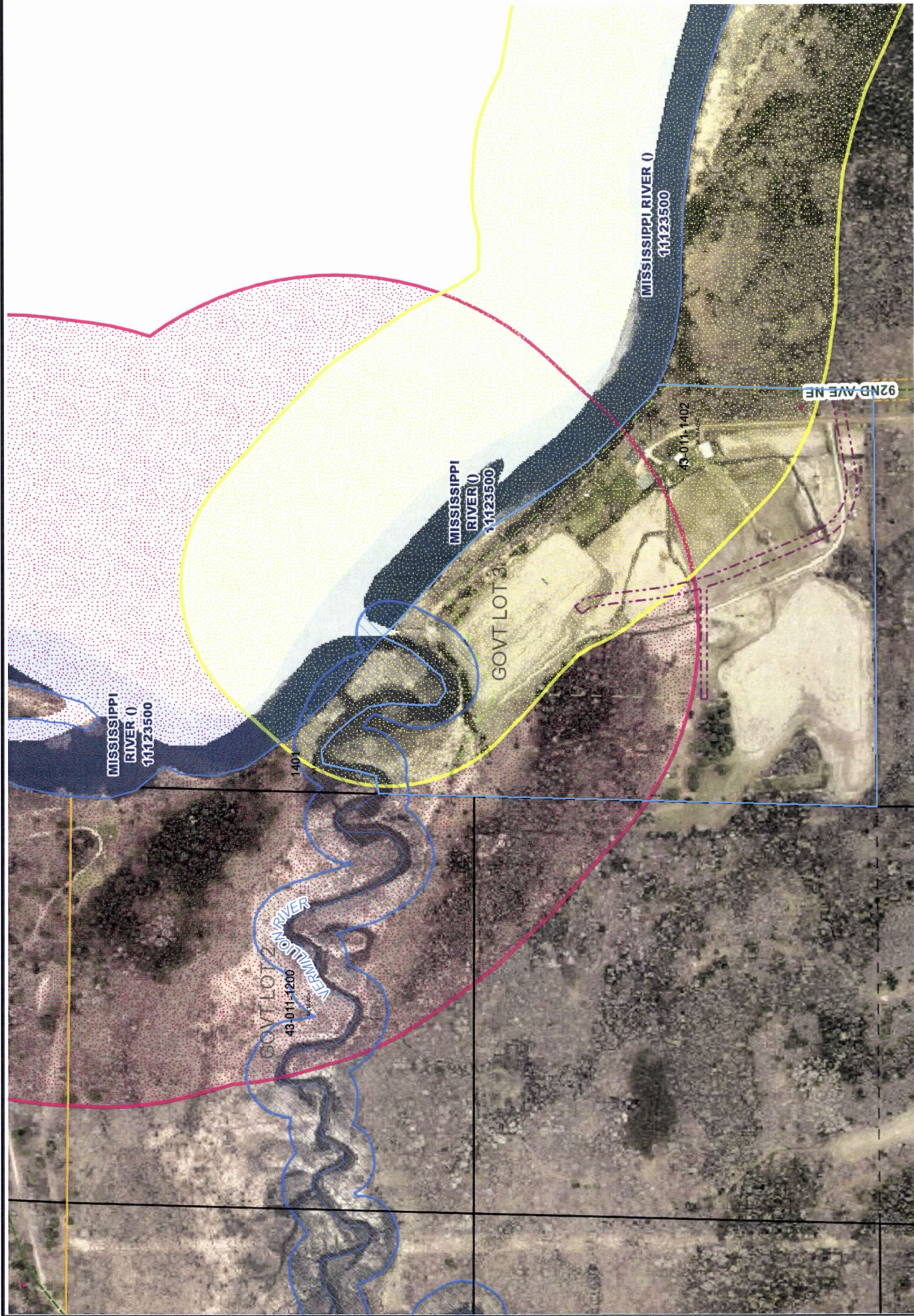


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Date: 4/24/2018

2,800 ft


1,400


700

0









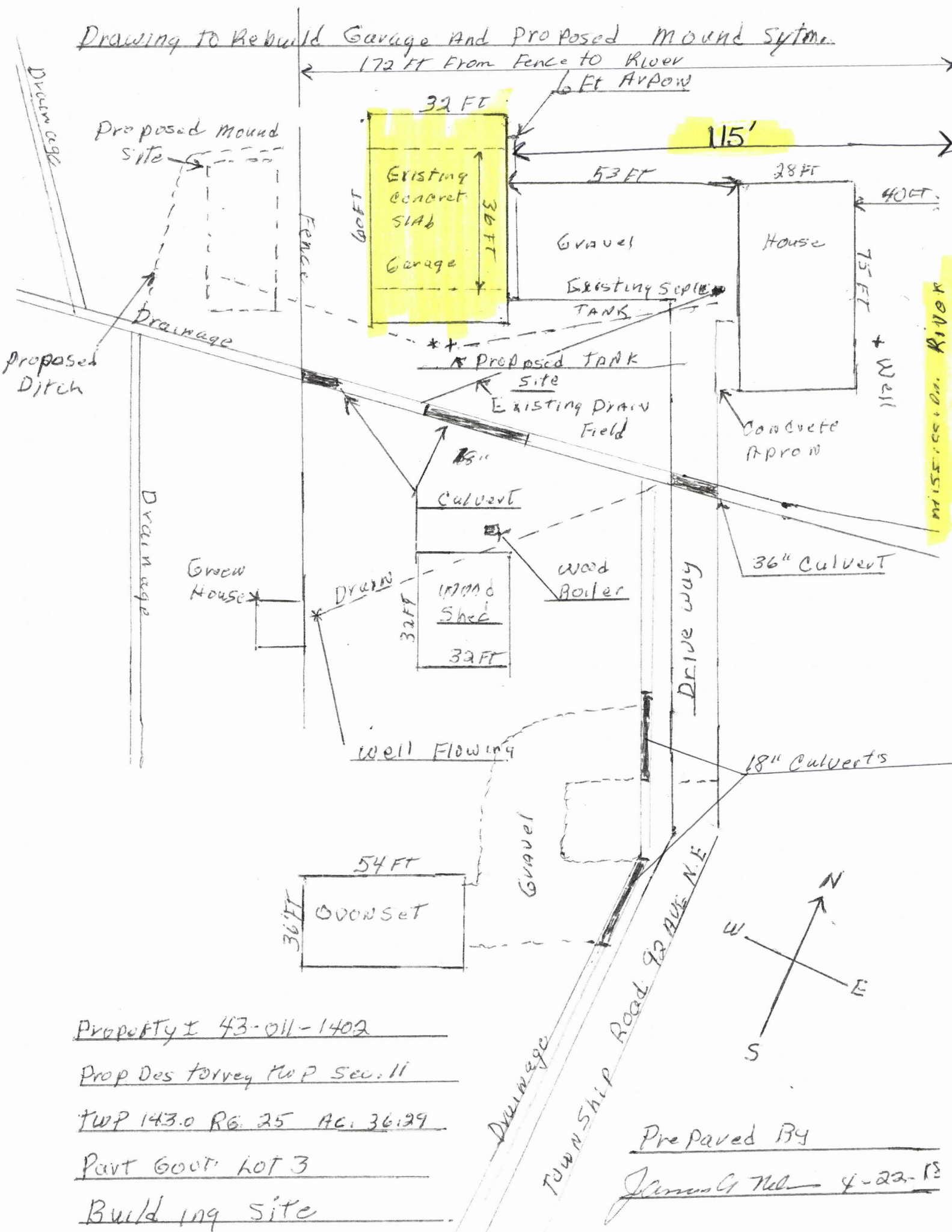
Date: 4/24/2018

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0      700      1,400      2,800 ft

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.

Drawing to Rebuild Garage And Proposed Mound System



Property # 43-011-1402

Prop Des forvey TWP Sec. 11

TWP 143.0 R6. 25 AC. 36.29

Part 600' LOT 3

Building site

Prepared By

James G. Nelson 4-22-13

09.27.2017



09.27.2017



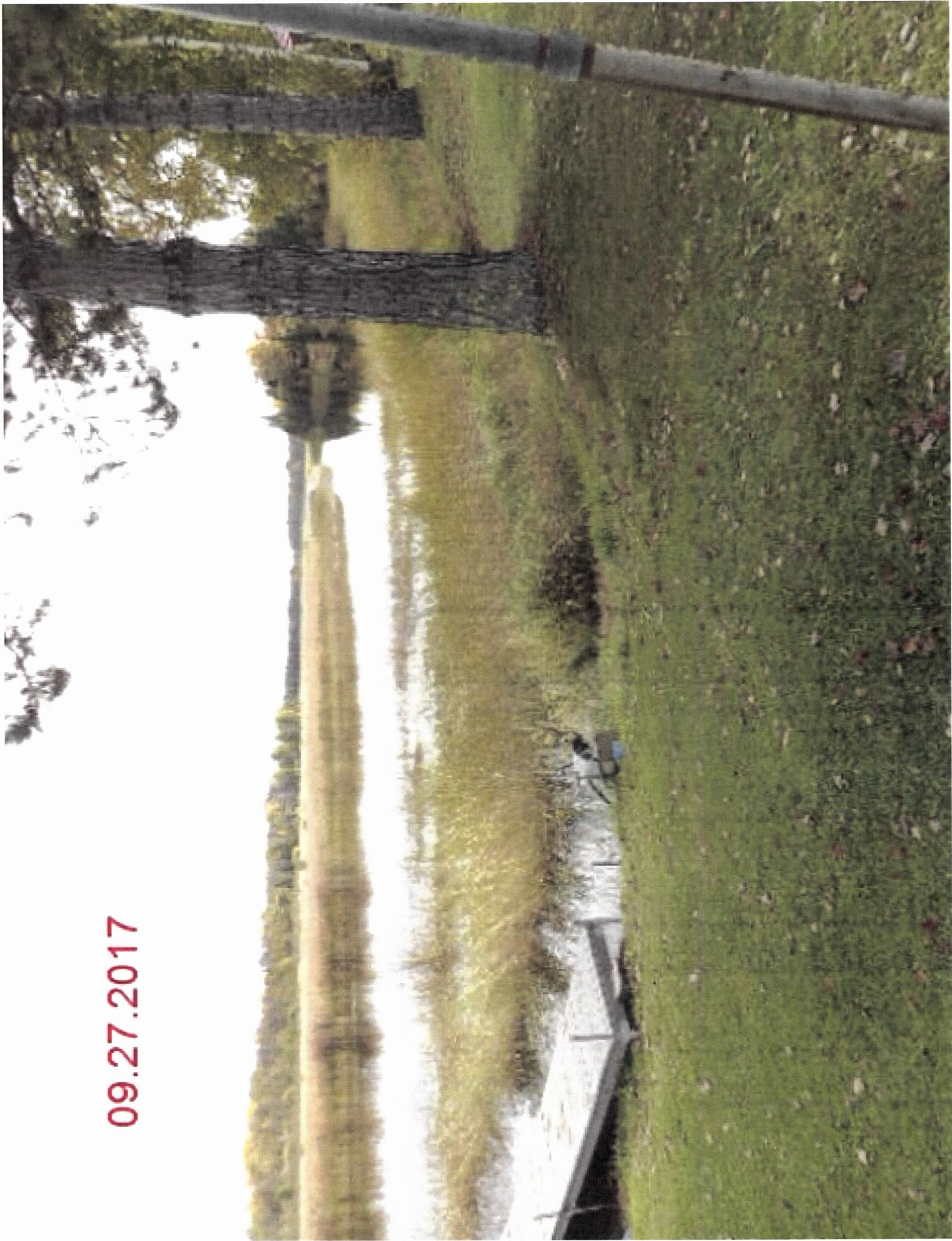
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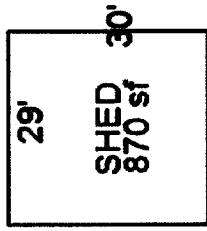
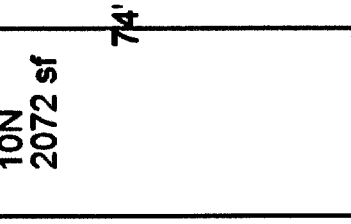
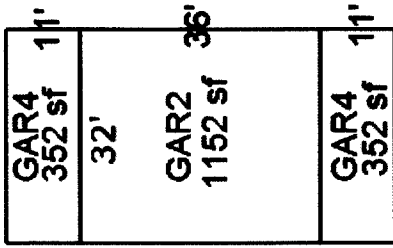


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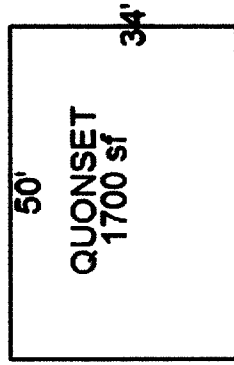


43-011-1402

PRIVY



Lean





FirstOfAPPRCL	OWNAME	OWADR1	OWADR2	OWADR3
43-011-2400	JOHNSON, WARREN	11293 90TH AVE NE	DEER RIVER, MN 56636	
43-011-3403	CARON, ANDREW S & CALL	11213 90TH AVE NE	DEER RIVER MN 56636	
43-002-3100	EVANS, DAVID F & TAMMY	PO BOX 97	DEER RIVER MN 56636	
43-011-4100	GIELEN, LEROY & KATHLEE	11259 92ND AVE NE	DEER RIVER MN 56636	
43-011-4202	HANSON, JOHN C & DEANN	11296 90TH AVE NE	DEER RIVER, MN 56636-9	
	HARMS, BARBARA	TORREY TWP CLERK	9661 SUGAR LAKE TRL NE	DEER RIVER MN 56636
	HARMS, DANIEL	TORREY TWP CHAIR	9661 SUGAR LAKE TRL NE	DEER RIVER MN 56636
43-012-3200	HRON, WILLIAM	37043 PINCHERRY RD	COHASSET MN 55721	
43-011-3402	BORST, JAMES	11227 90TH AVE NE	DEER RIVER MN 56636	
43-011-3101	JOHNSON, DIANE J	5456 100TH AVE	CLEAR LAKE MN 55319-95	
43-012-3400	WILLIAMS, DANIEL M, ETAL	9362 COUNTY 65 NE	DEER RIVER, MN 56636-9	
	MISSISSIPPI HEADWATERS	TIM TERRILL	322 LAUREL ST	BRAINERD MN 56401
43-011-4300	MOSTAD, MARK D	11282 90TH AVE NE	DEER RIVER MN 56636-27	
43-011-1402	NELSON, JAMES A	11457 92TH AVE NE	DEER RIVER, MN 56636	
43-011-2101	SCHNEDE HENNING, JODY	SCHNEDE, JAMIE R & BOL	PO BOX 33	LOWDEN IA 52255
43-011-1401	STATE OF MINNESOTA			
43-002-4200	STATE OF MINNESOTA, DN	REAL ESTATE MGT	500 LAFAYETTE RD, BOX 3	ST PAUL MN 55155
43-012-3100	TAX FORFEITED			
43-002-3400	VENDITTI, JODY	PO BOX 33	LOWDEN IA 52255	
43-011-3103	JOHNSON, DIANE J	11288 90TH AVE NE	DEER RIVER MN 56636	

# Variance Findings & Conditions

Nelson, James, Torrey Township on property described as Part of Govt Lot 3, Section 11-143-25, PID #43-011-1402 located at 11457 92<sup>nd</sup> Avenue NE. An application submitted to construct a 32 feet x 60 feet detached accessory structure garage/shop located 115 feet from the river. The applicable portions of the Land Use Ordinance include Section 800 which establishes the variance criteria and Section F of the Mississippi Headwaters Plan which requires structures to be setback 150 feet from the river along those areas of the corridor classified as Scenic. The property contains 36.29 acres riparian to the Mississippi River (Scenic).

PC members were at the site 05/08/18. 19 notices of the application were mailed with no responses received. The application was reviewed and discussed with the applicant's representative/contractor Mr. Jay Riffle.

MS/P Fitch/Pehling to approve the variance to expand the accessory structure to replace the one destroyed by fire from 32 feet x 58 feet to 32 feet x 60 feet to be located upon PID #43-011-1402 as submitted based upon review of the criteria contained in Section 800 of the Land Use Ordinance, M.S. 394.27 Subdivision 7 and Section F of the Mississippi Headwaters Plan with these findings and conditions:

## Findings:

1. The parcel was established and became a lot of record in 1969 prior to the establishment of the Mississippi Headwaters Board.
2. There is nothing in the permit archive to determine when the residence was constructed.
3. The setback of the garage at 125 feet was approved and established by V93-143-25-1.
4. The garage approved by V93-143-25-1 was destroyed by fire 02/18.
5. The applicant wishes to rebuild at the same location with a modest increase in size to accommodate current larger vehicles, 32 feet x 58 feet to 32 feet x 60 feet.
6. Approval of the application assuming compliance with applicable erosion control related conditions will not restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties.
7. Approval will not result in an incompatible land use that is detrimental to the protection of ground and surface water quality.
8. There is no reason or evidence to conclude that financial consideration is the sole reason for the application.
9. Based upon the above findings and the following conditions associated with this approval, there is nothing to indicate that the proposed garage will alter, disturb or negatively impact existing land use or neighboring property which does not contradict the purpose of the Land Use Ordinance which is to protect, preserve

and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.

NOTICE TO APPLICANT: If the following conditions are included no permit to implement shall be issued until:

1. ESD required and approved erosion control is installed.
2. If shoreline vegetative enhancement, restoration or no mow is required by ESD or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
3. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

No site preparation or building construction shall be commenced until issuance of a permit. Commencement of either prior to issuance of a Permit may result in withholding, withdrawal or revocation of a permit until inspection by ESD, correction of any circumstances in violation of laws or ordinances or the terms of this variance, deposit of financial assurance as determined by ESD to secure correction of violations and completion of other measures as required by ESD.

Conditions:

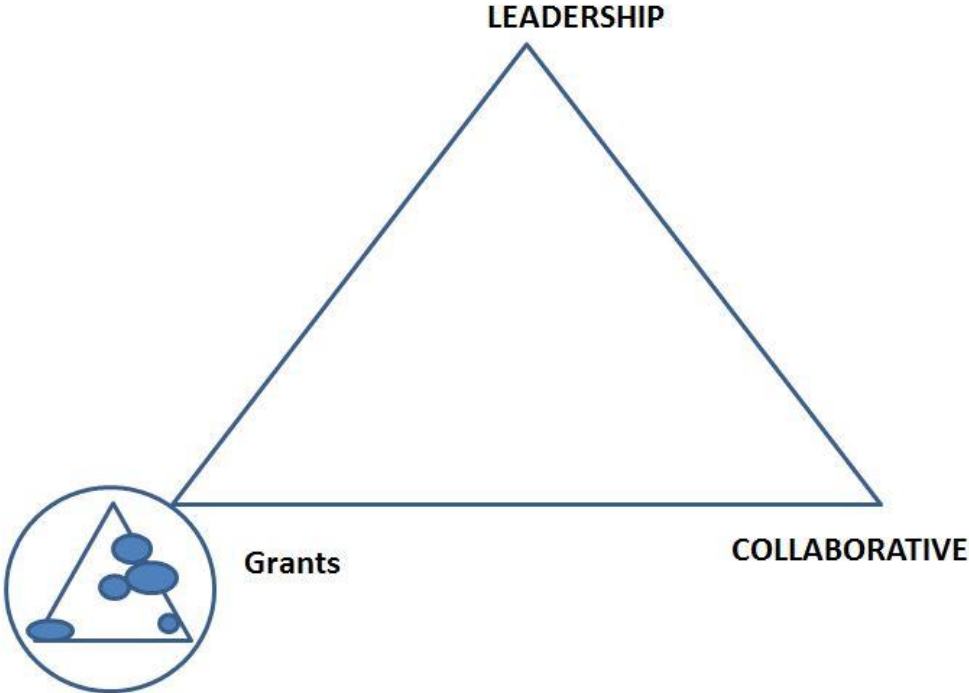
1. The location and size of the replacement garage shall not vary from that submitted 04/24/18 with the application and shall not be altered without approval of ESD staff or if necessary the Planning Commission.
2. Applicant shall consent to inspection of the property by ESD staff to verify compliance with conditions.
3. No run-off to the river or adjoining properties is permitted. Run-off shall be directed by gutters or other means to natural water retention features located upon the property or structures such as rain gardens.
4. ESD staff must determine and if required construction erosion control shall be installed.
5. Any material resulting from construction not reused or recycled must be disposed of in a permitted facility.
6. If vegetative enhancement or restoration is required by ESD staff or the Planning Commission, a plan shall be approved by ESD and agreed to be implemented by applicant.
7. As determined by ESD staff the plan may be substantially implemented or financial assurance in an amount determined by ESD staff in the form of cash or a letter of credit shall be submitted.

8. If financial assurance is required, ESD shall determine a schedule to return and/or reduce the amount of financial assurance.
9. Unless commenced or otherwise extended or revised by the Planning Commission this approval shall be effective until 05/14/20.

COMPLIANCE WITH ALL CONDITIONS IS REQUIRED. FAILURE TO COMPLY WITH ANY CONDITION SHALL RESULT IN A VIOLATION AND SUBJECT THE APPLICANT TO ENFORCEMENT PROCEDURES WHICH MAY INCLUDE, BUT NOT LIMITED TO, REVOCATION OF THIS VARIANCE, REMOVAL OF VIOLATIONS AND MITIGATION.

# Action/Discussion

Executive Director's Report  
Accelerated Ruffed Grouse Action Plan explanation  
Comp plan Revision



# Executive Director Report

April-May 2018

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

1. Reviewed monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Reviewed potential variances that may be coming before the Board next month.
5. Attended call in meetings with MPCA.
6. Held conversation with Paula West about targeting areas for conservation using RAQ maps.
7. Sent email to Holly Holm from Explore Brainerd Lakes to see if the historical society and the MHB Canoe Days event could somehow work together.
8. Sent out 2019 budget request letter to counties.
9. Sent out request for meeting for Canoe Days. Checked into pricing for T shirts.
10. Helped organize Bemidji PMA 25 meeting for stakeholders to see results of feasibility study.

## Meetings & Networking

1. Attended CW annual township meeting and gave presentation.
2. Attended Beltrami annual township meeting and gave presentation.
3. Attended Pine River 1W1P meeting.
4. Met Guy Jarvis, President of Liquid Pipelines and discussed our work with Enbridge on the Bemidji project. Also talked with Patrick Hughley, Sr. Community Engagement for the Enbridge and discussed relationship building with the LLBO.
5. Talked with Mark Johnson from the LSOHC to find out more about the Ruffed Grouse Action Plan opportunity.
6. Held meeting with Aitkin SWCD to discuss future easement prospecting opportunities.
7. Held AIS campaign meeting with Chip and Greg.
8. Sent AIS and Recreational reports to participating coordinators and Land Commissioners.
9. Reviewed parcel with DNR fisheries on Marquette Lake.

## Summary of Changes to Current MHB Comp Plan

Edits will be made to part 1 of the plan to reflect changes in parts 2 and 3. A professional editor was hired to review over the plan and make suggestions on grammatical, format, and flow of the document.

### **General Comments:**

1. The current plan with zoning ordinance is 109 pages, the updated plan will be around 72 pages.
2. Table of Contents updated.
3. Paper maps were updated to an interactive map.
4. 1980 Joint Powers agreement was placed on MHB website and referenced.
5. Minnesota Statue 103F was placed as a link in the plan.
6. Minor grammatical and format changes.
7. Duplicative words or lines that repeat state statute were deleted from the text in various sentences.
8. Headwater Alerts removed.

Section F: numbers 3 & 4 were updated to be in the active voice (pg. 10). Number 6-9 were moved in front of the partners table to help with flow and continuity.

## Management Plan Part II

Section A: Vision Statement removed because it is similar to the mission on pg. 6.

Section A: some qualitative and quantitative sentences were changed in the Significance section. Paragraph #2 and #3 was added as an update to reflect current water quality and habitat values.

Section B: last section added to the values and implementation methods paragraph to reflect current plans that complement our plan.

Section C: Values- Deleted bullet points and developed a narrative that has a statutory responsibility tone. Historical and cultural values were combined as one section.

Administrative Directives eliminated from this plan because it was deemed as not necessary by MHB Commission as part of the Comp. plan. The thought was that this is more of a bylaw than part of the Comp. plan.

## Appendix 1. Performance Standards

5/1/18

Pages 40-146

This is the model zoning ordinance was changed from Part III to appendix 1.

Section B: first paragraph eliminated because this is more legal interpretation.

Section C:

C.1.a,b,c,d were combined into one paragraph.

C.2 Compliance was updated and referenced MN Rules in a separate paragraph.

C.3 a-d were combined as a paragraph rather than separate points.

C.4 Severability and plan amendments were combined and last sentence omitted regarding annual review.

Section D: the Corridor language was changed to reference the MHB interactive map and a link added to connect to the MHB website.

Section E. Description changed from river mile to interactive map.

Section F: **VERY IMPORTANT because this is additional information.** Existing Legal Non-Conforming lots of record paragraph added for defining what a non-conforming lot is. B and C were rearranged from the current Comp plan to help with flow.

**NOTEWORTHY:** Impervious surface performance standards were added and language was derived from the Crow Wing county ordinance.

Section G: Unified Site Plan deleted because counties have their own procedures and forms that provide enough information for the Board to make a decision.

Section H2: This section was rearranged and a KEY was added to the table. Manufactured homes (pre-fab home on a cement slab) and single travel trailers were deleted from the list as a conditional use because counties administer now as a permit.



Section I: Domestic water supply was deleted because it is covered by the Dept. of Health. Public waters setback and changed look where Section III F is in accordance with this plan. Well standards was deleted because it is covered by the Dept. of Health. Public STS was deleted because it is not needed and is required to be hooked up to one if available. Changed to SSTS to reflect current language.

Section J: Storm water management was shortened because it is a repeat of state law and counties follow the law.

Section K: Vegetation management removed because MN Rules chapter 6120 covers this and is mentioned in K1 Grading, Filling and alterations in beds of public waters was changed to say alterations within the shoreland structure setback because this is what the section is talking about.

Section L. MPCA reference in L1 was removed. New animal feedlots permitted was removed because state rules define this. Existing feed lots changed the county feedlot officer to MPCA registrations because not all counties have a feedlot officer.

Section M: M1- a link was added to the paragraph and date of MN forest resource council date updated. 2<sup>nd</sup> paragraph removed because it is a repeat of what the manual states.

Section O: Deleted that the LGU shall notify the MHB of road projects and submit a summary because the paragraph before places the responsibility on LGU's.

O3- Unified Site Plan changed to Site Plan. Everything else was left the same.

Section R: Unified Site Plans, Accessory structures prohibited, and access road removed because a plan is required by the county to address these issues. CUP considerations shortened because MN Statute 394 covers this.

Section R: Unified Site Plan removed.

Section T: Section bulleted. T.5- Conservation Development added as a header in which PUD,CIC, and CHU fall under, and Con. Dev. added to glossary.

Section V: **If there is a statute change then this section will need to be updated and the correct definition of zoning authority placed in the Glossary.**

V.2: Legal Nonconforming Uses- Destruction of structure deleted because MN state law 394.36 regulates this.

V.3: CUP- extra detail deleted from plan because it is redundant of MN statute 394.

V.5: Variances- hardship changed to practical difficulties due to word change and added to glossary.

V.7: Five year review of Comp plan deleted from the process.

Section W: **If there is a statute change then this section will need to be updated.**

Section X: **this is a repeat of statute and what the GBA is using to skip certification by MHB.**

Appendix 3- Placed interactive map link there.

Appendix 5- JPB agreement link placed here.

Appendix 6- Deleted the statute and placed link to website there.

Appendix 7- added this from Comp plan as per Commissioners request. Updated.