



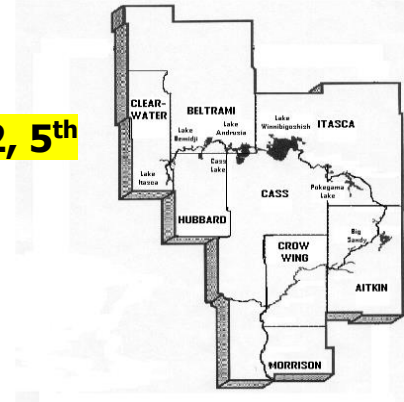
Mississippi Headwaters Board Meeting Agenda

**Arrowwood Conference Center Board Rm. #2, 5th
Floor**

Alexandria, MN 56308

<https://us02web.zoom.us/j/81887826263>

**September, 15, 2021
3:00 pm**



9:00 AM

- Call to Order/Pledge of Allegiance

9:05 AM Approve/Amend

- Agenda
- Consent Agenda – June '21 Minutes & June/July/August Expenses, DNR Whiskey Creek agreement

Planning and Zoning (Actions)

- Hubbard County Shoreland Ordinance Certification
- H9a21- Wall Variance Certification
- M9a21- Smieja/Retka Variance Certification
- GBA8a21- Sonja Upton Variance Certification
- GBA9a21- Michael & Kim Roysland Variance Certification
- GBA9b21- Mark & Bonita Haley Variance Certification

Action / Discussion Items:

- Letter of Support for Land Exchange- Action
- Baxter and MHB Joint Powers Agreement- Action
- Next Board meeting
- Executive Director's Report- discussion

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

Meeting Adjourned - Thank you

**Mtgs: ~~September 24, '21, 9:00 AM – MHB Meeting Cass County Courthouse meeting~~
October 28th, '21, 9:00 AM to 1:00 PM- Mississippi Headwaters Board Biennial Conference.**

Attachment

Draft Minutes

Monthly Expenses

DNR Whiskey Creek Agreement

Mississippi Headwaters Board
June 25, 2021
Miss. Headwaters Board Conference Room
322 Laurel St.
Brainerd, MN

Webconference:

MEETING
MINUTES

Members present by video Roll Call: Ted Van Kempen (Hubbard), Anne Marcotte (Aitkin) Steve Barrows (Crow Wing), Davin Tinquist (Itasca), Dean Newland (Clearwater), and Tim Terrill (Executive Director).

Others Present: Josh Pennington (Camp Ripley Environmental Supervisor) and Patrick Newman (Camp Ripley Cultural Resources), and Amy Kowalzek (Morrison ESD)

Pledge of Allegiance

Chair Marcotte asked if there were any additions to the agenda. None offered. **M/S (Barrows/Tinquist) to approve of the agenda. Motion carried unanimously.**

M/S (Van Kempen/Newland) to approve of the Consent agenda. Motion carried unanimously.

Correspondence: Tim shared a June press release that was sent as a public service announcement to all 8 MHB county newspapers. He also provided a 2021 AMC Annual conference workshop proposal which if accepted, will showcase the signage and resourcetainment program of the MHB. Commissioner Marcotte was happy that Mark Jeffers would be there to present as well.

Planning and Zoning

M6a21- Manka Variance- Amy Kowalzek presented information to the board about the variance to install a deck to the existing house. The original home measured in 1982 was DNR confirmed to be 150' from the river, but when measured this year it is only 117' from the river. Amy further explained that the original request from the Manka's was to have a larger deck, but they made an amendment to reduce its size to a 14' X 20' deck and not be closer than 117 feet from the Mississippi River. Discussion ensued and clarification about amendment was asked by Comm. Marcotte. Tim asked for clarification on impervious and Amy said that it wasn't a factor because of the 80 acre parcel size. **M/S (Van Kempen/Barrows) to approve of certification of the variance. Motion carried unanimously.**

Action/Discussion:

1. Camp Ripley steambank erosion plan- Josh Pennington explained that Camp Ripley has a steambank erosion issue on the Mississippi River. The bank is eroding and cultural resources of Camp Ripley are being threatened. Josh has worked with the Morrison SWCD to come up with a plan and proposal to submit for federal funding for a remediation project. Comm. Marcotte was glad that they were working with the federal government. Comm. Barrows asked when and if the construction would take place

and Josh responded that a perfect scenario would be that Camp Ripley gets their annual appropriation in fall '21 and construction could begin in spring of '22 if funded. Josh said that this project would cost around \$150,000 and that construction may need to be delayed until August '22 to deal with water levels.

2. Open Meeting Law- Tim explained that the next meeting will be in the Cass County Board room because the state of emergency will be ending July 1, 2021. He further explained that it is legal to attend by video conferencing, but it may not be as practical because every Commissioner attending by zoom will have to announce their location to be open and accessible to the public.
3. MHB video final review- Tim said that he is providing the final review of the mhb video. He said he made some minor changes in formatting, but that it is pretty much a final project. After viewing the video, comments were made by the board and Tim wrote them down and sent them to the publisher.

Executive Directors Report

1. Tim attended an LSOHC council meeting and listened to a discussion between the council and The Conservation Fund (TCF) about the former potlach parcels. Most council members were fine with the purchase of the potlach parcels, but two members brought up the point of helping a nonprofit turn a profit through government funds. Tim gave the example that the parcels were purchased at a reduced cost, and was wondering what price TCF would sell the parcels to other governmental entities. He further stated that TCF's response to that question was that they would be transparent in their process. Comm. Marcotte said that they could possibly show transparency through reimbursement of expenses for transactional costs. Comm. Van Kempen stated that he assumed that TCF might make a profit, but whether it is a large or small one remains to be seen. The overall purpose will be to come up with a transparent process that the council and TCF can agree upon.
2. Tim held a statewide MN Traditions AIS meeting where 20 counties attended and they discussed content for next year. The coordinators liked the idea of showcasing float planes because it is a good example of how MN is doing well in that area. Tim said that the theme for next year will be based on people and businesses viewpoint of how others are doing their part to prevent the spread of AIS. That is a little different from previous years where MN Traditions showed more "how to" videos.
3. Tim attended the Aitkin Paddle Your Glass Off event and passed out surveys to determine money spent in the area and distance people drove. Eighty people attended the event with minimal marketing, and a flyer was passed out to participants promoting the Little Falls event on July 24th.

Legislative Updates- Tim said that LCCMR and Legacy bills were passed in special session so grants will be available for next year. Comm. Marcotte was happy to hear that the omnibus bill included tax payments to Enbridge so counties would not be held accountable.

County Updates- Comm. Van Kempen said that Hubbard approved of the One Watershed One Plan for the Upper Miss. Comm. Newland and Comm. Tinquist said their counties approved of it as well. Comm. Tinquist said that Itasca county received a grant to tear down buildings and clean up area for the new jail. He also stated that Huber Engineered Woods has accepted Cohasset as the place to build their new plant and create 150 new jobs. Davin said the Governor's office called him to thank him for the leadership and that the process is in the state's hands now. Comm. Marcotte responded that she understands the ramifications of the new plant and is curious how the housing market in Grand Rapids and Aitkin county will handle the influx of new people. Comm. Barrows is working with the county on how to strategically implement broadband in the county. He also brought up some points on the pandemic and how businesses and people will deal with complex issues. Comm. Newland asked for clarification on the meeting next month and how the open meeting law can be observed.

M/S (Barrows/Van Kempen) to adjourn. Motion carried unanimously.

Chair Anne Marcotte

Executive Director Tim Terrill

August SFY'22 Budget Summary

		YTD spending/rei mbursement	Projected Budget	% of budget spent	
Revenues:	Monthly Amount				Explanation
Governor's DNR grant (53290)		\$45,163.71	\$124,000.00	36.42%	non competitive quarterly reimbursement
LSOHC grant (53290)	\$1,217.97		\$6,000.00	0.00%	LSOHC reimbursement
Guidebook sales (58400)			\$200.00	0.00%	reimbursment for Guidebook sales
Enbridge program (58300)			\$7,000.00	0.00%	enbridge reimbursement
Miscell. Other revenue (58300)	\$100.00		\$3,000.00	0.00%	AIS reimbursement & muskie donation
MCIT Dividend (58300)			\$277.00	0.00%	MCIT refund
County Support (52990)			\$12,000.00	0.00%	8 county support
BWSR Grant Stormwater (53090)			\$300.00	0.00%	competitive reimbursement
LCCMR acquisition			\$1,000.00	0.00%	competitive reimbursement
Total	\$1,317.97	\$0.00	\$28,777.00		
Expenses:	Monthly Amount				Explanation
Salaries/Benefits FICA/Med/PERA/LIFE/LTD/Hlth/ WC(61000)	\$ 8,019.85	\$11,199.77	\$103,866.00	10.78%	reimbursed by Gov. DNR grant
MCIT insurance/work comp/liability (61500)			\$3,220.00	0.00%	reimbursed by Gov. DNR grant
MHB board Per Diem (62680)	\$ 100.00		\$2,700.00	0.00%	reimbursed by Gov. DNR grant based off '18-'19
Hotel/Meals/travel exp. (63340)	\$ 4.63		\$500.00	0.00%	reimbursed by Gov. DNR grant
Commissioner Mileage (62720)	\$ 87.36		\$2,800.00	0.00%	reimbursed by Gov. DNR grant based off '18-'19
Employee Mileage (63320)	\$ 497.28	\$280.18	\$4,400.00	6.37%	reimbursed by Gov. DNR grant based off '18-'19
Professional Services (62990)	\$ 625.00	\$613.55	\$45,000.00	1.36%	CW account. Services, \$20K for county grant, web, audit, video, biennial
Office supplies/operations (64090)	\$242.86	\$128.01	\$1,400.00	9.14%	telephone, printer ink, guidebook mailing, zoom
Training & Registration Fees (63380)			\$300.00	0.00%	reimbursed by Gov. DNR grant-
Total	\$9,576.98	\$12,221.51	\$164,186.00		

Governor's DNR grant is always \$124K every year

LSOHC grant is around \$6K to \$8K every year

*The total under revenue does not reflect the \$124K because it is a non-competitive grant, and it doesn't always fall in the fiscal year.

07/12/2021 09:48
KorieW

Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2021 06 TO 2021 06

P 1
glacthst

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	61000	Salaries & Wages - Regular							
							REVISED BUDGET		.00
							PER 01	5,362.08	5,362.08
							PER 02	5,651.74	11,013.82
							PER 03	5,523.01	16,536.83
							PER 04	5,523.00	22,059.83
							PER 05	5,523.00	27,582.83
21/06	299 06/04/21 PRJ pr0604 1060421 1060421				1060			2,761.50	30,344.33
	pay060421 WARRANT=060421 RUN=1 BI-WEEKL								
21/06	853 06/18/21 PRJ pr0618 1061821 1061821				1061			2,761.50	33,105.83
	PAY061821 WARRANT=061821 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS:		33,105.83				CREDITS:	.00	NET: 33,105.83
74830	61200	Active Insurance							
							REVISED BUDGET		.00
							PER 01	1,685.31	1,685.31
							PER 02	1,686.81	3,372.12
							PER 03	1,686.06	5,058.18
							PER 04	1,686.06	6,744.24
							PER 05	1,686.06	8,430.30
21/06	299 06/04/21 PRJ pr0604 1060421 1060421				1060			863.33	9,293.63
	pay060421 WARRANT=060421 RUN=1 BI-WEEKL								
21/06	853 06/18/21 PRJ pr0618 1061821 1061821				1061			838.33	10,131.96
	PAY061821 WARRANT=061821 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS:		10,131.96				CREDITS:	.00	NET: 10,131.96
74830	61300	Employee Pension & FICA							
							REVISED BUDGET		.00
							PER 01	772.64	772.64
							PER 02	816.54	1,589.18
							PER 03	797.03	2,386.21
							PER 04	797.04	3,183.25
							PER 05	803.15	3,986.40
21/06	299 06/04/21 PRJ pr0604 1060421 1060421				1060			398.52	4,384.92
	pay060421 WARRANT=060421 RUN=1 BI-WEEKL								
21/06	853 06/18/21 PRJ pr0618 1061821 1061821				1061			398.52	4,783.44
	PAY061821 WARRANT=061821 RUN=1 BI-WEEKL								
	LEDGER BALANCES --- DEBITS:		4,783.44				CREDITS:	.00	NET: 4,783.44

07/12/2021 09:48
KorieW

Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2021 06 TO 2021 06

P 2
glacthst

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	62100	Telephone							
						REVISED BUDGET			.00
						PER 01	57.08	57.08	
						PER 02	57.28	114.36	
						PER 03	57.32	171.68	
						PER 04	57.28	228.96	
						PER 05	57.22	286.18	
21/06	853 06/18/21	PRJ pr0618	1061821	1061821	1061		55.00	341.18	
	PAY061821	WARRANT=061821	RUN=1	BI-WEEKL					
21/06	863 06/22/21	API 006205		148971		27207	2.10	343.28	
	W C062221	JUNE CTC & 6/21-6/21	LD CALLS	CONSOLIDATED	TELECOM				
21/06	863 06/22/21	API 006205		148971		27207	.06	343.34	
	W C062221	JUNE CTC & 6/21-6/21	LD CALLS	CONSOLIDATED	TELECOM				
	LEDGER BALANCES --- DEBITS:		343.34		CREDITS:	.00	NET:	343.34	
74830	62680	Non-Employee Per Diems							
						REVISED BUDGET			.00
						PER 02	200.00	200.00	
						PER 03	600.00	800.00	
						PER 04	50.00	850.00	
						PER 05	200.00	1,050.00	
21/06	232 06/01/21	API 003257		147787		27006	50.00	1,100.00	
	W A060121	May 28 MHB meeting		GAASVIG, CRAIG					
21/06	232 06/01/21	API 002534		147788		27010	50.00	1,150.00	
	W A060121	May 28 MHB meeting		NEWLAND, DEAN					
21/06	232 06/01/21	API 101580		147790		27039	50.00	1,200.00	
	W A060121	May 28 MHB meeting		WILSON, MICHAEL					
21/06	232 06/01/21	API 001099		147791		27008	50.00	1,250.00	
	W A060121	May 28 MHB meeting		MARCOTTE, ANNE					
21/06	232 06/01/21	API 002809		147792		27037	50.00	1,300.00	
	W A060121	May 28 MHB meeting		TINQUIST, DAVIN C					
21/06	1338 06/29/21	API 003356		149764		27316	50.00	1,350.00	
	W A062921	MHB MEETING 6/25		HUBBARD COUNTY TREAS					
21/06	1338 06/29/21	API 001099		149765		27317	50.00	1,400.00	
	W A062921	MHB MEETING 6/25/21		MARCOTTE, ANNE					
21/06	1338 06/29/21	API 002809		149766		27353	50.00	1,450.00	
	W A062921	MHB MEETING 6/25/21		TINQUIST, DAVIN C					
21/06	1338 06/29/21	API 002534		149767		27318	50.00	1,500.00	
	W A062921	MHB MEETING 6/25/21		NEWLAND, DEAN					

07/12/2021 09:48
KorieW

Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2021 06 TO 2021 06

P 3
glacthst

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
	LEDGER BALANCES --- DEBITS:				1,500.00			CREDITS: .00	NET: 1,500.00	
74830	62720	Non-Employee Mileage						REVISED BUDGET		.00
21/06	232	06/01/21	API 003356		147789	27007		50.00	50.00	
	W A060121	May 28	MBG meeting		HUBBARD COUNTY	TREAS				
	LEDGER BALANCES --- DEBITS:				50.00			CREDITS: .00	NET: 50.00	
74830	62990	Prof. & Tech. Fee - Other						REVISED BUDGET		.00
						PER 01		10,692.83	10,692.83	
						PER 02		525.00	11,217.83	
						PER 03		96,595.00	107,812.83	
						PER 04		56,018.05	163,830.88	
						PER 05		525.00	164,355.88	
21/06	385	06/08/21	API 009999		148436	27093		30,000.00	194,355.88	
	W A060821	Slope stabilization			Unknown					
21/06	1550	06/30/21	GEN					525.00	194,880.88	
	RECURRING FINANCIAL SERVICE									
	LEDGER BALANCES --- DEBITS:				194,880.88			CREDITS: .00	NET: 194,880.88	
	GRAND TOTAL --- DEBITS:				244,795.45			CREDITS: .00	NET: 244,795.45	

21 Records printed

** END OF REPORT - Generated by Korie Wiggins **

08/12/2021 08:13
KorieW

Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2021 07 TO 2021 07

P 1
glacthst

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	53290	Natural Resources							
							REVISED BUDGET		.00
					PER 01		-36,027.94	-36,027.94	
					PER 04		-31,077.92	-67,105.86	
							-45,163.71	-112,269.57	
21/07	1365 07/26/21	GEN							
	ST OF MN DNR4Q-21								
21/07	1441 07/27/21	GEN					-81,993.73	-194,263.30	
	ST OF MN 1								
21/07	1567 07/27/21	GEN					-5.00	-194,268.30	
	ST OF MN 1								
21/07	1900 07/30/21	GEN					-5,610.50	-199,878.80	
	ST OF MN 3								
21/07	1930 07/27/21	GEN					5.00	-199,873.80	
	TRANSFER 1								
21/07	1930 07/27/21	GEN					81,993.73	-117,880.07	
	TRANSFER 1								
	LEDGER BALANCES --- DEBITS:		81,998.73		CREDITS:		-199,878.80	NET:	-117,880.07
74830	61000	Salaries & Wages - Regular							
							REVISED BUDGET		.00
					PER 01		5,362.08	5,362.08	
					PER 02		5,651.74	11,013.82	
					PER 03		5,523.01	16,536.83	
					PER 04		5,523.00	22,059.83	
					PER 05		5,523.00	27,582.83	
					PER 06		5,523.00	33,105.83	
21/07	223 07/02/21	PRJ pr0702 1210702	1210702		1210		2,761.51	35,867.34	
	pay070221	WARRANT=210702	RUN=1 BI-WEEKL						
21/07	661 07/16/21	PRJ PR0716 1071621	1071621		1071		2,761.51	38,628.85	
	Pay071621	WARRANT=071621	RUN=1 BI-WEEKL						
21/07	1573 07/30/21	PRJ PR0730 1073021	1073021		1073		2,761.51	41,390.36	
	pay073021	WARRANT=073021	RUN=1 BI-WEEKL						
	LEDGER BALANCES --- DEBITS:		41,390.36		CREDITS:		.00	NET:	41,390.36
74830	61200	Active Insurance							
							REVISED BUDGET		.00
					PER 01		1,685.31	1,685.31	
					PER 02		1,686.81	3,372.12	

08/12/2021 08:13
KorieW

Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2021 07 TO 2021 07

P 2
glacthst

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
						PER 03	1,686.06	5,058.18	
						PER 04	1,686.06	6,744.24	
						PER 05	1,686.06	8,430.30	
						PER 06	1,701.66	10,131.96	
21/07	223 07/02/21 PRJ pr0702	1210702	1210702		1210		861.49	10,993.45	
	pay070221 WARRANT=210702		RUN=1 BI-WEEKL						
21/07	661 07/16/21 PRJ PR0716	1071621	1071621		1071		838.33	11,831.78	
	Pay071621 WARRANT=071621		RUN=1 BI-WEEKL						
	LEDGER BALANCES --- DEBITS:		11,831.78		CREDITS:		.00	NET:	11,831.78
74830	61300	Employee Pension & FICA				REVISED BUDGET			.00
						PER 01	772.64	772.64	
						PER 02	816.54	1,589.18	
						PER 03	797.03	2,386.21	
						PER 04	797.04	3,183.25	
						PER 05	803.15	3,986.40	
						PER 06	797.04	4,783.44	
21/07	223 07/02/21 PRJ pr0702	1210702	1210702		1210		398.52	5,181.96	
	pay070221 WARRANT=210702		RUN=1 BI-WEEKL						
21/07	661 07/16/21 PRJ PR0716	1071621	1071621		1071		398.52	5,580.48	
	Pay071621 WARRANT=071621		RUN=1 BI-WEEKL						
21/07	1573 07/30/21 PRJ PR0730	1073021	1073021		1073		418.38	5,998.86	
	pay073021 WARRANT=073021		RUN=1 BI-WEEKL						
	LEDGER BALANCES --- DEBITS:		5,998.86		CREDITS:		.00	NET:	5,998.86
74830	62100	Telephone				REVISED BUDGET			.00
						PER 01	57.08	57.08	
						PER 02	57.28	114.36	
						PER 03	57.32	171.68	
						PER 04	57.28	228.96	
						PER 05	57.22	286.18	
						PER 06	57.16	343.34	
21/07	661 07/16/21 PRJ PR0716	1071621	1071621		1071		55.00	398.34	
	Pay071621 WARRANT=071621		RUN=1 BI-WEEKL						
21/07	675 07/20/21 API 006205	151147	151147		27461		1.70	400.04	
	W C072021 JULY CTC & 7/21-7/21		LD CALLS CONSOLIDATED TELECOM						
21/07	675 07/20/21 API 006205	151147	151147		27461		.16	400.20	
	W C072021 JULY CTC & 7/21-7/21		LD CALLS CONSOLIDATED TELECOM						

08/12/2021 08:13
KorieW

Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2021 07 TO 2021 07

P 3
glacthst

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
	LEDGER BALANCES --- DEBITS:			400.20	CREDITS:		.00	NET:	400.20
74830	62990		Prof. & Tech. Fee - Other						
									REVISED BUDGET .00
					PER 01		10,692.83	10,692.83	
					PER 02		525.00	11,217.83	
					PER 03		96,595.00	107,812.83	
					PER 04		56,018.05	163,830.88	
					PER 05		525.00	164,355.88	
					PER 06		30,525.00	194,880.88	
21/07	940 07/20/21	API 101427		151212	1932688		88.55	194,969.43	
	W A072021	PLAQUE FOR BOB LESSARD			WINNERS TROPHY & ENG				
21/07	940 07/20/21	API 006007		151216	27538		747.36	195,716.79	
	W A072021	TNC INVOICE #10			THE NATURE				
21/07	940 07/20/21	API 101649		151222	1932687		5,610.50	201,327.29	
	W A072021	WEST INVOICE #3			WEST COMMUNICATIONS				
21/07	1908 07/31/21	GEN					525.00	201,852.29	
		RECURRING FINANCIAL SERVICE							
	LEDGER BALANCES --- DEBITS:			201,852.29	CREDITS:		.00	NET:	201,852.29
74830	63320		Employee Mileage						
									REVISED BUDGET .00
					PER 04		166.10	166.10	
21/07	1240 07/22/21	GNI JUN					91.84	257.94	
	WF PCARD	Grand Rapids for pokegama to S			TIM TERRILL				
21/07	1240 07/22/21	GNI JUN					36.18	294.12	
	WF PCARD	Little Falls for sign check up			TIM TERRILL				
21/07	1240 07/22/21	GNI JUN					34.78	328.90	
	WF PCARD	Aitkin Paddle your glass off m			TIM TERRILL				
21/07	1240 07/22/21	GNI JUN					36.18	365.08	
	WF PCARD	Aitkin Resourcetainment event			TIM TERRILL				
21/07	1240 07/22/21	GNI JUN					81.20	446.28	
	WF PCARD	wini to leech lake trip			TIM TERRILL				
	LEDGER BALANCES --- DEBITS:			446.28	CREDITS:		.00	NET:	446.28

08/12/2021 08:13
KorieW

Crow Wing County
ACCOUNT DETAIL HISTORY FOR 2021 07 TO 2021 07

P 4
glacthst

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	63380	Training & Registration Fees							
						REVISED BUDGET			.00
21/07	1241 07/22/21	GNI JUN					44.06	44.06	
	BREM CARD LF resourcetainment event TIM TERRILL - EB RIDE THE RIVER FUN								
	LEDGER BALANCES --- DEBITS:			44.06	CREDITS:		.00	NET:	44.06
74830	64090	Office Supplies							
						REVISED BUDGET			.00
					PER 01		37.20	37.20	
					PER 02		14.30	51.50	
					PER 03		16.11	67.61	
					PER 04		23.85	91.46	
					PER 05		45.16	136.62	
21/07	1241 07/22/21	GNI JUN					-14.01	122.61	
	BREM CARD buy usb TIM TERRILL - OFFICEMAX/DEPOT 6590								
21/07	1241 07/22/21	GNI JUN					14.00	136.61	
	BREM CARD USB TIM TERRILL - BEST BUY 00005223								
21/07	1241 07/22/21	GNI JUN					14.01	150.62	
	BREM CARD return usb TIM TERRILL - OFFICEMAX/DEPOT 6590								
21/07	1241 07/22/21	GNI JUN					57.15	207.77	
	BREM CARD foldable table TIM TERRILL - THE HOME DEPOT #2818								
	LEDGER BALANCES --- DEBITS:			221.78	CREDITS:		-14.01	NET:	207.77
	GRAND TOTAL --- DEBITS:			344,184.34	CREDITS:		-199,892.81	NET:	144,291.53

31 Records printed

** END OF REPORT - Generated by Korie Wiggins **

ACCOUNT DETAIL HISTORY FOR 2021 08 TO 2021 08

ORG YR/PR	OBJECT PROJ JNL EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
74830	53290	Natural Resources							
									REVISED BUDGET .00
					PER 01		-36,027.94	-36,027.94	
					PER 04		-31,077.92	-67,105.86	
					PER 07		-50,774.21	-117,880.07	
21/08	598 08/04/21	GEN					-1,965.33	-119,845.40	
	ST OF MN 10								
		LEDGER BALANCES --- DEBITS:		.00	CREDITS:	-119,845.40	NET:	-119,845.40	
74830	58300	Miscellaneous Other Revenue							
									REVISED BUDGET .00
					PER 02		-48,300.00	-48,300.00	
					PER 03		-18,570.00	-66,870.00	
					PER 05		-20,000.00	-86,870.00	
21/08	1321 08/24/21	GNI 287783 Lisak	41872				-100.00	-86,970.00	
	iNovah MUSKIE INC DONATION								
		LEDGER BALANCES --- DEBITS:		.00	CREDITS:	-86,970.00	NET:	-86,970.00	
74830	61000	Salaries & Wages - Regular							
									REVISED BUDGET .00
					PER 01		5,362.08	5,362.08	
					PER 02		5,651.74	11,013.82	
					PER 03		5,523.01	16,536.83	
					PER 04		5,523.00	22,059.83	
					PER 05		5,523.00	27,582.83	
					PER 06		5,523.00	33,105.83	
					PER 07		8,284.53	41,390.36	
21/08	781 08/13/21	PRJ pr0813 1081321	1081321	1081321	1081		2,761.50	44,151.86	
	pay081321	WARRANT=081321	RUN=1	BI-WEEKL					
21/08	1458 08/27/21	PRJ pr0827 1210827	1210827	1210827	1210		2,761.51	46,913.37	
	pay082721	WARRANT=210827	RUN=1	BI-WEEKL					
		LEDGER BALANCES --- DEBITS:		46,913.37	CREDITS:	.00	NET:	46,913.37	
74830	61200	Active Insurance							
									REVISED BUDGET .00
					PER 01		1,685.31	1,685.31	
					PER 02		1,686.81	3,372.12	
					PER 03		1,686.06	5,058.18	
					PER 04		1,686.06	6,744.24	
					PER 05		1,686.06	8,430.30	

ACCOUNT DETAIL HISTORY FOR 2021 08 TO 2021 08

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
21/08	781	08/13/21	PRJ pr0813	1081321	1081321	1081	PER 06	1,701.66	10,131.96	
	pay081321	WARRANT=081321	RUN=1	BI-WEEKL			PER 07	1,699.82	11,831.78	
								861.49	12,693.27	
21/08	1458	08/27/21	PRJ pr0827	1210827	1210827	1210		838.33	13,531.60	
	pay082721	WARRANT=210827	RUN=1	BI-WEEKL						
LEDGER BALANCES --- DEBITS:				13,531.60		CREDITS:		.00	NET:	13,531.60
74830	61300	Employee Pension & FICA				REVISED BUDGET				.00
						PER 01		772.64	772.64	
						PER 02		816.54	1,589.18	
						PER 03		797.03	2,386.21	
						PER 04		797.04	3,183.25	
						PER 05		803.15	3,986.40	
						PER 06		797.04	4,783.44	
						PER 07		1,215.42	5,998.86	
21/08	781	08/13/21	PRJ pr0813	1081321	1081321	1081		398.52	6,397.38	
	pay081321	WARRANT=081321	RUN=1	BI-WEEKL						
21/08	1458	08/27/21	PRJ pr0827	1210827	1210827	1210		398.51	6,795.89	
	pay082721	WARRANT=210827	RUN=1	BI-WEEKL						
LEDGER BALANCES --- DEBITS:				6,795.89		CREDITS:		.00	NET:	6,795.89
74830	62100	Telephone				REVISED BUDGET				.00
						PER 01		57.08	57.08	
						PER 02		57.28	114.36	
						PER 03		57.32	171.68	
						PER 04		57.28	228.96	
						PER 05		57.22	286.18	
						PER 06		57.16	343.34	
						PER 07		56.86	400.20	
21/08	992	08/19/21	API 006205		153355	27759		1.66	401.86	
	W C082421	AUGUST CTC & 8/21-8/21	LD CALL CONSOLIDATED TELECOM							
21/08	992	08/19/21	API 006205		153355	27759		.51	402.37	
	W C082421	AUGUST CTC & 8/21-8/21	LD CALL CONSOLIDATED TELECOM							
21/08	1458	08/27/21	PRJ pr0827	1210827	1210827	1210		55.00	457.37	
	pay082721	WARRANT=210827	RUN=1	BI-WEEKL						
LEDGER BALANCES --- DEBITS:				457.37		CREDITS:		.00	NET:	457.37

ACCOUNT DETAIL HISTORY FOR 2021 08 TO 2021 08

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
74830	62680		Non-Employee Per Diems								.00
								REVISED BUDGET			
								PER 02	200.00	200.00	
								PER 03	600.00	800.00	
								PER 04	50.00	850.00	
								PER 05	200.00	1,050.00	
								PER 06	450.00	1,500.00	
21/08	1750	08/31/21	API 001099		153784	27895			50.00	1,550.00	
	W A083121	MHB MEETING 8/27/21			MARCOTTE, ANNE						
21/08	1750	08/31/21	API 003356		153785	27894		50.00		1,600.00	
	W A083121	MHB MEETING 8/27/21			HUBBARD COUNTY TREAS						
					LEDGER BALANCES --- DEBITS:	1,600.00		CREDITS:	.00	NET:	1,600.00
74830	62720		Non-Employee Mileage								.00
								REVISED BUDGET			
								PER 06	50.00	50.00	
21/08	1750	08/31/21	API 001099		153784	27895			58.24	108.24	
	W A083121	MHB MEETING 8/27/21			MARCOTTE, ANNE						
21/08	1750	08/31/21	API 003356		153785	27894		29.12		137.36	
	W A083121	MHB MEETING 8/27/21			HUBBARD COUNTY TREAS						
					LEDGER BALANCES --- DEBITS:	137.36		CREDITS:	.00	NET:	137.36
74830	62990		Prof. & Tech. Fee - Other								.00
								REVISED BUDGET			
								PER 01	10,692.83	10,692.83	
								PER 02	525.00	11,217.83	
								PER 03	96,595.00	107,812.83	
								PER 04	56,018.05	163,830.88	
								PER 05	525.00	164,355.88	
								PER 06	30,525.00	194,880.88	
								PER 07	6,971.41	201,852.29	
21/08	227	08/03/21	API 009999		151961	27629			5,500.00	207,352.29	
	W C080321	MISSISSIPPI HEADWATERS - BOB L Unknown									
21/08	642	08/10/21	API 000729		152539	27700		800.00		208,152.29	
	W A081021	MITCH GIS MAPS			BRINKS WETLAND						
21/08	642	08/10/21	API 100085		152540	1933096		100.00		208,252.29	
	W A081021	MISSISSIPPI HEADWATER PADDLE D FORUM COMMUNICATIONS									
21/08	2038	08/31/21	GEN					525.00		208,777.29	
		RECURRING FINANCIAL SERVICE									

ACCOUNT DETAIL HISTORY FOR 2021 08 TO 2021 08

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE	
LEDGER BALANCES --- DEBITS:				208,777.29	CREDITS:			.00	NET:	208,777.29	
74830	63320	Employee Mileage									
										REVISED BUDGET	.00
										PER 04	166.10
										PER 07	280.18
21/08	1051	08/23/21	GNI JULY					132.16		578.44	
	WF	PCARD	1434 - kDam to Big Fish land								
			TIM TERRILL - OOP								
21/08	1051	08/23/21	GNI JULY					66.08		644.52	
	WF	PCARD	1434 - MHB paddling day mlg								
			TIM TERRILL - OOP								
21/08	1051	08/23/21	GNI JULY					78.40		722.92	
	WF	PCARD	1434 - sandy to wolds fer								
			TIM TERRILL - OOP								
21/08	1051	08/23/21	GNI JULY					53.76		776.68	
	WF	PCARD	1434 - Ride the River mlg								
			TIM TERRILL - OOP								
21/08	1051	08/23/21	GNI JULY					34.16		810.84	
	WF	PCARD	1434 - aitkin for review								
			TIM TERRILL - OOP								
21/08	1051	08/23/21	GNI JULY					12.32		823.16	
	WF	PCARD	1434 - CW state park								
			TIM TERRILL - OOP								
21/08	1051	08/23/21	GNI JULY					120.40		943.56	
	WF	PCARD	1434 - Bowen lodge								
			TIM TERRILL - OOP								
LEDGER BALANCES --- DEBITS:				943.56	CREDITS:			.00	NET:	943.56	
74830	63340	Hotel & Meals Travel Expense									
										REVISED BUDGET	.00
										PER 04	8.73
21/08	1080	08/23/21	GNI JULY					4.63		13.36	
	BREM	PCARD	meal for Paddle day								
			TIM TERRILL - SUBWAY 35211								
LEDGER BALANCES --- DEBITS:				13.36	CREDITS:			.00	NET:	13.36	
74830	64090	Office supplies									
										REVISED BUDGET	.00
										PER 01	37.20
										PER 02	14.30
										PER 03	16.11
										PER 04	23.85
										PER 05	45.16
											37.20
											51.50
											67.61
											91.46
											136.62

ACCOUNT DETAIL HISTORY FOR 2021 08 TO 2021 08

ORG YR/PR	OBJECT JNL	PROJ EFF DATE	SRC REF1	REF2	REF3	CHECK #	OB	AMOUNT	NET LEDGER BALANCE	NET BUDGET BALANCE
21/08	1080	08/23/21	GNI	JULY		PER 07		71.15	207.77	
	BREM	PCARD	clipboards					6.44	214.21	
			TIM TERRILL - THE OFFICE SHOP BRAINERD							
21/08	1080	08/23/21	GNI	JULY				8.47	222.68	
	BREM	PCARD	pens and clipboard							
			TIM TERRILL - WAL-MART #1654							
21/08	1080	08/23/21	GNI	JULY				9.07	231.75	
	BREM	PCARD	paddle in Grand Rapids-signage							
			TIM TERRILL - CULVERS GRAND RAPIDS							
21/08	1080	08/23/21	GNI	JULY				161.71	393.46	
	BREM	PCARD	zoom renewal							
			TIM TERRILL - ZOOM.US 888-799-9666							
LEDGER BALANCES --- DEBITS:					393.46	CREDITS:		.00	NET:	393.46
GRAND TOTAL --- DEBITS:					279,563.26	CREDITS:		-206,815.40	NET:	72,747.86

31 Records printed

** END OF REPORT - Generated by Korie Wiggins **

**STATE OF MINNESOTA
GRANT CONTRACT AGREEMENT
Environment and Natural Resources Trust Fund**

This grant contract agreement is between the State of Minnesota, acting through its Commissioner of Natural Resources ("State") and Mississippi Headwaters Board, 322 Laurel St, Brainerd, MN, 56401 ("Grantee").

Recitals

1. Under [Minn. Stat. §84.026](#) the Department of Natural Resources is empowered to enter into grant agreements.
2. Under M.L. 2021, First Special Session, Chp. 06, Art. 05, Sec. 02, Subd. 09m, Whiskey Creek & Mississippi River Water Quality/Habitat/Recreation, \$500,000 is from the trust fund to the commissioner of natural resources for an agreement with the Mississippi Headwaters Board to acquire and transfer approximately 13 acres of land to the city of Baxter for future construction of water quality, habitat, and recreational improvements to protect the Mississippi River.
3. The State awards to the Grantee for the purpose of conducting the program entitled Whiskey Creek & Mississippi River Water Quality/Habitat/Recreation in the manner described in the Grantee's approved Work Plan.
4. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract agreement and Minn. Stat. Ch. 116P. Pursuant to [Minn.Stat. §16B.98, Subd.1](#), the Grantee agrees to minimize administrative costs as a condition of this grant contract agreement.

Grant Contract Agreement

1 Term of Grant Contract Agreement

1.1 Effective date: August, 13, 2021

Per Minnesota Statutes Section 16B.98, subdivision 7, no payments will be made to the Grantee until this grant contract agreement is fully executed

1.2 **Expiration Date: June, 30, 2025**

The appropriation is available until **June, 30, 2025** by which time the project must be completed and final products delivered. For acquisition of real property, the appropriation is available for an additional fiscal year if a binding contract for acquisition of the real property is entered into before the expiration date of the appropriation. If a project receives a federal grant, the period of the appropriation is extended to equal the federal grant period.

1.3 Survival of Terms.

The following clauses survive the expiration or cancellation of this grant contract agreement: 10 Liability; 11 State Audits; 12 Government Data Practices and Intellectual Property; 14 Acknowledgment and Endorsement; 15 Governing Law, Jurisdiction, and Venue; 17 Data Disclosure; 20 Monitoring; and 24 Program Requirements.

1.4 Incur Expenses

Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after **August, 13, 2021**, or the date the Work Plan is approved, whichever is later, are eligible for reimbursement unless otherwise provided in [M.L. 2021, 1st Special Session, Chapter 6, Article 5, Section 2](#).

2 Grantee's Duties

The Grantee, who is not a state employee, will:

- 2.1 See Attachment A, approved work plan, which is incorporated and made a part of this agreement. If applicable, the Grantee shall provide the State's Authorized Representative a copy of the revised work plan and the corresponding ENRTF approval letter within one week of any ENRTF approved changes to the work plan.
- 2.2 The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat. §16B.97, subd 4 (a)(1), Minn. Stat. Ch.116P, and [M.L. 2021, 1st Special Session, Chapter 6, Article 5, Section 2](#).
- 2.3 The Grantee agrees to complete the program in accordance with the approved budget to the extent practicable and within the program period specified in the grant contract agreement. Any material change in the grant

contract agreement shall require an amendment by the State (see Section 8.2).

2.4 The Grantee shall be responsible for the administration, supervision, management, record keeping and program oversight required for the work performed under this agreement.

2.5 The Grantee is responsible for maintaining an adequate conflict of interest policy. Throughout the term of this agreement, the Grantee shall monitor and report any actual, potential, or perceived conflicts of interest to the State's Authorized Representative.

3 Time

The Grantee must comply with all the time requirements described in this grant contract agreement.

4 Consideration and Payment

Consideration for all services performed by Grantee pursuant to this grant contract agreement shall be paid by the State as follows:

4.1 Consideration.

4.1.1 Compensation

Compensation in an amount not to exceed \$500,000 based on the following computation: See Attachment A for project budget.

4.1.2 Matching requirements

Grantee certifies that the following matching requirement for the grant will be met by GRANTEE. The total project cost is \$500,000. Grantee agrees to match at least \$0 of this project cost.

4.1.3 Total Obligation

The total obligation of the State for all compensation and reimbursements to the Grantee under this grant contract agreement will not exceed Five Hundred Thousand Dollars and No Cents dollars.

4.1.4 Funds made available pursuant to this Agreement shall be used only for expenses incurred in performing and accomplishing the purposes and activities specified herein. Notwithstanding all other provisions of this Agreement, it is understood that any reduction or termination of funds allocated to the State may result in a like reduction to the Grantee.

4.2 Payment

4.2.1 Payment

The State shall disburse funds to the Grantee pursuant to this agreement on a reimbursement basis. The Grantee shall submit payment requests with required expenditure documentation, as defined in the current Reimbursement Manual, to the State for review and approval. The Grantee shall submit payment requests on a regular basis (i.e. quarterly).

If necessary, advance payments on grants shall be negotiated between the State and Grantee on a case by case basis. In order to make advance payments, the Grantee must prepare and submit a written justification to the State for approval that details the specific need to utilize advance payments. A copy of the signed justification must be maintained in the grant file. All advance payments on grants over \$50,000 must be reconciled within 12 months of issuance or within 60 days of the end of the grant period.

4.2.2 Retainage

The final reimbursement will be paid out when the State determines that the Grantee has satisfactorily fulfilled all the terms of this agreement, unless otherwise excluded by the State in writing.

5 Use of Funds

5.1 The Grantee shall use the proceeds of this agreement only for the eligible direct expenditures of the program as described in the approved work plan.

5.2 The Grantee may provide portions of the proceeds of this agreement to the State. Work done by the State must be so specified in the approved work plan. A letter shall be submitted to the State's Authorized Representative and include: work to be accomplished; the specific area of the work plan authorizing the work; the portion of the proceeds to be used by the State; and the name, title, address, phone number and e-mail address for the State's staff member assigned to accomplish the work. The State will have the opportunity to review the letter and approve the work prior to accepting the funds. The Grantee's proceeds available under clause 4, Consideration and Payment, of this agreement shall be reduced by the amount provided for State use. In return, the State agrees to report back to the Grantee as to how appropriation funds were spent once the work is

completed.

6 Conditions of Payment

All services provided by the Grantee under this grant contract agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law. The Grantee will be bound to the most recent Reimbursement Manual, as provided by the State each state fiscal year

7 Authorized Representative

The State's Authorized Representative is Katherine Sherman-Hoehn, Grants Manager, (651) 259-5533, katherine.sherman-hoehn@state.mn.us, or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant contract agreement. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

The Grantee's Authorized Representative is Tim Terrill, 322 Laurel St, Brainerd, MN, 56401, timt@mississippiheadwaters.org, or his/her successor. If the Grantee's Authorized Representative changes at any time during this grant contract agreement, the Grantee must immediately notify the State.

8 Assignment Amendments, Waiver, and Grant Contract Agreement Complete

8.1 Assignment

The Grantee shall neither assign nor transfer any rights or obligations under this grant contract agreement without the prior written consent of the State, approved by the same parties who executed and approved this grant contract agreement, or their successors in office.

8.2 Amendments

Any amendments to this grant contract agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract agreement, or their successors in office.

8.3 Waiver

If the State fails to enforce any provision of this grant contract agreement, that failure does not waive the provision or the State's right to enforce it.

8.4 Grant Contract Agreement Complete

This grant contract agreement contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant contract agreement, whether written or oral, may be used to bind either party.

9 Subcontractors, Contracting, and Bidding Requirements

9.1 The Grantee agrees that if it subcontracts any portion of this project to another entity, the agreement with the subcontractor will contain all applicable provisions of the agreement with the State. The Grantee will refer to the Subcontractors section in the current Reimbursement Manual, as provided by the State.

9.2 Per [Minn. Stat. §471.345](#), grantees that are Municipalities as defined in Subd. 1 must follow the law.

9.2.1 The Grantee must maintain support documentation of the purchasing and/or bidding process utilized to contract services in their financial records, including support documentation justifying a single/sole source bid, if applicable.

9.2.2 For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minnesota Statute 177.41](#) through [177.44](#). Consequently, the bid request must state the project is subject to prevailing wage. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.

9.2.3 The grantee must not contract with vendors who are suspended or debarred in MN: [Link to Suspend/Debarred Vendor Report \(http://www.mmd.admin.state.mn.us/debarredreport.asp\)](#)

9.3 Nongovernmental Organizations

Must follow the below requirements or submit a copy of their organization's contracting policies via Attachment B for review and possible approval by the State's Authorized Representative. If the thresholds change during the life of the grant, the Grantee must follow the most current Reimbursement Manual guidelines.

- 9.3.1 Any services and/or materials that are expected to cost \$100,000 or more must undergo formal public notice and solicitation process.
- 9.3.2 Any services and/or materials that are expected to cost between \$25,000 and \$99,999 must be based on three (3) verbal quotes or bids.
- 9.3.3 Any services and/or materials that are expected to cost between \$10,000 and \$24,999 must be competitively based on a minimum of two (2) verbal quotes or bids or awarded to a targeted vendor.
- 9.3.4 The grantee must take all necessary affirmative steps to assure that targeted vendors from businesses with active certifications through these entities are used when possible:
 - [State Department of Administration's Certified Targeted Group, Economically Disadvantaged and Veteran-Owned Vendor List](#)
 - Metropolitan Council's Targeted Vendor list: [Minnesota Unified Certification Program](#)
 - Small Business Certification Program through Hennepin County, Ramsey County, and City of St. Paul: [Central Certification Program](#)
- 9.3.5 The Grantee must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. See Attachment C: Conflict of Interest Disclosure
- 9.3.6 The Grantee must maintain support documentation of the purchasing and/or bidding process utilized to contract services in their financial records, including support documentation justifying a single/sole source bid, if applicable.
- 9.3.7 Notwithstanding 1- 3 above, the State may waive bidding process requirements when it is determined there is only one legitimate or practical source for such materials or services and that grantee has established a fair and reasonable price.
- 9.3.8 For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minn. Stat. §177.41](#) through [177.44](#). These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.
- 9.3.9 The grantee must not contract with vendors who are suspended or debarred in MN: [Link to Suspend/Debarred Vendor Report \(http://www.mmd.admin.state.mn.us/debarredreport.asp\)](#)

10 Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant contract agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant contract agreement.

11 State Audits

Under [Minn. Stat. §16B.98, Subd.8](#), the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this grant contract agreement or transaction are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant contract agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later.

12 Government Data Practices and Intellectual Property Rights

12.1 Government Data Practices

The Grantee and State must comply with the Minnesota Government Data Practices Act, [Minn. Stat. Ch. 13](#), as it applies to all data provided by the State under this grant contract agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract agreement. The civil remedies of [Minn. Stat. §13.08](#) apply to the release of the data referred to in this clause by either the Grantee or the State. If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response

to the request shall comply with applicable law.

12.2 *Intellectual Property Rights (if applicable)*

The Grantee will comply with Minnesota Statutes, Chapter 116P.10.

13 Criminal Background Checks

A recipient of an appropriation that is receiving funding to conduct children's services, as defined in Minnesota Statutes, section 299C.61, subdivision 7, must certify to the Legislative-Citizen Commission on Minnesota Resources, as part of the required work plan, that it performs criminal background checks for background check crimes, as defined in Minnesota Statutes, section 299C.61, subdivision 2, on all employees, contractors, and volunteers that have or may have access to a child to whom the recipient provides children's services using the appropriation.

14 Workers Compensation

The Grantee certifies that it is in compliance with [Minn. Stat. §176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

15 Acknowledgment and Endorsement

15.1 *Acknowledgment*

The Grantee must acknowledge financial support from the Minnesota Environment and Natural Resources Trust Fund in project publications, signage and other public communication and outreach related to work completed using the appropriation. Acknowledgment may occur, as appropriate, through use of the fund logo or inclusion of language attributing support from the trust fund.

15.2 *Endorsement*

The Grantee must not claim that the State endorses its products or services.

16 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant contract agreement. Venue for all legal proceedings out of this grant contract agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

17 Termination

The State may immediately terminate this grant contract agreement with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

18 Data Disclosure

Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

19 American Disabilities Act

The Grantee must comply with the 2010 American Disabilities Act Standards for Accessible Design.

20 Reporting Requirements

The Grantee is bound to reporting requirements in [Minn. Stat. §116P](#), [M.L. 2021, 1st Special Session, Chapter 6, Article 5, Section 2](#), Attachment A, as well as Attachments D and E (if applicable).

21 Monitoring

The State shall be allowed at any time to conduct periodic site visits and inspections to ensure work progress in accordance with this grant contract agreement, including a final inspection upon program completion. At least one

monitoring visit per grant period on all state grants of over \$50,000 will be conducted and at least annual monitoring visits on grants of over \$250,000.

Following closure of the program, the State's authorized representatives shall be allowed to conduct post-completion inspections of the site to ensure that the site is being properly operated and maintained and that no conversion of use has occurred.

22 Invasive Species Prevention

Grantees must follow Minnesota DNR's Operational Order 113, which requires preventing or limiting the introduction, establishment and spread of invasive species during activities on public waters and DNR-administered lands. This applies to all activities performed on all lands under this grant contract agreement and is not limited to lands under DNR control or public waters. Duties are listed under Sections II and III (p. 5-8) of Operational Order 113 which may be found here: [Link to Operational Order 113](http://files.dnr.state.mn.us/assistance/grants/habitat/heritage/oporder_113.pdf) (http://files.dnr.state.mn.us/assistance/grants/habitat/heritage/oporder_113.pdf)

23 Pollinator Best Management Practices

Habitat restorations and enhancements conducted on DNR lands and prairie restorations on state lands or on any lands using state funds are subject to pollinator best management practices and habitat restoration guidelines pursuant to [Minnesota Statutes, section 84.973](#). Practices and guidelines ensure an appropriate diversity of native species to provide habitat for pollinators through the growing season. Current specific practices and guidelines to be followed for contract and grant work can be found here: [Link to Specific Pollinator Best Management Practices for DNR Grants and Contracts](#) (http://files.dnr.state.mn.us/natural_resources/npc/bmp_contract_language.pdf).

24 Program Requirements

The grantee must comply with the most current versions of Attachments C, D, and E as attached and incorporated into this grant contract agreement.

Attachments

- A. Current Work Plan with ENRTF Approval Letter
- B. Non-governmental Organization Subcontracting (if applicable)
- C. Conflict of Interest Disclosure
- D. Reimbursement Manual
- E. Land Acquisition Reporting Procedures (if applicable)

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. 16A.15.

Signed: _____

Date: _____

SWIFT Contract/PO No(s). _____

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

3. STATE AGENCY

By: _____

(with delegated authority)

Title: _____

Date: _____

Distribution:

Agency

Grantee

State's Authorized Representative

Planning and Zoning

Hubbard Shoreland Ordinance Certification

Wall Variance Certification

Smieja Variance Certification

Upton Variance Certification

Michael & Kim Roysland Variance Certification

Mark & Bonita Haley Variance Certification

Hubbard County

Shoreland Management Ordinance No. 17

Amendment ~~19~~20

~~September-August 25, 2019~~ 17, 2021

Hubbard County Shoreland Management Ordinance

Table of Contents

	<u>Page</u>
Article 1. General Provisions and Definitions	1
Section 101 Statutory Authorization.....	1
Section 102 Policy.....	1
Section 103 Statement of Purpose.....	1
Section 104 Jurisdiction.....	1
Section 105 Compliance.....	2
Section 106 Enforcement.....	2
Section 107 Interpretation.....	2
Section 108 Severability.....	2
Section 109 Abrogation and Greater Restrictions.....	2
Section 110 Effective Date.....	2
Section 111 Definitions as Used in this Ordinance.....	3
Article II. Protected Waters Classification System	14
Section 201 Natural Environment Lakes.....	14
Section 202 Recreational Development Lakes.....	16
Section 203 General Development Lakes.....	17
Section 204 Special Protection River Segments.....	18
Section 205 Remote River Segments.....	18
Section 206 Forested River Segments.....	18
Section 207 Tributaries.....	18
Section 208 Established Ordinary High Water Level Elevations.....	22
Article III. Establishment of Shoreland Management Districts	25
Section 301 Establishment of Shoreland Management Districts.....	25
Section 302 Management Goals and Objectives.....	25
Section 303 Shoreland Management Map.....	25
Article IV. Shoreland Management District Requirements	26
Section 401 Permitted, Conditional and Non-Permitted Uses.....	26
Section 402 Special Provisions.....	27
Article V. Height and Placement Regulations; Zoning Provisions	31
Section 501 Lot Area and Width Requirements.....	31
Section 502 Setback Provisions.....	32
Section 503 Bluff Impact Zones.....	34
Section 504 Height of Structures.....	34
Section 505 Uses Without Water-Oriented Needs.....	35
Section 506 Guest Cottages.....	35
Section 507 Design Criteria for Structures.....	35
Section 507.1 High Water Elevations.....	35
Section 507.2 Stairways, Lifts and Landings.....	36
Section 507.3 Boardwalks.....	37
Section 507.4 Fences and Driveway Entrance Markers.....	37
Section 508 Significant Historic Sites.....	38

Section 509	Steep Slopes.....	38
Section 510	Temporary Structures.....	38
Section 511	Recreational Vehicles.....	38
Section 512	Geothermal Energy Systems.....	39
Article VI.	Accessory Uses and Structures.....	40
Section 601	Accessory Uses and Structures.....	40
Article VII.	Nonconformities and Nonconforming Lots of Record.....	41
Section 701	Nonconforming Uses.....	41
Section 702	Nonconforming Structures.....	41
Section 703	Deck and Platform Additions.....	42
Section 704	Nonconforming Lots of Record.....	43
Section 705	Nonconforming Sewage Treatment Systems.....	44
Article VIII.	Sanitation Standards.....	45
Section 801	Sewage Treatment Standards.....	45
Section 802	Sewage Treatment Permit Requirements.....	45
Section 803	Water Supply Standards.....	46
Section 804	Agricultural Waste Disposal.....	46
Article IX.	General Shoreland Requirements.....	47
Section 901	Vegetative Alterations.....	47
Section 902	Topographic Alterations/Grading and Filling.....	48
Section 903	Placement and Design of Roads, Driveways, Recreation trails and Parking Areas.....	50
Section 904	Stormwater Management Standards.....	51
Section 905	Special Provisions for Commercial, Industrial, Public & Semipublic Uses.....	51
Section 906	Special Provisions for Agricultural Uses.....	52
Section 907	Special Provisions for Forest Management.....	53
Section 908	Special Provisions for Extractive Uses.....	53
Section 909	Special Provisions for Fish and Wildlife Habitat Improvements.....	53
Article X.	Subdivisions and Planned Unit Developments.....	54
Section 1001	Applicability.....	54
Section 1002	Land Suitability.....	54
Section 1003	Consistency with Other Controls.....	55
Section 1004	Dedications.....	55
Section 1005	Lot Size.....	55
Section 1006	Storm Drainage.....	55
Section 1007	Water Supply Facilities.....	56
Section 1008	Sanitary Sewerage.....	56
Section 1009	Platting Requirements.....	56
Section 1010	Planned Unit Development Review.....	56
Section 1011	PUD Site Suitability Evaluation.....	57
Section 1012	Residential and Commercial PUD Density Evaluation.....	57
Section 1013	PUD Maintenance and Design Criteria.....	59
Section 1014	Conversions to PUDs.....	61

Article XI.	Administration.....	62
Section 1101	Environmental Services Director	62
Section 1102	Planning Commission/Board of Adjustment.....	62
Section 1103	Variances and Appeals	66
Section 1104	Permits	69
Section 1105	Conditional Use Permits	70
Section 1106	Interim Use Permits	71
Section 1107	Amendments	74
Section 1108	Public Notice and Hearing Requirements	74
Section 1109	Enforcement and Penalties.....	75
Section 1110	Fees	75

General Provisions and Definitions

Section 101. Statutory Authorization

Pursuant to the authority conferred by the State of Minnesota in Minnesota Statutes, Chapter 103, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394 and for the purpose of; preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of waters and related land resources.

Section 102. Policy

The uncontrolled use of shorelands of Hubbard County, Minnesota adversely affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. It is, therefore, in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Minnesota State Legislature has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and to provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Hubbard County, and will be accomplished through the enforcement of this Ordinance, which shall be known and cited as the Hubbard County Shoreland Management Ordinance.

Section 103. Statement of Purpose

The purpose of the Hubbard County Shoreland Management Ordinance is to achieve the aforementioned policies and to:

- Designate suitable management districts for each public water;
- Regulate the placement of sanitary and waste treatment facilities on lots;
- Regulate the area of lot and the length of water frontage suitable for a building site;
- Regulate alteration of the shorelands of public waters;
- Regulate alterations of the natural vegetation and the natural topography; and
- Regulate the subdivision of land in unincorporated areas.
- Implement the above-mentioned items in accordance with the Hubbard County Land Use Plan.

The County Commissioners of Hubbard County, Minnesota do ordain as follows:

Section 104. Jurisdiction

The provision of this Ordinance shall apply to the shorelands of the public water bodies in the unincorporated areas of Hubbard County unless requested by those incorporated bodies, as classified in Article II of this Ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than twenty-five (25) acres in size will be regulated by county shoreland management regulations. A body of water created by a private user where there was no previous shoreland is exempt from this Ordinance.

Section 105. Compliance

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.

Section 106. Enforcement

The Hubbard County Board of Commissioners shall bear ultimate responsibility for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including failure to comply with special conditions attached to granted interim and conditional uses or variances, shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Article XI of this Ordinance.

Section 107. Interpretation

In their interpretation and application the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Hubbard County and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. Interpretation shall be made by the Environmental Services Director with approval of the Board of County Commissioners, subject to appeal to the Board of Adjustment.

If two or more provisions apply to a situation or item, the more restrictive provision shall control. When a structure or property use crosses a shoreland management district boundary or said districts overlap, the most restrictive provisions shall apply.

Section 108. Severability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is judged to be unconstitutional or otherwise invalid for any reason by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance.

Section 109. Abrogation and Greater Restrictions

Notwithstanding the provisions of Minnesota Statutes Section 396.05, this Ordinance shall not require approval or be subject to disapproval by any Town or Town Board. However, this Section does not prohibit a Town from adopting or continuing in force, regulations which are more restrictive than those required by this Ordinance. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

Section 110. Effective Date

This Ordinance shall take effect and be in force from ~~April-August 17, 2018~~ and after the date of passage, approval, and publication, as provided by law.

Section 111. Definitions as Used in this Ordinance

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the Ordinance its most reasonable application. For the purpose of this Ordinance, the words "must" and "shall" are mandatory; the word "may" is permissive. All distances, unless otherwise specified, shall be measured horizontally. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number as well.

Accessory structure or facility. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Formatted: Space After: 0 pt

Accessory use. A use subordinate to and serving the principal use on the same lot, which is compatible with and customarily incidental to the principal use.

Agriculture. The use of land for agricultural purposes including: farming; dairying; pasturage; horticulture; floriculture; viticulture; animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce, provided that the operation of any such accessory uses such as u-pick operations shall be secondary to that of the principal agricultural activities. The term shall include incidental retail selling by the producer of products grown or raised on the land.

Agricultural structure. Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.

Antenna. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, microwave signals, including, but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas.

Basement. Is that portion of a structure that is partially or completely below grade and the floor to ceiling height is 7.0 feet or more.

Formatted: Font: Not Bold

Bed and Breakfast Home. An establishment in a residential dwelling that supplies temporary accommodations and a morning meal to overnight guests for a fee where an owner or manager resides on the premises.

Formatted: Font: Not Bold

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

- (1) Part or all of the feature is located within a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) 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;
- (4) The slope drains toward the waterbody.

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

Bluff Impact Zone. A bluff and land located within 30 feet from the top of a bluff.

Board of Adjustment. The Hubbard County Board of Adjustment as appointed by the Hubbard County Board of Commissioners.

Board of County Commissioners. The Hubbard County Board of Commissioners.

Boardwalk. A permanent elevated structure used to provide access to a lake or river where a wetland is present and no other access point is available.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Buildable area. The area of a lot which is sufficient to accommodate the construction of water supply systems, sewage treatment systems, structures, driveways, and other customary improvements to a lot, while still providing for adequate setbacks. Buildable area shall not include land below the ordinary high water level of a waterbody, wetlands, bluffs, easements, minimum yard setbacks, buildable portions of land that are non-contiguous to each other, or when the County Board otherwise determines that an area is unsuitable for proposed or likely improvements. Buildable areas must include sufficient area for two (2) standard sewer systems. An area shall not be considered in the calculations of buildable area if it is not at least fifty (50) feet in width and length.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Building line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend ~~and/or a line parallel to the road right-of-way at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.~~

Campground. An open-air recreation area where temporary shelters such as tents and travel trailers are intended to provide short-term occupancy.

Formatted: Font: Not Bold

Church. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses where persons regularly assemble for religious worship and are maintained and controlled by a religious body organized to sustain public worship.

Clear cutting. The removal of an entire stand of ~~trees-vegetation.~~

Club or Lodge. An association of persons who are bona fide members paying annual dues with use of premises being restricted to members and their guests.

Formatted: Font: Not Bold

Clustered. A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space so as to make the most efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of the permanently preserved open space.

Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods or services.

Commissioner. The Commissioner of the Department of Natural Resources.

Conditional Use. A use as this term is defined in Minnesota Statutes, chapter 394. (Note: To

provide an idea of what this definition is, the “conditional use” definition in MS 394.22 Subd. 7 on October 28, 2014 was: “Conditional use” means a land use or development as defined by official controls upon a finding that [1] certain conditions as detailed in the zoning ordinance exist, and [2] the use or development conforms to the comprehensive land use plan of the county and [3] is compatible with the existing neighborhood.)

Controlled access or recreational lot. A riparian lot which is intended to be used as a private access to public waters for non-riparian or riparian lots and/or dwelling units in any existing or proposed subdivision, outlot development or planned unit development and/or- a riparian lot being used by way of private agreement by any other lot, party, or entity for access to public waters through the riparian lot.

County. The County of Hubbard, Minnesota.

Crawl space. A part of a structure, that is an enclosed space below the structure’s lowest story, accessible by crawling, having a clearance less than human height, that is meant to provide access to the structure for maintenance or repair, and not intended for human habitation, provided that the space beneath a mobile home or recreational vehicle, whether enclosed or not, shall not be considered a crawl space for purpose of this ordinance.

Cul-de-sac. A street having one end open to traffic and being terminated by a vehicle turn-around.

Deck. A horizontal unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending more than ~~three (3) feet~~one (1) foot above pre-existing or natural grade~~ground level.~~

Department. Hubbard County -Environmental Services.

Dinner Club. A restaurant or nightclub serving food – primarily evening meal dinners -, and usually providing entertainment.

Drive-In Business. Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers while occupying, or facilitated by, drive through or drive-up in a motor vehicle.

Duplex, triplex, and quad. Dwelling structure on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

Dwelling, single family. A residential dwelling structure that is the sole principle structure on a lot, which has common cooking, eating and living facilities which is operated as a single housekeeping unit as distinguished from a boarding house, club house, fraternity house or hotel.

Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit. Any structure, or portion of a structure, or other shelter, designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Earth tone. Soft, neutral or weathered colors typically associated with forest vegetation, soil, bark or rock; principally blacks, browns, greens, and grays.

Easement. A grant by a property owner for specified use of land by a corporation, the public or specified persons.

Environmental Services Director. The Environmental Services Director of Hubbard County or the Hubbard County Board's authorized agent or representative.

Event Center: A for-profit facility consisting of multipurpose meeting and recreational facilities typically consisting of one or more meeting or multipurpose rooms, kitchen, and/or outdoor cooking facilities and/or outdoor meeting/recreational space, that are available for use by various groups for such activities as meetings, parties, weddings, receptions, and dances.

Expansion, enlargement, or intensification. Any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, platform, fence, driveway, parking area, or swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the County.

Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under Minnesota Statutes, sections 93.44 through 93.51.

Family. An individual or group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit.

Feedlot. A lot or building or group of lots or buildings intended for the confined feeding, breeding, raising or holding of animals. This definition includes areas specifically designed for confinement in which manure may accumulate or any area where the concentration of animals is such that a vegetative cover cannot be maintained.

Fence. Any partition, structure, wall, or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the property boundaries.

Fill. Soil, sand, gravel, rock or any similar material that is deposited, placed, pushed or transported.

Flood-resistant. Flood-resistant material includes any building product capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. Prolonged contact is defined as at least 72 hours. Significant damage is any damage requiring more than low-cost cosmetic repair (such as painting). All structural and non-structural building materials at or below the three-foot vertical separation elevation required by Section 507.1 of this Ordinance must be flood-resistant.

Formatted: Font: Not Bold

Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Garage. A fully enclosed building designed or used primarily for the storage of motor vehicles not including buildings in which fuel is sold or in which repair or other services are performed.

Geothermal energy system. A system that uses a heat pump to extract heat from the earth in heating mode and/or reject heat into the earth in cooling mode. It is also called a geothermal heat pump system, a ground-coupled heat pump system, an earth-source heat pump system, and a GeoExchange system.

Group home. A residential facility licensed by the State of Minnesota or Hubbard County Social Services Department which serves from seven to sixteen mentally handicapped, physically handicapped, or socially maladjusted individuals.

Guest cottage. A structure used wholly or partly as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Height of structure. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lowest, and the highest point of the structure. The height of the structure does not include any antenna, vent, chimney, satellite receiver or other similar non-structural items in nature.

Home extended business. An occupation or profession engaged in by the occupant of a dwelling unit within said unit or accessory structure on the premises which involves the storage of a limited amount of vehicles and equipment; repair; service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. A home extended business shall be clearly incidental and secondary to the residential use of the premises. Merchandise sales are limited to the sale of merchandise clearly incidental to the home extended business. A home extended business shall be carried out by the inhabitants of the dwelling, with the assistance of no more than two non-resident employees on the premises at any given time.

Home occupation. Any occupation or profession engaged in by the occupant of a dwelling when carried out in within the dwelling unit and not in any accessory structure, which is clearly secondary to the principal use, and which shows no activity other than activity normally present on a residential site. A home occupation shall be carried out by the inhabitants of the dwelling, with the assistance of no more than two non-resident employees on the premises at any given time.

Hotel or motel. A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week. - OR - A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Household. An individual or group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit.

Ice ridge. A shoreline physical land feature caused by the pushing action of a lake's ice sheet against the shore. The ice sheet scrapes, gouges, and pushes soil and rock into mounds called "ice ridges".

Impervious surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include, but are not limited to: rooftops, sidewalks, decks, platforms, storage areas, paver rock/stones, and concrete, asphalt, or packed gravel surfaces.

Improved lot. A lot that contains a single-family dwelling ready for immediate use as determined by Hubbard County, which is served by a subsurface sewage treatment system or public sewer and water supply that provides running indoor water service.

Improvement. It is defined as making the non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

Individual sewage treatment system (ISTS). A sewage treatment system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated the word "system", as it appears in this Ordinance, means an individual sewage treatment system.

Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

Intensive vegetative clearing. The substantial removal of trees or shrubs in a contiguous patch, strip, row or block.

Interim use permit. A temporary use of property until a particular date, until the occurrence of a particular event, until zoning regulations no longer permit it, or until the land occupation of the interim use changes ownership.

Landing. A level area at the top, bottom, or a switchback point of a section of stairway, with or without a railing.

Lift. A mechanical device, motorized or otherwise that aids in the ascent or descent of steep slopes or bluffs.

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels by its description.

Lot area. The area of land within the boundaries of a lot, excluding any part below the ordinary high water level.

Lot line, front. For a riparian lot, the front lot line is that line indicating the ordinary high water level abutting the waterbody. For a nonriparian lot, a front lot line is a line dividing a lot from any public road right-of-way or private road right-of-way or easement, except a limited or controlled access road to which the lot has no access or, if no public or private road right-of-way or easement, the boundary line from which access to the lot is gained. For lots that abut two or

more rights-of-way and/or private road easements, the front lot line shall be determined by the Environmental Services Director.

Lot lines. The lines bounding a lot, as defined herein.

Lot line, rear. The lot line opposite and most distant from the front lot line.

Lot line, side. Any lot line which is not a front lot line or a rear lot line.

~~Lot width, non-riparian. The shortest distance between lot lines measured at the mid-point of the building line.~~

Lot width, riparian. The shortest horizontal distance between side lot lines measured at the building ~~setback line.~~ and on riparian lots, also measured between lot corners at ~~This shall also be the minimum width abutting~~ the ordinary high water level of the adjacent lake or river.

Maintenance. Normal upkeep of a structure to include the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain.

Manufactured housing. Structures, transportable in one or more sections, which in the traveling mode, is eight body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S. 327.31. Manufactured housing includes mobile homes, modular homes, and/or prefabricated housing.

Marker, driveway entrance. Any non-dwelling unit structure erected adjacent to and/or over a property's driveway at the point where the driveway bisects the property line and/or road right-of-way boundary and whose sole purpose is to mark and identify the property line and/or road right-of-way boundary. A driveway entrance marker is considered a special structure and is exempt from the setback and permit requirements of this Ordinance.

Mining. The use of land for surface or subsurface removal of metallic minerals and peat as regulated under Minnesota Statutes, sections 93.44 through 93.51.

Mobile home. A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted. Mobile homes shall be treated as single household housing units.

Mobile home park. Any premises on which two or more mobile or manufactured homes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more of such mobile or manufactured homes. Sales lots on which automobiles or unoccupied mobile or manufactured homes, new or used, are parked for purposes of inspection or sale are not included in this definition. For purposes of this Ordinance mobile home parks shall be considered a residential planned unit development.

~~Motel. A building or group of buildings used primarily for the temporary residence of motorists or~~

~~travelers.~~

Multiple dwelling. A structure designed or used for residential occupancy by more than one household, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding hotels, hospitals or nursing homes.

Nonconformity. "Nonconformity" means the same as that term is defined or described in Minnesota Statutes, chapter 394. (Note: To provide an idea of what this definition is, the "nonconformity" definition in MS 394.22 Subd. 8 on October 28, 2014 was: "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.")

Non-riparian lot. A lot that does not abut public waters of the State.

Open space. A portion of a development site that is permanently set aside for private use, is held in common ownership by all individual owners within a development, and will not be developed. Open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Open space is not the space between buildings of a cluster in a planned unit development and it does not include an area of 25 feet around each structure or any impervious surface.

Ordinary high water level. The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water (OHW) level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Overnight guest occupant: Anyone present at the short-term rental between the hours of 10:00 p.m. and 7:00 a.m.

Formatted: Font: Bold

Pasture. Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

Performance bond. A bond which may be required by the County Board, Planning Commission, or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.

Planned unit development (PUD). A type of development characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums; cooperatives; full fee ownership, commercial enterprises; or any combination of these, or cluster subdivisions of dwelling units; residential condominiums; townhouses; apartment buildings; campgrounds; recreational vehicle parks; mobile home parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

Planned unit development, commercial. Are typically uses that provide transient, short-term lodging spaces, rooms or parcels and their operations are essentially service-oriented. Hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

Planned unit development, residential. A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example: residential apartments; manufactured home parks; time share condominiums; townhouses; cooperatives; and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Planning Commission. The Hubbard County Planning Commission as duly appointed by the Hubbard County Board of Commissioners.

Platform. A horizontal, unenclosed ~~open recreation area that is made out of any material platform without railings, seats, trellises, or other features~~ and attached or functionally related to a principal use or site ~~at ground level or at any point extending above ground level but less than three (3) feet above the ground and within one foot of pre-existing or natural grade.~~ Platforms ~~may not have attached~~ with railings, seats, trellises or other features ~~that extend more than one foot above pre-existing or natural grade. shall be regulated as decks regardless of height above ground level.~~

Private road. A road providing access to one or more lots which is not dedicated to or maintained by the public.

Professional services business. A business conducting professional and management duties and services including medical and dental clinics and offices, psychiatrists and psychologists offices, architectural, engineering, planning and legal offices, and similar uses.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Public road. Any vehicular way which is a federal, state, county, or township roadway; or is shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law as dedicated to public use; or is dedicated for public use.

Public waters. Any waters as defined in Minnesota Statutes, Section 103G.005, subdivision 15-18. However, no lake, pond or flowage of less than 25 acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of this ordinance. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

Public access with boat launch. A riparian property owned by a governmental entity that is available for public use and that usually provides a watercraft launch/retrieval access ramp and often includes a vehicle/trailer parking area.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Recreational ~~camping~~ vehicle. Any of the following:

1. Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses.
2. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

3. Motor home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
4. Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Recreation use area. The area allowed within the shore impact zone for residential lots, conservation subdivisions, planned unit developments, and new resorts.

Repairs and maintenance. An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, walls, or changes in the exterior dimensions of the structure.

Replacement, reconstruction, or restoration means construction that exactly matches pre-existing conditions.

Residential lot suitable area. The minimum area on a residential lot or parcel of land that is the combination of:

1. the minimum contiguous area remaining on a lot or parcel of land after all setback requirements, bluffs, all easements and rights of way, historic sites, wetlands, and land below the ordinary high water mark of public waters are subtracted for the purposes of placing structures; and
2. the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.

Resort. A private commercial recreational development which includes multiple units intended for habitation on a transitory basis for the purpose of providing relaxation or recreational opportunities to guests.

Retail shop. Refers to a broad range of commercial activities operating out of a permanent structure catering to the general public. – OR – Establishments which deal directly with the ultimate consumer for whom the goods or services are furnished.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Riparian lot. Any lot which is bounded on one or more sides by public waters frontage.

Semi-public use. The use of land by a private nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewer system. Pipelines, conduits, pumping stations, force main and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial or other wastes to a point of ultimate disposal.

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 required by this ordinance.

Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage and the Mississippi River in the Mississippi Headwaters Corridor; and 500 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and where approved by the Commissioner.

Shoreline recreation use area. The area allowed within the shore impact zone for residential, riparian lots.

Formatted: Font: Bold

Short-term Rental. A private single family dwelling, such as a home, cabin, condominium, or other similar single family unit, that is advertised as, or held out to be, a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day period and is not permitted as a commercial PUD by the County as a bed and breakfast, resort, hotel or motel.

Formatted: Font color: Custom Color(RGB(91,155,213))

Formatted: Font: Not Bold

Sidewalk. A hard surfaced pedestrian path.

Significant historic site. Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Single family residential use. The use of the land or buildings for a single family dwelling.

Single household dwelling. A structure, designated or used for residential occupancy by one household.

Special structure. A special structure not subject to one or more setback requirements which have been prescribed by this Ordinance.

Stable. A building or structure in which domestic animals are sheltered and fed.

Formatted: Font: Not Bold

Stairway. A series of steps or flights of steps for passing from one level to another.

Steep slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the soil characteristics of the site, 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 this Ordinance. Where specific information is not available, steep slopes are lands having slopes over twelve percent, as measured over horizontal distances of fifty feet or more, that are not bluffs.

Structure. Any building or appurtenance, including decks, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances. Fences, lawn lights, antennae, and related minor equipment shall not be considered structures.

Subdivider. Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

Subdivision. Land that is divided for the purpose of sale, rent or lease, including planned unit developments.

Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Tavern. An establishment where alcoholic beverages are sold to be consumed on the premises, sometimes also serving food.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Temporary structure. Any structure which has been erected or moved onto a lot in order to be utilized for any purpose for a limited period of time not to exceed 120 consecutive days in a calendar year.

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.

Tower. Any pole, spire, structure or combination thereof, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting antenna or to serve as an antenna, or for the placement of a wind energy conversion system.

Unincorporated area. The area outside of the incorporated area of a city.

Variance. "Variance" means the same as that term is defined or described in Minnesota Statutes, chapter 394. (Note: To provide an idea of what this definition is, the "nonconformity" definition in MS 394.22 Subd. 10 on October 28, 2014 was: "Variance" means any modification or variation of official controls where it is deemed that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.)

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. These structures or facilities are not allowed in Hubbard County unless they meet the structure setback provisions of this Ordinance or comply with all provisions of Section 601 Paragraph #3.

Wetland. Any lands as defined in Minnesota Statutes, section 103G.005, subdivision 19. These lands are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must have the following

three attributes:

- (1) have a predominance of hydric soils;
- (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances support a prevalence of such vegetation.

Youth Camp. A parcel or parcels of land with permanent structures, tents, or other structures together with appurtenances thereon, established or maintained as living quarters where both food and beverage service and lodging or the facilities thereof are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational, or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correction camps, industrial and construction camps, nor does it include homes operated for care or treatment of children and for the operation of which a license is required under the provisions of Minnesota Statutes, Chapter 257.

Article II Public Waters Classification System

The public waters of Hubbard County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Hubbard County, Minnesota.

The shoreland areas for the waterbodies listed in Sections 201 through 207 shall be as defined in Section 101 of this Ordinance for those waterbodies listed here and as shown on the Official Shoreland Management Map for Hubbard County. The public waters of Hubbard County have been classified as follows:

Section 201.	Natural Environment	29-64 29-76	No Name Knutson Guthrie	Hart Lake Farden-
<u>Lake I.D.</u>	<u>Lake Name</u>	<u>Township</u>	29-79	Crow Wing Lake
29-6	No Name	Badoura	29-84	Crow Wing Lake
29-8	Mastny	White Oak	29-94	Tamarack Nevis
29-10	Gauldin	White Oak	29-95	Holland-Lucy Nevis
29-11	No Name	White Oak	29-97	Clausens Mantrap-
29-13	Mary	White Oak	29-102	No Name Mantrap
29-21	No Name	White Oak		Nevis
29-24	No Name	Akeley-White Oak		Akeley
29-26	No Name	Akeley		Akeley
29-35	No Name	Akeley		Steamboat River
29-49	Lester	Steamboat River		Lakeport
29-54	Spring	Lakeport		Lakeport
29-55	No Name	Lakeport		Lakeport
29-57	No Name	Lakeport		Hart Lake
29-63	Hart	Hart Lake		

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>			
29-104	No Name	Mantrap	29-44	Mud	Akeley
29-112	No Name	Mantrap	29-58	Willow	Lakeport
29-120	No Name	Thorpe	29-59	Horseshoe	Lakeport
29-137	Dehart	Guthrie	29-60	Oak	Lakeport
29-139	Kimball	Guthrie	29-65	Mud	Farden
29-158	No Name	Hubbard	29-67	Little Midge	Farden
29-159	No Name	Hubbard	29-68	Bowman	Farden
29-160	No Name	Hubbard	29-73	Owl	Akeley- Mantrap
29-181	No Name	Lake Emma	29-74	Indian	Akeley- Mantrap
29-182	Sixteen	Lake Emma	29-78	4th Crow Wing	Crow Wing Lake
29-183	Little Rice	Lake Emma	29-80	Little Stony	Crow Wing Lake
29-189	Beaver	Lake Emma	29-81	Wolf	Crow Wing Lake
29-211	No Name	Clay	29-82	No Name	Crow Wing Lake
29-213	No Name	Clay	29-83	Bladder	Crow Wing Lake
29-229	Rosie	School- craft	29-87	Palmer	Crow Wing Lake
29-233	Hubbard	School- craft			
29-257	Many Arms	Arago			
29-267	Lower Mud	Arago- Clover			
29-273	No Name	Clover			
29-280	Rose	Clover			
29-284	Upper Mud	Clover			
29-304	Bond	Lake Hattie			
29-308	No Name	Fern			
29-311	No Name	Straight River			

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
29-1	Kettle	Badoura
29-3	Nagel	Badoura
29-4	Mud	Badoura
29-7	Island	White Oak
29-16	Hay	White Oak
29-18	Little Ham	White Oak
29-20	Loon	White Oak
29-22	Steel	Akeley - White Oak
29-23	Robinson Oak	Akeley-White
29-29	Schroeder	Akeley
29-33	Little Bass	Akeley
29-34	Upper Bass	Akeley
29-41	Cramer	Akeley
29-43	Shingobee	Akeley

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>	<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
29-89	Shallow	Nevis	29-199	Birch	Clay
29-96	Shinker	Nevis	29-202	Sawyer	Clay
29-98	Waboose	Mantrap	29-206	Buck	Clay
29-99	No Name	Mantrap	29-212	Skunk	Clay
29-101	Crooked	Mantrap	29-215	Schoolcraft	Clay-Lake
29-105	No Name	Mantrap			George
29-106	No Name	Mantrap	29-217	Paine	Lake George
29-108	Coon	Mantrap	29-218	Shanty	Lake George
29-116	Crow Wing	Mantrap	29-227	Evergreen	Schoolcraft
29-119	Mud	Thorpe	29-230	Wolf	Schoolcraft
29-126	Gillette	Hendrickson	29-231	Twenty	Schoolcraft
29-128	Island	Hendrickson	29-234	Minnie	Schoolcraft
29-130	Twenty-One	Hendrickson	29-235	Arrow	Rockwood
29-131	Nelson	Hendrickson	29-237	Newman	Rockwood
29-134	Upper Thatcher	Guthrie	29-239	Spearhead	Rockwood
29-135	Hatchers	Guthrie	29-240	Lilypad	Rockwood
29-136	Horsehead	Guthrie	29-241	Frontenac	Rockwood
29-144	Sunday	Nevis-Henrietta	29-245	Emma	Lake Hattie-Schoolcraft
29-145	Round	Nevis-Henrietta	29-246	Hennepin	Fern-Rockwood
29-147	Petit	Lake Emma	29-247	Moran	Straight River
29-154	Tepee	Clay-Thorpe	29-248	Lord	Straight River
29-155	Sheridan	Lake George	29-251	Mud	Todd
29-157	Upper Twin	Hubbard	29-255	Bunness	Arago
29-163	Deer	Henrietta-Lake Emma	29-258	No Name	Arago
29-164	Sweitzer	Henrietta	29-265	Beden	Arago
29-165	Rockwell	Henrietta	29-266	Sloan	Arago
29-168	Mud	Henrietta	29-269	No Name	Clover
29-169	Peysenski	Henrietta	29-272	Sibilant	Clover-Lake
29-170	Ida	Henrietta-Lake Emma	29-275	Blacksmith	Alice
29-171	Ingram	Henrietta-Lake Emma	29-276	Upper Camel	Clover
29-172	Stocking	Henrietta-Lake Emma	29-277	Coon	Clover
29-175	Stony	Lake Emma	29-288	Brisbane	Lake Alice
29-177	Rice	Lake Emma	29-289	Mary	Lake Alice
29-187	Dead Horse	Lake Emma	29-291	Spider	Lake Alice
29-195	Deep	Clay	29-292	Beauty	Lake Alice
29-197	Pine	Clay	29-297	Assawa	Lake Hattie
			29-297	Beauty	Lake Hattie
			29-301	Lost	Lake Hattie
			29-303	Diamond	Fern
			29-307	Brush	Straight River
			29-310	Cedar	Clover
			29-312		

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
-------------------------	------------------	-----------------

Boundary Lakes

11-503	Bess (with Cass County)	Akeley
80-19	Mud (with Wadena County)	Crow Wing Lake

Section 202. Recreational Development Lakes

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
-------------------------	------------------	-----------------

29-2	Mow	Badoura
29-5	Tripp	Badoura
29-15	Williams	White Oak
29-17	Ham	White Oak
29-25	9th Crow Wing	Akeley-White Oak
29-32	Big Bass	Akeley
29-36	11th Crow Wing	Akeley
29-45	10th Crow Wing	Akeley
29-48	Benedict	Steamboat River
29-61	Garfield	Hart Lake-Lakeport
29-66	Midge	Farden
29-71	Grace	Farden
29-72	8th Crow Wing	Nevis-White Oak
29-75	Kabekona	Hendrickson-Lakeport-Steamboat River
29-77	3rd Crow Wing	Crow Wing Lake
29-85	2nd Crow Wing	Crow Wing Lake
29-86	1st Crow Wing	Crow Wing Lake
29-88	Island	Crow Wing Lake
29-90	Deer	Nevis
29-91	7th Crow Wing	Nevis
29-92	5th Crow Wing	Nevis

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
-------------------------	------------------	-----------------

29-93	6th Crow Wing	Nevis
29-110	Dead	Mantrap
29-117	Spider	Mantrap
29-142	Duck	Crow Wing Lake-Hubbard
29-143	Big Stony	Crow Wing Lake-Hubbard
29-146	Belle Taine	Henrietta-Nevis
29-148	Upper Bottle	Lake Emma
29-149	Ojibway	Lake Emma-Mantrap
29-150	Little Sand	Lake Emma-Henrietta
29-151	Big Mantrap	Mantrap-Clay-Thorpe-Lake Emma
29-156	Plantaganet	Helga-Rockwood
29-161	Long	Henrietta-Hubbard
29-162	Boulder	Henrietta
29-178	Pickereel	Lake Emma
29-180	Lower Bottle	Lake Emma
29-184	Blue	Lake Emma
29-185	Big Sand	Lake Emma
29-186	Emma	Lake Emma
29-188	Gilmore	Lake Emma
29-190	Loon	Lake Emma
29-208	Bad Axe	Clay
29-216	Lake George	Lake George
29-242	Fish Hook	Henrietta-Todd
29-243	Potato	Arago-Lake Emma

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
29-249	Hinds	Straight River
29-250	Portage	Todd
29-254	Island	Arago
29-256	Eagle	Arago
29-286	Alice	Lake Alice
29-300	Hattie	Lake Hattie
29-309	LaSalle	Fern
29-313	Little Mantrap	Clover

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
-------------------------	------------------	-----------------

Boundary Lakes

11-502	Crystal (with Cass County)	White Oak
11-504	Steamboat (with Cass County)	Hart Lake
11-505	Little Wolf (with Cass County)	Farden
4-79	Wolf (with Beltrami County, in Miss. Headwaters Board corridor and jurisdiction)	Farden
15-1	Big LaSalle (with Clearwater County)	Lake Hattie

Section 203. General Development Lakes

<u>Lake I.D. Number</u>	<u>Lake Name</u>	<u>Township</u>
11-203	Leech (on the boundary with Cass County)	Steamboat River

Section 204. Special Protection River Segments

<u>River</u>	<u>From</u>	<u>To</u>
-Mississippi	Border of Hubbard and Clearwater Counties, in Miss. Headwaters Board corridor and jurisdiction	North section line, Sec. 17, T145N, R35W
Mississippi	South section line, Sec. 8, T145N, R35W, in Miss. Headwaters Board corridor and jurisdiction	Border of Hubbard and Beltrami Counties

Section 205. Remote River Segments

<u>River</u>	<u>From</u>	<u>To</u>
-Schoolcraft	South section line, Sec. 28, T144N, R34W	Inlet of Plantagenet Lake in in Sec. 18, T145N, R33W
Crow Wing	Outlet of Second Crow Wing Lake in Sec. 21, T139N, R33W	Border of Hubbard and Wadena Counties

Section 206. Forested River Segments

<u>River</u>	<u>From</u>	<u>To</u>
Schoolcraft	U.S. 71 bridge in Sec. 20, T143N, R34W	North section line, Sec. 33, T144N, R34W
Crow Wing	Outlet of Fifth Crow Wing Lake in Sec. 30, T140N, R33W	Inlet of Fourth Crow Wing in Sec. 4, T139N, R33W
Shell	Border of Becker and Hubbard Counties	Border of Hubbard and Wadena Counties
Shell	Border of Hubbard and Wadena Counties	Inlet of Upper Twin Lake in Sec. 31, T139N, R34W
Shell	Border of Hubbard and Wadena Counties	Confluence with Crow Wing River in Sec. 32, T139N, R33W
Fish Hook	Confluence with Straight River in Sec. 7, T139N, R34W	Confluence with Shell River in Sec. 30, T139N, R34W
Straight	Border of Becker and Hubbard Counties	Confluence with Fish Hook River in Sec. 7, T139N, R34W

Section 207. Tributaries

<u>River</u>	<u>From</u>	<u>To</u>
LaSalle	Sec. 7 (at Hwy. 200) T143N, R35W	Sec. 19, T145N, R35W (confluence w/Miss. River)

Section 207. Tributaries (Continued)

<u>-River</u>	<u>From</u>	<u>To</u>
Hennepin Creek	Sec. 28 (at Basin 29-564) T144N, R35W	Border of Hubbard and Beltrami Counties
Schoolcraft	Sec. 32 (at Basin 29-215) T143N, R34W	Sec. 20 (at U.S. 71) T143N, R34W
Schoolcraft Creek	Sec. 7 (at Basin 29-198) T142N, R34W	Sec. 5 (at Basin 29-215) T142N, R34W
Unnamed to Schoolcraft Creek	Sec. 17 (at Basin 29-527) T142N, R34W T142N, R34W	Sec. 8 (at confluence with Schoolcraft Creek)
Birch Creek	Sec. 2 (at Basin 29-286) T143N, R35W	Sec. 4 (at confluence with Schoolcraft River) T143N, R34W
Lake Alice Creek	Sec. 15, T143N, R35W	Sec. 11 (at Basin 29-286) T143N, R35W
Unnamed to Lake Alice	Sec. 9 (at Basin 29-535) T143N, R35W	Sec. 2 (at Basin 29-286) T143N, R35W
Unnamed to Birch Creek	Sec. 35 (at Basin 29-304) T144N, R35W	Sec. 36 (at confluence with Birch Creek) T144N, R35W
Alcohol Creek	Sec. 15 (at Basin 29-216) T143N, R34W	Sec. 21 (at confluence with Schoolcraft River) T144N, R34W
Frontenac Creek	Sec. 27 (at Basin 29-241) T145N, R34W	Sec. 3 (at confluence with Schoolcraft River) T144N, R34W
Rat Creek	Sec. 8 (at Basin 29-227) T144N, R34W	Sec. 28 (at Basin 29-241) T145N, R34W
Skunk Creek	Sec. 6, T144N, R34W	Sec. 8 (at Basin 29-227) T144N, R34W
Dead Creek	Sec. 21 (at Co. Rd. 9) T145N, R34W	Sec. 28 (at Basin 29-241) T145N, R34W
Brokaw Creek	Sec. 11 (at Basin 29-228) T144N, R34W	Sec. 2 (at confluence with Schoolcraft River) T144N, R34W
Cold Creek	Sec. 19, T145N, R33W	Sec. 19 (at Basin 29-156) T145N, R33W
Revoir Creek	Sec. 23 (at Basin 29-239) T145N, R34W	Sec. 13 (at Basin 29-156) T145N, R34W

Section 207. Tributaries (Continued)

<u>River</u>	<u>From</u>	<u>To</u>
Necktie River	Sec. 1, T145N, R33W	Sec. 26 (at Basin 11-504) T144N, R32W
Bungashing Creek	Sec. 4, T144N, R33W	Sec. 28, T145N, R32W (at confluence with Necktie River)
Unnamed to Bungashing Creek	Sec. 26, T145N, R33W	Sec. 26, T145N, R33W (at confluence with Bungashing Creek)
Pokety Creek	Sec. 24, T144N, R33W	Sec. 29, T144N, R32W (at confluence with Necktie River)
Unnamed to Pokety Creek	Sec. 29, T144N, R32W	Sec. 29, T144N, R32W (at confluence with Pokety Creek)
Unnamed Tributary	Sec. 1 (at Basin 29-54) T143N, R32W	Sec. 1, T143N, R32W (Border of Hubbard and Cass Counties)
Kabekona River	Sec. 24, T144N, R34W	Sec. 1 (Basin 11-203), T142N, R32W
Unnamed to Kabekona River	Sec. 36, T144N, R34W	Sec. 25 (at confluence with Kabekona River) T144N, R34W
Stall Creek	Sec. 13, T143N, R33W	Sec. 12, T143N, R33W (at confluence with Kabekona River)
Gulch Creek	Sec. 28 (at Basin 29-125) T143N, R33W	Sec. 24 (at Basin 29-75) T143N, R33W
Sucker Brook	Sec. 6 (at Basin 29-49) T142N, R32W	Sec. 30 (at Basin 29-75) T143N, R32W
Unnamed to Oak Lake	Sec. 16 (at Basin 29-57) T143N, R32W	Sec. 27 (at Basin 29-60) T143N, R32W
Grassy Creek	Sec. 24, T143N, R32W	Sec. 26, T143N, R32W (at confluence with Kabekona River)
Unnamed to Leech Lake	Sec. 1 (at Basin 29-48) T142N, R32W	Sec. 1 (at Basin 11-203) T142N, R32W
Shingobee River	Sec. 35 (at Basin 29-22) T141N, R32W	Sec. 24, T141N, R32W (Border of Hubbard and Cass Counties)

Section 207. Tributaries (Continued)

<u>-River</u>	<u>From</u>	<u>To</u>
Unnamed to Steel Lake	Sec. 11 (at Basin 29-14) T140N, R32W	Sec. 2 (at Basin 29-22) T140N, R32W
Unnamed to Island Lake	Sec. 11 (at Basin 29-12) T140N, R32W	Sec. 2 (at Basin 29-7) T140N, R32W
Unnamed to Big Sand Lake	Sec 6 (at Basin 29-151) T141N, R33W	Sec. 23 (at Basin 29-185) T141N, R34W
Sand River	Sec. 35 (at Basin 29-185) T141N, R34W	Sec. 5 (at Basin 29-89) T140N, R33W
Hellcamp Creek	Sec. 24, T140N, R34W	Sec. 19 (at Basin 29-92) T140N, R33W
Wallingford Creek	Sec. 25 (at Basin 29-94) T140N, R33W	Sec. 10 (at Basin 29-77) T139N, R33W
Mucky Creek	Sec. 12 (at Basin 29-397) T139N, R33W	Sec. 11, T139N, R33W
Bender Creek	Sec. 18 (at Basin 29-5) T139N, R32W	Sec. 27 (at Basin 29-86) T139N, R33W
Unnamed to Tripp Lake	Sec. 8 (at Basin 29-2) T139N, R32W	Sec. 17 (at Basin 29-5) T139N, R32W
Unnamed to Bender Creek	Sec. 21 (at Basin 29-320) T139N, R32W	Sec. 19, T139N, R32W (at confluence with Bender Creek)
Blueberry River	Sec. 30, T139N, R35W (Border of Hubbard and Becker Counties)	Sec. 31, T139N, R35W (Border of Hubbard and Becker Counties)
Unnamed to Shell River	Sec. 26 (at Basin 29-249) T139N, R35W	Sec. 36, T139N, R35W (at confluence with Shell River)
Fish Hook River	Sec. 36 (at City limits of Park Rapids) T140N, 35W	Sec. 30, T139N, R34W at confluence with Shell River)
Unnamed to Island Lake	Sec. 8 (at Basin 29-255) T141N, R35W	Sec. 5 (at Basin 29-254) T141N, R35W
Unnamed to Island Lake	Sec. 33 (at Basin 29-280) T142N, R35W	Sec. 3 (at Basin 29-254) T141N, R35W
Unnamed to Upper Mud Lake	Sec. 36 (at 29-522) T142N, R35W	Sec. 34 (at Basin 29-284) T142N, R35W

Section 207. Tributaries (Continued)

<u>-River</u>	<u>From</u>	<u>To</u>
Hay Creek (Border of Hubbard & Becker Co.)	Sec. 18, T141N, R35W	Sec. 22 (at Basin 29-243) T141N, R35W
Unnamed to Potato Lake	Sec. 18 (at Basin 29-177) T141N, R34W	Sec. 19 (at Basin 29-243) T141N, R34W
Potato River	Sec. 31 (at Basin 29-243) T141N, R34W	Sec. 2 (at Basin 29-242) T140N, R35W
Portage River	Sec. 9 (at Basin 29-250) T140N, R35W	Sec. 10 (at Basin 29-242) T140N, R35W
Unnamed to Fish Hook River	Sec. 20 (at Basin 29-161) T139N, R34W	Sec. 19 (at confluence with Fish Hook River) T139N, R34W
Crow Wing River	Sec. 28 (at Basin 29-36) T141N, R32W	Sec. 20 (at Basin 29-92) T140N, R33W
Crow Wing River	Sec. 9 (at Basin 29-78) T139N, R33W	Sec. 20 (at Basin 29-85) T139N, R33W

All protected watercourses in Hubbard County shown on the Protected Water Inventory map for Hubbard County, which is hereby adopted by reference, not given a classification in Sections 204 through 207 of this Ordinance, shall be considered 'tributary'.

Section 208. Established Ordinary High Water Level Elevations.

The following public waters of Hubbard County have an ordinary high water level elevation established.

<u>DNR ID #</u>	<u>LAKE NAME</u>	<u>OHW ELEVATION</u>	<u>HIGHEST KNOWN LAKE ELEVATION</u>	<u>DATUM</u>
4-0079	Big Wolf	1303.1		1929 w/Beltrami County
11-0203	Leech	1294.9		1929
11-0502	Crystal	1397.4		1929 w/Cass County
11-0505	Little Wolf Lake	1306.7		1929
29-0002	Mow	145.70		ASSUM
29-0005	Tripp	1391.8		
29-0025	Ninth Crow Wing	1386.10	1386.58	1929
29-0036	Eleventh Crow Wing	1391.50	1391.7	1929
29-0045	Tenth Crow Wing	1386.10	1386.58	1929
29-0061	Garfield	1312.10		1929
29-0066	Midge Lake	1319.3	1318.31	1929
29-0071	Grace	1329.00		1929
29-0072	Eighth Crow Wing Lake	1386.10	1386.58	1929

29-0075	Kabekona	1297.60		1929
29-0077	Third Crow Wing	1364.5		1929
29-0078	Fourth Crow Wing	1364.5		1929
29-0085	Second Crow Wing	1364.5		1929
29-0086	First Crow Wing	1364.10		1929
29-0087	Palmer	1366.8	1367.13	1929
29-0088	Island	1370.50	1371.21	1929
29-0089	Shallow	1428.3		
29-0090	Deer	1428.3		
29-0091	Seventh Crow Wing	1383.0		
29-0092	Fifth Crow Wing	1381.6		1929
29-0093	Sixth Crow Wing	1381.6		1929
29-0097	Clausens	1428.3		
29-0101	Crooked, East, Middle, & West	1441.50		1929
29-0110	Dead Lake	1440.3	1440.6	1929
29-0117	Spider (Mantrap Twp.)	1433.60		1929
29-0143	Big Stoney	1389.80	1391.11	1929
29-0145	Round	1428.3		
29-0146	Belletaine	1428.30		1929
29-0148	Upper Bottle	1429.50	1429.83	1929
29-0149	Ojibway Lake	1440.3	1440.6	1929
29-0150	Little Sand	1428.30		1929
29-0151	Big Mantrap	1434.70		1929
29-0156	Plantaganet	1343.10		1929
29-0161	Long	1379.70		1929
29-0162	Boulder	1428.60	1429.3	1929
29-0169-01	Peysenski, west bay	1407.5		
29-0169-02	Peysenski, east bay	1408.9		
29-0170	Ida	1428.30		1929
29-0172	Stocking	1430.4		
29-0178	Pickerel	1456.90		1929
29-0180	Lower Bottle	1429.50	1429.83	1929
29-0184	Blue	1443.70	1444.04	1929
29-0185	Big Sand	1428.30		1929
29-0186	Emma	1428.80	1429.7	1929

29-0189	Beaver Lake	1429.30	1428.9	1929
29-190	Loon Lake	1429.20	1429.7	1929
29-0208	Bad Axe	1439.50		1929
29-211	Unnamed	1483.0		1988
29-0212	Skunk	1483.0	1485.2	1988
29-213	Unnamed	1483.0		1988
29-216	Lake George	1416.3	1417.3	1929
29-0227	Evergreen	1381.60		1929
29-0241	Frontenac	1375.7	1375.53	1929
29-0242	Fish Hook	1426.30		1929
29-0243	Potato	1440.50		1929
29-0246	Hennepin	1430.1		
29-247	Moran	1405.0	1405.30	1929
29-248	Lord	1405.0	1405.30	1929
29-249	Hinds	1370.2	1371.12	1929
29-250	Portage	1434.4	1435.10	1929
29-0251	Mud	1426.00		1929
29-0254	Island	1442.10		1929
29-0256	Eagle	1440.80		1929
29-0286	Alice	1419.8	1421.04	1929
29-0292	Beauty	97.7		ASSUM
29-0300	Hattie	148.50 1420.52		ASSUMNGVD 29
29-0310	Brush	1445.8	1446.8	1929
29-0313	Little Mantrap	1519.80		1929
11-0203	Kabekona Bay-Leech	1294.90		1929
11-050400	Steamboat	1295.2	1295.2	

Article III Establishment of Shoreland Management Districts

Section 301. Establishment of Shoreland Management Districts

The development of shorelands of public waters shall be controlled by means of shoreland management districts which are designated to be compatible with the classification of public waters. For purposes of this Ordinance, the following districts are created:

- | | |
|-----------------------------|-------------------|
| 1. Natural Environment | 5. Remote River |
| 2. Recreational Development | 6. Forested River |
| 3. General Development | 7. Tributary |
| 4. Special Protection | |

Section 302. Management Goals and Objectives

1. The Natural Environment (NE) management district is established to preserve and enhance high quality waters by protecting them from pollution and to protect shorelands of waters which are unsuitable for development; to maintain a low density of development; and to maintain high standards of quality for permitted development.
2. The Recreational Development (RD) management district is established to manage proposed development reasonably consistent with existing development and use; to provide for the beneficial use of public waters by the general public, as well as the riparian owners; to provide for a multiplicity of lake uses; and to protect areas unsuitable for residential and commercial uses from development.
3. The General Development (GD) management district is established to provide minimum regulations in areas presently developed as high density, multiple use areas; and to provide guidance for future growth of commercial and industrial establishments which require locations on protected waters.
4. The Special Protection (SP) management district is established to limit development along unique protected watercourses.
5. The Remote River (RR) management district is established to preserve wilderness and near wilderness settings along protected watercourses.
6. The Forested River (FR) management district is established to maintain existing levels of development densities while preserving the natural setting along protected watercourses.
7. The Tributary (Tr) management district is established to maintain or establish vegetated buffer strips to improve water quality along protected watercourses.

Section 303. Shoreland Management Map

An official shoreland management map, on file at the Environmental Services Department, Hubbard County Government Center, is hereby adopted by reference.

Article IV Shoreland Management District Requirements

Section 401. Permitted, Conditional, Special and Non-Permitted Uses

The following table shows the permitted, conditional, interim, and non-permitted uses for each of the shoreland management districts. Uses identified with a (P) are permitted provided that all of the requirements of this Ordinance are complied with. Uses identified with a (C) are allowed provided that the applicant meets the specified conditions for that use as prescribed in this Ordinance, and secures a conditional use permit. Uses identified with an (I) are allowed provided that the applicant meets the specified conditions for that use as prescribed in this Ordinance and secures an interim use permit. Uses identified with an (S) are permitted provided that all of the performance standards identified in Section 402 are met. Uses which are identified as (N) non-permitted, or those uses which are not identified in a particular management district, are not allowed.

Table 1-Use by Public Waters Classification

Use	Public Waters Classification				All Other River Segments
	NE	RD	GD	SP	
Single Family Residential	P	P	P	P	P
Short-term Rental	S	S	S	S	S
Accessory Uses	P	P	P	P	P
Boathouses	N	N	N	N	N
Duplex, Triplex, Quads*	C*	P	P	N	C*
Agricultural Uses*	S	S	S	S	S
Forest Management*	S	S	S	S	S
Forest Land Conversion	C	C	C	C	C
Event Center*	N	C	N	N	N
Extractive Uses*	N	I	I	N	I
Parks & Historic Sites	C	C	C	C	C
Nature Areas	P	P	P	P	P
Mining	P	P	P	P	P
Residential Planned Unit Development	C	C	C	N	C
Mobile Home Parks*	C	C	C	N	C
Commercial Planned Unit Development:	C	C	C	N	C
• Rec. Vehicle Camping Areas*	C	C	C	N	C
• Hotels, Motels, Resorts	C	C	C	N	C
• Bed & Breakfasts	C	C	C	N	C
• Campgrounds	C	C	C	C	C
Restaurants, Drive-Ins, Dinner Clubs, Taverns & Private Clubs	C	C	C	N	C
Stables, Horsebarns & Barns for Livestock*	C	C	C	C	C
New Public Roads	C	C	C	C	C
Campgrounds	C	C	C	C	C
Controlled Access Lot	N	N	N	N	N
Public Access with Boat Launch	C	C	C	C	C
Semi-Public Use	C	C	C	C	C
Fish & Wildlife Habitat Improvements*	S	S	S	C	S
Feedlot	N	N	N	N	N
Home Occupation*	S	S	S	S	S
Home Extended Businesses*	S	S	S	S	S
Group Home	N	C	C	N	C
Retail Shops	N	C	C	N	C
Professional Services Business	N	C	C	N	C
Church*	N	C	C	N	N

Formatted: Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

Youth Camp

C C C N N

*These uses must meet the performance standards identified in Section 402.

Section 402. Special Provisions

The following uses are subject to the following provisions in addition to all other requirements of this Ordinance.

1. Accessory buildings must be consistent with Article VI of this Ordinance.
2. Agricultural uses must be consistent with the provisions of Section 906 of this Ordinance.
3. Stables, horsebarns and barns for livestock must be consistent with Section 906 of this Ordinance.
4. Forest management uses must be consistent with Section 907 of this Ordinance.
5. Extractive uses must be consistent with Section 908 of this Ordinance.
- ~~6. Fish and Wildlife Habitat Improvements must be consistent with Section 909 of this Ordinance.~~
7. Mobile Home Parks must be consistent with the following provisions:
 - A. Mobile home parks must be licensed by the Minnesota Department of Health (MDH), and must meet all MDH requirements in addition to the requirements of this Ordinance.
 - B. Each mobile home must meet minimum setback from both roads and the ordinary high water mark.
 - C. There shall be a minimum of fifteen (15) feet between the sides of adjacent mobile homes, including their attachments, and a minimum of ten (10) feet between mobile homes when parked end to end.
 - D. Each mobile home site shall be a minimum of 6,000 square feet in area.
 - E. A centralized sewage treatment system which meets all standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.
 - F. Vegetative screening shall be maintained for the mobile home park in a manner consistent with the general intent of this Ordinance.
8. Recreational Vehicle Camping Areas must be consistent with the following provisions:
 - A. Recreational vehicle camping areas shall be licensed by and meet the minimum requirements of the Minnesota Department of Health in addition to the requirements of this Ordinance.
 - B. All recreational vehicles must meet the setback from the ordinary high water mark for the applicable class of public waters.
 - C. Each recreational vehicle camping site must be a minimum of 3,000 square feet in area.
 - D. A centralized sewage treatment system which meets the standards, criteria, rules and

regulations of the Minnesota Department of Health and Pollution Control Agency must be installed. The system must meet the minimum setback provisions of this Ordinance.

- E. Vegetative screening of the recreational vehicle camping area shall be maintained consistent with the intent of this Ordinance.

9. Home occupations must be consistent with the following provisions:

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the property.
- B. The home occupation shall be carried out by the inhabitants of the dwelling, with the assistance of no more than two non-resident employees on the premises at any given time.
- C. Operation of the home occupation shall be limited to the residential dwelling and any attached garage.
- D. The use of any accessory structures for storage or business activity is prohibited.
- E. Signage shall consist of no more than 1 single or double-faced sign with a maximum area of two square feet per side.
- F. The outdoor display or storage of goods, equipment or other materials used for the home occupation is prohibited.
- G. Except for goods or articles produced on the premises, no stock in-trade shall be sold on the premises.
- H. The home occupation shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- I. Additional need for parking generated by the home occupation shall be limited to three spaces and shall meet all required setbacks.
- J. All home occupations shall conform to Section 401.
- K. Should the occupation be a professional service, clients shall not exceed 3 at any one time and related supplies shall not be considered stock-in-trade.
- L. The home occupation shall not generate sewage of a nature or type that cannot be treated by a permitted on-site sewage treatment system.
- M. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond the property line.
- N. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved by the Minnesota Pollution Control Agency.

10. Home Extended Businesses must be consistent with the following provisions:

- A. The home extended business shall be clearly incidental and subordinate to the residential use of the property.

- B. The home extended business shall be carried out by the inhabitants of the dwelling, with the assistance of no more than two non-resident employees on the premises at any given time.
 - C. Operation of the home extended business shall be limited to the residential dwelling and accessory or agricultural structures on the same parcel.
 - D. Areas used for the outdoor display or storage of goods, equipment, vehicles, or other materials used for the home extended business shall be located to the rear of the structure and further buffered from adjacent residential uses with landscaping, fencing, or other acceptable methods of screening.
 - E. The home extended business shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
 - F. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
 - G. The home extended business shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved by the Minnesota Pollution Control Agency.
 - H. The home extended business at a dwelling with an onsite sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - I. Signs shall meet the requirements of the Hubbard County Sign Ordinance.
11. Church buildings and any accessory structure or facility, which for purposes of this paragraph shall include all parking areas, must be consistent with the following provisions:
- A. The Church building and any accessory structure or facility must be located within tier three (3) or four (4) from the ordinary high water mark of a lake, pond or flowage or the landward extent of a flood plain designated by ordinance, whichever is greater.
 - B. The lot or parcel on which a Church building and any accessory structure or facility is located must be a non-riparian lot or parcel that does not have access to a lake, pond, flowage, river or stream by a controlled access lot, easement or by any other means.
12. Event centers and related outdoor items must be consistent with the following provisions:
- A. An event center use requires a conditional use permit.
 - B. An event center conditional use is only allowed on a non-riparian lot located in a Recreational Development (RD) classified management district.
 - C. The event center property shall be served by a minor collector or higher functional classification of roadway (per the classifications shown on the official map of Hubbard County Ordinance No. 34), except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location. Written permission from the responsible road authority is required to be submitted as part of a conditional use permit application.

- D. On-street vehicle parking is not allowed.
 - E. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area in accordance with an approved stormwater management plan. Durable and dustless surface may include crushed rock and similar treatment. Parking areas for six (6) or fewer vehicles shall be exempt from this provision.
 - F. Off-street parking areas shall be of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees and shall provide one parking space for each three seats.
 - G. A parking space shall be at least nine (9) feet wide by twenty (20) feet long. In considering parking lots, a standard of three hundred (300) square feet per parking space shall be used to compute total requirements including maneuvering areas.
 - H. Where any commercial use is adjacent to property zoned or developed for residential use, that commercial use shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial use is across the street from a residential zone or use, but not on that side of a commercial use considered to be the front as determined by the Environmental Services Director. The screening required herein shall consist of fence, earth mounds/berms, trees, or shrubs. Plans for such screening shall be approved as part of the conditional use permit before the screening is erected.
13. On natural environment lakes, subdivisions of duplexes, triplexes, and quads must meet the following standards:
- A. Each structure must be set back at least 200 feet from the ordinary high water level.
 - B. Each structure must have common sewage treatment and water systems that serve all dwelling units in the structure.
 - C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the structure.
 - D. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
14. All short-term rentals must be operated consistent with the following provisions:
- A. No short-term rental shall be operated without a valid short-term rental license issued pursuant to this Ordinance.
 - B. These standards apply to all short-term rentals operating prior to May 1, 2022. All such pre-existing short-term rentals must come into compliance with these standards by May 1, 2022.
 - C. All new short-term rental operations as of May 1, 2022 shall obtain a license from the Department prior to commencing operations.
 - D. A separate short-term rental license is required for each allowed short-term rental unit on a lot that has short-term rental operations conducted on it.
 - E. All short-term rental licenses are an annual license and must be renewed each year. License renewal applications for rental operations in the following year must be submitted and approved

prior to any rental activity. No short-term rental use may occur without an approved, active (i.e. not expired) license.

F. It is required that Hubbard County property tax payments are not delinquent.

G. These short-term rental regulations only apply when a property is being actively used as a short-term rental. The property owner's personal use of the property is exempt from Section 402, Item 14 of this Ordinance.

H. The property owner shall keep on file with the Department the name, and current telephone number and email address of a current contact person who is responsible for responding to questions or concerns regarding the operation of the short-term rental, and is responsible for producing the documentation required under Section 14.L.

I. The overnight guest occupancy of a short-term rental unit shall be limited to no more than one (1) person for every 75 gallons (75) of water per day that the structure's subsurface sewage treatment system is designed to handle. If an SSTS servicing a short-term rental unit is a holding tank, the occupancy will be limited to no more than one (1) person for every 200 gallons of tank capacity.

J. The SSTS servicing a short-term rental or rentals must be properly sized to accommodate the rented structure(s)' maximum occupancy made available to the public. The SSTS shall be designed and constructed with a design flow of seventy-five (75) gallons of water per person per day to handle the maximum overnight guest occupancy for which the short-term rental is licensed. Holding tanks shall be sized according to Minnesota Rules, Chapter 7080.

K. A current SSTS certificate of compliance for any and all SSTS servicing a short-term rental must be submitted as part of a short-term rental license application.

L. The following documentation must be kept on file and provided to the Department within 120 hours upon request by the County:

1. Passing water test for nitrate and coliform dated within one year of current date for any and all wells providing water for use by a short-term rental unit or its users..
2. Demonstration that the short-term rental operation has a license issued by the Minnesota Department of Health or written certification from the property owner that states that a license is not required from the State of Minnesota and that sufficiently explains the reasons that no license is required.

M. Sufficient vehicle parking shall be accommodated completely onsite or by legal public parking options.

N. Quiet hours of 10:00 p.m. to 7:00 a.m. are required to be kept by short-term rental users during which time noise levels need to be minimized. No outdoor music or outdoor parties are allowed during these quiet hours time periods. A short-term rental owner is expected to enforce these quiet hours.

O. The following information shall be posted within the rental unit in a prominent location so as to be easily visible and read by the guests:

1. A map clearly showing the property lines of a property on which a short-term rental use is occurring must be provided to rental customers and included in a rental customer informational guest book kept in a clearly visible and readily accessible location in the short-term rental structure.

- 2. The full name and phone number of the owner or operator.
- 3. The full name and phone number of the local contact person or local management agent.
- 4. Local emergency contact information (law enforcement, fire, ambulance, septic maintainer).
- 5. The maximum number of overnight guests and total guest capacity of the property approved in the short-term rental license.
- 6. A copy of the Hubbard County Good Neighbor Brochure.
- P. The total licensed overnight guest occupancy shall be included on all advertisements or web-based reservation service pages.
- Q. Prior to occupancy, the owner, operator, or manager shall require the guest(s) to formally acknowledge responsibility for the compliance by all tenants or guests with the applicable laws, rules, and ordinances pertaining to short-term rentals in Hubbard County.
- R. No more than one short-term rental structure is allowed to be operated on a lot that does not meet the duplex lot size criteria in Article V of this Ordinance. No more than two short-term rental structures are allowed to be operated on a lot meeting or exceeding the duplex lot size criteria in said Article V.
- S. Storage, collection, and disposal of solid waste must comply with the Hubbard County Solid Waste Ordinance #18, or any successor or replacement.
- T. A short-term rental license cannot be transferred to a different party than the one licensed.
- U. Any violation of any of these criteria may result in the suspension/revocation of the short-term rental license.

**Article V
Height and Placement Regulations; Zoning Provisions**

Except as otherwise specifically provided for in this Ordinance, no new lot shall be created, which does not meet the following minimum dimensional requirements as specified in this Ordinance. No lot area shall be so reduced or diminished so that the yards or other open spaces are smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with the area regulations in this Ordinance. Lots must not be occupied by any more dwelling units than indicated in Sections 501.1-501.6. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 501.1-501.6 can only be allowed if designed and approved as residential planned unit developments per Article X of this Ordinance. The area of any lot shall not be reduced below the minimum standards specified herein with the following exception: units within a residential planned unit development can be smaller than the minimum lot size standards shown in the Article.

Section 501. Lot Area and Width Requirements

Following are the lot area, buildable area (BA), and lot width minimum requirements, measured at ~~both~~ the building line on both riparian and non-riparian lots, and at the ordinary high water level on riparian lots ~~and at the front lot line on non-riparian lots~~, for all lots created after the date of enactment of this Ordinance.

Lots, existing or proposed, may lie partly or wholly within more than one shoreland management district or within a shoreland area and a non-shoreland area. In situations where shoreland management districts overlap on an existing or proposed lot, the most restrictive of the applicable shoreland management district lot area

and width requirements shall control. In situations where a lot, existing or proposed, lie within a shoreland area and non-shoreland area, the lot area and width requirements applicable to where a simple majority (i.e. > 50%) of the lot area is located shall control.

Section 501.1. Natural Environment Lakes

Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width Width	Non-Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width
Single 80,000-40,000-200	Single 120,000-60,000-200
Duplex 120,000-60,000-300	Duplex 160,000-80,000-400
Triplex 160,000-80,000-400	Triplex 240,000-120,000-600
Quad 200,000-100,000-500	Quad 320,000-180,000-800

Section 501.2. Recreational Development Lakes - Unsewered Lots

Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width Width	Non-Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width
Single 40,000-20,000-150	Single 80,000-40,000-150
Duplex 80,000-40,000-225	Duplex 120,000-60,000-265
Triplex 120,000-60,000-300	Triplex 160,000-80,000-375
Quad 160,000-80,000-375	Quad 200,000-100,000-490

Section 501.3. Recreational Development Lakes - Sewered Lots

Sewered lot area dimensions can only be used if a publicly owned sewer system service is available on the property.

Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width Width	Non-Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width
Single 30,000-15,000-100	Single 30,000-15,000-100
Duplex 60,000-30,000-150	Duplex 60,000-30,000-150
Triplex 90,000-45,000-200	Triplex 90,000-45,000-200
Quad 120,000-60,000-255	Quad 120,000-60,000-255

Section 501.4. General Development Lakes

Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width Width	Non-Riparian Lot Area (sq. ft.) – RLS BA (sq. ft.) – Width
Single 20,000-10,000-100	Single 40,000-20,000-150
Duplex 40,000-20,000-180	Duplex 80,000-40,000-265
Triplex 60,000-30,000-260	Triplex 120,000-60,000-375
Quad 80,000-40,000-340	Quad 160,000-80,000-490

Section 501.5. Special Protection River Segments

The minimum lot size for both riparian and non-riparian lots in the special protection management district is ten (10) acres.

Section 501.6. Minimum Width of River Segments and Tributaries

	<u>Special Protection</u>	<u>Remote</u>	<u>Forested</u>	<u>Tributaries</u>
Single	330	300	200	150
Duplex	450	450	300	225
Triplex	600	600	400	300
Quad	750	750	500	375

These minimum width requirements (in feet) apply to both riparian and non-riparian lots.

Section 501.7. ~~Minimum Width at Rear Lot Line~~ Reduced Lot Widths

To allow reasonable flexibility in the design of lots, a rear lot line width on a riparian lot and a front lot line width on a non-riparian lot may be reduced to no less than one-half the required minimum lot width prescribed in Sections 501.1 through 501.6 provided the following conditions are met:

- a. The total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the required minimum lot width. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads;
- b. Each lot contains the applicable required minimum buildable area exclusive of any portion of the lot not meeting minimum width requirements prescribed in Sections 501.1 through 501.6
- c. On non-riparian lots, the minimum required lot width is met at the rear lot line and at the midpoint of the lot depth or 300 feet from the front lot line, whichever is closer to the front lot line.

~~The minimum lot width at the rear lot line shall be no less than 50% of the minimum lot width standard, prescribed in Sections 501.1 through 501.6, at the building line, and the ordinary high water level on riparian lots and the front lot line on non-riparian lots.~~

Formatted: Indent: Left: 0", Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1", Tab stops: Not at 2.5"

Formatted: Indent: Left: 0.25", Tab stops: Not at 2.5"

Formatted: Indent: Left: 0", Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1", Tab stops: Not at 2.5"

Section 501.8. Minimum Depth of River Lots

The minimum depth on all special protection, remote, forested, and tributary river riparian and non-riparian lots created after the date of enactment of this Ordinance shall be 267 feet.

Section 501.9. Minimum ~~Residential Lot Suitable~~ Buildable Area of River Lots

The minimum ~~residential lot suitable~~ buildable area (RLSBA) on all river lots shall be as shown below:

	<u>Special Protection</u>	<u>Remote</u>	<u>Forested</u>	<u>Tributaries</u>
Single	44,000 sq. ft.	40,000 sq. ft.	26,700 sq. ft.	20,000 sq. ft.
Duplex	60,000 sq. ft.	60,000 sq. ft.	40,000 sq. ft.	30,000 sq. ft.
Triplex	80,100 sq. ft.	80,100 sq. ft.	53,400 sq. ft.	40,000 sq. ft.
Quad	100,125 sq. ft.	100,125 sq. ft.	66,750 sq. ft.	50,000 sq. ft.

Section 502. Setback Provisions

Structures constructed, or placed, after the date of enactment of this Ordinance shall meet the setbacks prescribed in this section. When more than one setback applies to a site, structures or facilities must be located to meet all setbacks.

Section 502.1. Natural Environment Lakes

Structure setback from ordinary high water level	150 Ft.
Structure, sewage treatment system and driveway setback from side lot line	10 Ft.
Structure and sewage treatment system setback from rear lot line	10 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State, or County Highway Right of Way	50 Ft.
Structure setback from Right of Way of other public roads	20 Ft.
Structure and ISTS setback from top of bluff	30 Ft.
Sewage soil treatment system setback from ordinary high water level	150 Ft.
<i>Impervious surface coverage shall not exceed 25 percent of the lot area.</i>	

Section 502.2. Recreational Development Lakes

Structure setback from ordinary high water level	100 Ft.
Structure, sewage treatment system and driveway setback from side lot line	10 Ft.
Structure and sewage treatment system setback from rear lot line	10 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right of Way	50 Ft.
Structure setback from Right of Way of other public roads	20 Ft.
Structure and ISTS setback from top of bluff	30 Ft.
Sewage soil treatment system setback from ordinary high water level*	150 Ft.
<i>Impervious surface coverage shall not exceed 25 percent of the lot area.</i>	

Formatted: Font: Not Bold

Section 502.3. General Development Lakes

Structure setback from ordinary high water level	75 Ft.
Structure, sewage treatment system and driveway setback from side lot line	10 Ft.
Structure and sewage treatment system setback from rear lot line	10 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right of Way	50 Ft.
Structure setback from Right of Way of other public roads	20 Ft.
Structure and ISTS setback from top of bluff	30 Ft.
Sewage soil treatment system setback from ordinary high water level*	150 Ft.
<i>Impervious surface coverage shall not exceed 25 percent of the lot area.</i>	

Section 502.4. Special Protection River Segments

Structure setback from ordinary high water level	200 Ft.
Structure, sewage treatment system and driveway setback from side lot line	10 Ft.
Structure and sewage treatment system setback from rear lot line	10 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right of Way	50 Ft.
Structure setback from Right of Way of other public roads	20 Ft.
Structure and ISTS setback from top of bluff	30 Ft.
Sewage soil treatment system setback from ordinary high water level	150 Ft.
<i>Impervious surface coverage shall not exceed 25 percent of the lot area.</i>	

Section 502.5. Remote River Segments

Structure setback from ordinary high water level	200 Ft.
Structure, sewage treatment system and driveway setback from side lot line	10 Ft.
Structure and sewage treatment system setback from rear lot line	10 Ft.

Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right of Way	50 Ft.
Structure setback from Right of Way of other public roads	20 Ft.
Structure and ISTS setback from top of bluff	30 Ft.
Sewage soil treatment system setback from ordinary high water level	150 Ft.
<i>Impervious surface coverage shall not exceed 25 percent of the lot area.</i>	

Section 502.6. Forested River Segments

Structure setback from ordinary high water level	150 Ft.
Structure, sewage treatment system and driveway setback from side lot line	10 Ft.
Structure and sewage treatment system setback from rear lot line	10 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right of Way	50 Ft.
Structure setback from Right of Way of other public roads	20 Ft.
Structure and ISTS setback from top of bluff	30 Ft.
Sewage soil treatment system setback from ordinary high water level*	150 Ft.
<i>Impervious surface coverage shall not exceed 25 percent of the lot area.</i>	

Section 502.7. Tributaries

Structure setback from ordinary high water level	150 Ft.
Structure, sewage treatment system and driveway setback from side lot line	10 Ft.
Structure and sewage treatment system setback from rear lot line	10 Ft.
Structure setback from unplatted cemetery	50 Ft.
Structure setback from Federal, State or County Highway Right of Way	50 Ft.
Structure setback from Right of Way of other public roads	20 Ft.
Structure and ISTS setback from top of bluff	30 Ft.
Sewage soil treatment system setback from ordinary high water level*	150 Ft.
<i>Impervious surface coverage shall not exceed 25 percent of the lot area.</i>	

* See Section 801 Paragraph #3 for special circumstances

Section 503. Bluff Impact Zones

Structures or facilities, except stairways, sidewalks, lifts, and landings, must not be placed within bluff impact zones.

Section 504. Height of Structures

No structures, except churches and non-residential agricultural structures, shall exceed thirty-five (35) feet in height. No structure in a Special Protection River Segment classification shall exceed eighteen (18) feet in height except for structures used for agricultural purposes that may be up to thirty-five (35) feet in height.

Section 505. Uses Without Water-Oriented Needs

Uses without water-oriented needs will be encouraged to locate on lots or parcels without public water frontage. If located on lots or parcels with public water frontage, such uses must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Section 506. Guest Cottages

One guest cottage will be allowed by land use permit on lots meeting or exceeding the single lot area and width dimension requirements prescribed in Section 501 of this Ordinance, provided the following minimum standards are met:

1. A guest cottage land use permit application must include color photos of the property's entire shore impact zone. Any violations of this ordinance identified as being present in the SIZ at the time of application by the Environmental Services Director shall be corrected as a condition of any guest cottage land use permit application that is approved.
2. A stand-alone guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.
3. ~~A guest cottage area not exceeding 700 square feet is allowed to be co-located within an accessory structure being put to one or more other, permitted uses. Said accessory structure shall not exceed 25 feet in height, unless such structure is constructed above a garage. In such cases the maximum height shall be 25 feet and the structure must not cover more than 700 square feet of land surface.~~
4. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
5. No nonconforming structure is allowed to be converted to a guest cottage.

Formatted: No bullets or numbering

Section 507. Design Criteria for Structures

Structures must be placed, and lots developed, in accordance with the following design criteria:

Section 507.1. High Water Elevations

Structures must be placed in accordance with any floodplain regulations applicable to the site. Where such controls do not exist, the elevation to which the lowest floor, including any basement and/or any crawlspace floors (whether finished or unfinished, dirt, or other materials), is placed must be determined as follows:

1. for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
2. for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Statewide Floodplain Management Rules parts 6120.5000 to 6120.6200. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
3. ~~Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this section if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and~~

Formatted: Font: 11 pt

Formatted: Indent: Left: 0", Hanging: 0.38", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: Not at 0.19" + 6.12"

debris.

Section 507.2. Stairways, Sidewalks, Lifts and Landings

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. No permit shall be required. Stairways, sidewalks, lifts and landings ~~that~~ must meet the following design requirements:

1. Stairways, sidewalks and lifts must not exceed four feet in width on residential lots. Wider stairways and sidewalks may be used for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be allowed for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
3. Canopies or roofs are not allowed on stairways, sidewalks, lifts, or landings;
4. Stairways, sidewalks, lifts or landings may be either constructed above the ground on posts or pilings, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion;
5. All construction of stairways, sidewalks, lifts or landings must be done with environmentally friendly materials;
6. Lifts require a land use permit and pre-permit site inspection by the Environmental Services Department. If erosion is occurring on an existing access path, then the erosion problem on the path must be restored as a condition of the permit. An existing access path whose use will be discontinued upon installation of the lift must be fully revegetated and restored as a condition of the lift permit.
7. Stairways, sidewalks, lifts or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical; and
8. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that they fully comply with the dimensional and performance standards of this section, and the requirements of the State Building Code, Minnesota Rules, Chapter~~regulations~~ 1341.
9. Only one stairway, sidewalk, or lift to provide access between a waterbody and the location of a dwelling unit or units per the applicable minimum lot width standard found in Article V of this Ordinance is allowed to be located on a lot. Lots with nonconforming widths are allowed one such stairway, sidewalk, or lift.

Section 507.3 Boardwalks

Boardwalks are the required method for achieving access to shore areas across delineated wetlands. Earthen fill strips must be authorized by a variance application to the Board of Adjustment and must comply with the Minnesota Wetland Conservation Act. Boardwalks must meet the following design requirements:

1. Boardwalks must not exceed four feet in width on residential lots. Wider boardwalks may be used for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
2. Landings for boardwalks on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be allowed for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a conditional use permit;
3. Canopies or roofs are not allowed on boardwalks or landings;
4. Boardwalks must be constructed above the ground on posts or pilings so that sunlight is able to reach all of the area beneath the boardwalk such that existing vegetation below the boardwalk is not harmed by the boardwalk's installation;
5. Boardwalks should be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical; and
6. Environmentally friendly and federal/state-approved building materials must be used in construction of boardwalks across wetlands.

Section 507.4. Fences

Fences must meet the following design criteria:

1. All fences shall be entirely located upon the property of the party constructing or causing the construction of such a fence.
2. Fences eight feet in height and lower do not require a permit and do not have to meet structure setback requirements. They may be placed up to the more restrictive of either a property line or road right-of-way boundary.
3. ~~Fences in the area between the ordinary high water mark and structure setback must be constructed in a manner that maintains at least a 50% unobstructed view through the fence.~~ Fences in the area between the ordinary high water mark and structure setback can be no more than four (4) feet in height above pre-existing or natural grade.
4. No fence shall be constructed so as to create a hazard for traffic on adjacent roads or obstruct the view for drivers exiting a driveway.
5. Construction of fences shall conform to all other applicable local, state, and federal laws.
6. **Exemption.** Fences normally associated with agricultural operations such as barbed wire fencing and snow fencing, fences surrounding home gardens, and driveway entrance markers shall be exempt from the requirements of this Ordinance.

Section 508. Significant Historic Sites

No structure may be placed on an identified significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Section 509. Steep Slopes

The Environmental Services Department will evaluate to the extent possible soil erosion impacts and development visibility from public waters before issuing a permit for the construction of sewage treatment systems, shoreland alterations for roads and driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.

Section 510. Temporary Structures

1. Temporary structures must meet all structure setback requirements of this Ordinance.
2. A temporary structure located on a lot for more than 120 consecutive days shall be considered a permanent structure and must have a land use permit pursuant to Section 1104 of this Ordinance.

Section 511. Recreational Vehicles.

1. Recreational vehicles must meet all structure setback requirements of this Ordinance.
2. A recreational vehicle when used as a dwelling unit and located on a lot for more than 30 days in any year and occupied at the location at any time shall be considered a dwelling unit and must have a land use permit pursuant to Section 1104 of this Ordinance.
3. Recreational vehicles must have self-contained sanitary facilities or comply with the sanitation standards of this Ordinance.
4. Only one recreational vehicle site shall be allowed on any lot. This shall not prohibit occasional and intermittent visitors.
5. The parking of uninhabited recreational vehicles for strictly storage purposes is allowed and in cases where a property owner can demonstrate through legal description, or plat, or a certified survey that there is insufficient depth on a lot to accommodate placement of a recreational vehicle per Section 502 of this ordinance, the Environmental Services Director may vary the setback administratively.
6. All tires necessary for safe highway transport must remain mounted on the recreational vehicle and inflated at all times.
7. Items 2, 4, and 5 of this Section do not apply to licensed recreational vehicle campgrounds.

Section 512. Geothermal Energy Systems

1. Installation of geothermal energy systems shall be allowed per the following requirements. No additional permitting shall be required if a current dwelling permit is in place and the following standards are met:
 - A. All parts of the system (except for a water discharge pipe on an open loop geothermal energy system) must be located behind the required structure setback from the ordinary high water mark.

- B. If a current dwelling permit is in place, no additional permit shall be required. Parts of the system can be located in the area between the ordinary high water mark and structure setback if the following conditions are met:
 - 1. The installation of the system parts complies with Section 902 of this Ordinance.
 - 2. The structure serviced by the system is a legal nonconformity in terms of its ordinary high water mark structure setback.
- C. Any geothermal system discharging into the shoreland area governed by this ordinance must only use water supplied from sources approved by the Minnesota Department of Health for drinking water purposes.
- D. No water or liquid from a geothermal energy system can be discharged in a manner that causes the water or liquid to run over the ground surface toward public waters.

Article VI Accessory Uses and Structures

Section 601. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- 1. All accessory structures, including carports and breezeways, attached to the principal structure on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of the Ordinance applicable to the principal structure.
- 2. All detached accessory structures shall be located in compliance with all setback requirements applicable to the principal structure within the management district with the exception of storage structures as described in Paragraph # 3 below.
- 3. Each residential lot may have one water-oriented accessory ~~storage~~ structure, deck, or platform located closer to public waters than the structure setback if all of the following standards and requirements are met:
 - A. The ~~storage~~ structure must not exceed ten feet in height above grade at any point. A deck cannot exceed eight feet in height above grade at any point, as measured from the foundation to the peak of the roof. ~~The structure and~~ cannot occupy an area greater than 48 square feet and a deck or platform cannot occupy an area greater than 150 square feet.

B. The setback of the structure, deck, or platform from the ordinary high water level must be at least twenty feet.

C. The ~~storage~~ structure, deck, or platform must be earthtone in color and screened with vegetation to reduce visibility as viewed from public waters and adjacent shorelands.

~~C-D.~~ The structure, deck, or platform must not be located in a bluff impact zone.

~~D-E.~~ A structure's ~~The~~ roof cannot be used as a deck or storage area.

~~E-F.~~ The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

G. Where grading or filling or excavation is necessary for construction, a shoreland alteration permit shall be required and there shall be no excavation waterward of the building line.

H. Mitigation to offset the aesthetic and impervious surface area impact of the allowed WOAS/deck/platform is required unless Environmental Services Department (ESD) staff determine the property's shore impact zone (SIZ) is fully vegetated in native tree, shrub, and ground cover aside from any allowed access path, SRUA, and WOAS/deck/platform. IF ESD staff determine the SIZ is fully vegetated, a 500 sq. ft. portion thereof (with a minimum width of 20' parallel to the shoreline) will be designated as an area to be permanently kept in natural vegetative cover. If ESD staff determine the property's SIZ is not fully naturally vegetated, 500 sq. ft. of the property's SIZ must be restored to and maintained in permanent native tree, shrub, and ground cover vegetation. If less than 500 sq. ft. of the SIZ requires restoration, then permanent restoration of said area that is less than 500 sq. ft. and preservation of it and additional shore impact zone area to reach the 500 sq. ft. amount will satisfy this mitigation requirement. In all the above scenarios, the 500 sq. ft. area must have a 20' minimum width parallel to the shoreline.

~~F.~~

~~G-I.~~ Any structure or facility not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards.

4. Piers and docks are allowed, but shall be controlled by applicable State and local regulations.

Formatted: List Paragraph, No bullets or numbering, Widow/Orphan control, Hyphenate

Formatted: List Paragraph, No bullets or numbering, Widow/Orphan control, Hyphenate, Tab stops: Not at 0.56"

Formatted: List Paragraph, No bullets or numbering, Widow/Orphan control, Hyphenate, Tab stops: Not at 0.56"

Article VII Nonconformities and Nonconforming Lots of Record

All legally established nonconformities existing as of the date of enactment of this Ordinance may continue provided that they are managed in accordance with applicable state statutes and the following standards. No nonconformity can be expanded, extended, or enlarged except as set forth in this Article.

Section 701. Nonconforming Uses

Any use legally established as of the effective date of this Ordinance which is not in conformity with the regulations contained in this Ordinance shall be considered a nonconforming use. A nonconforming use may be allowed to continue subject to the following conditions:

- A. No nonconforming use shall be expanded, enlarged, or altered, including any increase in volume, intensity, or frequency of use of the property where a nonconforming use exists. Structural alterations, expansions, and additions to a structure devoted in whole or part to a nonconforming use are prohibited as is the creation of a new structure where none previously existed.
- B. A change from one nonconforming use to another nonconforming use is prohibited.
- C. A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming.
- D. A nonconforming use shall not be moved to any other part of the property on which it is located or to another property where it would still constitute a nonconforming use.
- E. A lawful, nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming use has been so changed, it shall not thereafter be so altered to increase the nonconformity.
- F. If a nonconforming use is replaced by a permitted use, the nonconforming status and any rights that arise under the provisions of this section of the Ordinance are terminated.
- G. A nonconforming use that has been discontinued for a period of twelve consecutive months shall not be re-established, and any further use shall be in conformity with this Ordinance. Time will be calculated as beginning on the day following the last day in which the use was in normal operation and will run continuously thereafter.
- H. If a structure used for a nonconforming use is damaged to the extent that the cost of replacement, reconstruction, or restoration would exceed 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, then the damaged structure shall not be replaced, reconstructed, or restored except in conformity with this Ordinance.

Section 702. Nonconforming Structures

Any structure legally established as of the effective date of this Ordinance which is not in conformity with the regulation contained in this Ordinance is a nonconforming structure and may be allowed to continue including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except in conformity with the following conditions:

- A. No nonconforming structure shall be expanded, enlarged, or intensified without first obtaining a variance unless each of the following conditions can be met:
 - 1. The expansion, enlargement or intensification does not further increase the nonconformity or violate any other standards of this Ordinance other than regulation(s) that made the structure nonconforming in the first place.
 - 2. An onsite sewage treatment system can be installed in accordance with Hubbard County Subsurface Sewage Treatment System Ordinance No. 41 or the nonconforming structure is connected to a public sewer.
 - 3. The structure is located outside of a shore impact zone or bluff impact zone.

4. Should such structure be moved for any reason for any distance whatsoever other than in a manner that brings the structure more into compliance with this Ordinance, it shall thereafter conform to this Ordinance in its entirety after the structure is moved.

B. A nonconforming structure that has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, shall not be replaced, reconstructed, restored, expanded, enlarged, or intensified except in conformity with this Ordinance with the exception that homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes may be continued including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, if a land use permit has been applied for within 180 days of when the property was damaged. The Department may impose reasonable conditions on the land use permit in order to mitigate any newly created impact on an adjacent property or water body.

~~C.~~ When dealing with such homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes, for which a permit has been applied for within 180 days of when the property was damaged, if a nonconforming structure, which is located less than 50 percent of the required setback from the ordinary high water mark, has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the Department may require an increased setback from the ordinary high water mark, if practicable and reasonable conditions are placed on the land use permit, to mitigate created impacts on the adjacent property or water body.

Formatted: Indent: Left: 0"

Formatted: No bullets or numbering

~~D.C.~~ _____ Normal maintenance of a nonconforming structure including nonstructural maintenance and repair is allowed.

~~E.D.~~ _____ Any construction project for which a valid land use permit was granted before the effective date of this Ordinance may be completed although the structure would not meet newly established standards of this Ordinance.

Section 703. Deck and Platform Additions

1. A deck or platform that does not meet setback requirements from public waters may be allowed without a variance to be added to dwelling unit structures existing on the date the shoreland structure setbacks were established by ordinance on July 12, 1971, if all of the following criteria and standards are met:
 - A. a thorough evaluation of the property and structure by the Environmental Services Department reveals no reasonable location for a deck or platform meeting or exceeding the existing ordinary high water level setback of the structure;
 - B. the deck or platform encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the principal residential dwelling from the ordinary high water level, or does not encroach closer than thirty (30) feet, whichever is more restrictive.
 - C. the deck or platform is constructed of environmentally friendly materials, and the deck or platform is not roofed or screened;
 - D. Only one deck or platform per this Section is allowed for a dwelling unit on a lot.

- E. The deck or platform must not be located in a bluff impact zone.

Section 704. Nonconforming Lots of Record

1. All lots or tracts, the plat or deed to which has been recorded in the Office of the County Recorder on or before the effective date of this Ordinance shall be considered a lot of record. Any such unimproved lot or tract may be used for the legal use for which it is zoned subject to the following conditions:
 - A. the use is permitted in the shoreland district;
 - B. the lot has been in separate ownership from abutting lands at all times since it became substandard;
 - C. the lot was created compliant with official controls in effect at that time;
 - D. the applicable setback requirements of this Ordinance are met;
 - E. the lot contains a minimum contiguous lawn area, that is free of limiting factors, sufficient for the construction of two standard onsite sewage treatment systems;
 - F. The lot contains an adequate supply of water for domestic purposes that meets or exceeds standards of the Minnesota Department of Health.
 - G. maximum impervious surface coverage shall be less than 25%; and
 - H. the following lot width standards are met:
 1. For Natural Environment Lakes a minimum of 150 feet in width.
 2. For Recreational Development Lakes a minimum of 100 feet in width.
 3. For General Development Lakes, River Segments and Tributaries a minimum of 75 feet in width.
2. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development if it meets the following requirements:
 - A. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, Chapter 6120.
 - B. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type I subsurface sewage treatment system in accordance with Hubbard County Subsurface Sewage Treatment System Ordinance No. 41.
 - C. Impervious surface coverage must not exceed 25 percent of each lot.
 - D. Development of the lot must be consistent with the intent, purpose, and objectives of this Ordinance and the Hubbard County Comprehensive Land Use Plan.

3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 704, Item 2 of this Ordinance, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so that they equal one or more parcels of land, each meeting the lot area and lot width requirements of Section 501 of this Ordinance as much as possible.
4. Contiguous nonconforming lots of record under a common ownership must be able to be sold or purchased individually if each lot met the "improved lot" definition in Section 111 of this Ordinance at the time the lots came under common ownership and the lots are suitable for, or served by, a subsurface sewage treatment system consistent with Hubbard County Subsurface Sewage Treatment System Ordinance No. 41 or connected to a public sewer.
5. Development on lots which do not meet the development standards detailed in this Section must be authorized by a variance pursuant to Article XI of this Ordinance. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
6. In evaluating all variances, zoning and land use permit applications, or interim or conditional use permit applications, the County shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
7. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

Section 705. Failing Sewage Treatment Systems

A sewage treatment system that does not meet the requirements specified in Article VIII of this Ordinance must be upgraded, at a minimum, at any time that a permit or variance of any type is required for any improvement on, or use of, the property. ~~For the purposes of this provision, a sewage treatment system shall not be considered failing if the only deficiency is the setback of the sewage treatment system from the ordinary high water level.~~

The Hubbard County Board of Commissioners has, by formal resolution, notified the Commissioner of its program to identify failing sewage treatment systems. Hubbard County will require upgrading or replacement of any failing system identified through this program within the applicable time period specified in Article IV, Section 2.01, Failure to Protect Groundwater, in the Hubbard County Subsurface Sewage Treatment System Ordinance. In addition, a system will be required to be upgraded to conform in entirety with all technical standards and criteria of [Minnesota Rules](#), Chapters 7080-7083 when additional bedrooms or water using appliances are added to a dwelling.

Article VIII Sanitation Standards

Section 801. Sewage Treatment Standards

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

1. Publicly-owned sewer systems must be used where available.
2. All private subsurface sewage treatment systems must meet or exceed all provisions of the Hubbard County Subsurface Sewage Treatment System Ordinance (SSTSO) and the current edition of the Minnesota Rules, Chapters 7080-7083 in all respects. In all instances where the provisions of this Ordinance are stricter than the SSTSO or Chapters 7080-7083, this Ordinance shall prevail.
3. Subsurface sewage treatment system's soil absorption area must be set back from the ordinary high water level in accordance with the minimum standards specified in Section 502 of this Ordinance. In cases where a property owner can demonstrate through one or more of the following: legal description, plat, certified survey, or a wetland delineation report that there is insufficient depth or area on a lot to accommodate placement of a drainfield per Section 502 of this ordinance, the Environmental Services Director may vary the setback administratively on recreational development and general development lakes, and forested and tributary rivers, but in no case shall the setback be less than 75 feet on Recreational Development lakes, 50 feet on General Development lakes, 100 feet on Forested Rivers, and 75 feet on Tributary Rivers.
4. Subsurface sewage treatment systems must be setback from the side lot line and rear lot line in accordance with the minimum standards specified in Section 502 of this Ordinance. In cases where no feasible alternative exists and a written statement signed by all adjacent property owners attests to the location of the property line or a certified survey establishes the property line, the Environmental Services Director may allow a lesser setback administratively.
- 5.. Privies shall be set back from the surface waters, property lines and water supply wells, the same distance as required for soil treatment areas. Where the structure setback exceeds the soil treatment system setback, the structure setback shall prevail.
6. Accessory structures are allowed to be connected to a septic system provided that: 1. the septic connection will comply with all pertinent regulations in this Ordinance, and 2. the system will comply with current sizing requirements, the Subsurface Sewage Treatment System Ordinance, and Minnesota Rules, Chapters 7080-7083.

Section 802. Sewage Treatment Permit Requirements

1. No person, (except as described in Section 802.2) firm or corporation shall install, alter, repair or extend any subsurface sewage treatment system without first obtaining a license from the MPCA, and until a permit has been issued from the Hubbard County Environmental Services Department for the specific installation, alteration, repair or extension to be performed.
2. An individual may install, alter, repair or extend a subsurface sewage treatment system on land that is solely owned or leased by the individual and functions solely as a dwelling or seasonal dwelling for that individual. The individual must first consult with a licensed septic system

designer to submit the required site evaluation and design forms, and then obtain a sanitary permit.

Section 803. Water Supply Standards

All public or private supplies of water for domestic purposes must meet or exceed the standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. All wells must be located, constructed, maintained and sealed in accordance with the Well Water Construction Code of the Minnesota Department of Health.

Section 804. Agricultural Waste Disposal

Any agricultural waste disposal operation in shoreland areas must conform to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

Article IX General Shoreland Requirements

Section 901. Vegetative Alterations

Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by Sections 906 and 907 of this Ordinance, is allowed subject to the following standards:

1. Intensive vegetative clearing within the shore and bluff impact zones and on steep slopes is not allowed except for access paths, stairways, sidewalks, lifts, landings, [water-oriented accessory structures/decks/platforms per Section 601.3 of this Ordinance](#) and shoreline recreation use areas as stated in this Section. Intensive vegetative clearing for forest land conversion to another use outside of these areas is a conditional use provided an erosion control and sedimentation plan is developed and approved by the Hubbard [County](#) Soil and Water Conservation District in cooperation with the Natural Resources Conservation Service.
2. In shore and bluff impact zones and on steep slopes, only limited clearing of trees and shrubs is allowed to provide a view to the water from the principal dwelling site and intensive vegetative clearing is allowed to accommodate the placement of stairways, sidewalks, lifts and landings, access paths, [water-oriented accessory structures/decks/platforms per Section 601.3 of the Ordinance](#), and shoreline recreation use areas, provided that:
 - A. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced so that the structures are at most 50 percent visible from public waters during summer, leaf-on conditions;
 - B. along rivers, existing shading of water surfaces is preserved;
 - C. A ground layer and understory of native vegetation is preserved, maintained, or established in this area. Allowed exceptions from this requirement are stairways, sidewalks, lifts, and landings as specified in Section 507.2 of this Ordinance [and water-oriented accessory structures/decks/platforms as specified in Section 601.3 of this Ordinance](#);
 - D. The removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted.
 - E. Access paths shall be no wider than six (6) feet and must be oriented generally perpendicular to the shoreline except in cases where steep slopes or bluff impact zones require generally non-perpendicular to the shoreline designs per consultation with the Environmental Services Department. No more than one access path per up to 200 feet of lot width as measured at the ordinary high water mark is allowed.;
 - F. Stairways, sidewalks, lifts, and landings must be located within the six (6) feet width allowed in Item E above for access paths;
 - G. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards; and
 - H. Only one shoreline recreation use area shall be allowed on each residential lot and it shall not exceed the following dimensions:

Class or District	Width (the maximum distance in feet parallel to shore)	Depth (the maximum distance in feet perpendicular to shore)
Special Protection	10	15
Sensitive Area	10	15
Natural Environment	10	15
Recreational Development	20	15
General Development	30	15
Remote River segments	10	15
Forested and transition river segments	20	15
Agricultural, urban, and tributary river segments	30	15

A perennial ground cover shall be maintained to prevent erosion on all shoreline recreation use areas.

3. Removal of trees and shrubs within the remaining portion of the structure setback area is allowed, provided that a well-distributed stand of trees and shrubs are maintained. A well-distributed stand of trees and shrubs means that a tree and shrub canopy covers at least 50% of the area. A ground layer of predominantly perennial vegetation, such as grass, flowers, forbs, or preferably native plants, shall be preserved, established or maintained in this area.
4. Vegetative alterations necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 903 of this Ordinance are exempt from the vegetative alteration standards prescribed in this Section.
5. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both and shall be consistent with best management practices for shorelands.

Section 902. Topographic Alterations/Grading and Filling

1. With some specified exceptions, the following requirements govern when a grading and filling permit will be required:

On steep slopes or within shore impact zones:

- A. up to five cubic yards of material may be moved per year without need of a permit;
- B. five to ten cubic yards of material per 150' of shoreline may be moved per project by permit;
- C. movement of material exceeding these amounts must be authorized by a variance pursuant to Article XI of this Ordinance.

In the area between the shore impact zone and the structure setback line and outside of steep slopes or shore or bluff impact zones:

- A. up to ten cubic yards of material may be moved per year without need of a permit;
- B. ten to 50 cubic yards of material per 150' of lot width may be moved per project by permit;
- C. movement of material exceeding these amounts must be authorized by a variance pursuant

to Article XI of this Ordinance.

Landward of the structure setback line and outside of steep slopes and bluff impact zones:

- A. any amount of material may be moved per project without need of a permit or variance so long as the Ordinance's erosion control measures stated in Sections 901 and 902 are implemented and followed.
2. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued land use permits for these facilities do not require the issuance of a separate grading and filling permit providing that no excavation is to take place in front of the required setback distance save standard construction practices and providing fill is not required to bring the lowest floor three feet above the seasonal high water table. This Item also includes up to four (4) inches in depth of earthen material needed to reestablish vegetation within a twenty (20) foot perimeter of the permitted structure(s) and also over solely the immediate top of a permitted sewage treatment system. However, the grading and filling standards prescribed in paragraph 5 of this section must be incorporated into the issuance of permits for the construction of structures, sewage treatment systems, and driveways. Any further grading, filling, and excavations deemed necessary beyond that outlined in this Item must follow the regulations stated in Item 1 above.
3. Public roads and parking areas must meet the requirements prescribed in Section 903 of this Ordinance.
4. Property owners may repair damage to a shoreline from a single season of ice damage that occurred within the last twelve months when the ice ridge had been legally altered in prior years providing such work is reported to the Environmental Services Department. Alteration of any portion of an ice ridge in all other circumstances must be authorized by a variance pursuant to Article XI of this Ordinance.
5. The following considerations and conditions must be adhered to for the issuance of land use permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - A. grading and filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetland, including: sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreline or bank stabilization; and noteworthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corp of Engineers. The applicant is responsible for contacting the local government official administering the Minnesota Wetland Conservation Act.
 - B. alterations must be conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible, and shall in no case exceed one year from the date the permit is issued.
 - C. mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetative cover must be established as soon as possible;

- D. methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - E. altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Natural Resources Conservation Service;
 - F. fill or excavated material must not be placed in a manner that creates an unstable slope;
 - G. plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;
 - H. fill or excavated material must not be placed in bluff impact zones;
 - I. any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Section 103G;
 - J. alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - K. placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, may be allowed by permit if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, the height of the riprap above the ordinary high water level does not exceed three feet, and the Environmental Services Office determines the shoreline has a legitimate erosion problem.
6. Excavating where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, requires a conditional use permit from the Office of Environmental Services. Such conditional use permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.
 7. Whether federal, state or local regulation, the strictest provisions shall prevail.

Section 903. Placement and Design of Roads, Driveways and Parking Areas

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters-
~~Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to~~and minimize and control erosion to public waters consistent with the technical guides of the Natural Resources Conservation Service or other technical materials.
2. Public watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided that the vegetative screening and erosion control conditions of this Section are met and a conditional use permit is obtained per Section 401 of this Ordinance. Private watercraft approach roads and access ramps must be approved by a variance from the Board of Adjustment and must meet the vegetative screening and erosion control conditions of this section.
3. Roads, driveways, and parking areas must meet structure setbacks except for the 10 foot rear lot line structure setback. In cases where preliminary plats are being processed and the local road authority, Planning Commission, or County Board recommends shared approaches and

driveways or a recorded ingress and egress easement specifically describes the easement location and boundaries, the 10 foot side lot line setback may be waived.

Section 904. Stormwater Management Standards

1. When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
4. When constructed facilities are used for stormwater management, ~~documentation must be provided by a qualified individual that~~ they ~~must be~~ designed and installed consistent with the field office technical guide of the Natural Resources Conservation Service.
5. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
6. Impervious surface coverage of lots must not exceed 25 percent of the lot area.

Section 905. Special Provisions for Commercial, Industrial, Public and Semipublic Uses

1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - A. in addition to meeting impervious coverage limits, setbacks and other dimensional provisions of this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - B. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and,
 - C. uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (1) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Hubbard County Sheriff;
 - (2) signs may be placed, when necessary, within the shore impact zone if they are

designed and sized to be the minimum necessary to convey the location and name of the establishment and the general type of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lighting, such lights shall be shielded or directed to prevent illumination out across public waters; and

- (3) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This section does not preclude the use of navigational lighting.
2. Uses without water-oriented needs must be located on lots or parcels without public water frontage. If located on lots with public water frontage, such uses must either be set back double the normal setback from the ordinary high water level or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Section 906. Special Provisions for Agricultural Uses

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under a conservation plan approved by the Hubbard County Soil and Water Conservation District and consistent with the field office technical guides of the Natural Resources Conservation Service, as provided by a qualified agency individual. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level or half of the structure setback from the ordinary high water level within the particular management district, whichever is greater.
2. Conversion of land from a non-agricultural use to use as pasture or cropland is permitted in all shoreland management districts surrounding lakes, provided that such conversions shall maintain a buffer of five hundred (500) feet from public waters.
3. Horsebarns, stables and barns for livestock must be setback a minimum of five hundred (500) feet from the ordinary high water mark of public waters.
4. New animal feedlots shall not be allowed within shoreland areas.
5. Agricultural practices and associated uses must be conducted consistent with the provisions of Agriculture and Water Quality "Best Management Practices for Minnesota".
6. ~~Land used as pasture must be a minimum size of five acres within the boundaries of the pasture fence.~~
7. Incidental agricultural uses such as raising chickens or a milking cow that comply with the Ordinance's accessory use definition involving up to three animal units (as defined by the Minnesota Pollution Control Agency feedlot rules) are allowed and not subject to Section 906, ~~Items 3 and 6 listed above.~~ Accompanying structures used to shelter/house items or animals related to such incidental use are not subject to Section 906 and are allowed by permit, provided they maintain the incidental agricultural use's remaining in compliance with the accessory use definition, are permitted, and comply with all applicable ordinance regulations aside from the two above-listed exceptions within this Section.

Section 907. Special Provisions for Forest Management

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment – Forestry, the provisions of Water Quality in Forest Management "Best Management Practices for Minnesota" and with the following standards:

1. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
 - A. shore and bluff impact zones must not be intensively cleared of vegetation; and
 - B. an erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.
2. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

Section 908. Special Provisions for Extractive Uses

1. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. The plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
2. Processing machinery must be located consistent with setback standards for structures from the ordinary high water level of public waters and from bluffs.
3. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51, shall be a permitted use provided the provisions of the specified Sections of Minnesota Statute are satisfied.

~~Section 909. Special Provisions for Fish and Wildlife Habitat Improvements~~

~~Fish and wildlife habitat improvements shall be allowed provided that:~~

- ~~1. Such improvements shall be set back a minimum distance of 500 feet from the ordinary high water level.~~
- ~~2. Wildlife ponds must be constructed in compliance with the standards established by the NRCS, the DNR, and all other applicable laws, statutes, rules, ordinances, and regulations.~~

Article X Subdivisions and Planned Unit Developments

Section 1001. Applicability

No subdivision of a lot, tract or parcel into two or more lots, and no planned unit development may be established, except in compliance with this Ordinance and the Hubbard County Subdivision Ordinance.

Section 1002. Land Suitability

1. Each lot created through the subdivision process, including planned unit developments authorized under the provisions of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Hubbard County will consider susceptibility to flooding, existence of wetlands, unique hydrological conditions soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of Hubbard County.
2. Sufficient information must be submitted by the applicant to enable Hubbard County to make a determination of land suitability. The information shall include at least the following:
 - A. topographic contours at ~~two~~ foot intervals from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics;
 - B. the surface water features required by Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources;
 - C. adequate soils information to determine suitability for building and on-site sewage capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - D. information regarding location of domestic water supply;
 - E. extent of vegetation and topographic alterations;
 - F. proposed methods for controlling stormwater runoff and erosion both during, and after, construction activities;
 - G. location of 100 year floodplain areas and floodway districts from existing adopted maps or data;
 - H. a line or contour representing the ordinary high water level, the extent of the bluff impact zone, the minimum building setback distances from the top of bluff, and from the public waters, and the minimum drainfield setbacks; and
 - I. near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation.
3. The Hubbard County Board of Commissioners or its designee (Environmental Services Director) shall make its decision, in writing, specifying the facts upon which the suitability determination is made. If a determination is made that the land is not suitable for development the applicant will be notified, in writing, regarding the particular facts leading to such determination. The applicant will be afforded the opportunity to appeal such determination in accordance with the procedure for appeal specified in Article XI of this Ordinance.

Section 1003. Consistency with other Controls

Subdivisions, and any newly created lots must conform to all of the official controls prescribed in this Ordinance and the Hubbard County Subdivision Ordinance. A subdivision will not be approved where a variance from the official controls will later be needed in order to use a lot as a single family residential dwelling unit lot. A subdivision will not be approved unless domestic water supply is available and a sewage treatment system in full compliance with Section 801 of this Ordinance can be provided for every lot. Each lot in a subdivision shall meet the minimum lot size and dimensional requirements prescribed in Article V of this Ordinance. Each lot shall also include a minimum contiguous lawn area that is free of limiting factors, sufficient for the construction of two standard sewage treatment systems. Subdivisions which include lots that would require septic system holding tanks shall not be approved.

Section 1004. Dedications

On newly created lots or within the boundaries of a subdivision, the County Board of Commissioners may require any or all of the following:

1. That suitable sites within a subdivision be dedicated or reserved for future public use such as: parks, public access or open space as needed by the particular subdivision.
2. That easements for drainage ways of widths sufficient to accommodate anticipated storm water runoff be provided.
3. That easements for public utilities be provided.

Section 1005. Lot Size

1. Newly created lots shall be of size and shape to satisfy all requirements of Article V of this Ordinance with the exception that units within a residential planned unit development can be smaller than the minimum lot size standards shown in said Article V.
2. The shape of individual lots may render parts unusable for the installation of private sewage disposal systems or to provide adequate separation distance between them and watercourses or water wells. Therefore, any portion of a lot that is less than thirty (30) feet in width shall not be used in computing the minimum lot area.

Section 1006. Storm Drainage

Storm drainage facilities, where required, shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and the prevention of excess runoff onto adjacent property.

Section 1007. Water Supply Facilities

Where there is an existing public water supply system on or near the proposed subdivision, the County Board, along with the local municipality, shall determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system. Where there is no public water supply system, individual water supply systems will be permitted in accordance with Minnesota Department of Health standards for water quality. Such water supply systems must be located in accordance with

Minnesota Department of Health standards and the requirements of this Ordinance.

Section 1008. Sanitary Sewerage

1. In areas having a public sanitary sewer system on or near the proposed subdivision, the County Board, along with the local municipality, will determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system.
2. In areas not served by a public sewer system, on-site sewage treatment systems will be allowed provided that all requirements of the Minnesota Pollution Control Agency "Subsurface Sewage Treatment System Standards", Chapters 7080-7083, and appendices, are met.
3. Sewage treatment systems shall be constructed to meet the requirements of the Minnesota Pollution Control Agency, and shall meet the standards prescribed in Article V and Article VIII of this Ordinance as well as the Hubbard County Subsurface Sewage Treatment System Ordinance.

Section 1009. Platting Requirement

No land platted under the jurisdiction of this Ordinance may be recorded or sold until the subdivision process described in this Article and the Hubbard County Subdivision Ordinance is completed.

Section 1010. Planned Unit Development Review

Planned unit developments (PUDs) are allowed as conditional uses for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land in those management districts where specifically identified in Article IV. Planned unit developments shall be processed as a conditional use. The Hubbard County Board of Commissioners may require special studies or environmental review reports (Environmental Assessment Worksheet [EAW]/Environmental Impact Statement [EIS]) and the developer shall be responsible for the costs of preparing such with the County Board of Commissioners having the authority to charge back costs to the developer. Approval shall not occur until the environmental review process (EAW/EIS) has been completed, as required by Minnesota Environmental Quality Board rules.

An applicant for a PUD shall submit the following documents as part of the required conditional use permit application:

1. A site plan and/or plat for the project showing: the boundary of the proposed development; surface water features and other natural and man-made features; existing and proposed structures and other facilities, proposed land alterations; the location of existing and proposed sewage treatment and water supply systems; and topographic contours at a minimum of ten-foot intervals.
2. For residential planned unit developments, a property owners association agreement with mandatory membership, all in accordance with the maintenance and administrative requirements prescribed in Section 1014 of this Ordinance.
3. Deed restrictions, covenants, permanent easements or other instruments that:
 - A. properly address future vegetative and topographic alterations; construction of additional buildings; and beaching of watercraft; and,
 - B. ensures the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in the maintenance and administrative requirements of this

Section.

4. For commercial planned unit developments, a master plan/drawing describing the proposed project and the floor plan for all commercial structures to be occupied.
5. Any additional documents as requested by Hubbard County that are necessary to explain how the PUD will be designed and function.

Section 1011. PUD Site Suitability Evaluation

Proposed new, or expansions to existing, planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation described in Section 1014.

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

A.	General Development lakes - first tier	200 ft.
B.	General Development lakes - other tiers	267 ft.
C.	Recreational Development lakes	267 ft.
D.	Natural Environment lakes	400 ft.
E.	Rivers and Tributaries	300 ft.
2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluff impact zones, easements, road right-of-ways, and land below the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.

Section 1012. Residential and Commercial PUD Density Evaluation

The procedures for determining the allowable density of residential and commercial planned unit developments are as follows. Allowable densities may be transferred from a tier to any other tier farther from the public water, but shall not be transferred to any tier closer to the public water.

1. To determine the allowable density for Residential Planned Unit Developments:
 - A. the suitable area within each tier is divided by the single residential lot size standard ([i.e. lot area, buildable area, and lot width](#)) for the applicable management district [to determine the number of single family residential dwelling lots that could be created in the suitable area.](#)
 - B. proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in Section 1014.
2. To determine the allowable density for Commercial Planned Unit Developments:
 - A. the average inside living area size of dwelling units or sites is computed. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;

- B. the appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification;
- C. the suitable area within each tier is multiplied by the floor area ratio to yield the total floor area in each tier allowed to be used for dwelling units or sites;
- D. the total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier;
- E. proposed locations and numbers of dwelling units or sites for the commercial planned unit developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in Section 10134.

Commercial Planned Unit Development* Floor Area Ratio by Public Waters Classification			
Average Unit Floor Area (sq. ft.)	GD Lakes (1st Tier) Tributaries	GD Lakes (except 1st Tier), RD Lakes, Forested <u>River</u> Segments	NE Lakes, Special Protection River Segments, Remote River Segments
200 or less	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500 or more	.150	.075	.038

*For recreational camping areas, use the ratios listed for the average floor area of 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, shall use the ratio listed for the average floor area of 1,000 square feet.

Section 1013. PUD Maintenance and Design Criteria

- 1. Before final approval of a planned unit development may be granted, adequate provisions must be developed for the preservation and maintenance of open spaces in perpetuity, and for the continued existence and functioning of the development.

2. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

- A. commercial uses shall be prohibited in residential planned unit developments;
- B. vegetative and topographic alterations, except for routine maintenance, shall be prohibited;
- C. construction of additional buildings or the storage of vehicles and/or other materials is prohibited;
- D. uncontrolled beaching of watercraft shall be prohibited.

~~3. 3.—All residential planned unit developments must contain at least five dwelling units or sites.~~

4. All residential planned unit developments must have a property owners association with the following features:

- A. membership shall be mandatory for each dwelling unit or site owner;
- B. each member must pay a pro-rata share of the expenses of the association, and unpaid assessments may become liens on units or sites;
- C. assessments must be adjustable to accommodate changing conditions; and
- D. the association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

45. All planned unit developments must contain open space meeting all of the following criteria:

- A. at least 50 percent of the total project area must be preserved as open space;
- B. dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, and structures are developed areas and shall not be included in the computation of open space;
- C. open space must include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- D. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
- E. open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems;
- F. open space must not include commercial facilities or uses,
- G. the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
- H. the shore impact zone, based upon normal structure setbacks, must be included as open space. For residential planned unit developments, at least 50 percent of the shore impact zone of

Formatted: Indent: Left: 0.06", Numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 1.44" + Indent at: 1.69", Tab stops: 0.31", Left + Not at 0.5"

Formatted: Indent: Left: 0.06", Numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 1.44" + Indent at: 1.69"

existing developments and at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial planned unit developments, at least 50 percent of the shore impact zone must be preserved in its natural state.

56. Erosion control and stormwater management plans must be developed and the PUD must:

- A. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by the Hubbard Soil and Water Conservation District (assisted by the Natural Resources Conservation Service) may be required if warranted by project size and/or the physical characteristics of the site;
- B. be designed and constructed to effectively manage reasonably expected quantities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial planned unit developments 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan consistent with Section 904 of this Ordinance.

67. Centralization and design of facilities and structures must be done according to the following standards:

- A. planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Articles V and VIII of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
- B. dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification: setback from the ordinary high water level; elevation above the surface water features; and maximum height;
- C. shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor *for commercial PUDs only*). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
- D. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

- E. accessory structures and facilities must meet the required principal structure setback, and must be centralized.

Section 1014. Conversions to PUDs

Resorts or other land uses and/or facilities may be converted to residential planned unit developments provided all of the following standards are met:

1. Proposed conversions must be initially evaluated using the same procedures as for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.
2. Deficiencies involving water supply and sewage treatment, structure color, impervious surface coverage, open space and shore recreation facilities must be corrected as part of the conversion, or as specified in the Conditional Use Permit.
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - A. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - B. remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - C. if existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards prescribed in Section 1012 of this Ordinance may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any such conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Article XI Administration

Section 1101. Environmental Services Director

The position of Environmental Services Director is hereby established within the Environmental Services Department. The Environmental Services Director shall be appointed by the County Board of Commissioners. The Environmental Services Director shall receive such compensation as the County Board may, from time to time, determine. The Environmental Services Director shall:

1. Act as Inspector for the County;
2. Inspect all construction and development to ensure ~~compliance with that this ordinance's standards of this Ordinance are complied with.~~ All persons involved in land development activity shall allow free access to authorized representatives of the County at any reasonable time for the purposes of making such inspections as may be necessary to determine compliance with the Ordinance. Failure of such persons to allow an inspection shall be considered a violation of this Ordinance and the Environmental Services Director shall have the authority and responsibility to take appropriate legal actions, or to suspend review of a permit, or to revoke a permit;
3. Enforce and administer the provisions of this Ordinance;
4. Issue permits for permitted uses and/or activities which comply with the provisions of this Ordinance. Any permit issued on the basis of an application which is in error, whether the error is intentional or not, shall be null and void. No such permit may be construed as permission to build or begin a land use. It shall be the responsibility of the Environmental Services Director to notify the property owner upon discovery of an erroneous application;
5. Receive applications for conditional use permits and forward, along with staff reports, to the Planning Commission;
6. Receive applications for variance requests and forward, along with staff reports, to the Board of Adjustment;
7. Receive applications for zoning amendments and forward, along with staff reports, to the Planning Commission;
8. Maintain all records relating to the application for and deliberations relating to the issuance or denial of permits;
9. Develop and maintain a public information bureau relating to shoreland management;
10. Maintain the County Shoreland Management Map as described in Article II.

Section 1102. Planning Commission/Board of Adjustment (effective Jan. 1, 2014)

1. Authority

The County Board of Commissioners hereby creates the Planning Commission/Board of Adjustment (PC/BOA) pursuant to Minnesota Statutes 394.21-394.37 and all acts amendatory thereof.

2. Duties

- a. Acting in its capacity as the Planning Commission, the PC/BOA is hereby designated by the County Board to:

1. assist the County Board in the formulation of goals, policies and programs for the future development of Hubbard County;
 2. assist the County Board in the preparation of development controls designed to promote development consistent with adopted goals and policies;
 3. review applications for, conduct public hearings on in accordance with the provisions of this Ordinance, and make recommendations on conditional use permits and Ordinance amendments to the County Board;
 4. review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings on them, and make recommendations on such proposals (including preliminary and final plats) to the County Board of Commissioners;
 5. perform any other such duties as required or requested by the County Board of Commissioners to further goals and policies in furtherance of the intent of this Ordinance and other County ordinances.
- b. Acting in its capacity as the Board of Adjustment, the PC/BOA is hereby designated by the County Board to have the exclusive authority to:
1. order the issuance or denial of variances from the requirements of any official control, including restrictions placed on nonconformities.
 2. hear and decide any appeal from an order, requirement, decision, or determination made by Director an administrative official charged with enforcing any Ordinance adopted under the authority of Minnesota Statutes Chapter 394.
 3. interpret any management district boundary on the Official Shoreland Management Map and hear and decide any appeals of a denial of a land use permit by the County Environmental Services Department due to the land's location on any official map, as set forth in, and under the procedures of, Minnesota Statute Section 394.361.
- c. The PC/BOA shall have other such duties and authorities as are prescribed by proper ordinances of this County.
3. Membership
- a. The PC/BOA shall consist of five voting members and one non-voting ex-officio member (who will only serve on the Planning Commission.) Said ex-officio member shall be a member of the County Board of Commissioners.
 - b. At least two voting members shall be residents of the portion of the County outside the corporate limits of municipalities.
 - c. No elected officer of the county or employee of the Hubbard County Board of Commissioners shall serve as a voting member of the PC/BOA.
 - d. No member of the PC/BOA shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban and urban related purposes.

- e. Questions of whether any particular issue or matter before the PC/BOA involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of all PC/BOA members (except the ex-officio PC member) , except the PC/BOA member being challenged.

4. Appointment/Terms

- a. The members of the PC/BOA shall be appointed by the County Board of Commissioners consistent with Minnesota Statute, Chapter 394.
- b. One (1) voting member shall reside in and be appointed from each county commissioner district. The county commissioner representing the district shall have the authority to recommend the member from said district to the County Board for consideration. A member appointment requires a majority vote of the County Board. The Hubbard County Board Chairperson shall appoint PC/BOA members on behalf of the County Board per the County Board's vote on said members.
- c. Each voting member of the PC/BOA shall be appointed for a term of four years except for the initial appointment terms as specified below. Appointments shall become effective at the first PC/BOA meeting in a calendar year.

Commissioner District 1 - one (1) member with term ending December 31, 2015.

Commissioner District 2 - one (1) member with term ending December 31, 2017.

Commissioner District 3 - one (1) member with term ending December 31, 2015.

Commissioner District 4 - one (1) member with term ending December 31, 2017.

Commissioner District 5 - one (1) member with term ending December 31, 2015.

- d. The one non-voting ex-officio Planning Commission member shall be annually appointed for a one year term.
- e. Appointments shall be made by the County Board to fill any vacancy for the unexpired duration of the term. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
 - 1. Death of a member.
 - 2. Resignation of a member.
 - 3. Removal of a member for cause as provided in this ordinance.

5. Removal

The following shall be deemed sufficient cause for the County Board of Commissioners to remove any PC/BOA member. The County Board of Commissioners can remove any member upon the occurrence of any of the following conditions and can fill vacancies for any unexpired term.

- a. A member who fails to attend one-third (1/3) of the regularly scheduled PC/BOA meetings in any 12 month period.

- b. A member who fails to attend four consecutive regular PC/BOA meetings.
- c. Attendance at several regular PC/BOA meetings for such a short length of time as to render the member's services of little value to the County.
- d. Violation by the member of any land use control ordinance adopted by the County pursuant to Minnesota Statutes 394.27 to 394.37, and all acts amendatory thereof.
- e. Any change in member residency status from unincorporated to incorporated, if the change causes the make-up of the PC/BOA to be inconsistent with this Section. Also any change in residency from the commissioner district the member was appointed to represent.
- f. Inability to carry out the duties of the PC/BOA due to a conflict of interest.
- g. A member who at a PC/BOA meeting engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.
- h. Any other reason cited by the County Board of Commissioners.

6. Organization and Procedures

a. Officers

- 1. Officers of the PC/BOA shall be a Chairperson, Vice-Chairperson, Secretary, and other officers as needed.
- 2. Officers shall be elected by the PC/BOA at the first meeting held in a calendar year.
- 3. In the event of a resignation of an officer, the PC/BOA shall fill the vacancy.
- 4. The Chairperson shall preside at all meetings.
- 5. The Vice-Chairperson shall assume the responsibilities of the Chairperson when the latter is not able to serve.
- 6. The Secretary shall assume the responsibilities of the Chairperson when the latter and the Vice-Chairperson are not able to serve.
- 7. The PC/BOA authorizes the Environmental Services Director to appoint a County employee to perform the PC/BOA secretarial duties such as producing written meeting minutes.

b. Bylaws and Rules of Procedure

The PC/BOA shall develop bylaws for the transaction of its business, which shall not be inconsistent with or contrary to the statutes of the State of Minnesota or the ordinances of this County. The County Board of Commissioners must approve said bylaws.

c. Meetings

Meetings shall be scheduled and conducted according to the PC/BOA bylaws and at other such

times as the Chairperson or Environmental Services Director shall deem necessary and appropriate.

d. Voting

Each of the five voting members, including the chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

e. Records

The PC/BOA shall keep a written public record filed in the Environmental Services Department of all its proceedings, findings, and determinations on all matters referred to it and shall cause a copy of any order issued by the BOA acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance to be recorded with the County Recorder by the Environmental Services Director as necessary pursuant to Minnesota Statutes.

7. Compensation

The PC/BOA members may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings and in the conduct of business of the PC/BOA.

Section 1103. Variances and Appeals

1. Variances shall only be permitted when the applicant establishes that they are in harmony with the general purposes and intent of the official control 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 complying with the official control. As used in connection with a decision as to whether to grant a variance, practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute a practical difficulty.

In order to grant a variance, the Board of Adjustment must find that all of the following criteria are met:

1. Is the variance request in harmony with the general purposes and intent of the official controls?
2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?
3. Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?
4. Will the issuance of the variance maintain the essential character of the locality?

5. Does the need for the variance involve more than just economic considerations?

Additional considerations in situations involving after-the-fact variances.

In circumstances where a variance is sought to an official control after the work has already been begun or completed in violation of one or more official controls, additional criteria may, in the discretion of the Board of Adjustment, be considered in determining whether to grant or deny the variance request. If the Board of Adjustment finds that all of the criteria set forth in Section 1103, Item 1, parts 1-5, are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny the request:

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable official controls?
 2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?
 3. Did the applicant complete the work before being informed of the violation of applicable official controls?
 4. Are there structures, circumstances, or conditions in the area similar to those that are the subject of the variance request?
 5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?
 6. Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?
2. No variance shall be granted simply because there are no objections; or because those who do not object outnumber those who do, nor for any reason other than a proven practical difficulty.
 3. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
 4. A current compliance inspection report must be submitted to the Environmental Services Director for each existing sewage treatment system(s) on the subject property for which a variance application is submitted. If an existing sewage treatment system on the subject property is found to be noncompliant, it must be upgraded to current standards before any permits on the subject property will be issued. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.
 5. The Board of Adjustment may impose conditions on the granting of any variance. Conditions are to be directly related to the variance, bear a rough proportionality to the impact created by the variance, and shall be what the Board of Adjustment considers reasonable and necessary to protect the public health, safety and welfare.
 6. A variance shall expire and be considered null and void five (5) years from the date of issuance if the use, actions or construction authorized by virtue of the variance has not yet begun. For purposes of this section, construction shall include, but is not limited to, significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement,

assembly, or installation of utilities or equipment, the installation of footings, slab, foundation, posts, walls or other portions of a structure.

7. No application for a variance or administrative decision appeal shall be resubmitted for a period of one year from the date that the request is denied, except the Environmental Services Director may allow a new application if, in the opinion of the Environmental Services Director, new evidence or a change in circumstances warrant it.
8. If necessary, an extension of a variance shall be requested in writing and filed with the Environmental Services Director at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed five (5) years. Upon receipt of a request for a variance extension, the Environmental Services Director shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Board of Adjustment. No extension shall be for more than one (1) year, after which if the variance is not utilized, the variance becomes void. In no case shall more than one (1) variance extension be approved for an individual variance request.
9. Applications for any variance, any administrative appeal, and any official map appeals as described and set forth in Minnesota Statutes Section 394.361, shall be submitted to the Environmental Services Department on forms provided by the Department for each type of proceeding. They shall be accompanied by all information required to be included in a completed application, as determined by the Environmental Services Director. They shall also be accompanied by the required application fee.
10. The Environmental Services Director shall make a staff report, in writing, to the Board of Adjustment who shall make the final decision after conducting a public hearing in accordance with M.S. 394.26 and the provisions of this Ordinance.
11. Applicable permits are required for any item approved by variance.
12. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made within fifteen (15) days of the date of the administrative decision by filling out and submitting to the Environmental Services Director an Administrative Decision Appeal Application form, which is available from the Environmental Services Director. The administrative decision appeal application form shall state the following:
 - a. The particular order, requirement, decision, or determination from which the appeal is taken;
 - b. The name and address of the appealing person or entity;
 - c. The specific grounds for the appeal, including all argument as to why the appealing person or entity believes the order, requirement, decision or determination being appealed was in error; and
 - d. The specific relief requested by the appealing person or entity.

Such appeal shall be heard by the Board of Adjustment ~~within sixty (60) days of the date that such an~~ application is submitted to and deemed complete by the Environmental Services Director.

The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken. In exercising this power, the Board of Adjustment may direct the issuance of a permit or issue such other order as consistent with its decision on the

Formatted: Indent: Left: 1", No bullets or numbering

appeal.

In all administrative and official maps appeals, it is the applicant's burden to prove that the action of the Environmental Services Department was in error and should be reversed or modified.

13. In all variance proceedings before the Board of Adjustment, the burden of proof is on the applicant to show that the criteria for the granting of a variance are present.

Section 1104. Permits

All property owners or designee having charge of the erection, alteration, moving, or change of the exterior or use of any structure shall apply for a land use permit from the Hubbard County Environmental Services Director before beginning or undertaking such work. Additionally, no grading, filling, or excavation for footings, foundations, slabs, posts, basements, walls or other parts of a structure shall be conducted without first securing a land use permit.

Permits are also required for grading and filling, vegetative alteration in the shore impact zone, SSTS, signs, variances and conditional uses. Any modification, alteration or change to a structure that results in a change of use of the structure requires a permit issued by the Hubbard County Environmental Services Director. Repairs and maintenance as defined herein shall not require a permit. After the appropriate fee has been paid, and if the proposed work does not conflict with any portion of the Hubbard County Shoreland Management Ordinance or any other County ordinance and there are no outstanding violations on the parcel per Section 1109, the permit shall be granted. If the permit is not granted, the reasons for such denial will be provided, in writing, to the applicant.

1. Application for a land use permit shall be made to the Environmental Services Director on blank forms to be provided by the County. Each application for a permit to construct, alter, move or change the exterior or use of a building shall be accompanied by a plan, drawn to scale, showing: the dimensions of the lot to be built upon; and the size and location of the structures. Applications for land use permits shall contain other such information as may be deemed necessary for the proper enforcement of this Ordinance.
2. Permits for the installation of sewage disposal systems, for grading and filling projects, and for the erection of signs in shoreland areas must also be obtained from the Environmental Services Director before such installation or erection has begun.

3. When any part of a proposed structure lies partly within the Shoreland Management Ordinance jurisdictional area, a land use permit shall be required for said structure.

~~3-4. A land use permit is not required for such structures as~~The following structures do not require a permit per this section provided that all setback requirements are met: satellite dishes, propane tanks, outdoor woodstoves, sidewalks, underground sprinkler and/or irrigation systems, hot tubs, tents no larger than 15' wide x 15' long x 15' high, swing sets no larger than 6' deep x 8' wide x 6' high, playground equipment no larger than 10' wide x 15' long x 8' high, currently licensed fish houses/dark houses, and pump houses no larger than 4' x 4' x 4' provided that all setback requirements are met. Other structures and items which in the discretion of the Environmental Services Director are of a nature sufficiently similar to those listed herein, may, at the discretion of the Environmental Services Director, be exempt from the requirement of obtaining a land use permit. A land use permit shall not be required for normal maintenance such as painting, siding, roofing, and other similar improvements which do not involve exterior structural change to the structure.

Formatted: List Paragraph, No bullets or numbering, Widow/Orphan control, Hyphenate, Tab stops: Not at 0.25" + 0.5" + 1.02" + 1.25"

~~4.5.~~ All land use, grading and filling, and shoreland alteration and sanitary permits shall expire one year from the date of approval unless a written extension is granted by the Environmental Services Director prior to the date of expiration.

~~5.6.~~ No contractor or individual shall perform work upon a project requiring a permit under this Ordinance unless such permit has been issued and posted on the premises and until such contractor or individual has first verified any and all conditions of the permit.

Section 1105. Conditional Use Permits

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application to the Environmental Services Director, review and recommendation of the Planning Commission, and approval and issuance of a Conditional Use Permit by the Hubbard County Board of Commissioners. The applicant for a conditional use permit shall fill out and submit to the Environmental Services Director an Application for Conditional Use Permit. When such permit is submitted, the appropriate fee shall be paid in order for the application to receive consideration.

1. In considering the granting of any conditional use permit, the Planning Commission and County Board of Commissioners shall evaluate the effect of the proposed use upon:
 - A. the maintenance of the public health, safety and welfare;
 - B. the prevention and control of water pollution, including sedimentation and nutrient loading;
 - C. existing topography and drainage features and vegetative cover on the site;
 - D. the location of the site with respect to floodplains and floodways of rivers or tributaries;
 - E. the erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;
 - F. the location of the site with respect to existing and proposed access roads;
 - G. its compatibility with adjacent land uses;
 - H. the need for the proposed use for a shoreland location;
 - I. the amount of liquid waste to be generated and the adequacy of the proposed sewage disposal system;
 - J. the visibility of structures and other facilities as viewed from public waters;
 - K. adequacy of the site for water supply and on-site sewage treatment systems;
 - L. assessment of the types, uses, and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.

An applicant for a conditional use permit bears the burden of proving the proposed use will not have a negative effect on the above-listed items A-L.

2. Upon consideration of the factors listed above, the Planning Commission or Hubbard County Board of Commissioners may attach such conditions, in addition to those required elsewhere in this

Ordinance, that it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:

- A. type and extent of shore cover;
- B. increased yards and setbacks;
- C. specified sewage treatment and water supply facilities;
- D. landscaping and vegetative screening;
- E. periods and/or hours of operation;
- F. operational control sureties;
- G. deed restrictions;
- H. location of piers, docks, parking, and signs;

I. ~~I.~~—type of construction;

J. ~~controlling the location and number of vehicle access points:~~

K. ~~increasing the number of required off-street parking spaces:~~

L. ~~limiting the number, size, location, or lighting of signs:~~

~~J.M.~~ the Board of County Commissioners may require letters of credit to ensure all conditions are adhered to;

~~K.N.~~ any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.

3. In order to secure information upon which to base the Planning Commission recommendation, and County Board approval, the applicant may be required to furnish, in addition to the information required for the building or other permit, the following:

- A. a plan of the proposed project area showing contours, soil types, ordinary high water level, groundwater conditions, bedrock, slope, and vegetative cover;
- B. location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
- C. plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
- D. specifications for areas of proposed grading, filling, lagooning, dredging, or other topographic alterations;
- E. other pertinent information necessary to determine if the proposal meets the requirements and intent of this Ordinance.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0", First line: 0"

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

4. No application for a conditional use permit shall be resubmitted for a period of one year from the date that a request is denied, except that the Environmental Services Director may allow a new application if, in the discretion of the Environmental Services Director, new evidence or a change in circumstances warrant it.
5. A conditional use permit operating permit must first be obtained in order to legally initiate any conditional use approved by the County Board.
- ~~6.~~ The use allowed under a conditional use permit issued under this section must commence within two years of the date the conditional use was approved or the conditional use permit shall automatically be deemed null and void.
- ~~7.~~ Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit was being issued.
- ~~8.~~ A request to amend an existing conditional use permit shall be administered in the same manner that is required for a new conditional use permit application. Amendments to a conditional use permit shall be limited to requests for changes in specific conditions of the existing permit.

Formatted: List Paragraph, No bullets or numbering

Formatted: List Paragraph, No bullets or numbering

Formatted: No bullets or numbering

Section 1106. Interim Use Permits

Interim use permits (IUP) may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance.

Any IUP issued under this Ordinance is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance.

Interim use permits shall be valid for a period of time specified by the conditions of the IUP. Interim use permits shall expire after the specified period of time in the conditions, unless renewed before the expiration date. Once an IUP is renewed, it will have to be renewed annually to prevent expiration of the IUP.

Application

Applications for interim use permits along with the accompanying fee shall be submitted to the Environmental Services Director on forms supplied by the Environmental Services Director for that purpose.

The application must include sufficient information to allow the Environmental Services Director to find that the standards and criteria stated in this ordinance for the granting of such permit can or cannot be satisfied, including but not limited to a description of the proposed use, site plans, and surrounding land use.

Administrative Procedure

Upon receipt of an application, the Environmental Services Director shall review the application as to form, completeness, and compliance with the provisions of this ordinance. If found to be proper, the Environmental Services Director shall process the application.

An application deemed complete by the Environmental Services Director will be considered at the next appropriate Planning Commission meeting as an application for an Interim Use Permit. The Planning Commission shall conduct a public hearing on the application and make a recommendation on the application to the County Board.

The County Board will consider the Planning Commission's recommendation and make a final decision on the application and place any appropriate conditions on approved applications.

Review Procedure

In all cases the County shall consider whether:

- a. The proposed use is a interim use expressly designated in the ordinance; and,
- b. The proposed interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity; and,
- c. The establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area; and,
- d. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and,
- e. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use; and,
- f. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- g. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction; and,
 2. The visibility of structures and other facilities as viewed from public waters is limited; and,
 3. The site is adequate for water supply and on-site sewage treatment; and,
 4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

Conditions Attached to Interim Use Permits

The County, upon consideration of the criteria listed above and the purposes of this ordinance, shall consider the attachment of such conditions to the interim use permit as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- A. Increased setbacks from the ordinary high water level;
- B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- C. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- D. Modification of waste treatment and water supply facilities.
- E. Limitations on period of use, occupancy, and operation.
- F. Imposition of operational controls, sureties, and deed restrictions.

Decisions

In granting an Interim Use Permit, the Board of County Commissioners shall prescribe appropriate conditions and safeguards, which are in conformity with the intent of this Ordinance.

Violation of any conditions, limitations, restrictions, or other safeguards, written into the terms of approval under which an Interim Use Permit has been granted, shall be deemed a violation of this Ordinance punishable as specified in Section 1109.

Effectiveness of Permit

The IUP shall expire with a change of ownership, or unless otherwise required by the IUP's conditions as determined by the County Board. The IUP shall expire if the approved use is inactive for one (1) year or longer as determined by the Environmental Services Director. Interim use permits shall expire after the period of time specified by the conditions of the IUP.

Section 1107. Amendments

The procedure for amendments to this Ordinance shall be as follows:

1. An amendment may be initiated by a property owner, the Planning Commission or the County Board of Commissioners. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Environmental Services Director. Such application shall be filled out and submitted to the Environmental Services Director together with the appropriate fee;
2. The applicant shall appear before the Planning Commission at a public hearing that will be held to consider the amendment request to answer any questions that Commission members may have concerning the amendment request;
3. The Public hearing shall be conducted in accordance with M.S. 394.26;
4. The Planning Commission shall make a recommendation to the County Board of Commissioners after the proceedings of this public hearing.

5. The County Board shall consider the Planning Commission recommendation after the public hearing is conducted.

Section 1108. Public Notice and Hearing Requirements

1. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and final plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the official newspaper of Hubbard County and written notification by U.S. mail of all property owners within the following distances from the affected property when such notice is applicable: In the case of variances, 500 feet; In the case of Interim and Conditional Uses, one quarter mile or ten nearest properties, whichever provides notice to the most property owners; In the case of amendments to official controls which affect specific properties and preliminary plat review, one half mile.
2. The Commissioner of Natural Resources must also receive at least ten (10) days notification of hearings to be conducted concerning applications for conditional use permits, variances, amendments or final plat approvals. Notice of hearings to consider subdivisions must include copies of the proposed final plat.
3. The Commissioner must also receive a copy of approved conditional use permits, variances, zoning amendments and final plats postmarked within ten (10) days of final action.

Section 1109. Enforcement and Penalties

1. **Administrative.** Whenever any construction or installation is being done contrary to the provisions of this Ordinance, the work shall be stopped when written notice is served on any persons engaged in the doing or causing such work to be done or when notice is posted at the construction/installation site. The Environmental Services Director may, in writing, suspend or revoke a permit issued in error or on the basis of incorrect information supplied, or for any violation of any other provisions of this Ordinance.
2. **Investigations.** The Environmental Services Director shall investigate all violations of this Ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and if compliance is not obtained within a reasonable period of time, shall report such violations to the County Attorney, who shall take appropriate action on the matter.
3. **Civil.** In the event of violation or threatened violation of this Ordinance, the County Board of Commissioners, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Hubbard County Attorney to institute such action.
4. **Criminal.** Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provisions, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines provided by law.
5. **Interference with County Access or Administration/Enforcement Prohibited.**
All employees of the Hubbard County Environmental Service Department, members of the County Board of Commissioners, Planning Commission and Board of Adjustment, in the performance of

their duties shall have free access to all land included within the jurisdiction of this Ordinance. Access to the land shall be during normal business hours unless an emergency exists.

No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

Section 1110. Fees

In order to defray the administrative costs associated with the processing of applications for land use and related permits, conditional use permits, variance requests, amendments and subdivision approval, a schedule of fees has been adopted by the Hubbard County Board of Commissioners. The schedule of fees shall be posted in the Environmental Services Department, and may be altered or amended only by resolution of the County Board of Commissioners.

Payment. No application for a permit, conditional use permit, variance, operating permit, subdivision/plat, nor any other required permit, petition to amend this ordinance, nor any appeal shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full to the Environmental Services Director. Receipt of all fees shall be subject to their collection by the County. If a fee is submitted by credit card, check or money order, no permit granted or action taken shall be of any force or effect until the credit card, check or money order so submitted shall prove collectable.

Refunds. Should a permit, application, or appeal be denied, the fee shall not be refunded.

Adopted by the Hubbard County Board of Commissioners this 17th day of ~~August~~September, 2021~~9~~.

~~Hubbard County Board of Commissioners~~ David De La Hunt, County Board Chair~~Chairperson,~~

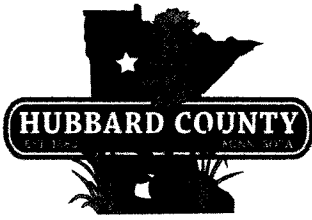
Attest:

~~Coordinator~~ Jeff Cadwell, County Administrator~~Eric Nerness, County~~

Published in the Park Rapids Enterprise the ~~25th~~-11th day of September, 2021~~9~~.

Amended July 7, 1993
Amended January 1, 1994
Amended April 5, 1995
Amended January 1, 1996
Amended January 1, 1999

Amended March 15, 1999
Amended November 15, 2004
Amended July 20, 2006
Amended May 1, 2008
Amended March 26, 2009
Amended February 4, 2010
Amended July 27, 2011
Amended September 28, 2011
Amended November 9, 2011
Amended November 5, 2013
Amended June 25, 2014
Amended February 25, 2015
Amended April 3, 2018
Amended September 17, 2019
Amended August 17, 2021



Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

July 28, 2021

Ryan and Robin Wall
772 Ashley LN NE
Thompson, ND 58278

Re: Hubbard County Board of Adjustment tabling of Variance Application 39-V-21

Dear Mr. and Mrs. Wall,

The Hubbard County Board of Adjustment (BOA) met on Monday, July 26, 2021 to review and consider the following variance application:

Variance Application 39-V-21 by Ryan and Robin Wall: Part of Gov't Lot 9, Section 1, Township 145, Range 32, Farden Township between Wolf Lake, a recreational development lake and Mud Lake, a natural environment lake. Parcel ID 07.01.02200. Applicants are requesting a variance from Sections 507.1, 704, 902, and 904.6 of the Shoreland Management Ordinance to replace a nonconforming residence with a new, larger structure that will not comply with the 3' vertical separation between the highest known water level and the structure's lowest floor and further exceed the 25% impervious surface area threshold. Also requesting a variance to place fill on the lot in excess of the permissible threshold in order to allow the structure to comply with Section 507.1.

The official decision of the Hubbard County Board of Adjustment is as follows:

Grob made a motion to table the application to allow the applicant time to submit a stormwater management plan from a licensed civil engineer for a 1" – 2" rainfall event.

Petersen seconded the motion that passed 4 – 0.

The BOA intends to take this application up again at either its Monday, August 23, 2021, or Monday, September 27, 2021 meeting depending on when the requested information is able to be submitted. Please keep me updated on the planned timeline for the stormwater management plan's completion. The application will be placed on the August meeting agenda under Old Business. The ideal date by which I would like to receive the plan is Monday, August 16 in order to give the BOA time to review the information before the Thursday, August 26 lot viewal.

Given the BOA's decision to table the application, please also accept this letter as notice that Hubbard County is extending its available review period for your variance application from 60 days to the full 120 days from the June 28, 2021 date of application per its authority to do so under the 60-Day Rule in MN Statute 15.99.

Please contact our department at (218) 732-3890 with any questions.

Most sincerely,

Eric Buitenwerf
Environmental Services Director



Variance Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

This form must be legibly completed in INK.

Applicant name(s): Ryan and Robin Wall Date: June 28, 2021

Owner name(s) (if different from applicant): _____

Mailing address (PO Box/Street, City, State, Zip): 772 Ashley Ln NE, Thompson ND 58278

E911 property address: 32304 Wolf Lake Rd, Cass Lake MN 56633

Phone: 701-730-4648 Alt. phone: _____ Email: Rwall@crystalsugar.com

Tax parcel number(s): 07.01.02200

Is this request after-the-fact? Yes No

Place an "X" by the ordinance(s) and provide the section(s) of said ordinance(s) from which you are requesting a variance.

- Shoreland Management Ordinance Section(s): 501.182, 502.18, 2.507.1, 802, 904.6
- Subdivision Ordinance Section(s): _____
- Sign Ordinance Section(s): _____
- Subsurface Sewage Treatment System Ordinance Section(s): _____
- Other: _____ Section(s): _____

Explain your requested variance need(s): Give details of the type, size, and purpose of proposed changes. Explain why you cannot complete the project by permit as the burden is on the applicant to show a practical difficulty. Attach additional sheets labeled "Variance Request", if necessary.

See attached Variance Request document.

Applicant Statement

I have read and fully understand the above instructions. I hereby make application for a variance, agreeing to do all such work in accordance with all Hubbard County Ordinances. In making this application, I hereby affirm that I am the fee title owner of the above-described property or the authorized agent thereof, and I agree to this application and warrant and assert that I am authorized by ownership and/or law to apply for the variance in question. By signing this application, I hereby certify that the information contained in this application is a true, accurate and complete representation of facts and conditions concerning the proposed variance application. I hereby state and affirm that any and all applications, sketches, surveys, and all other attachments and documents submitted herewith are true and accurate. I understand that if any of the information provided by me in this application is later found or determined by the County to be inaccurate, the County may revoke the variance and/or any accompanying permit based upon the supplying of inaccurate information. I understand and agree that in making application for a variance, I am granting permission to Hubbard County, at reasonable times and in a reasonable manner, to enter the land and premises that are the subject of this application to determine compliance of that application with any applicable county, state, or federal laws, statutes, or ordinances. I certify and agree that I will comply with any and all conditions imposed in connection with the approval of the application. I understand that I may be required to submit additional property descriptions, property surveys, site plans, building plans, or other information as deemed necessary by the County for proper consideration of the request before the application is deemed complete or acted upon.

Signature of applicant(s): [Signatures] Date: 6/28/21

For Office Use:

Application date: 6/30/2021 Filing acknowledged by: SEL Receipt #: 33099 App. #: 39-V-21



Variance Application

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

Note: Place an "X" by each item below that applies to your request. Then, fill out **only** the applicable following section(s) that apply, as directed. **If a section does not apply to your request, leave it blank.**

What is the reason(s) for applying for the variance? Place an "X" by each applicable item.

- Setback issues: complete Section 1
- Land or vegetative alteration: complete Section 2
- Lot size not in compliance with minimum Ordinance standards: complete Section 3
- Alteration to nonconforming structure: complete Section 4
- Other: attach separate sheet explaining variance request

Section 1

Check the item(s) from which you are requesting a variance and fill in the proposed setback distance.

Setbacks are measured to the nearest point on a structure which can be the eave overhang or an attached deck/platform.

- Ordinary High Water Mark (OHWM) Proposed Setback 59.45 ft
- Lot line Proposed Setback 8.36 ft
- Road Right of Way Twp Co State Proposed Setback _____ ft
- Crest of bluff Proposed Setback _____ ft
- Septic system components (new SSTS site design must accompany variance application)

Section 2

What is your land alteration? Check all categories that apply.

- Vegetative alteration
- Grading/filling
- Other (Attach separate sheet explaining the land alteration)

Note: An additional cross-section sketch showing L, W, and H dimensions and an itemized list showing volume (cubic yds.) of all proposed grading/filling must accompany application.

Section 3

When was your lot created (month/day/year)? _____ (This information can be found in your abstract of title. A copy of either this first deed or page in the abstract must be included in your application.)

Note: An ISTS site design showing your proposed building site, well location, a primary drainfield site, and an alternate drainfield site must be included in your application for a lot size variance.

Section 4

Note: A sketch showing L, W, and H dimensions of all portions of the existing and proposed structure(s) and addition(s) must be included in your application.

Circle all that apply and fill in requested information:

Existing structure

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 1 ½, two

Existing structure height: _____ ft

Existing # bedrooms _____

Overall change in roof height when project is completed: _____ ft

Proposed addition(s)

Foundation: basement, crawlspace, slab on grade

Stories above ground: ground level, 1 ½, two

Proposed addition(s) height: _____ ft

Final # bedrooms after remodel _____

32304 Wolf Lake Rd – Variance Request

Remove all structures currently existing on site, including mobile home, boat house, waterfront storage shed, pump structure, and main house/garage. Construct a new 40x40, two story house with 2 bedrooms and 2.25 bathrooms – including a new garage and utility area between the main house and garage. Two story house will be 32' tall at its peak, which will be the highest roof line. The site drawing dimensions for the new house, utility area, and garage include the 16" eave overhangs.

Current and proposed structure falls within the OHW for both Mud Lake and Wolf Lake. Setback from existing septic, and also from East side lot also are out of required setbacks. The existing This results in a need for a variance from 501.1, 501.2, 502.1, 502.2 of the Shoreland Management Ordinance.

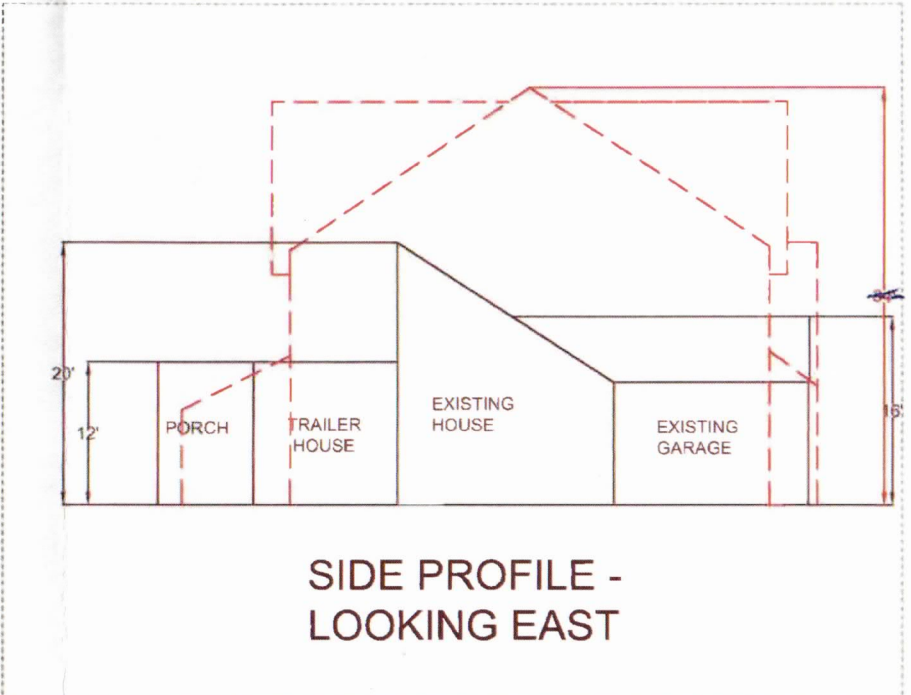
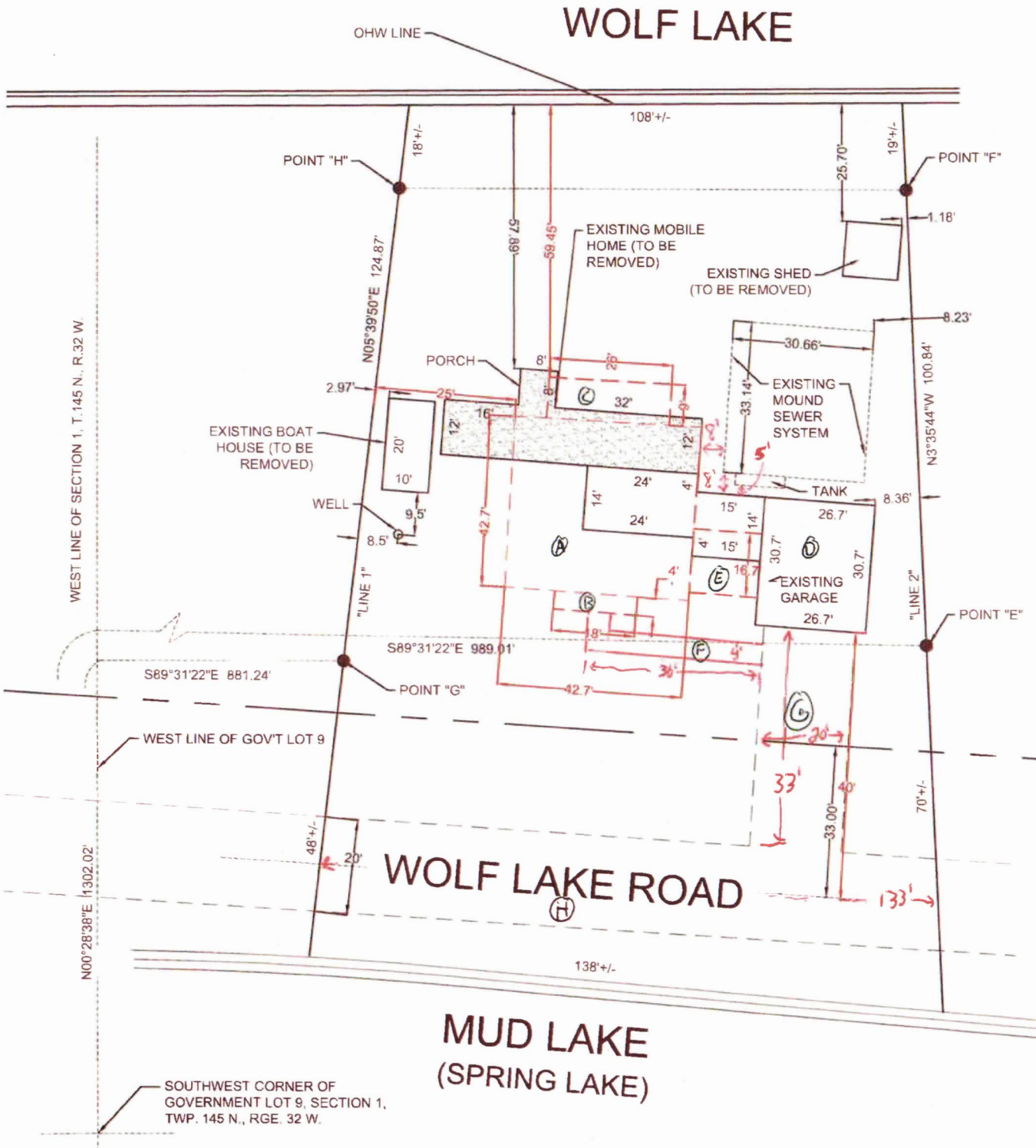
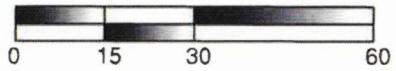
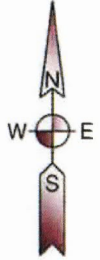
Proposed first floor elevation will be 30" above Highest Known Water Mark for Wolf lake. This elevation determination was done using the previous survey information from the variance filed for this property in 2009. Point H was used to find the OHW. A string line and 6' level was then used from the proposed first floor elevation to the OHW, which resulted in a 53" change in elevation. The OHW for wolf lake is 1303.1 ft above sea level, the Highest Know Water Mark for Wolf lake is 1305.01 ft above sea level, which then results in a need for a variance from section 507.1 of the Shoreland Management Ordinance. NOTE – existing first floor elevation of structure is only 18" above Highest Know Water Mark.

Fill will be needed to raise existing elevation by 12". This fill volume is calculated to be 175 cubic yards. This includes a 3:1 slope on all sides of the new building except the 2 that abut the septic system. Existing septic elevation is already 12" above existing ground level, the new elevation will match the septic system. No fill will be added on top of existing septic system or existing well. Because of this, a variance will be needed from section 902 of the Shoreland Management Ordinance.

Below is detailed the impervious surface area of all proposed new structures (included in these calculations are the eave overhangs). The corresponding labeling is identified on the Sketch Map provided for each item. This will require a variance from section 904.6 of the Shoreland Management Ordinance for more than 25% impervious surface area.

A - Main house – 1823.3 sq ft
B - Road Side Patio – 72 sq ft
C - Lake Side Patio – 234 sq ft
D - Garage – 819.7 sq ft
E - Utility Area – 205.4 sq ft
F - Sidewalk from driveway to front door – 160 sq ft
G - Driveway – 660 sq ft
H - Wolf Lake Road – 2660 sq ft
TOTAL – 6634.4 sq ft
TOTAL LOT – 23,434 sq ft
% IMPERVIOUS – 28.3%

SKETCH MAP



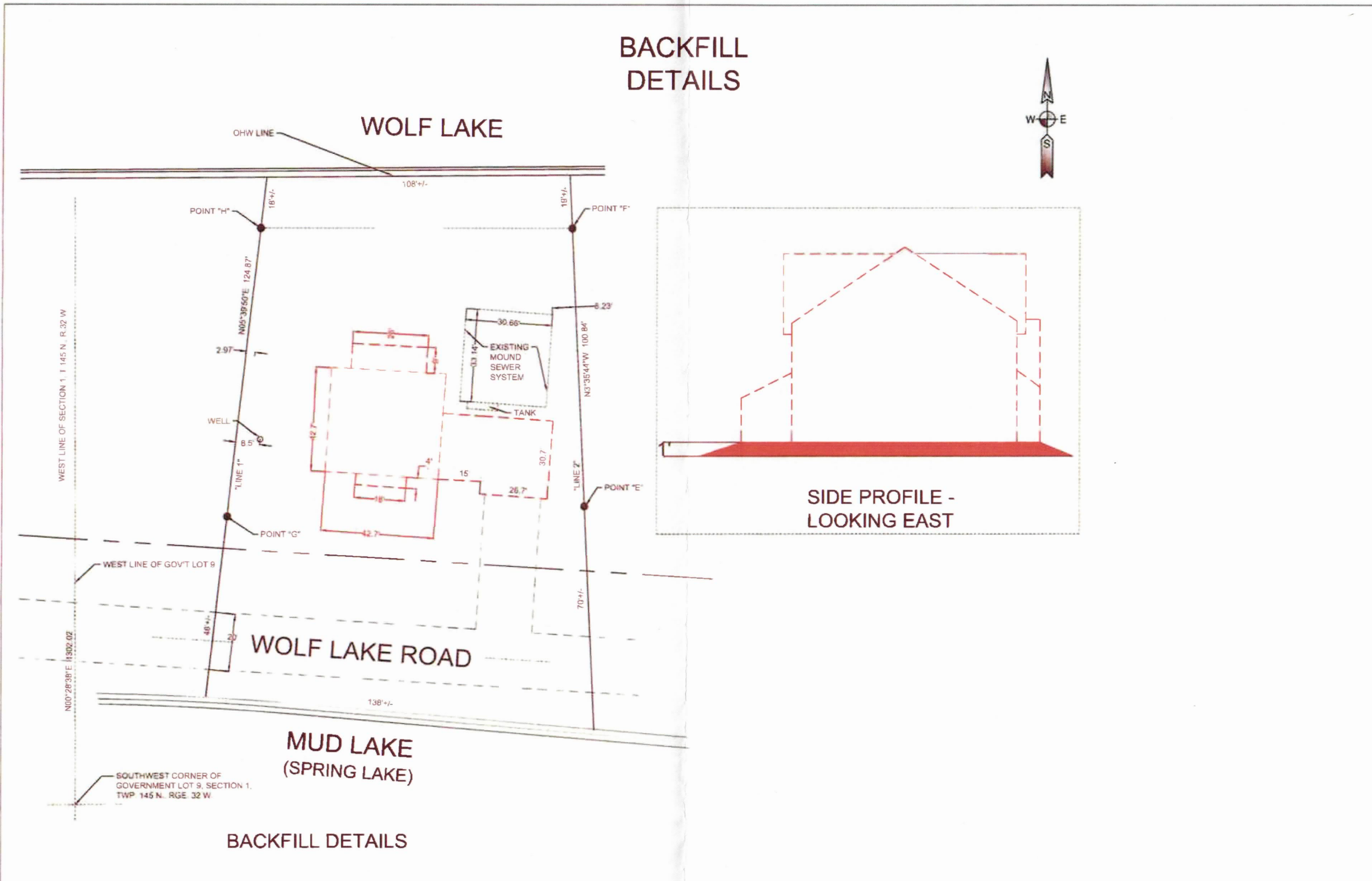
SIDE PROFILE -
LOOKING EAST

DESCRIPTION:

That part of Government Lot 9, Section 1, Township 145 North, Range 32 West, Hubbard County, Minnesota, lying easterly of "Line 1" and westerly of "Line 2". "Line 1" is a straight line from the shore line of Mud Lake (Spring Lake) through Point G and point H to the shore line of Wolf Lake, according to the following description locating and identifying said point G and said Point H. Commencing at the southwest corner of said Government Lot 9; thence North 00 degrees 28 minutes 38 seconds East, bearing assumed, along the west line of said Government lot 9, a distance of 1302.02 feet; thence South 89 degrees 31 minutes 22 seconds East a distance of 881.24 feet to a capped iron 1/2" in diameter, marked RLS 15483 designated as Point G; thence North 05 degrees 39 minutes 50 seconds East a distance of 124.87 feet to an iron pipe 1-1/2" in diameter designated as Point H. "Line 2" is a straight line from the shore line of Mud Lake (Spring Lake) through Point E and point F to the shore line of Wolf Lake, according to the following description locating and identifying said Point E and said Point F. Commencing at the southwest corner of said Government Lot 9; thence North 00 degrees 28 minutes 38 seconds East, bearing assumed, along the west line of said Government lot 9, a distance of 1328.17 feet; thence South 89 degrees 31 minutes 22 seconds East a distance of 989.01 feet to an iron pipe 1/2" in diameter designated as Point E, thence North 3 degrees 35 minutes 44 seconds West a distance of 100.84 feet to an iron pipe 1-1/2" in diameter designated as Point F. Subject to easements, restrictions and reservations of record

SITE PLAN

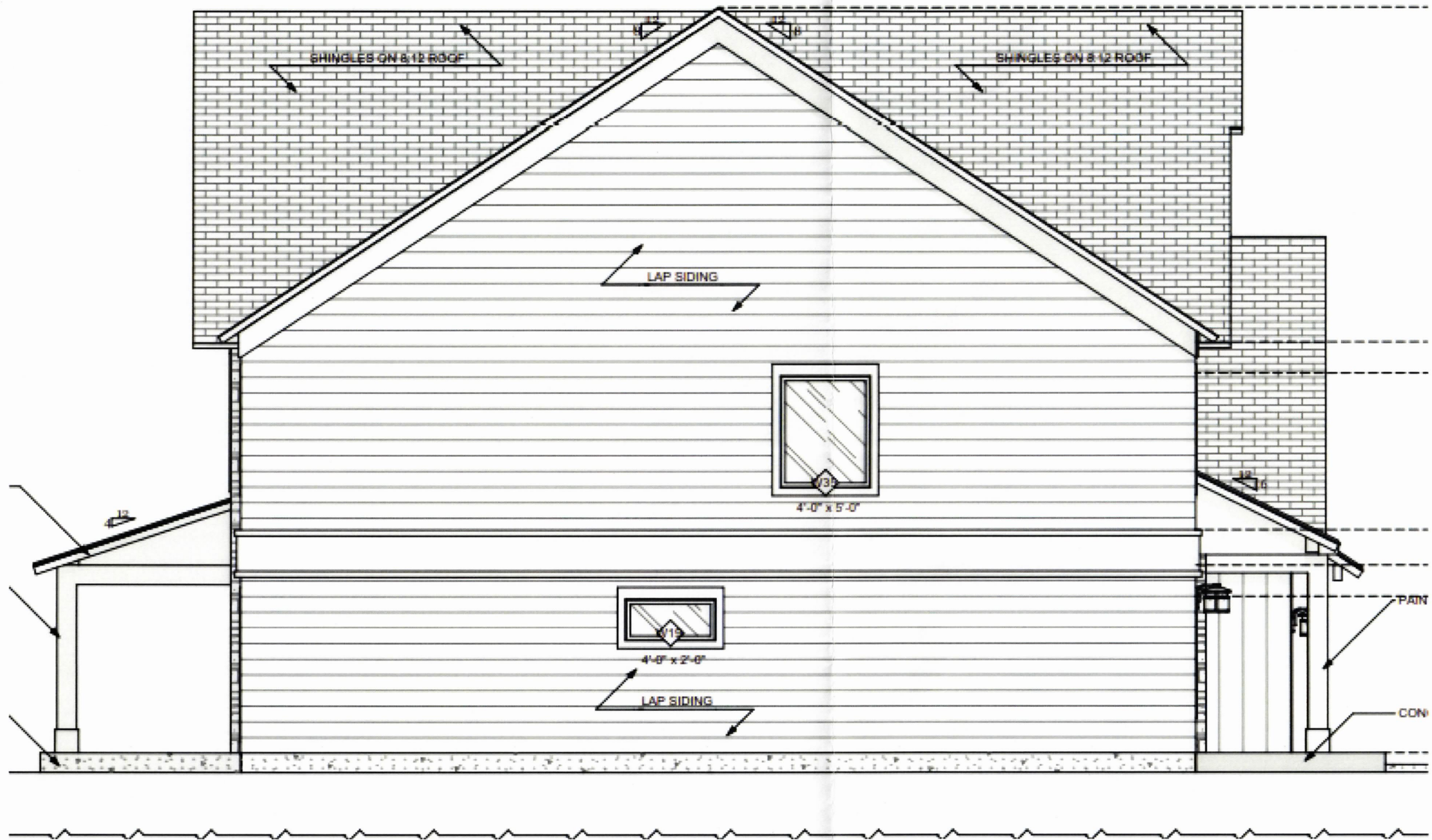
BACKFILL DETAILS



BACKFILL DETAILS



View from Wolf Lake, looking south.



Looking East from edge of lot.





Compliance inspection report form

Existing Subsurface Sewage Treatment System (SSTS)

Doc Type: Compliance and Enforcement

Instructions: Inspection results based on Minnesota Pollution Control Agency (MPCA) requirements and attached supporting documentation – additional local requirements may also apply. Further information can be found here: <https://www.pca.state.mn.us/sites/default/files/wq-wwists4-31a.pdf>.

Inspector must submit completed form to Local Governmental Unit (LGU) and system owner within 15 days of final determination of compliance or noncompliance.

Property information

Local tracking number: _____

Parcel ID# or Sec/Twp/Range: 07.01.02200 Local regulatory authority: Hubbard County

Property address: 32304 Wolf Lake Rd Cass Lake, MN 56633

Owner/representative: Ryan & Robin Wall Owner's phone: _____

Brief system description: 1,500 gal two compartment tank & 10'x25' rock bed mound.

System status

System status on date (mm/dd/yyyy): 5/4/2021

Compliant – Certificate of compliance*

(Valid for 3 years from report date unless evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8 is discovered or a shorter time frame exists in Local Ordinance.)

***Note: Compliance indicates conformance with Minn. R. 7080.1500 as of system status date above and does not guarantee future performance.**

Noncompliant – Notice of noncompliance

An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance or under section 145A.04 subdivision 8.

Systems failing to protect ground water must be upgraded, replaced, or use discontinued within the time required by local ordinance.

Reason(s) for noncompliance (check all applicable)

- Impact on public health (Compliance component #1) – *Imminent threat to public health and safety*
- Tank integrity (Compliance component #2) – *Failing to protect groundwater*
- Other Compliance Conditions (Compliance component #3) – *Imminent threat to public health and safety*
- Other Compliance Conditions (Compliance component #3) – *Failing to protect groundwater*
- System not abandoned according to Minn. R. 7080.2500 (Compliance component #3) – *Failing to protect groundwater*
- Soil separation (Compliance component #5) – *Failing to protect groundwater*
- Operating permit/monitoring plan requirements (Compliance component #4) – *Noncompliant - local ordinance applies*

Comments or recommendations

The homeowner is planning to build a new 3 bedroom dwelling. A design was provided to extend the existing 10'x25' by 13' to accommodate the additional bedroom.

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

By typing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Business name: H&R Septic Designs, LLC

Certification number: C4737

Inspector signature: 

License number: L3106

(This document has been electronically signed)

Phone: 218-759-0408

Necessary or locally required supporting documentation (must be attached)

- Soil observation logs
- Locally required forms
- Tank Integrity Assessment
- Operating Permit
- Other information (list): _____

1. Impact on public health – Compliance component #1 of 5

Compliance criteria:

System discharges sewage to the ground surface	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System discharges sewage to drain tile or surface waters.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System causes sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No

Any "yes" answer above indicates the system is an imminent threat to public health and safety.

Describe verification methods and results:

Visual inspection

Attached supporting documentation:

- Other: _____
- Not applicable

2. Tank integrity – Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, leaching pit, or other pit?	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth?	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
If yes, which sewage tank(s) leaks:	

Any "yes" answer above indicates the system is failing to protect groundwater.

Describe verification methods and results:

A steel rod was used to verify a solid bottom.

Attached supporting documentation:

- Pumped at time of inspection
- Name of maintenance business: _____
- License number of maintenance business: _____
- Date of maintenance: _____
- Existing tank integrity assessment (Attach)
- Date of maintenance (mm/dd/yyyy): _____ (must be within three years)
- (See form instructions to ensure assessment complies with Minn. R. 7082.0700 subp. 4 B (1))
- Tank is Noncompliant (pumping not necessary – explain below)
- Other: _____

3. Other compliance conditions – Compliance component #3 of 5

3a. Maintenance hole covers appear to be structurally unsound (damaged, cracked, etc.), or unsecured?

Yes* No Unknown

3b. Other issues (*electrical hazards, etc.*) to immediately and adversely impact public health or safety? Yes* No Unknown

***Yes to 3a or 3b - System is an imminent threat to public health and safety.**

3c. System is non-protective of ground water for other conditions as determined by inspector?

Yes* No

3d. System not abandoned in accordance with Minn. R. 7080.2500?

Yes* No

***Yes to 3c or 3d - System is failing to protect groundwater.**

Describe verification methods and results:

Attached supporting documentation: Not applicable _____

4. Operating permit and nitrogen BMP* – Compliance component #4 of 5 Not applicable

Is the system operated under an Operating Permit?

Yes No

If "yes", A below is required

Is the system required to employ a Nitrogen BMP specified in the system design? Yes No

If "yes", B below is required

BMP = Best Management Practice(s) specified in the system design

If the answer to both questions is "no", this section does not need to be completed.

Compliance criteria:

a. Have the operating permit requirements been met?

Yes No

b. Is the required nitrogen BMP in place and properly functioning?

Yes No

Any "no" answer indicates noncompliance.

Describe verification methods and results:

Attached supporting documentation: Operating permit (Attach) _____

5. Soil separation – Compliance component #5 of 5

Date of installation 10/15/1998 Unknown
(mm/dd/yyyy)

Shoreland/Wellhead protection/Food beverage lodging? Yes No

Compliance criteria (select one):

5a. For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment: Yes No*

Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.

5b. Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment: Yes No*

Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.*

5c. "Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules 7080.2350 or 7080.2400 (Advanced Inspector License required) Yes No*

Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.

Attached supporting documentation:

- Soil observation logs completed for the report (Attach)
- Two previous verifications of required vertical separation (Attach)
- Not applicable (No soil treatment area)
- _____

Indicate depths or elevations

A. Bottom of distribution media	98.70'
B. Periodically saturated soil/bedrock	95.29'
C. System separation	3.41'
D. Required compliance separation*	3'

*May be reduced up to 15 percent if allowed by Local Ordinance.

***Any "no" answer above indicates the system is failing to protect groundwater.**

Describe verification methods and results:


Upgrade requirements: (Minn. Stat. § 115.55) *An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.*



Soil Observation Log

Project ID: Design

v 04.01.2020

Client: Ryan & Robin Wall				Location / Address: 32304 Wolf Lake Rd Cass Lake, MN 56633							
Soil parent material(s): (Check all that apply)				<input checked="" type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Loess <input type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter							
Landscape Position: (select one)		Back/Side Slope		Slope %: 2.0		Slope shape		Convex, Linear		Elevation-relative to benchmark: 97.87'	
Vegetation: Lawn			Soil survey map units:			A1B			Limiting Layer Elevation: 95.29'		
Weather Conditions/Time of Day:		Sunny 58oF			5:00:00 PM		Date		05/04/21		
Observation #/Location:		Soil Boring 1				Observation Type:		Auger			
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure				
							Shape	Grade	Consistence		
0-12	Sand	<35%	10YR 3/2				Granular	Moderate	Friable		
12-16	Loamy Sand	<35%	10YR 3/1				Granular	Moderate	Friable		
16-24	Coarse Sand	<35%	10YR 4/3				Single grain	Structureless	Loose		
24-31	Coarse Sand	<35%	10YR 5/3	10YR 6/2			Single grain	Structureless	Loose		
31-34	Coarse Sand	<35%	10YR 6/2		Depletions	S2	Single grain	Structureless	Loose		
Comments											
I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.											
H&R Septic Designs						L3106			5/4/2021		
(Designer/Inspector)			(Signature)			(License #)			(Date)		



Soil Observation Log

Project ID: Design

v 04.01.2020


Client: Ryan & Robin Wall				Location / Address: 32304 Wolf Lake Rd Cass Lake, MN 56633					
Soil parent material(s): (Check all that apply)				<input checked="" type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Loess <input type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter					
Landscape Position: (select one)		Back/Side Slope	Slope %: 2.0	Slope shape		Convex, Linear		Elevation-relative to benchmark: 97.55'	
Vegetation: Lawn		Soil survey map units: A1B			Limiting Layer Elevation: 94.88'				
Weather Conditions/Time of Day:		Sunny 58oF		5:10 PM		Date: 05/04/21			
Observation #/Location:		Soil Boring 2			Observation Type: Auger				
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	I----- Structure-----I		
							Shape	Grade	Consistence
0-14	Loamy Sand	<35%	10YR 3/1				Granular	Moderate	Friable
14-27	Coarse Sand	<35%	10YR 4/3				Single grain	Structureless	Loose
27-32	Coarse Sand	<35%	10YR 4/4				Single grain	Structureless	Loose
32	Coarse Sand	<35%	10YR 6/1		Depletions	S2	Single grain	Structureless	Loose
Comments									
I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.									
H&R Septic Designs						L3106		5/4/2021	
(Designer/Inspector)			(Signature)			(License #)		(Date)	



Soil Observation Log

Project ID: Design

v 04.01.2020

Client: Ryan & Robin Wall				Location / Address: 32304 Wolf Lake Rd Cass Lake, MN 56633						
Soil parent material(s): (Check all that apply)				<input checked="" type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Loess <input type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter						
Landscape Position: (select one)		Back/Side Slope		Slope %:	2.0	Slope shape	Convex, Linear		Elevation-relative to benchmark:	97.42'
Vegetation:		Lawn		Soil survey map units:			A1B		Limiting Layer Elevation:	94.92'
Weather Conditions/Time of Day:		Sunny 58oF			5:20 PM		Date	05/04/21		
Observation #/Location:		Soil Boring 3				Observation Type: Auger				
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure			
							Shape	Grade	Consistence	
0-12	Loamy Sand	<35%	10YR 3/1				Granular	Moderate	Friable	
12-25	Coarse Sand	<35%	10YR 4/3				Single grain	Structureless	Loose	
25-30	Coarse Sand	<35%	10YR 4/4				Single grain	Structureless	Loose	
30	Coarse Sand	<35%	10YR 6/1		Depletions	S2	Single grain	Structureless	Loose	
Comments										
I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.										
H&R Septic Deisgns						L3106		5/4/2021		
(Designer/Inspector)			(Signature)			(License #)		(Date)		



07.01.02200
32304 Wolf Lake Rd
Cass Lake, MN 56633

Legend



No delinquent taxes and transfer entered; Certificate of Real Estate Value (X) filed () not required
 Certificate of Real Estate Value No. 15430
June 24, 2013
 Pam Heeren
 County Auditor
 by 07.01.02200 Jah Deputy

A000366582
 OFFICE OF THE COUNTY RECORDER
 HUBBARD COUNTY, MINNESOTA
 CERTIFIED, FILED, AND/OR
 RECORDED ON
 6/24/2013 12:05:02 PM
 AS DOC #: A000366582
 NICOLE K. LUETH
 HUBBARD COUNTY RECORDER
 BY LMS Dep
 PAGES: 2
 Well Disc Recd _____

MINNESOTA WARRANTY DEED

DEED TAX DUE HEREON: \$ 495.00

Date: June 11, 2013.

FOR VALUABLE CONSIDERATION, Michael G. Thompson and Darcy J. Thompson, husband and wife, Grantors, hereby convey and warrant to Ryan J. Wall and Robin L. Wall, Grantees, as joint tenants, and not as tenants in common, in and to real property in HUBBARD COUNTY, Minnesota, described as follows:

That part of Government Lot 9, Section 1, Township 145 North, Range 32 West, lying easterly of "Line 1" and westerly of "Line 2". "Line 1" is a straight line from the shore line of Mud Lake (Spring Lake) through Point G and Point H to the shore line of Wolf Lake, according to the following description locating and identifying said Point G and Point H: Commencing at the southwest corner of said Government Lot 9; thence North 00°28'38" East, bearing assumed, along the West line of said Government Lot 9, a distance of 1302.02 feet; thence South 89°31'22" East a distance of 861.24 feet to a capped iron pipe 1/2 inch in diameter, marked RLS 15483 designated as Point G; thence North 5°39'50" East a distance of 124.87 feet to an iron pipe 1 1/2 inch in diameter designated as Point H. "Line 2" is a straight line from the shore line of Mud Lake (Spring Lake) through Point E and Point F to the shoreline of Wolf Lake, according to the following description locating and identifying said Point E and said Point F: Commencing at the southwest corner of said Government Lot 9; thence North 00°28'38" East, bearing assumed, along the West line of said Government Lot 9, a distance of 1326.17 feet; thence South 89°31'22" East a distance of 989.01 feet to an iron pipe 3/4 inch in diameter designated as Point E; thence North 3°35'44" West a distance of 100.84 feet to an iron pipe 1 1/2 inch in diameter designated as Point F.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: the lien of all unpaid special assessments and interest thereon;

- The Grantor certifies that the 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 certify that the status and number of wells on the described real property have not changed since the last previously filed Well Disclosure Certificate.

Michael G. Thompson
 Michael G. Thompson
Darcy J. Thompson
 Darcy J. Thompson

STATE OF ND
 COUNTY OF Grand Forks SS

The foregoing instrument was acknowledged before me this 11 day of June, 2013 by Michael G. Thompson and Darcy J. Thompson, husband and wife, Grantors.

CHERYL A. HORN
 NOTARY PUBLIC
 STATE OF NORTH DAKOTA
 My Commission Expires: Mar 2, 2018

[Signature]
 Notary Public
 My Commission Expires:

HUBBARD COUNTY
 Dead Tax
 \$ 495.00 Paid
 Date 6/24/13 No. 28299
Pam Heeren Co. Aud/Treas
JH Deputy

Written Directions to 32304 Wolf Lake Rd, Cass Lake MN.

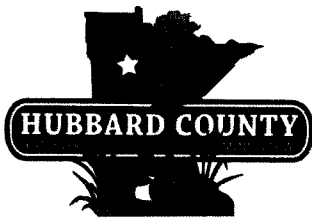
From Park Rapids, take US 71 North to US HWY 2, approximately 49 miles. Turn right onto US 2, heading East, for 9 miles and take a left on Big Wolf Lake Rd. You will be heading north on a gravel road, continue on this road – it will curve back to the east. Once heading East, 32304 will be the third residence on the left hand side of the road.



DISCLAIMER: Information available on or accessed from Hubbard County's GIS maps is provided for informational and reference purposes only and has not been prepared for and may not be suitable for legal, engineering, or surveying purposes. Hubbard County makes no guarantee as to the accuracy, currency, suitability, performance, merchantability, reliability, or fitness of this data and information for any particular purpose. Hubbard County shall not be liable for any incidental or consequential damages, losses, or third party claims that might arise from the use of maps or the information they contain, even if Hubbard County has been advised of the possibility of such potential loss or damage. This data may not be used in jurisdictions that do not allow the exclusion or limitation of incidental or consequential damages.

39-V-21 Wall

PARCEL ID	TAXPAYER NAME 1	TAXPAYER NAME 2	TAXPAYER ADDRESS 1	TAXPAYER CITY	TAXI	ZIP
07.01.02400	BPIL LLC		PO BOX 70	LAKE BLUFF	IL	60044
07.01.03000	DOBLE FAMILY REV LIV TRUST		16300 W BOULDER DR	SURPRISE	AZ	85374
07.01.02900	JOHN V GEIST ETAL		1404 NE 77TH ST	KANSAS CITY	MO	64118
07.01.02910	LORI L HILMER		32326 WOLF LAKE RD	CASS LAKE	MN	56633
07.01.02700	SFBWL TRUST	JAMES SOULIDES TTE	10526 W CERMAK RD STE 101	WESTCHESTER	IL	60154
07.01.02200	RYAN J & ROBIN L WALL		772 ASHLEY LN NE	THOMPSON	ND	58278
07.01.02600	FOTINI FRAN WESTROM		1139 CORDULA CIRCLE	NAPERVILLE	IL	60564



Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

Notice of Hubbard County Board of Adjustment Public Hearing/Meeting for Variance Application 39-V-21

Applicant: Ryan and Robin Wall

Property Address: 32304 Wolf Lake Road, Cass Lake, MN 56633

Legal Description: Part of Gov't Lot 9, Section 1, Township 145, Range 32

Parcel ID #: 07.01.02200

Lot Viewal Date: Thursday, July 22, 2021 at approximately 11:40 a.m. (*Please allow at least ± 30 minutes of scheduled time.*)

Hearing/Meeting Date: **Monday, July 26, 2021 at 6:00 p.m.**

Place: Hubbard County Government Center, 3rd Floor Board Room # 324.

Purpose: Applicants are requesting a variance from Sections 507.1, 704, 902, and 904.6 of the Shoreland Management Ordinance to replace a nonconforming residence with a new, larger structure that will not comply with the 3' vertical separation between the highest known water level and the structure's lowest floor and further exceed the 25% impervious surface area threshold. Also requesting a variance to place fill on the lot in excess of the permissible threshold in order to allow the structure to comply with Section 507.1.

Above please find a Public Hearing Notice for your information. An effort has been made to notify all the property owners within 500 feet of the premises concerned. To ensure that everyone has been notified, please share this notice with any interested property owners that may have not been notified by mail. Should you have any further questions, please contact the Environmental Services Office at 218-732-3890.

Variance applications may be viewed on the Environmental Services webpage (www.co.hubbard.mn.us/departments/environmental_services/index.php) by clicking on the "Planning Commission/Board of Adjustment" link in the "Links" column, then clicking on "2021" on the "Document Center" page that opens, and then clicking on the hyperlink for the month's meeting agenda document. Individual agenda item applications can be viewed by clicking on the hyperlinks within the meeting agenda document. Information on what the Planning Commission/Board of Adjustment is and does and the findings of fact forms are also available by clicking on "Information" on the PC/BOA Document Center webpage.

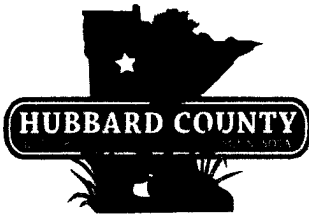
Written comments/materials on any agenda items must be submitted to Hubbard County Environmental Services, 301 Court Ave., Park Rapids, MN 56470 by 3:30 p.m. on Wednesday, July 21, 2021 and include the submitter's complete name and address of residence.

Variance Application 39-V-21 by Ryan and Robin Wall
2020 Aerial Imagery with 2' Elevation Contours Overlain



Variance Application 39-V-21 by Ryan and Robin Wall
2020 Aerial Imagery with 2' Elevation Contours Overlain





Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890

www.co.hubbard.mn.us/departments/environmental_services/index.php

August 25, 2021

Ryan and Robin Wall
772 Ashley LN NE
Thompson, ND 58278

Re: Hubbard County Board of Adjustment decision for Variance Application 39-V-21

Dear Mr. and Mrs. Wall,

The Hubbard County Board of Adjustment met on Monday, August 23, 2021 to review and consider the following variance application:

Variance Application 39-V-21 by Ryan and Robin Wall: Part of Gov't Lot 9, Section 1, Township 145, Range 32, Farden Township between Wolf Lake, a recreational development lake and Mud Lake, a natural environment lake. Parcel ID 07.01.02200. Applicants are requesting a variance from Sections 507.1, 704, 902, and 904.6 of the Shoreland Management Ordinance to replace a nonconforming residence with a new, larger structure that will not comply with the 3' vertical separation between the highest known water level and the structure's lowest floor and further exceed the 25% impervious surface area threshold. Also requesting a variance to place fill on the lot in excess of the permissible threshold in order to allow the structure to comply with Section 507.1.

The official decision of the Hubbard County Board of Adjustment is as follows:

Grob made a motion to approve the variance application with the following conditions:

1. All existing structures must be removed from the property.
2. The three stormwater basins shown in the application's stormwater management plan (i.e. Outlets A, B, and C) must be constructed to the dimensions shown in the plan and properly maintained.
3. Prior Variance 8-V-09 and Variance 75-74 cannot be acted upon if this Variance 39-V-21 is acted upon.
4. The height of the residential dwelling structure that is the subject of this application shall be 27 feet or less as measured from the top of the foundation slab.

Petersen seconded the motion that passed 5 – 0.

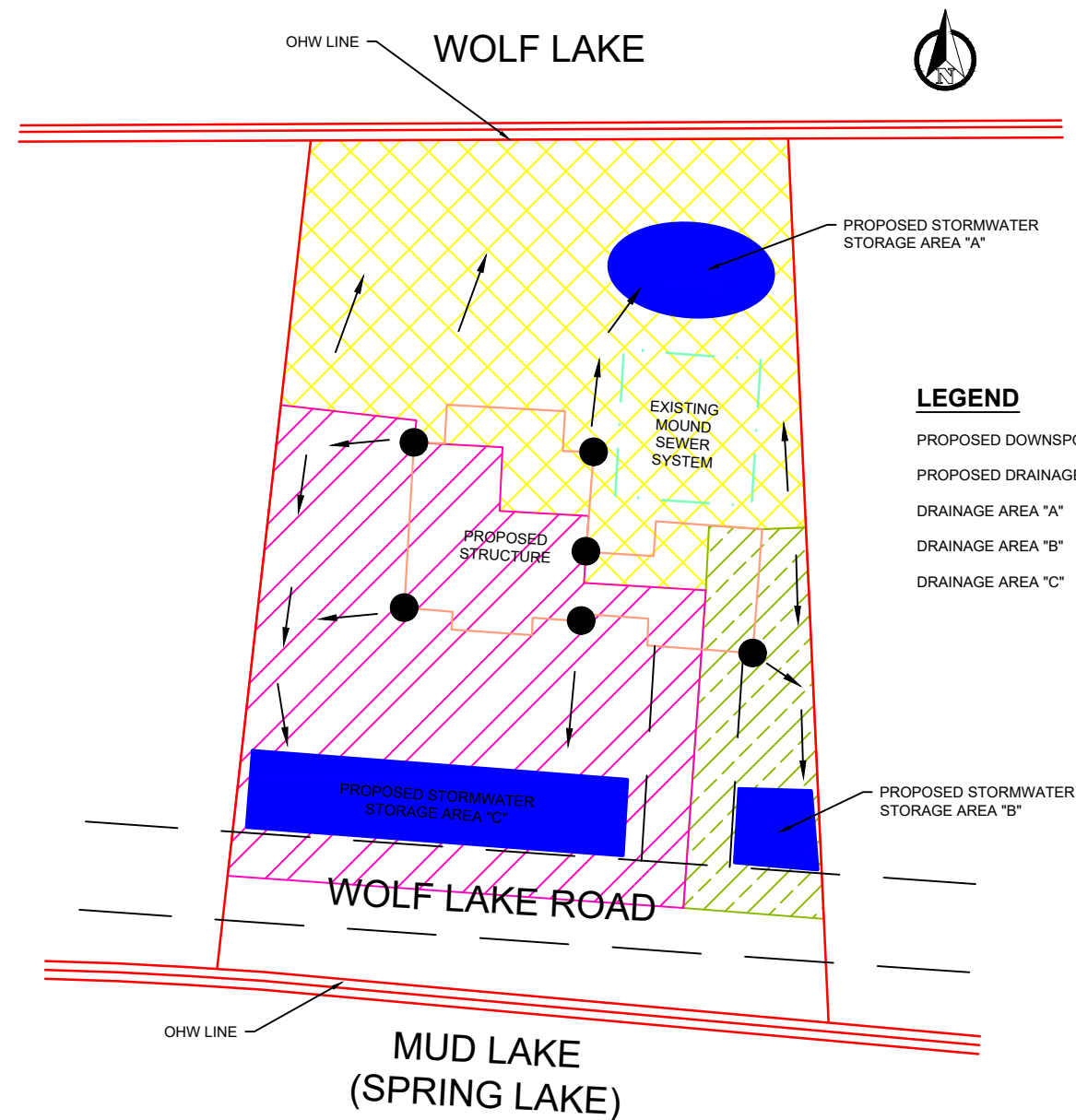
This is in accordance with Section 1103 of the Hubbard County Shoreland Management Ordinance and the findings of fact on file with the Environmental Services Department.

As this property is located in the Mississippi Headwaters Corridor and is thus subject to the Mississippi Headwaters Comprehensive Plan, the Mississippi Headwaters Board (MHB) must certify the Board of Adjustment's (BOA) decision in order for this variance to be valid. I will take care of presenting the BOA's decision to the MHB for certification and target the September 24, 2021 MHB meeting for doing so. If the MHB certifies the BOA's decision, then the variance will be valid and you may then submit applications for the necessary permits for the proposed work.

Please contact our department at (218) 732-3890 with any questions.

Most sincerely,

Eric Buitenwerf
Environmental Services Director



SITE LAYOUT
NO SCALE

Sub-Area	Flows Into	Total Area (sf)	Total Area (ac)	Weighted CN	Tc (hr)
Lake Side	Outlet A	8766.3	0.201	44	0.1
Road Side - East	Outlet B	2214.4	0.051	50	0.1
Road Side - West	Outlet C	8793.3	0.202	22	0.1
Uncaptured - Mud Lake	NA	2828.2	0.065	NA	NA

Lake Side - Outlet A					Stormwater Storage Area Dimensions			*Volume Provided (CF)
24 Hr - Storm Event	24 Hr Rainfall Amount	Runoff Amount (In)	Area (SF)	Volume Required (CF)	Length	Width	Depth	
2 Year	2.43	0	8766.3	0.0	15.0	15.0	0.5	112.5
5 Year	3.03	0	8766.3	0.0	15.0	15.0	0.5	112.5
10 Year	3.59	0	8766.3	0.0	15.0	15.0	0.5	112.5
25 Year	4.45	0	8766.3	0.0	15.0	15.0	0.5	112.5
50 Year	5.18	0.046	8766.3	33.6	15.0	15.0	0.5	112.5
100 Year	5.98	0.155	8766.3	113.2	15.0	15.0	0.5	112.5

* STORMWATER STORAGE VOLUME PROVIDED IS BASED ON THE PROPOSED CONSTRUCTION OF A SWALE ON THE NORTH SIDE OF THE EXISTING SEWER SYSTEM.

Road Side - Outlet B (East)					Stormwater Storage Area Dimensions			**Volume Provided (CF)
24 Hr - Storm Event	24 Hr Rainfall Amount	Runoff Amount (In)	Area (SF)	Volume Required (CF)	Length	Width	Depth	
2 Year	2.43	0	2214.4	0.0	20.0	8.0	1.0	160.0
5 Year	3.03	0	2214.4	0.0	20.0	8.0	1.0	160.0
10 Year	3.59	0.100	2214.4	18.5	20.0	8.0	1.0	160.0
25 Year	4.45	0.342	2214.4	63.1	20.0	8.0	1.0	160.0
50 Year	5.18	0.553	2214.4	102.0	20.0	8.0	1.0	160.0
100 Year	5.98	0.831	2214.4	153.3	20.0	8.0	1.0	160.0

** STORMWATER STORAGE VOLUME PROVIDED IS BASED ON THE EXISTING SWALE ALONG "WOLF LAKE ROAD".

Road Side - Outlet C (West)					Stormwater Storage Area Dimensions			***Volume Provided (CF)
24 Hr - Storm Event	24 Hr Rainfall Amount	Runoff Amount (In)	Area (SF)	Volume Required (CF)	Length	Width	Depth	
2 Year	2.43	0	8793.3	0.0	70.0	10.0	1.0	700.0
5 Year	3.03	0	8793.3	0.0	70.0	10.0	1.0	700.0
10 Year	3.59	0.083	8793.3	60.8	70.0	10.0	1.0	700.0
25 Year	4.45	0.253	8793.3	185.4	70.0	10.0	1.0	700.0
50 Year	5.18	0.494	8793.3	362.0	70.0	10.0	1.0	700.0
100 Year	5.98	0.786	8793.3	576.0	70.0	10.0	1.0	700.0

*** STORMWATER STORAGE VOLUME PROVIDED IS BASED ON THE EXISTING SWALE ALONG "WOLF LAKE ROAD".

GENERAL NOTES:

1. RAINFALL DATA IS BASED ON THE LOCAL NOAA ATLAS 14, VOLUME 8, VERSION 2 WITH A LOCATION OF BEMIDJI, MN.
2. EXISTING SOIL TYPES WERE DETERMINED USING EXISTING SOIL BORING DATA PROVIDED FROM THE "MPCA COMPLIANCE INSPECTION REPORT FORM" AND THE USDA "WEB SOIL SURVEY". COPIES OF THESE ARE PROVIDED IN APPENDIX C.
3. EXISTING SOILS SHALL BE UTILIZED DURING STORMWATER POND CONSTRUCTION.
4. THE RUNOFF FROM A 2" RAINFALL EVENT OVER A 3-HR PERIOD IS EQUIVALENT TO A 5 YEAR 24-HOUR STORM EVENT. LOCAL STORM EVEN DATA IS PROVIDED IN APPENDIX B.

REVISIONS			
REV.	DATE	BY	DESCRIPTION

Professional Engineer
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 Professional Engineer under the laws of the state of Minnesota.
Signature: *Zach L. Bopp*
Type or Printed Name: Zach L. Bopp
Date: 08/11/2021 License Number: 51742



STORMWATER MANAGEMENT PLAN
PREPARED FOR:
RYAN WALL
32304 WOLF LAKE ROAD
CASS LAKE, MN 56633

SITE LAYOUT

DRAWN BY ZLB	DESIGN BY ZLB	CHECKED BY ZLB	DATE 08/11/21
PROJ NO. 21.012		OWNER PROJ NO.	DRAW. NO. 101

Appendix A

Hydraulic Model Reports

WinTR-20 Printed Page File Beginning of Input Data List
 TR20.inp

WinTR-20: Version 1.10 0 0 0.05
 Wall Lot - 32304 Wolf Lake Rd
 Lake Side - Sub Area

SUB-AREA:
 Lake Side Outlet .00031 44. .1

STREAM REACH:

STORM ANALYSIS:
 2-Yr 2.43 Type II 2
 5-Yr 3.03 Type II 2
 10-Yr 3.59 Type II 2
 25-Yr 4.45 Type II 2
 50-Yr 5.18 Type II 2
 100-Yr 5.98 Type II 2

STRUCTURE RATING:

GLOBAL OUTPUT:
 2 0.05 YYYYN YYYYN

WinTR-20 Printed Page File End of Input Data List

Wall Lot - 32304 Wolf Lake Rd
 Lake Side - Sub Area

Name of printed page file:
 TR20.out

STORM 2-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Rate (csm)
Lake Side	0.310E-03		0.0		24.00	0.0	0.0
OUTLET	0.310E-03		0.0		24.00	0.0	0.0

STORM 5-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Rate (csm)
Lake Side	0.310E-03		0.0		14.57	0.0	0.0
OUTLET	0.310E-03		0.0		14.57	0.0	0.0

STORM 10-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Rate (csm)
Lake Side	0.310E-03		0.0		12.27	0.0	0.0
OUTLET	0.310E-03		0.0		12.27	0.0	0.0

STORM 25-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Rate (csm)
Lake Side	0.310E-03		0.0		11.90	0.0	0.0

WinTR-20 Printed Page File Beginning of Input Data List
 TR20.inp

WinTR-20: Version 1.10 0 0 0.05
 Lot - 32304 Wolf Lake Rd (continued)
 Lake Side - Sub Area

STORM 25-Yr
 SUB-AREA:

Lake Side Outlet .00031 44. .1

STREAM REACH:
 OUTLET 0.310E-03 0.0 11.90 0.0 0.0

STORM 50-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Rate (cfs)	Rate (csm)
Lake Side	0.310E-03		0.046		12.03	0.09	277.41

Line

Start Time (hr)	Flow (cfs)	Values @ time increment (cfs)	Flow (cfs)	Time (cfs)	of 0.006 hr (cfs)	(cfs)	(cfs)
11.964	0.05	0.06	0.06	0.06	0.07	0.07	0.08
12.008	0.08	0.08	0.08	0.09	0.09	0.08	0.08
12.053	0.08	0.07	0.07	0.06	0.06	0.05	

WinTR-20 Version 1.10

Page 1

08/04/2021 21:02

Wall Lot - 32304 Wolf Lake Rd
 Lake Side - Sub Area

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Rate (cfs)	Rate (csm)
OUTLET	0.310E-03		0.046		12.03	0.09	277.41

Line

Start Time (hr)	Flow (cfs)	Values @ time increment (cfs)	Flow (cfs)	Time (cfs)	of 0.006 hr (cfs)	(cfs)	(cfs)
11.964	0.05	0.06	0.06	0.06	0.07	0.07	0.08
12.008	0.08	0.08	0.08	0.09	0.09	0.08	0.08
12.053	0.08	0.07	0.07	0.06	0.06	0.05	

STORM 100-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Rate (cfs)	Rate (csm)
Lake Side	0.310E-03		0.155		12.02	0.17	548.96

Line

Start Time (hr)	Flow (cfs)	Values @ time increment (cfs)	Flow (cfs)	Time (cfs)	of 0.006 hr (cfs)	(cfs)	(cfs)
11.894	0.06	0.07	0.08	0.09	0.10	0.11	0.11
11.939	0.12	0.13	0.13	0.14	0.14	0.14	0.15
11.983	0.15	0.16	0.16	0.16	0.17	0.17	0.17
12.027	0.17	0.17	0.16	0.15	0.15	0.14	0.13
12.071	0.12	0.11	0.10	0.09	0.08	0.08	0.07
12.115	0.07	0.06	0.06	0.06	0.06	0.05	0.05
12.160	0.05						

Area or Drainage Rain Gage Runoff Peak Flow

WinTR-55, Version 1.00.10

Page 2

8/4/2021

9:02:49 PM

WinTR-20: Version 1.10 0 0 0.05 (continued)
Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area

STORM 100-Yr

SUB-AREA:
 Lake Side Outlet .00031 44. .1

STREAM REACH:
 Reach Area ID or Amount Elevation Time Rate Rate
 Identifier (sq mi) Location (in) (ft) (hr) (cfs) (csm)

OUTLET	0.310E-03			0.155		12.02	0.17	548.96
--------	-----------	--	--	-------	--	-------	------	--------

Line	Start Time (hr)	Flow (cfs)	Values @ time (cfs)	increment (cfs)	of 0.006 hr (cfs)	of 0.006 hr (cfs)	of 0.006 hr (cfs)	of 0.006 hr (cfs)
	11.894	0.06	0.07	0.08	0.09	0.10	0.11	0.11
	11.939	0.12	0.13	0.13	0.14	0.14	0.14	0.15
	11.983	0.15	0.16	0.16	0.16	0.17	0.17	0.17
	12.027	0.17	0.17	0.16	0.15	0.15	0.14	0.13
	12.071	0.12	0.11	0.10	0.09	0.08	0.08	0.07
	12.115	0.07	0.06	0.06	0.06	0.06	0.05	0.05
	12.160	0.05						

Wall Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area

Area or Reach Identifier	Drainage Area (sq mi)	Alternate	Peak Flow by Storm				
			2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)
Lake Side	0.310E-03		0.0	0.0	0.0	0.0	0.09
OUTLET	0.310E-03		0.0	0.0	0.0	0.0	0.09

Area or Reach Identifier	Drainage Area (sq mi)	Alternate	Peak Flow by Storm				
			100-Yr (cfs)	(cfs)	(cfs)	(cfs)	(cfs)
Lake Side	0.310E-03		0.17				
OUTLET	0.310E-03		0.17				

WinTR-20 Printed Page File
TR20.inp

Beginning of Input Data List

WinTR-20: Version 1.10
Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area

0 0 0.05

(continued)

STORM 100-Yr

SUB-AREA:

Lake Side Outlet

.00031 44. .1

STREAM REACH:

WinTR-55 Current Data Description

--- Identification Data ---

User: ZBopp Date: 8/4/2021
Project: Wall Lot - 32304 Wolf Lake Rd Units: English
SubTitle: Lake Side - Sub Area Areal Units: Acres
State: Minnesota
County: Cass
Filename: G:\My Drive\21.012 - Wall Stormwater Management Plan\WIN TR-55 Model\Wall Lot - 32304 Wolf Lake

--- Sub-Area Data ---

Name	Description	Reach	Area(ac)	RCN	Tc
Lake Side	Outlet A Sub Area	Outlet	0.2	44	0.1

Total area: .20 (ac)

--- Storm Data --

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
2.43	3.03	3.59	4.45	5.18	5.98	2.1

Storm Data Source: User-provided custom storm data
Rainfall Distribution Type: Type II
Dimensionless Unit Hydrograph: <standard>

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area
Cass County, Minnesota

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
2.43	3.03	3.59	4.45	5.18	5.98	2.1

Storm Data Source: User-provided custom storm data
Rainfall Distribution Type: Type II
Dimensionless Unit Hydrograph: <standard>

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area
Cass County, Minnesota

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period					
	2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)	100-Yr (cfs)

SUBAREAS						
Lake Side	.00	.00	.00	.00	0.09	0.17
REACHES						
OUTLET	.00	.00	.00	.00	0.09	0.17

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area
Cass County, Minnesota

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period					
	2-Yr (cfs) (hr)	5-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	50-Yr (cfs) (hr)	100-Yr (cfs) (hr)

SUBAREAS

Lake Side	.00	.00	.00	.00	0.09	0.17
	n/a	n/a	n/a	n/a	12.03	12.02

REACHES

OUTLET	.00	.00	.00	.00	0.09	0.17
--------	-----	-----	-----	-----	------	------

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area
Cass County, Minnesota

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
Lake Side	.20	0.100	44	Outlet	Outlet A Sub Area

Total Area:	.20 (ac)				

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area
Cass County, Minnesota

Sub-Area Time of Concentration Details

Sub-Area Identifier/	Flow Length (ft)	Slope (ft/ft)	Mannings's n	End Area (sq ft)	Wetted Perimeter (ft)	Velocity (ft/sec)	Travel Time (hr)

Lake Side							
SHEET	21	0.0095	0.011				0.009
SHALLOW	76	0.0132	2.43				0.011
						Time of Concentration	0.1
							=====

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Lake Side - Sub Area
Cass County, Minnesota

Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use	Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
Lake Side	Open space; grass cover > 75%	(good) A	.183	39
	Paved parking lots, roofs, driveways	A	.018	98
	Total Area / Weighted Curve Number		.2	44
			==	==

WinTR-20 Printed Page File Beginning of Input Data List
TR20.inp

WinTR-20: Version 1.10 0 0 0.05
Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

SUB-AREA:
Road Side Outlet .00008 64. .1

STREAM REACH:

STORM ANALYSIS:
2-Yr 2.43 Type II 2
5-Yr 3.03 Type II 2
10-Yr 3.59 Type II 2
25-Yr 4.45 Type II 2
50-Yr 5.18 Type II 2
100-Yr 5.98 Type II 2

STRUCTURE RATING:

GLOBAL OUTPUT:
2 0.05 YYYYN YYYYNN

WinTR-20 Printed Page File End of Input Data List

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

Name of printed page file:
TR20.out

STORM 2-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Rate (csm)
Road Side	0.800E-04		0.0		11.82	0.0	0.0
OUTLET	0.800E-04		0.0		11.82	0.0	0.0

STORM 5-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Rate (csm)
Road Side	0.800E-04		0.0		11.72	0.0	0.0
OUTLET	0.800E-04		0.0		11.72	0.0	0.0

STORM 10-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Rate (csm)
Road Side	0.800E-04		0.100		12.01	0.05	650.33

Line
Start Time (hr) ----- Flow Values @ time increment of 0.006 hr -----
(cfs) (cfs) (cfs) (cfs) (cfs) (cfs) (cfs) (cfs)

11.942	0.05	0.05	0.05	0.05	0.05	0.05	0.05
11.986	0.05	0.05	0.05	0.05	0.05	0.05	0.05
12.031	0.05						

WinTR-20: Version 1.10 0 0 0.05 (continued)
Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

STORM 10-Yr

SUB-AREA:
Road Side Outlet .00008 64. .1

STREAM REACH:

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
OUTLET	0.800E-04		0.100		12.01	0.05	650.33

Line Start Time (hr)	Flow (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)
11.942	0.05	0.05	0.05	0.05	0.05	0.05	0.05
11.986	0.05	0.05	0.05	0.05	0.05	0.05	0.05
12.031	0.05						

STORM 25-Yr

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
Road Side	0.800E-04		0.342		11.95	0.09	1137.76

Line Start Time (hr)	Flow (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)
11.860	0.05	0.06	0.06	0.06	0.07	0.07	0.08
11.904	0.08	0.08	0.08	0.09	0.09	0.09	0.09
11.948	0.09	0.09	0.09	0.09	0.09	0.09	0.09
11.992	0.09	0.09	0.09	0.09	0.09	0.09	0.08
12.037	0.08	0.08	0.07	0.07	0.06	0.06	0.05

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
OUTLET	0.800E-04		0.342		11.95	0.09	1137.76

Line Start Time (hr)	Flow (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)	Flow Values @ time increment (cfs)
11.860	0.05	0.06	0.06	0.06	0.07	0.07	0.08
11.904	0.08	0.08	0.08	0.09	0.09	0.09	0.09
11.948	0.09	0.09	0.09	0.09	0.09	0.09	0.09
11.992	0.09	0.09	0.09	0.09	0.09	0.09	0.08
12.037	0.08	0.08	0.07	0.07	0.06	0.06	0.05

STORM 50-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
--------------------------	-----------------------	--------------------------	--------------------	----------------	---------------------	----------------------	----------------------

WinTR-20: Version 1.10 0 0 0.05 (continued)
 Lot - 32304 Wolf Lake Rd
 Road Side - East Sub Area

STORM 50-Yr

SUB-AREA:
 Road Side Outlet .00008 64. .1

STREAM REACH:

Reach Identifier	Area (sq mi)	ID or Location	Amount (in)	Elevation (ft)	Time (hr)	Rate (cfs)	Rate (csm)
Road Side	0.800E-04		0.553		11.94	0.13	1614.29

Line Start Time (hr)	Flow (cfs)	Values @ time (cfs)	increment (cfs)	of 0.006 hr (cfs)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
11.818	0.05	0.05	0.06	0.06	0.07	0.08
11.862	0.08	0.09	0.09	0.10	0.11	0.11
11.907	0.12	0.12	0.12	0.13	0.13	0.13
11.951	0.13	0.13	0.13	0.13	0.12	0.12
11.995	0.12	0.12	0.12	0.12	0.12	0.11
12.039	0.11	0.10	0.10	0.09	0.07	0.07
12.084	0.06	0.06	0.05			

Wall Lot - 32304 Wolf Lake Rd
 Road Side - East Sub Area

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Time (hr)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
OUTLET	0.800E-04		0.553		11.94	0.13	1614.29

Line Start Time (hr)	Flow (cfs)	Values @ time (cfs)	increment (cfs)	of 0.006 hr (cfs)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
11.818	0.05	0.05	0.06	0.06	0.07	0.08
11.862	0.08	0.09	0.09	0.10	0.11	0.11
11.907	0.12	0.12	0.12	0.13	0.13	0.13
11.951	0.13	0.13	0.13	0.13	0.12	0.12
11.995	0.12	0.12	0.12	0.12	0.12	0.11
12.039	0.11	0.10	0.10	0.09	0.07	0.07
12.084	0.06	0.06	0.05			

STORM 100-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Time (hr)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
Road Side	0.800E-04		0.831		11.94	0.17	2177.17

Line Start Time (hr)	Flow (cfs)	Values @ time (cfs)	increment (cfs)	of 0.006 hr (cfs)	Peak Flow Rate (cfs)	Peak Flow Rate (csm)
11.767	0.05	0.05	0.06	0.06	0.06	0.07
11.811	0.07	0.07	0.08	0.08	0.09	0.10
11.855	0.10	0.11	0.12	0.13	0.14	0.15

WinTR-20: Version 1.10 0 0 0.05 (continued)
Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

STORM 100-Yr

SUB-AREA:
Road Side Outlet .00008 64. .1

STREAM REACH:

11.899	0.15	0.16	0.16	0.17	0.17	0.17	0.17
11.944	0.17	0.17	0.17	0.17	0.17	0.17	0.16
11.988	0.16	0.16	0.16	0.16	0.16	0.16	0.15
12.032	0.15	0.14	0.13	0.13	0.12	0.11	0.10
12.076	0.09	0.08	0.07	0.07	0.06	0.06	0.05
12.121	0.05						

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Flow Time (hr)	Flow Rate (cfs)	Rate (csm)
OUTLET	0.800E-04		0.831		11.94	0.17	2177.17

Line Start Time (hr)	Flow (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

Line Start Time (hr)	Flow (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)	Flow Values @ time (cfs)

WinTR-20: Version 1.10	0	0	0.05	(continued)
Lot - 32304 Wolf Lake Rd				
Road Side - East Sub Area				

STORM 100-Yr

SUB-AREA:			
Road Side Outlet	.00008	64.	.1

STREAM REACH:

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

Area or Reach Identifier	Drainage Area (sq mi)	Alternate	----- Peak Flow by Storm -----				
			2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)
Road Side	0.800E-04		0.0	0.0	0.05	0.09	0.13
OUTLET	0.800E-04		0.0	0.0	0.05	0.09	0.13

Area or Reach Identifier	Drainage Area (sq mi)	Alternate	----- Peak Flow by Storm -----				
			100-Yr (cfs)	(cfs)	(cfs)	(cfs)	(cfs)
Road Side	0.800E-04		0.17				
OUTLET	0.800E-04		0.17				

WinTR-20 Printed Page File
TR20.inp

Beginning of Input Data List

WinTR-20: Version 1.10
Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area

0 0 0.05

(continued)

STORM 100-Yr

SUB-AREA:

Road Side Outlet

.00008 64. .1

STREAM REACH:

WinTR-55 Current Data Description

--- Identification Data ---

User: ZBopp Date: 8/4/2021
 Project: Wall Lot - 32304 Wolf Lake Rd Units: English
 SubTitle: Road Side - East Sub Area Areal Units: Acres
 State: Minnesota
 County: Cass
 Filename: G:\My Drive\21.012 - Wall Stormwater Management Plan\WIN TR-55 Model\Wall Lot - 32304 Wolf Lake

--- Sub-Area Data ---

Name	Description	Reach	Area(ac)	RCN	Tc
Road Side	Outlet B Sub Area	Outlet	0.05	64	0.1

Total area: .05 (ac)

--- Storm Data --

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
2.43	3.03	3.59	4.45	5.18	5.98	2.1

Storm Data Source: User-provided custom storm data
 Rainfall Distribution Type: Type II
 Dimensionless Unit Hydrograph: <standard>

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area
Cass County, Minnesota

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
2.43	3.03	3.59	4.45	5.18	5.98	2.1

Storm Data Source: User-provided custom storm data
Rainfall Distribution Type: Type II
Dimensionless Unit Hydrograph: <standard>

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area
Cass County, Minnesota

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period					
	2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)	100-Yr (cfs)

SUBAREAS						
Road Side	.00	.00	0.05	0.09	0.13	0.17
REACHES						
OUTLET	.00	.00	0.05	0.09	0.13	0.17

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area
Cass County, Minnesota

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period					
	2-Yr (cfs) (hr)	5-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	50-Yr (cfs) (hr)	100-Yr (cfs) (hr)

SUBAREAS

Road Side	.00	.00	0.05	0.09	0.13	0.17
n/a	n/a	12.01	11.95	11.94	11.94	

REACHES

OUTLET	.00	.00	0.05	0.09	0.13	0.17
--------	-----	-----	------	------	------	------

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area
Cass County, Minnesota

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
Road Side	.05	0.100	64	Outlet	Outlet B Sub Area

Total Area:	.05 (ac)				

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area
Cass County, Minnesota

Sub-Area Time of Concentration Details

Sub-Area Identifier/	Flow Length (ft)	Slope (ft/ft)	Mannings's n	End Area (sq ft)	Wetted Perimeter (ft)	Velocity (ft/sec)	Travel Time (hr)

Road Side							
SHEET	27	0.0095	0.011				0.011
SHALLOW	40	0.0132	0.050				0.006
						Time of Concentration	0.1
							=====

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - East Sub Area
Cass County, Minnesota

Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use	Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
Road Side	Open space; grass cover > 75%	(good) A	.027	39
	Paved parking lots, roofs, driveways	A	.018	98
	Gravel (w/ right-of-way)	A	.007	76
	Total Area / Weighted Curve Number		.05	64
			===	==

WinTR-20: Version 1.10 0 0 0.05
 Lot - 32304 Wolf Lake Rd (continued)
 Road Side - West Sub Area

STORM 25-Yr

SUB-AREA:
 Road Side Outlet .00031 57. .1

STREAM REACH:

11.971	0.21	0.21	0.21	0.21	0.21	0.22	0.22
12.015	0.22	0.22	0.21	0.21	0.20	0.19	0.18
12.059	0.16	0.15	0.14	0.13	0.12	0.11	0.10
12.104	0.09	0.08	0.08	0.07	0.07	0.07	0.06
12.148	0.06	0.06	0.06	0.06	0.05	0.05	0.05
12.192	0.05	0.05	0.05				

STORM 50-Yr

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Flow Rate (csm)
Road Side	0.310E-03		0.494		11.96	0.33	1058.02

Wall Lot - 32304 Wolf Lake Rd
 Road Side - West Sub Area

Line Start Time (hr)	Flow Values @ time increment of 0.006 hr						
	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)
11.768	0.05	0.06	0.06	0.07	0.07	0.08	0.08
11.813	0.09	0.09	0.10	0.11	0.12	0.13	0.15
11.857	0.16	0.18	0.19	0.21	0.22	0.24	0.25
11.901	0.27	0.28	0.29	0.30	0.31	0.32	0.32
11.945	0.33	0.33	0.33	0.33	0.33	0.33	0.32
11.989	0.32	0.32	0.33	0.33	0.33	0.32	0.32
12.034	0.31	0.30	0.28	0.26	0.24	0.22	0.20
12.078	0.19	0.17	0.15	0.14	0.13	0.12	0.12
12.122	0.11	0.10	0.10	0.09	0.09	0.09	0.08
12.166	0.08	0.08	0.08	0.08	0.07	0.07	0.07
12.210	0.07	0.07	0.07	0.07	0.07	0.07	0.07
12.255	0.07	0.06	0.06	0.06	0.06	0.06	0.06
12.299	0.06	0.06	0.06	0.06	0.06	0.06	0.06
12.343	0.06	0.06	0.06	0.06	0.06	0.05	0.05
12.387	0.05	0.05	0.05	0.05	0.05	0.05	0.05
12.432	0.05	0.05					

Area or Reach Identifier	Drainage Area (sq mi)	Rain Gage ID or Location	Runoff Amount (in)	Elevation (ft)	Peak Time (hr)	Flow Rate (cfs)	Flow Rate (csm)
OUTLET	0.310E-03		0.494		11.96	0.33	1058.02

Line Start Time (hr)	Flow Values @ time increment of 0.006 hr						
	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)	(cfs)
11.768	0.05	0.06	0.06	0.07	0.07	0.08	0.08
11.813	0.09	0.09	0.10	0.11	0.12	0.13	0.15

WinTR-20 Printed Page File
TR20.inp

Beginning of Input Data List

WinTR-20: Version 1.10
Lot - 32304 Wolf Lake Rd
Road Side - West Sub Area

0 0 0.05

(continued)

STORM 100-Yr

SUB-AREA:

Road Side Outlet

.00031 57. .1

STREAM REACH:

WinTR-55 Current Data Description

--- Identification Data ---

User: ZBopp Date: 8/4/2021
 Project: Wall Lot - 32304 Wolf Lake Rd Units: English
 SubTitle: Road Side - West Sub Area Areal Units: Acres
 State: Minnesota
 County: Cass
 Filename: G:\My Drive\21.012 - Wall Stormwater Management Plan\WIN TR-55 Model\Wall Lot - 32304 Wolf Lake

--- Sub-Area Data ---

Name	Description	Reach	Area(ac)	RCN	Tc
Road Side	Road Side Outlet C	Outlet	0.2	57	0.1

Total area: .20 (ac)

--- Storm Data --

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
2.43	3.03	3.59	4.45	5.18	5.98	2.1

Storm Data Source: User-provided custom storm data
 Rainfall Distribution Type: Type II
 Dimensionless Unit Hydrograph: <standard>

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - West Sub Area
Cass County, Minnesota

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
2.43	3.03	3.59	4.45	5.18	5.98	2.1

Storm Data Source: User-provided custom storm data
Rainfall Distribution Type: Type II
Dimensionless Unit Hydrograph: <standard>

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - West Sub Area
Cass County, Minnesota

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period					
	2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)	100-Yr (cfs)

SUBAREAS						
Road Side	.00	.00	0.11	0.22	0.33	0.48
REACHES						
OUTLET	.00	.00	0.11	0.22	0.33	0.48

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - West Sub Area
Cass County, Minnesota

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period					
	2-Yr (cfs) (hr)	5-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	50-Yr (cfs) (hr)	100-Yr (cfs) (hr)

SUBAREAS

Road Side	.00	.00	0.11	0.22	0.33	0.48
	n/a	n/a	12.02	12.02	11.96	11.95

REACHES

OUTLET	.00	.00	0.11	0.22	0.33	0.48
--------	-----	-----	------	------	------	------

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - West Sub Area
Cass County, Minnesota

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
Road Side	.20	0.100	57	Outlet	Road Side Outlet C

Total Area:	.20 (ac)				

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - West Sub Area
Cass County, Minnesota

Sub-Area Time of Concentration Details

Sub-Area Identifier/	Flow Length (ft)	Slope (ft/ft)	Mannings's n	End Area (sq ft)	Wetted Perimeter (ft)	Velocity (ft/sec)	Travel Time (hr)

Road Side							
SHEET	37	0.0095	0.011				0.014
SHALLOW	41	0.0132	0.050				0.006
						Time of Concentration	0.1
							=====

ZBopp

Wall Lot - 32304 Wolf Lake Rd
Road Side - West Sub Area
Cass County, Minnesota

Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use	Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
Road Side	Open space; grass cover > 75%	(good) A	.133	39
	Paved parking lots, roofs, driveways	A	.045	98
	Gravel (w/ right-of-way)	A	.024	76
	Total Area / Weighted Curve Number		.2	57
			==	==

Appendix B

Storm Event Data



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Deborah Martin, Sandra Pavlovic, Ishani Roy, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Michael Yekta, Geoffery Bonnin

NOAA, National Weather Service, Silver Spring, Maryland

[PF_tabular](#) | [PF_graphical](#) | [Maps & aeriels](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches)¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.314 (0.248-0.405)	0.378 (0.299-0.488)	0.485 (0.381-0.627)	0.574 (0.449-0.744)	0.699 (0.527-0.925)	0.796 (0.585-1.06)	0.894 (0.634-1.21)	0.995 (0.676-1.37)	1.13 (0.737-1.58)	1.23 (0.783-1.74)
10-min	0.460 (0.363-0.593)	0.554 (0.437-0.715)	0.710 (0.558-0.918)	0.841 (0.657-1.09)	1.02 (0.771-1.35)	1.17 (0.857-1.55)	1.31 (0.929-1.77)	1.46 (0.990-2.00)	1.65 (1.08-2.32)	1.81 (1.15-2.55)
15-min	0.561 (0.443-0.723)	0.676 (0.533-0.872)	0.866 (0.681-1.12)	1.02 (0.801-1.33)	1.25 (0.940-1.65)	1.42 (1.05-1.90)	1.60 (1.13-2.16)	1.78 (1.21-2.44)	2.02 (1.32-2.82)	2.20 (1.40-3.11)
30-min	0.788 (0.622-1.02)	0.952 (0.751-1.23)	1.22 (0.961-1.58)	1.45 (1.13-1.88)	1.76 (1.33-2.33)	2.00 (1.47-2.67)	2.25 (1.59-3.04)	2.50 (1.70-3.43)	2.83 (1.84-3.96)	3.08 (1.96-4.35)
60-min	1.01 (0.797-1.30)	1.22 (0.960-1.57)	1.57 (1.23-2.02)	1.87 (1.46-2.42)	2.29 (1.73-3.04)	2.63 (1.93-3.51)	2.97 (2.11-4.03)	3.33 (2.27-4.60)	3.82 (2.50-5.36)	4.20 (2.67-5.94)
2-hr	1.23 (0.985-1.57)	1.48 (1.18-1.89)	1.91 (1.52-2.43)	2.28 (1.81-2.91)	2.82 (2.16-3.70)	3.25 (2.43-4.30)	3.70 (2.66-4.97)	4.17 (2.87-5.70)	4.82 (3.19-6.70)	5.33 (3.43-7.47)
3-hr	1.36 (1.10-1.72)	1.63 (1.31-2.06)	2.10 (1.69-2.65)	2.52 (2.01-3.19)	3.13 (2.42-4.10)	3.63 (2.74-4.78)	4.16 (3.02-5.57)	4.73 (3.29-6.44)	5.52 (3.68-7.65)	6.14 (3.98-8.56)
6-hr	1.60 (1.30-1.98)	1.90 (1.55-2.36)	2.43 (1.97-3.02)	2.91 (2.35-3.63)	3.64 (2.86-4.71)	4.24 (3.25-5.53)	4.89 (3.61-6.48)	5.59 (3.94-7.55)	6.58 (4.45-9.06)	7.38 (4.84-10.2)
12-hr	1.86 (1.54-2.27)	2.18 (1.80-2.67)	2.76 (2.27-3.38)	3.29 (2.69-4.04)	4.09 (3.26-5.24)	4.77 (3.70-6.14)	5.49 (4.10-7.20)	6.28 (4.49-8.39)	7.40 (5.07-10.1)	8.30 (5.51-11.4)
24-hr	2.13 (1.79-2.56)	2.48 (2.07-2.98)	3.10 (2.58-3.74)	3.67 (3.04-4.44)	4.53 (3.66-5.71)	5.26 (4.13-6.68)	6.04 (4.57-7.82)	6.89 (4.99-9.11)	8.10 (5.62-10.9)	9.07 (6.10-12.3)
2-day	2.42 (2.06-2.87)	2.80 (2.37-3.31)	3.47 (2.93-4.12)	4.08 (3.43-4.87)	5.02 (4.11-6.24)	5.80 (4.62-7.27)	6.65 (5.10-8.50)	7.57 (5.55-9.89)	8.88 (6.24-11.9)	9.94 (6.77-13.4)
3-day	2.64 (2.26-3.10)	3.04 (2.60-3.57)	3.75 (3.20-4.42)	4.40 (3.73-5.20)	5.38 (4.44-6.63)	6.21 (4.98-7.71)	7.09 (5.48-8.99)	8.05 (5.94-10.4)	9.41 (6.66-12.5)	10.5 (7.21-14.0)
4-day	2.85 (2.45-3.32)	3.26 (2.81-3.81)	4.01 (3.43-4.68)	4.68 (3.99-5.49)	5.69 (4.71-6.95)	6.53 (5.26-8.06)	7.43 (5.77-9.36)	8.40 (6.24-10.8)	9.77 (6.96-12.9)	10.9 (7.50-14.5)
7-day	3.41 (2.97-3.92)	3.88 (3.37-4.46)	4.69 (4.06-5.41)	5.40 (4.65-6.26)	6.45 (5.39-7.75)	7.30 (5.94-8.87)	8.20 (6.42-10.2)	9.15 (6.86-11.7)	10.5 (7.53-13.7)	11.5 (8.03-15.2)
10-day	3.92 (3.44-4.46)	4.43 (3.88-5.06)	5.31 (4.63-6.07)	6.06 (5.26-6.96)	7.14 (6.00-8.49)	8.01 (6.55-9.64)	8.90 (7.02-11.0)	9.84 (7.42-12.4)	11.1 (8.04-14.4)	12.1 (8.51-16.0)
20-day	5.37 (4.77-6.02)	6.03 (5.36-6.77)	7.12 (6.30-8.01)	8.02 (7.06-9.06)	9.26 (7.85-10.8)	10.2 (8.45-12.1)	11.2 (8.90-13.5)	12.1 (9.24-15.1)	13.4 (9.80-17.1)	14.4 (10.2-18.7)
30-day	6.57 (5.90-7.30)	7.38 (6.61-8.20)	8.66 (7.73-9.65)	9.71 (8.61-10.9)	11.1 (9.47-12.8)	12.1 (10.1-14.2)	13.2 (10.6-15.8)	14.2 (10.9-17.5)	15.5 (11.4-19.6)	16.4 (11.8-21.2)
45-day	8.10 (7.32-8.90)	9.09 (8.22-10.0)	10.7 (9.59-11.8)	11.9 (10.6-13.2)	13.5 (11.6-15.3)	14.7 (12.3-16.9)	15.8 (12.8-18.7)	16.8 (13.0-20.5)	18.1 (13.4-22.8)	19.0 (13.8-24.5)
60-day	9.40 (8.55-10.3)	10.6 (9.61-11.5)	12.4 (11.2-13.6)	13.8 (12.4-15.2)	15.6 (13.4-17.5)	16.9 (14.2-19.3)	18.0 (14.7-21.2)	19.1 (14.9-23.2)	20.4 (15.2-25.5)	21.3 (15.5-27.3)

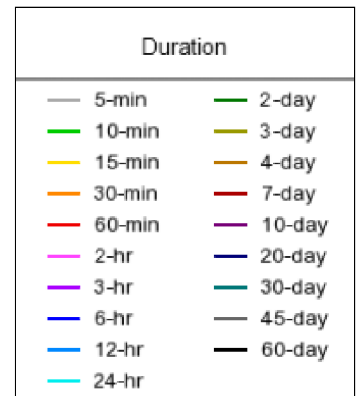
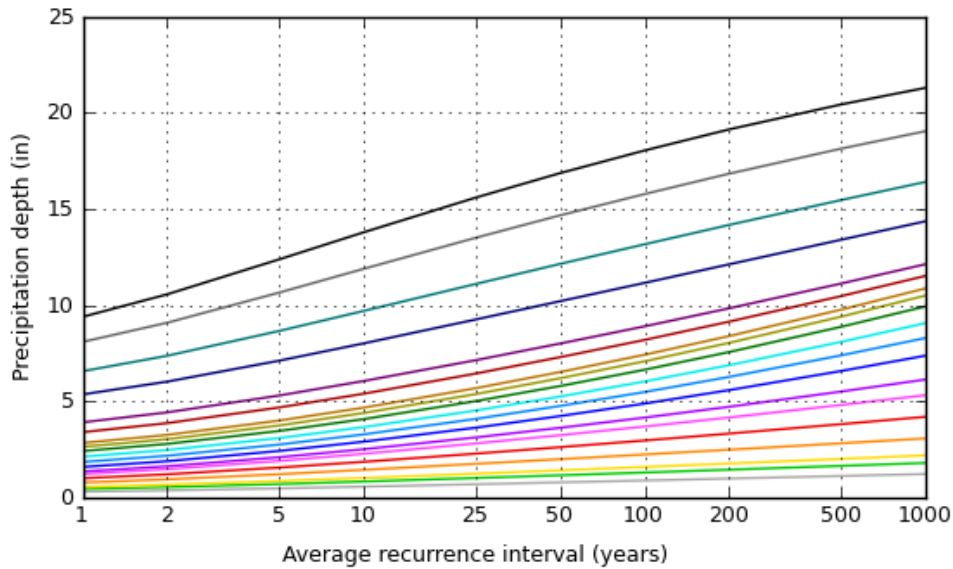
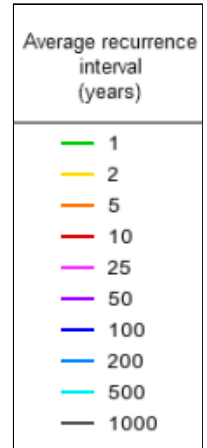
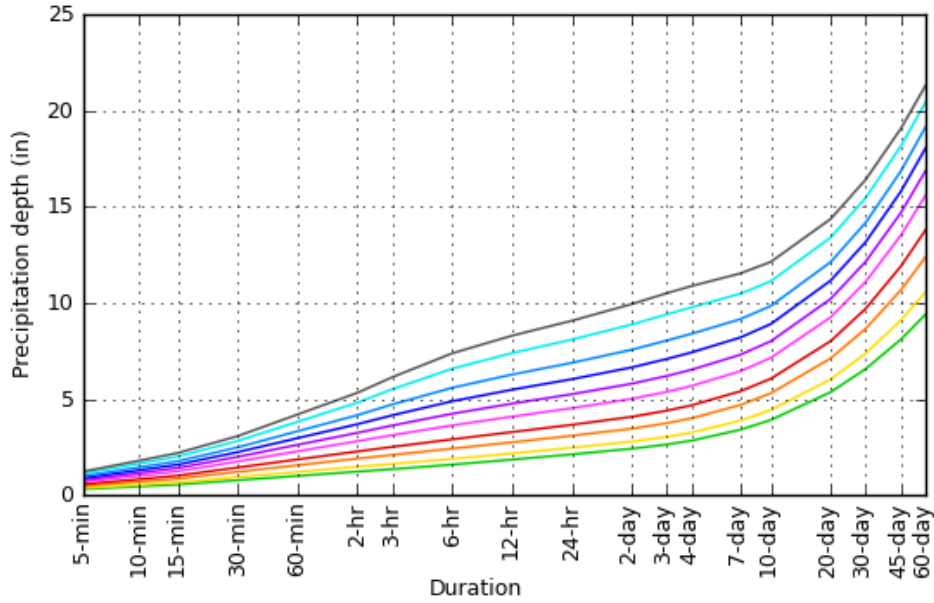
¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

PF graphical

PDS-based depth-duration-frequency (DDF) curves

Latitude: 47.4136°, Longitude: -94.6909°



[Back to Top](#)

Maps & aeriels

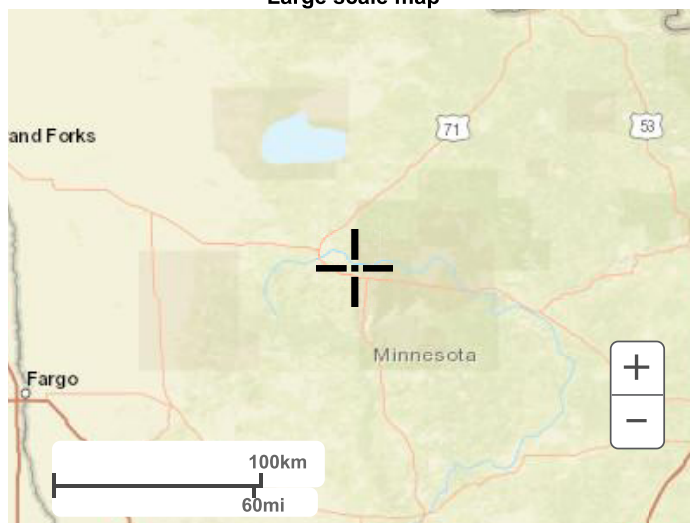
Small scale terrain



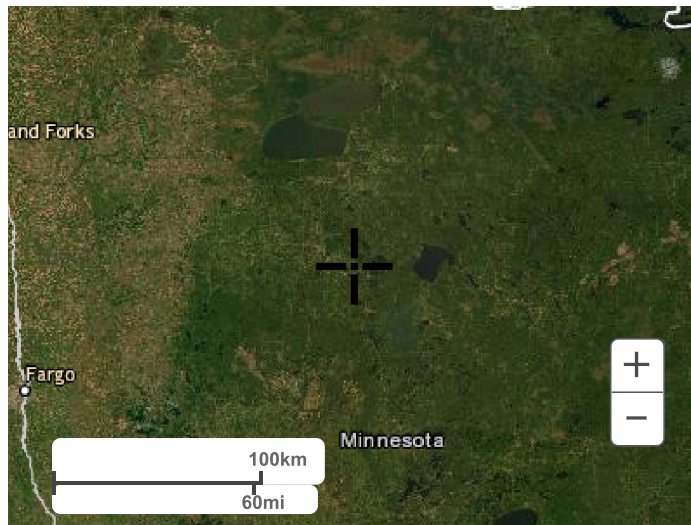
Large scale terrain



Large scale map



Large scale aerial



[Back to Top](#)

[US Department of Commerce](#)
[National Oceanic and Atmospheric Administration](#)
[National Weather Service](#)
[National Water Center](#)
1325 East West Highway
Silver Spring, MD 20910
Questions?: HDSC.Questions@noaa.gov

[Disclaimer](#)

Appendix C

Web Soil Survey



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Hubbard County, Minnesota

Wall Lot - 32304 Wolf Lake Road



August 4, 2021

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

Preface	2
How Soil Surveys Are Made	5
Soil Map	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
Hubbard County, Minnesota.....	13
A1B—Eagleview and Menahga soils, 1 to 8 percent slopes.....	13
W—Water.....	15
Soil Information for All Uses	16
Soil Properties and Qualities.....	16
Soil Qualities and Features.....	16
Unified Soil Classification (Surface).....	16
Hydrologic Soil Group.....	21
Drainage Class.....	25
AASHTO Group Classification (Surface).....	28
AASHTO Group Index.....	31
References	36

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

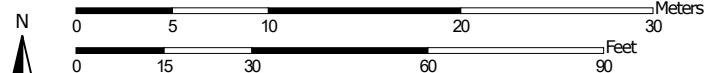
Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map




Map Scale: 1:393 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hubbard County, Minnesota
 Survey Area Data: Version 17, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 29, 2013—Jul 24, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
A1B	Eagleview and Menahga soils, 1 to 8 percent slopes	0.4	75.5%
W	Water	0.1	24.5%
Totals for Area of Interest		0.6	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Custom Soil Resource Report

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Hubbard County, Minnesota

A1B—Eagleview and Menahga soils, 1 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2x14c
Elevation: 590 to 2,030 feet
Mean annual precipitation: 24 to 30 inches
Mean annual air temperature: 37 to 46 degrees F
Frost-free period: 110 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Eagleview and similar soils: 60 percent
Menahga and similar soils: 25 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Eagleview

Setting

Landform: Flats
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Sandy outwash

Typical profile

A - 0 to 4 inches: loamy sand
E - 4 to 23 inches: sand
E and Bt - 23 to 37 inches: sand
C - 37 to 79 inches: sand

Properties and qualities

Slope: 1 to 8 percent
Surface area covered with cobbles, stones or boulders: 0.0 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 20.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: Low (about 3.7 inches)

Interpretive groups

Land capability classification (irrigated): 4s
Land capability classification (nonirrigated): 4s
Hydrologic Soil Group: A
Ecological site: F057XY023MN - Dry Sandy Upland Coniferous Forest
Forage suitability group: Sandy (G057XN022MN)
Other vegetative classification: Sandy (G057XN022MN)
Hydric soil rating: No

Description of Menahga

Setting

Landform: Flats
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Linear
Parent material: Sandy outwash

Typical profile

A - 0 to 3 inches: loamy sand
Bw - 3 to 17 inches: loamy sand
C - 17 to 79 inches: sand

Properties and qualities

Slope: 1 to 8 percent
Surface area covered with cobbles, stones or boulders: 0.0 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 20.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: Low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): 4s
Land capability classification (nonirrigated): 4s
Hydrologic Soil Group: A
Ecological site: F057XY023MN - Dry Sandy Upland Coniferous Forest
Forage suitability group: Sandy (G057XN022MN)
Other vegetative classification: Sandy (G057XN022MN)
Hydric soil rating: No

Minor Components

Andrusia

Percent of map unit: 5 percent
Landform: Flats
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Sloping Upland, Low AWC, Acid (G057XN008MN)
Hydric soil rating: No

Roscommon

Percent of map unit: 4 percent
Landform: Flats
Landform position (three-dimensional): Dip
Down-slope shape: Concave
Across-slope shape: Linear
Other vegetative classification: Level Swale, Low AWC, Acid (G057XN007MN)
Hydric soil rating: Yes

Custom Soil Resource Report

Meehan

Percent of map unit: 3 percent

Landform: Flats

Landform position (three-dimensional): Talf

Down-slope shape: Concave

Across-slope shape: Linear

Other vegetative classification: Level Swale, Low AWC, Acid (G057XN007MN)

Hydric soil rating: No

Wurtsmith

Percent of map unit: 2 percent

Landform: Flats

Landform position (three-dimensional): Rise

Down-slope shape: Linear

Across-slope shape: Linear

Other vegetative classification: Sloping Upland, Low AWC, Acid (G057XN008MN)

Hydric soil rating: No

Leafriver, frequently ponded

Percent of map unit: 1 percent

Landform: Depressions

Down-slope shape: Concave

Across-slope shape: Concave

Other vegetative classification: Organic (G057XN014MN)

Hydric soil rating: Yes

W—Water

Map Unit Composition

Water: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Qualities and Features

Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Unified Soil Classification (Surface)

The Unified soil classification system classifies mineral and organic mineral soils for engineering purposes on the basis of particle-size characteristics, liquid limit, and plasticity index. It identifies three major soil divisions: (i) coarse-grained soils having less than 50 percent, by weight, particles smaller than 0.074 mm in diameter; (ii) fine-grained soils having 50 percent or more, by weight, particles smaller than 0.074 mm in diameter; and (iii) highly organic soils that demonstrate certain organic characteristics. These divisions are further subdivided into a total of 15 basic soil groups. The major soil divisions and basic soil groups are determined on the basis of estimated or measured values for grain-size distribution and Atterberg limits. ASTM D 2487 shows the criteria chart used for classifying soil in the Unified system and the 15 basic soil groups of the system and the plasticity chart for the Unified system.

The various groupings of this classification correlate in a general way with the engineering behavior of soils. This correlation provides a useful first step in any field or laboratory investigation for engineering purposes. It can serve to make some general interpretations relating to probable performance of the soil for engineering uses.

Custom Soil Resource Report

For each soil horizon in the database one or more Unified soil classifications may be listed. One is marked as the representative or most commonly occurring. The representative classification is shown here for the surface layer of the soil.

Custom Soil Resource Report
Map—Unified Soil Classification (Surface)



Map Scale: 1:393 if printed on A portrait (8.5" x 11") sheet.

0 5 10 20 30 Meters


0 15 30 60 90 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

Custom Soil Resource Report




MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  CH
-  CL
-  CL-A (proposed)
-  CL-K (proposed)
-  CL-ML
-  CL-O (proposed)
-  CL-T (proposed)
-  GC
-  GC-GM
-  GM
-  GP
-  GP-GC
-  GP-GM
-  GW
-  GW-GC
-  GW-GM
-  MH
-  MH-A (proposed)
-  MH-K (proposed)
-  MH-O (proposed)
-  MH-T (proposed)
-  ML









































-  ML-A (proposed)
-  ML-K (proposed)
-  ML-O (proposed)
-  ML-T (proposed)
-  OH
-  OH-T (proposed)
-  OL
-  PT
-  SC
-  SC-SM
-  SM
-  SP
-  SP-SC
-  SP-SM
-  SW
-  SW-SC
-  SW-SM
-  Not rated or not available

Soil Rating Lines


-  CH
-  CL
-  CL-A (proposed)
-  CL-K (proposed)
-  CL-ML
-  CL-O (proposed)
-  CL-T (proposed)
-  GC
-  GC-GM
-  GM
-  GP
-  GP-GC
-  GP-GM
-  GW
-  GW-GC
-  GW-GM
-  MH
-  MH-A (proposed)
-  MH-K (proposed)
-  MH-O (proposed)
-  MH-T (proposed)
-  ML
-  ML-A (proposed)
-  ML-K (proposed)
-  ML-O (proposed)
-  ML-T (proposed)
-  OH
-  OH-T (proposed)
-  OL
-  PT
-  SC
-  SC-SM
-  SM

-  SP
-  SP-SC
-  SP-SM
-  SW
-  SW-SC
-  SW-SM
-  Not rated or not available

Soil Rating Points

-  CH
-  CL
-  CL-A (proposed)
-  CL-K (proposed)
-  CL-ML
-  CL-O (proposed)
-  CL-T (proposed)
-  GC
-  GC-GM
-  GM
-  GP
-  GP-GC
-  GP-GM
-  GW
-  GW-GC
-  GW-GM
-  MH
-  MH-A (proposed)
-  MH-K (proposed)
-  MH-O (proposed)
-  MH-T (proposed)
-  ML
-  ML-A (proposed)
-  ML-K (proposed)
-  ML-O (proposed)
-  ML-T (proposed)
-  OH
-  OH-T (proposed)
-  OL
-  PT
-  SC
-  SC-SM
-  SM
-  SP
-  SP-SC
-  SP-SM
-  SW
-  SW-SC
-  SW-SM
-  Not rated or not available






Water Features

 Streams and Canals

Transportation

 Rails

MAP INFORMATION

-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hubbard County, Minnesota
Survey Area Data: Version 17, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 29, 2013—Jul 24, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Unified Soil Classification (Surface)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
A1B	Eagleview and Menahga soils, 1 to 8 percent slopes	SC-SM	0.4	75.5%
W	Water		0.1	24.5%
Totals for Area of Interest			0.6	100.0%

Rating Options—Unified Soil Classification (Surface)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)

Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

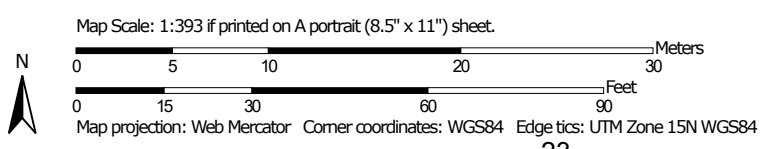
Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at

Custom Soil Resource Report

or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.


If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Custom Soil Resource Report
Map—Hydrologic Soil Group



MAP LEGEND

Area of Interest (AOI)









 Area of Interest (AOI)

Soils

Soil Rating Polygons





-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

Soil Rating Lines


-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available

Soil Rating Points






-  A
-  A/D
-  B
-  B/D

-  C
-  C/D
-  D
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hubbard County, Minnesota
 Survey Area Data: Version 17, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 29, 2013—Jul 24, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
A1B	Eagleview and Menahga soils, 1 to 8 percent slopes	A	0.4	75.5%
W	Water		0.1	24.5%
Totals for Area of Interest			0.6	100.0%

Rating Options—Hydrologic Soil Group

Aggregation Method: Dominant Condition

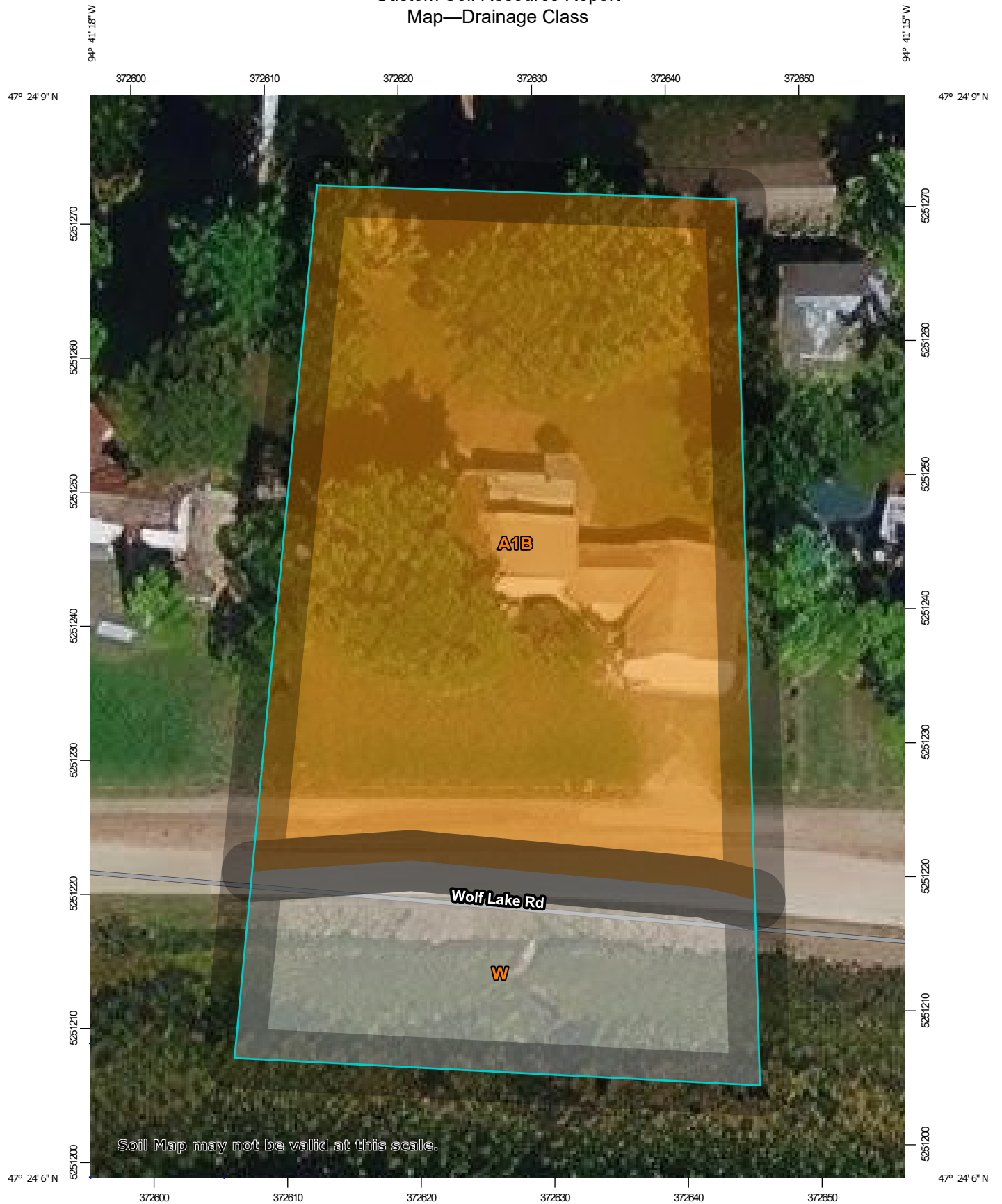
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Drainage Class

"Drainage class (natural)" refers to the frequency and duration of wet periods under conditions similar to those under which the soil formed. Alterations of the water regime by human activities, either through drainage or irrigation, are not a consideration unless they have significantly changed the morphology of the soil. Seven classes of natural soil drainage are recognized-excessively drained, somewhat excessively drained, well drained, moderately well drained, somewhat poorly drained, poorly drained, and very poorly drained. These classes are defined in the "Soil Survey Manual."

Custom Soil Resource Report Map—Drainage Class



Soil Map may not be valid at this scale.

Map Scale: 1:393 if printed on A portrait (8.5" x 11") sheet.


0 5 10 20 30 Meters

0 15 30 60 90 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84


MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Excessively drained
-  Somewhat excessively drained
-  Well drained
-  Moderately well drained
-  Somewhat poorly drained
-  Poorly drained
-  Very poorly drained
-  Subaqueous
-  Not rated or not available


Soil Rating Lines

-  Excessively drained
-  Somewhat excessively drained
-  Well drained
-  Moderately well drained
-  Somewhat poorly drained
-  Poorly drained
-  Very poorly drained
-  Subaqueous
-  Not rated or not available






Soil Rating Points

-  Excessively drained
-  Somewhat excessively drained
-  Well drained
-  Moderately well drained
-  Somewhat poorly drained
-  Poorly drained
-  Very poorly drained
-  Subaqueous
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hubbard County, Minnesota
 Survey Area Data: Version 17, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 29, 2013—Jul 24, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—Drainage Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
A1B	Eagleview and Menahga soils, 1 to 8 percent slopes	Somewhat excessively drained	0.4	75.5%
W	Water		0.1	24.5%
Totals for Area of Interest			0.6	100.0%

Rating Options—Drainage Class

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

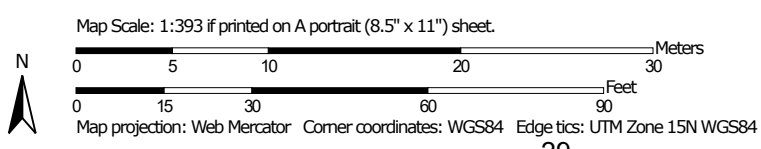
AASHTO Group Classification (Surface)

AASHTO group classification is a system that classifies soils specifically for geotechnical engineering purposes that are related to highway and airfield construction. It is based on particle-size distribution and Atterberg limits, such as liquid limit and plasticity index. This classification system is covered in AASHTO Standard No. M 145-82. The classification is based on that portion of the soil that is smaller than 3 inches in diameter.

The AASHTO classification system has two general classifications: (i) granular materials having 35 percent or less, by weight, particles smaller than 0.074 mm in diameter and (ii) silt-clay materials having more than 35 percent, by weight, particles smaller than 0.074 mm in diameter. These two divisions are further subdivided into seven main group classifications, plus eight subgroups, for a total of fifteen for mineral soils. Another class for organic soils is used.

For each soil horizon in the database one or more AASHTO Group Classifications may be listed. One is marked as the representative or most commonly occurring. The representative classification is shown here for the surface layer of the soil.


Custom Soil Resource Report
Map—AASHTO Group Classification (Surface)



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  A-1
-  A-1-a
-  A-1-b
-  A-2
-  A-2-4
-  A-2-5
-  A-2-6
-  A-2-7
-  A-3
-  A-4
-  A-5
-  A-6
-  A-7
-  A-7-5
-  A-7-6
-  A-8
-  Not rated or not available






Soil Rating Lines

-  A-1
-  A-1-a
-  A-1-b
-  A-2


-  A-2-4
-  A-2-5
-  A-2-6
-  A-2-7
-  A-3
-  A-4
-  A-5
-  A-6
-  A-7
-  A-7-5
-  A-7-6
-  A-8
-  Not rated or not available

Soil Rating Points






-  A-1
-  A-1-a
-  A-1-b
-  A-2
-  A-2-4
-  A-2-5
-  A-2-6
-  A-2-7
-  A-3
-  A-4
-  A-5
-  A-6

-  A-7
-  A-7-5
-  A-7-6
-  A-8
-  Not rated or not available


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hubbard County, Minnesota
 Survey Area Data: Version 17, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 29, 2013—Jul 24, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—AASHTO Group Classification (Surface)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
A1B	Eagleview and Menahga soils, 1 to 8 percent slopes	A-2-4	0.4	75.5%
W	Water		0.1	24.5%
Totals for Area of Interest			0.6	100.0%

Rating Options—AASHTO Group Classification (Surface)

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)

AASHTO Group Index

The AASHTO Group Index is a refinement to the seven major groups of the AASHTO soil classification system. According to

this system, soil is classified into seven major groups: A-1 through A-7. Soils classified into groups A-1, A-2, and A-3 are granular materials of which 35% or less of the particles pass through the No. 200 sieve. Soils of which more than 35% pass through the No. 200 sieve are classified into groups A-4, A-5, A-6, and A-7. These soils are mostly silt and clay-type materials.

The classifications system is based on the following criteria:

1. Grain size
 - a. Gravel ; fraction passing the 75-mm(3-in.) sieve and retained on the No. 10 (2-mm) U.S. sieve
 - b. sand: fraction passing the No. 10 (2-mm) U.S. sieve and retained on the No.200 (0.075-mm) U.S. sieve
 - c. Silt and clay: fraction passing the No. 200 U.S. sieve
2. Plasticity The term silty is applied when the fine fractions of the soil have a plasticity index of 10 or less. The term clayey is applied when the fine fractions have a plasticity index of 11 or more.
3. If cobbles and boulders (size larger than 75 mm) are encountered, they are excluded from the portion of the soil sample from which classification is made.

Custom Soil Resource Report

To evaluate the quality of a soil as a highway subgrade material, one must also incorporate a number called the group index (GI) with the groups and subgroups of the soil. This index is written in parentheses after the group or subgroup designation.

The group index is given by the equation:

$$GI = (F200-35)[0.2 + 0.005(LL - 40)] + 0.01(F200-15)(PI - 10)$$

where:

F200 = percentage passing through the No. 200 sieve

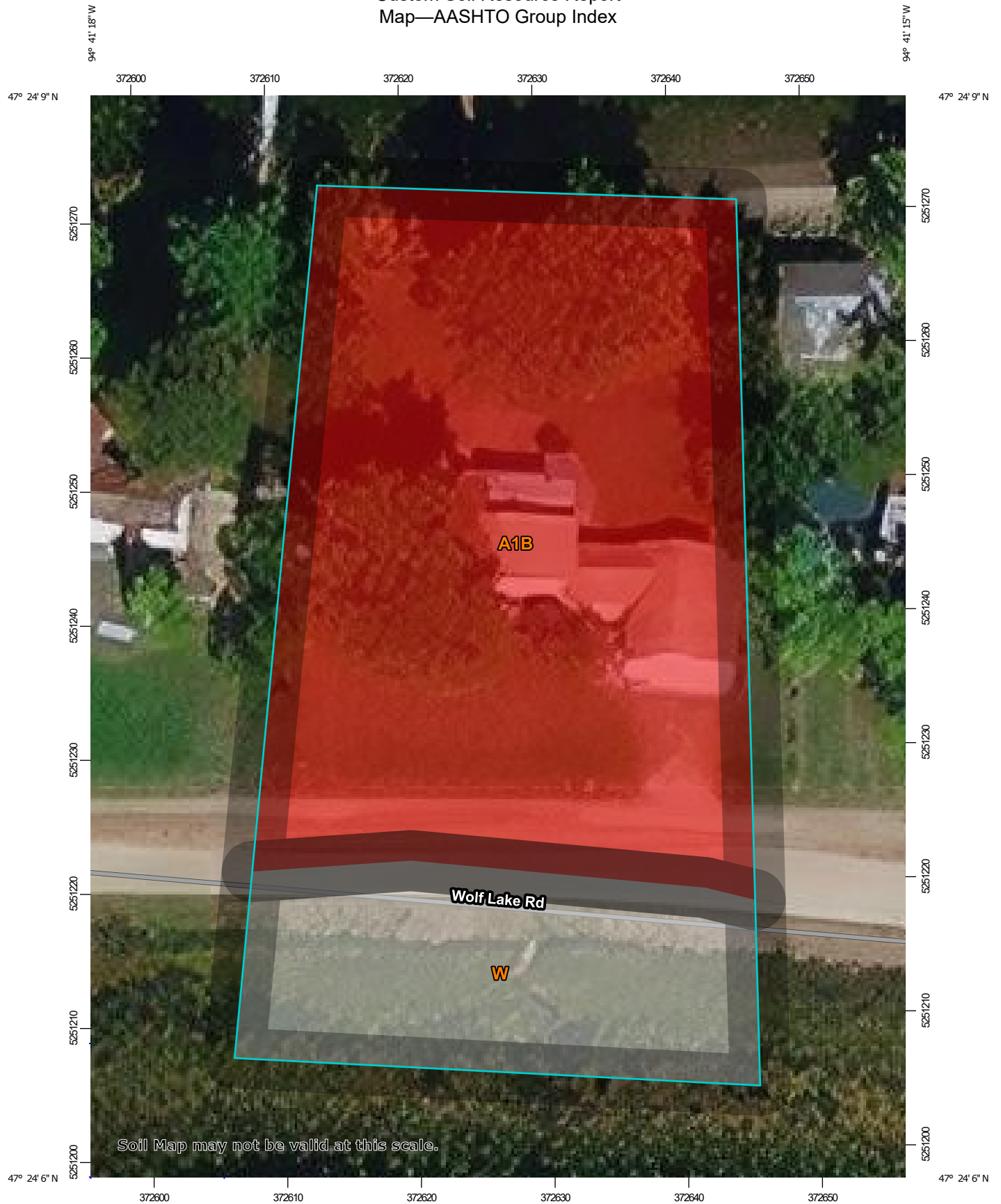
LL — liquid limit

PI : plasticity index

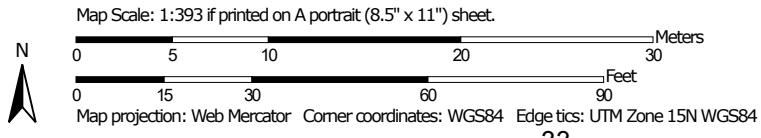
The group index is used typically to refine an AASHTO class but in the soil survey database is often used as a standalone soil attribute.

For each soil layer, this attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

Custom Soil Resource Report Map—AASHTO Group Index




Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils


Soil Rating Polygons

 = 0

 Not rated or not available

Soil Rating Lines

 = 0


 Not rated or not available

Soil Rating Points

 = 0

 Not rated or not available

Water Features

 Streams and Canals


Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Hubbard County, Minnesota
 Survey Area Data: Version 17, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 29, 2013—Jul 24, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Table—AASHTO Group Index

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
A1B	Eagleview and Menahga soils, 1 to 8 percent slopes	0	0.4	75.5%
W	Water		0.1	24.5%
Totals for Area of Interest			0.6	100.0%

Rating Options—AASHTO Group Index

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Interpret Nulls as Zero: No

Layer Options (Horizon Aggregation Method): All Layers (Weighted Average)

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Instructions: Inspection results based on Minnesota Pollution Control Agency (MPCA) requirements and attached supporting documentation – additional local requirements may also apply. Further information can be found here: <https://www.pca.state.mn.us/sites/default/files/wq-wwists4-31a.pdf>.

Inspector must submit completed form to Local Governmental Unit (LGU) and system owner within 15 days of final determination of compliance or noncompliance.

Property information

Local tracking number: _____

Parcel ID# or Sec/Twp/Range: 07.01.02200 Local regulatory authority: Hubbard County

Property address: 32304 Wolf Lake Rd Cass Lake, MN 56633

Owner/representative: Ryan & Robin Wall Owner's phone: _____

Brief system description: 1,500 gal two compartment tank & 10'x25' rock bed mound.

System status

System status on date (mm/dd/yyyy): 5/4/2021

Compliant – Certificate of compliance*

(Valid for 3 years from report date unless evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8 is discovered or a shorter time frame exists in Local Ordinance.)

***Note: Compliance indicates conformance with Minn. R. 7080.1500 as of system status date above and does not guarantee future performance.**

Noncompliant – Notice of noncompliance

An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance or under section 145A.04 subdivision 8.

Systems failing to protect ground water must be upgraded, replaced, or use discontinued within the time required by local ordinance.

Reason(s) for noncompliance (check all applicable)

- Impact on public health (Compliance component #1) – *Imminent threat to public health and safety*
- Tank integrity (Compliance component #2) – *Failing to protect groundwater*
- Other Compliance Conditions (Compliance component #3) – *Imminent threat to public health and safety*
- Other Compliance Conditions (Compliance component #3) – *Failing to protect groundwater*
- System not abandoned according to Minn. R. 7080.2500 (Compliance component #3) – *Failing to protect groundwater*
- Soil separation (Compliance component #5) – *Failing to protect groundwater*
- Operating permit/monitoring plan requirements (Compliance component #4) – *Noncompliant - local ordinance applies*

Comments or recommendations

The homeowner is planning to build a new 3 bedroom dwelling. A design was provided to extend the existing 10'x25' by 13' to accommodate the additional bedroom.

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

By typing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Business name: H&R Septic Designs, LLC

Certification number: C4737

Inspector signature: 

License number: L3106

(This document has been electronically signed)

Phone: 218-759-0408

Necessary or locally required supporting documentation (must be attached)

- Soil observation logs
- Locally required forms
- Tank Integrity Assessment
- Operating Permit
- Other information (list): _____

1. Impact on public health – Compliance component #1 of 5

Compliance criteria:

System discharges sewage to the ground surface	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System discharges sewage to drain tile or surface waters.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
System causes sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No

Any "yes" answer above indicates the system is an imminent threat to public health and safety.

Describe verification methods and results:

Visual inspection

Attached supporting documentation:

- Other: _____
- Not applicable

2. Tank integrity – Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, leaching pit, or other pit?	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth?	<input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No
If yes, which sewage tank(s) leaks:	

Any "yes" answer above indicates the system is failing to protect groundwater.

Describe verification methods and results:

A steel rod was used to verify a solid bottom.

Attached supporting documentation:

- Pumped at time of inspection
- Name of maintenance business: _____
- License number of maintenance business: _____
- Date of maintenance: _____
- Existing tank integrity assessment (Attach)
- Date of maintenance (mm/dd/yyyy): _____ (must be within three years)
- (See form instructions to ensure assessment complies with Minn. R. 7082.0700 subp. 4 B (1))
- Tank is Noncompliant (pumping not necessary – explain below)
- Other: _____

3. Other compliance conditions – Compliance component #3 of 5

3a. Maintenance hole covers appear to be structurally unsound (damaged, cracked, etc.), or unsecured?

Yes* No Unknown

3b. Other issues (*electrical hazards, etc.*) to immediately and adversely impact public health or safety? Yes* No Unknown

***Yes to 3a or 3b - System is an imminent threat to public health and safety.**

3c. System is non-protective of ground water for other conditions as determined by inspector? Yes* No

3d. System not abandoned in accordance with Minn. R. 7080.2500? Yes* No

***Yes to 3c or 3d - System is failing to protect groundwater.**

Describe verification methods and results:

Attached supporting documentation: Not applicable _____

4. Operating permit and nitrogen BMP* – Compliance component #4 of 5 Not applicable

Is the system operated under an Operating Permit? Yes No **If “yes”, A below is required**

Is the system required to employ a Nitrogen BMP specified in the system design? Yes No **If “yes”, B below is required**

BMP = Best Management Practice(s) specified in the system design

If the answer to both questions is “no”, this section does not need to be completed.

Compliance criteria:

a. Have the operating permit requirements been met? Yes No

b. Is the required nitrogen BMP in place and properly functioning? Yes No

Any “no” answer indicates noncompliance.

Describe verification methods and results:

Attached supporting documentation: Operating permit (Attach) _____

5. Soil separation – Compliance component #5 of 5

Date of installation 10/15/1998 Unknown
(mm/dd/yyyy)

Shoreland/Wellhead protection/Food beverage lodging? Yes No

Compliance criteria (select one):

5a. For systems built prior to April 1, 1996, and not located in Shoreland or Wellhead Protection Area or not serving a food, beverage or lodging establishment: Yes No*

Drainfield has at least a two-foot vertical separation distance from periodically saturated soil or bedrock.

5b. Non-performance systems built April 1, 1996, or later or for non-performance systems located in Shoreland or Wellhead Protection Areas or serving a food, beverage, or lodging establishment: Yes No*

Drainfield has a three-foot vertical separation distance from periodically saturated soil or bedrock.*

5c. "Experimental", "Other", or "Performance" systems built under pre-2008 Rules; Type IV or V systems built under 2008 Rules 7080.2350 or 7080.2400 (Advanced Inspector License required) Yes No*

Drainfield meets the designed vertical separation distance from periodically saturated soil or bedrock.

Attached supporting documentation:

- Soil observation logs completed for the report (Attach)
- Two previous verifications of required vertical separation (Attach)
- Not applicable (No soil treatment area)
- _____

Indicate depths or elevations

A. Bottom of distribution media	98.70'
B. Periodically saturated soil/bedrock	95.29'
C. System separation	3.41'
D. Required compliance separation*	3'

*May be reduced up to 15 percent if allowed by Local Ordinance.

***Any "no" answer above indicates the system is failing to protect groundwater.**

Describe verification methods and results:

Upgrade requirements: (Minn. Stat. § 115.55) An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system is failing to protect ground water, the system must be upgraded, replaced, or its use discontinued within the time required by local ordinance. If an existing system is not failing as defined in law, and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced, or its use discontinued, notwithstanding any local ordinance that is more strict. This provision does not apply to systems in shoreland areas, Wellhead Protection Areas, or those used in connection with food, beverage, and lodging establishments as defined in law.



Soil Observation Log

Project ID: Design

v 04.01.2020

Client: Ryan & Robin Wall			Location / Address: 32304 Wolf Lake Rd Cass Lake, MN 56633						
Soil parent material(s): (Check all that apply)			<input checked="" type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Loess <input type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter						
Landscape Position: (select one)		Back/Side Slope	Slope %:	2.0	Slope shape	Convex, Linear		Elevation-relative to benchmark:	97.87'
Vegetation: Lawn		Soil survey map units: A1B			Limiting Layer Elevation:			95.29'	
Weather Conditions/Time of Day:		Sunny 58oF			5:00:00 PM		Date: 05/04/21		
Observation #/Location:		Soil Boring 1			Observation Type:			Auger	
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	----- Structure-----		
							Shape	Grade	Consistence
0-12	Sand	<35%	10YR 3/2				Granular	Moderate	Friable
12-16	Loamy Sand	<35%	10YR 3/1				Granular	Moderate	Friable
16-24	Coarse Sand	<35%	10YR 4/3				Single grain	Structureless	Loose
24-31	Coarse Sand	<35%	10YR 5/3	10YR 6/2			Single grain	Structureless	Loose
31-34	Coarse Sand	<35%	10YR 6/2		Depletions	S2	Single grain	Structureless	Loose

Comments

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

H&R Septic Designs (Designer/Inspector)	 (Signature)	L3106 (License #)	5/4/2021 (Date)
--	---	----------------------	--------------------



Soil Observation Log

Project ID: Design

v 04.01.2020

Client: Ryan & Robin Wall			Location / Address: 32304 Wolf Lake Rd Cass Lake, MN 56633						
Soil parent material(s): (Check all that apply)			<input checked="" type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Loess <input type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter						
Landscape Position: (select one)		Back/Side Slope	Slope %: 2.0	Slope shape		Convex, Linear		Elevation-relative to benchmark:	97.55'
Vegetation:		Lawn		Soil survey map units:		A1B		Limiting Layer Elevation:	94.88'
Weather Conditions/Time of Day:		Sunny 58oF			5:10 PM		Date	05/04/21	
Observation #/Location:		Soil Boring 2				Observation Type:		Auger	
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	----- Structure-----		
							Shape	Grade	Consistence
0-14	Loamy Sand	<35%	10YR 3/1				Granular	Moderate	Friable
14-27	Coarse Sand	<35%	10YR 4/3				Single grain	Structureless	Loose
27-32	Coarse Sand	<35%	10YR 4/4				Single grain	Structureless	Loose
32	Coarse Sand	<35%	10YR 6/1		Depletions	S2	Single grain	Structureless	Loose

Comments

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

H&R Septic Designs		L3106	5/4/2021
(Designer/Inspector)	(Signature)	(License #)	(Date)



Soil Observation Log

Project ID: Design

v 04.01.2020

Client: Ryan & Robin Wall			Location / Address: 32304 Wolf Lake Rd Cass Lake, MN 56633						
Soil parent material(s): (Check all that apply)			<input checked="" type="checkbox"/> Outwash	<input type="checkbox"/> Lacustrine	<input type="checkbox"/> Loess	<input type="checkbox"/> Till	<input type="checkbox"/> Alluvium	<input type="checkbox"/> Bedrock	<input type="checkbox"/> Organic Matter
Landscape Position: (select one)		Back/Side Slope	Slope %:	2.0	Slope shape	Convex, Linear		Elevation-relative to benchmark:	97.42'
Vegetation:		Lawn		Soil survey map units:		A1B		Limiting Layer Elevation:	94.92'
Weather Conditions/Time of Day:		Sunny 58oF			5:20 PM		Date	05/04/21	
Observation #/Location:		Soil Boring 3				Observation Type:		Auger	
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	----- Structure-----		
							Shape	Grade	Consistence
0-12	Loamy Sand	<35%	10YR 3/1				Granular	Moderate	Friable
12-25	Coarse Sand	<35%	10YR 4/3				Single grain	Structureless	Loose
25-30	Coarse Sand	<35%	10YR 4/4				Single grain	Structureless	Loose
30	Coarse Sand	<35%	10YR 6/1		Depletions	S2	Single grain	Structureless	Loose

Comments

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

H&R Septic Deisgns		L3106	5/4/2021
(Designer/Inspector)	(Signature)	(License #)	(Date)

07.01.02200

32304 Wolf Lake Rd
Cass Lake, MN 56633

Legend



NOT TO SCALE
07.01.02200
32304 Wolf Lake Rd
Cass Lake, MN 56633
DESIGNER/INSPECTOR: H&R SEPTIC DESIGNS
L3106 9-1-21

60' FROM WOLF LAKE

PROPOSED EXPANSION
10'X15' ROCK BED
THREE 2" LATERALS
2.5' PERFORATION SPACING
1/4" PERFORATION DIAMETER

SB 2

SB 1

EXISTING SYSTEM
10'X20' ROCK BED
THREE 2" LATERALS
2.5' PERFORATION SPACING
1/4" PERFORATION DIAMETER

BM 100" Top of Well Casing

Install a new 1500 gallon two compartment tank OR lower the existing 1500 gallon two compartment tank to connect to the proposed lower stub out elevation.

Well 610900

EXISTING 2 BEDROOM DWELLING

Google Earth

©2021 Google



60 ft

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, August 23, 2021

[Variance Application 39-V-21 by Ryan and Robin Wall:](#) Part of Gov't Lot 9, Section 1, Township 145, Range 32, Farden Township between Wolf Lake, a recreational development lake and Mud Lake, a natural environment lake. Parcel ID 07.01.02200. Applicants are requesting a variance from Sections 507.1, 704, 902, and 904.6 of the Shoreland Management Ordinance to replace a nonconforming residence with a new, larger structure that will not comply with the 3' vertical separation between the highest known water level and the structure's lowest floor and further exceed the 25% impervious surface area threshold. Also requesting a variance to place fill on the lot in excess of the permissible threshold in order to allow the structure to comply with Section 507.1.

Ryan Wall, 32304 Wolf Lake Road, Cass Lake, MN, presented the application.

Wall stated we would basically demolish all of the existing structures on the lot. This project requires variances from the setbacks from both the lakes, Wolf Lake and Mud Lake, as well as a lot line on one side. We also need to bring in fill to raise the elevation so that we can reuse the existing septic system.

Grob said the stormwater management plan that was submitted is pretty thorough and detailed. I think when we were out there we discussed the fact that drainage Outlet A, in the front, when and if construction is done, that the grading in the front would ensure that any of the water on the left half of the lot will definitely be diverted to Outlet A.

Wall replied not the entire area as indicated. The far left side of that, I don't believe I will get to drain across the entire property.

Grob commented when we were there we looked at the topography. That would be pretty easy to do that.

Wall answered a majority of it. I just don't know if I will be able to get 100% of the west edge of the property to get all of the way across. It will cover a majority of that, yes.

Grob stated as I look at the stormwater management plan, Outlets A, B, and C are capable of handling a 100 year event, which is almost six inches in 24 hours.

Wall responded correct.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Andres asked have you visited with the Environmental Services Office to see what your options are by removing the current structure and rebuilding by permit? Did you look into that?

Wall answered I did not. As far as the overall size?

Andres clarified to see what you could build by permit at that same location or outside of the shore impact zone, what your options were to build without a variance.

Wall replied I don't think that I can reach the setback from either one of the lakes. It is 150' on Mud Lake and 100' from Wolf Lake.

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, August 23, 2021

Andres explained you are still able to rebuild some of your current structure by permit because it is already existing and pre-ordinance. I just didn't know if you checked in with Environmental Services to see what type of options that you had.

Wall responded I did not.

Andres commented with the 175 cubic yards of fill, I did a little research over the weekend. A large dump truck typically carries between 12 and 16 cubic yards. I did an average of 12. That would be 14 dump trucks of dirt to be able to get the vertical separation, and he is still going to be 6" shy of the vertical separation. That is a large amount. I wanted to put that into perspective.

Grob added I think one of the things that came up in the last meeting before we tabled is that there seemed to be sentiment about the height of your structure. You are going to be raising the ground level about 3', and then you want to build it 32'. That would add up to 35'. Typically, 35' is what is expected if you are 100' back from the shore. My sentiment is that reducing the height of the structure, which I don't think would affect your ability to have the bedroom and living area that you want, would be appropriate. I am thinking about 27', plus the 3' that you are adding from fill, would be about 30'. I think that is reasonable.

Wall answered I am okay going with 27'. That will give me a 5/12 pitch on the roof, and I think that is acceptable. I am not adding 3' of fill, it is 14" of fill.

Grob added I thought you were going to bring it up to the level of the mound drainfield, and I thought that was about 2 ½' above the front yard area.

Wall stated it is about 14", and then the slab will be on top of that. That will give me adequate grading.

Grob continued I would propose a 27' high structure measured from the final grade level.

Kovacovich asked are you saying from the top of the fill, or the top of the slab?

Grob answered from the top of the slab. That would be a condition that I would like to see. There was a prior variance that was acted on, and another variance was allowed back in 2009 that was never acted upon. Is it appropriate for us to ensure that those are no longer valid with this new variance? We have done that in the past some times when there is a variance left open which could be acted on that you really don't want after you approve a new one. Would it be appropriate to add that as a condition?

Buitenwerf replied I would say yes, that would be good practice to specify those prior variances could not be utilized if this variance is granted and acted upon.

Grob stated I think the notes that I have there are 75-74 and 8-V-09.

Johnson added I am definitely in favor of the lift of 14" so that he can get grade for the plumbing to go gravity to the existing tank that he has. That is why he is going to the level that he is. Also, you will be removing two structures that are encroaching the neighbor's property lines right now, so those will no longer be violations. Those will be gone.

Wall replied correct.

Grob said maybe we should add that as a condition that all current structures will be removed.

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, August 23, 2021

Petersen asked Grob, you are looking for 27' from the top of the slab, is that what you said?

Grob agreed.

Petersen continued I am curious if the applicant knows how he is going to achieve that? I think the pitch on that roof is a 9/12, are you just thinking that you can achieve this by keeping that same layout and just cutting that pitch down to 5/12? That should get you what you need.

Wall responded the 5/12 will get me to 26.7' from the top of the slab.

Grob made a motion to approve the variance application with the following conditions:

1. All existing structures must be removed from the property.
2. The three stormwater basins shown in the application's stormwater management plan (i.e. Outlets A, B, and C) must be constructed to the dimensions shown in the plan and properly maintained.
3. Prior Variance 8-V-09 and Variance 75-74 cannot be acted upon if this Variance 39-V-21 is acted upon.
4. The height of the residential dwelling structure that is the subject of this application shall be 27 feet or less as measured from the top of the foundation slab.

Petersen seconded the motion that passed 5 – 0.

The Board provided answers for the findings of fact questions 1, 2, and 4 and adopted the staff report answers for questions 3 and 5.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?
Yes (X) No ()

Why or why not? The lot size, particularly the depth, and the fact that the lot fronts both Wolf Lake and Mud Lake make it impossible to build a structure that does not need a variance. The applicant has agreed to a reasonable height and size, removing of old structures, and has provided a stormwater management plan.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? The need for the additional 175 cubic yards is needed to give proper flow to the septic system and to achieve the 3' vertical separation.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The lot is just barely over 100' wide and ~187' deep and fronts both Wolf Lake and Mud Lake along with having Wolf Lake Road bisect the property east-west along its southern

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, August 23, 2021

boundary. Multiple setbacks overlap which do not allow any improvements to be placed on the lot without some sort of variance.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The locality is a mix of seasonal residential properties and a resort that are located on lots of varying size ranging from very small and nonconforming like the subject lot to more than twice its size. This would not be out of place with some of the structures already existing.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics are not cited in the application as a practical difficulty. The difficulty is caused by the lot depth only being ~187' and the lot being sandwiched between a recreational development lake with a 100' OHW setback and a natural environment lake with a 150' OHW setback that overlap one another.

DRAFT

September 24, 1975

Mr. Cletus Frericks
Shangri-La Resort
Rt. #2
Cass Lake, Mn.

Dear Mr. Frericks:

Your variance appeal #75-74 in part of Gov't Lot # 9, Sec. #1, T145, R32 on Big Wolf Lake was presented to the Board of Adjustment on the 23rd of September, 1975 for consideration.

After inspecting your lot and talking with you about your plans the Board moved to approve the placing of a mobile home 35 feet from the high water mark on the condition that an acceptable sewage disposal system be installed. This is in accordance with Section. #7.31 thru #7.34 of the Shoreland Management Ordinance.

Please contact this office for the required permits before any construction begins.

Sincerely,

Lynn Spilman, Sec'y
For the Board of Adjustment

**COUNTY RECORDER
STATE OF MINNESOTA
COUNTY OF HUBBARD**

I hereby certify that the within instrument was filed
in this office for record on the _____ day of
_____ A.D. 19__ at _____ o'clock
__ M. and was duly recorded in Book _____ of
_____ On Page _____

County Recorder

By _____
Deputy

**STATE OF MINNESOTA
COUNTY OF HUBBARD**

**HUBBARD COUNTY BOARD OF
ADJUSTMENT
VARIANCE PROCEEDINGS
ORDER OF VARIANCE
OR
DENIAL OF VARIANCE**

In the Matter of: *Variance Appeal #98-68*

REQUEST: to construct the drainfield portion of the septic system at less than 75' from the lake due to lack of depth on the lot and for less than 20' setback from the dwelling unit and less than 10' to the lot line.

Owner: Cletus Frericks
RR 2 Box 313A
Cass Lake, MN 56633

The above entitled matter came on to be heard before the Board of Adjustment on the 21st day of September, 19 98, on a petition for a variance pursuant to the Hubbard County Zoning Ordinance, for the following described property:

See attached legal description

IT IS ORDERED that a variance be granted upon the following conditions or reasons:
Approved variance appeal #98-68 for a septic system as requested and that the applicant work with the Zoning Office on the mound system installation.

This is in accordance with Section 1104 of the Hubbard County Shoreland Management Ordinance and the findings of fact on file with the Planning and Zoning Office.

**FINDINGS OF FACT
SUPPORTING/DENYING A VARIANCE**

Name of Applicant Cletus Frericks Date September 21, 1998

Variance requested to construct the drainfield portion of the septic system at less than 75' from the lake due to lack of depth on the lot and for less than 20' setback from the dwelling unit and less than 10' to the lot line.

A variance may be granted only where the strict enforcement of county zoning controls will result in unnecessary hardship. A determination that a "hardship" exists is based upon consideration of the following criteria:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? YES () NO ()

Why or why not? They need the septic system and this is the only way.

2. Without the variance, is the owner deprived of a reasonable use of the property? YES () NO ()

Why or why not? The septic system is reasonable use.

3. Is the alleged hardship due to circumstances unique to this property? YES () NO ()

Why or why not? Size of the lot and the shape of it.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners? YES () NO ()

Why or why not? The size of the lot and topography.

5. Will the issuance of the variance maintain the essential character of the locality? YES () NO ()

Why or why not? A residential area.

6. Does the alleged hardship involve more than economic considerations? YES () NO ()


Why or why not? All of the above.

If all answers are Yes, the criteria for granting the variance have been met.

Facts supporting the answer to each question, above, are hereby certified to be the Findings of the Board of Adjustment.

APPROVED (x) DENIED ()

DATED: September 21, 1998


Chairman, Board of Adjustment

Approved variance appeal #98-68 for a septic system as requested and that the applicant work with the Zoning Office on the mound system installation.

APPLICATION FOR A VARIANCE FROM REQUIREMENTS OF SHORELAND MANAGEMENT ORDINANCE

HUBBARD COUNTY COURT HOUSE PARK RAPIDS, MN

(218) 732-3890

56470

OWNER: FREDRICKSCIETUS H 218-335-2024 LAST NAME FIRST NAME MIDDLE INITIAL PHONE NUMBER

RR2 Box 313A Cass Lake MN 56633 MAILING ADDRESS ZIP CODE

LEGAL DESCRIPTION: 79 Big Wolf RD LAKE NO. LAKE NAME LAKE CLASSIFICATION

PT 19 01 145 032 Farden LOT NO. SECTION NO. TOWNSHIP RANGE TOWNSHIP NAME

If applicant is a corporation, what state incorporated in: Applicant is? () Owner (X) Lessee () Occupant () Agent Is applicant a partnership? () Yes () No. If yes, list partner's name and address below. NAME ADDRESS ZIP CODE

This application for deviation is from Hubbard County, MN. Shoreland Management Ordinance for conditions found in what section of the Ordinance: 502.2 Explain your problem or proven hardship here:

Insufficient Lot Depth - For septic system to meet the minimum of 75' for an RD Lake. (Septic is currently failing) 1) Need A variance for < 75' From Big Wolf. 2) < 20' From Building - 3) Closer than 10' to Lot Line. 4) New Deep well to be drilled on property.

In order to have your appeal properly evaluated, please provide as much supplementary information as possible, such as: maps, plans, information about surrounding property, directions to property, etc.

APPLICATION DATE 9-2-98 1998 Signature of Applicant: Citrus A. Frederick FILING FEE \$ 225.00

---DO NOT USE SPACE BELOW---

Date of application file with Planning-Zoning Office 9-2-98 Filing acknowledgement by Edward C. Alotto Application No. 98-68 Date, time and place of hearing 9-21-98 - Basement of Courthouse -

Decision of the Board of Adjustment: Approved variance appeal #98-68 for a septic system as requested and that the applicant work with the Planning and Zoning Office on the mound system installation.

REASON: This is in accordance with Section 1104 of the Shoreland Management Ordinance and the findings of fact on file with the Planning and Zoning Office.

Any aggrieved person or persons, any Department, Board, Commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision, to the district court in the County in which the land is located on questions of law and fact.

CHAIRMAN'S SIGNATURE DATE September 21, 1998 Applicant and MN Dept. of Natural Resources notified this 25th day of September, 1998

Please apply to this office for any necessary permits.

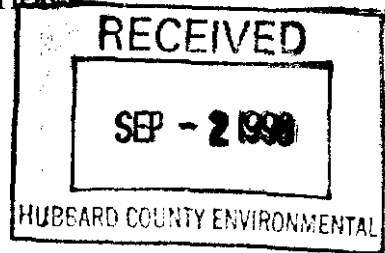
GARRY JOHANSON PLANNING-ZONING ADMINISTRATOR HUBBARD COUNTY, MINNESOTA

LARSON ENVIRONMENTAL CONSULTING

710 Lincoln Ave. SE
Bemidji, MN. 56601
218-751-2570

SEPTIC SYSTEM SITE EVALUATION

Project Number #1278



OWNER: (Name and address) Cletus Frericks
Rt. 2 Box 313A
Cass Lake, MN. 56633

DATE: 8/28/98

SITE LOCATION: Wolf Lake and Mud Lake
Lots 1 - 8 and part of Lot 9
sec. 1, T145N - R32W

PRELIMINARY DESIGN:

of bedrooms 2 Type I garbage disposal: No
Flow: 300 gpd Trench _____ At-grade _____ Mound X
Gravity dist. _____ Pressure dist. X
Estimated soil sizing factor _____ Absorption width sizing factor 0.79
Estimated perc rate 0.1 - 5 mpi

SITE EVALUATION INFORMATION:

Soil survey map unit: 798 Roscommon sandy loam
Soil type/parent material: Outwash sands
Disturbed/compacted area: No, but this area has been filled in the past
Floodplain area: No
Vegetation: Northern hardwoods
Slope: 1 to 2 percent
Site drainage: Moderately well to poor
Depth to restricting layer: 12" near borings 1 and 2 - 30" near borings 3 and 4
Maximum depth of system: above ground
Soil texture: fine sandy loam, sand
Soil sizing factor: 0.79 sq.ft./gpd

WELL INFORMATION: (information supplied by owner)

Location: See map Size: 1-1/2" Casing depth: < 50 feet

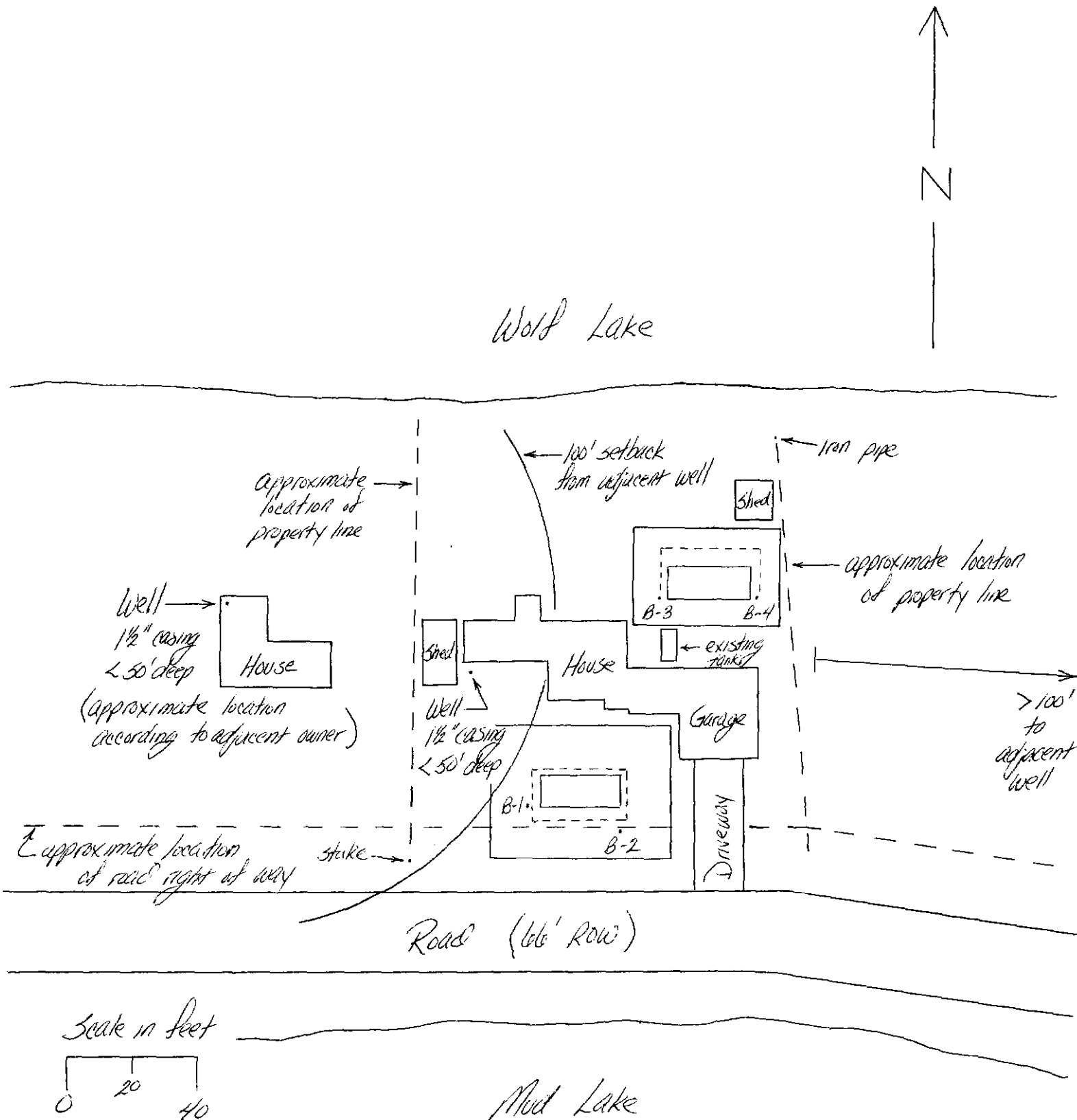
NOTES AND COMMENTS: The soils at this site formed in outwash sands and there is evidence of a seasonal water table present at 12" near borings 1 and 2 and at 30" near borings 3 and 4. The area near borings 1 and 2 has been filled in the past probably when the existing road was constructed. The owners will have to receive a variance from Hubbard County to install this mound system within the required 150 foot setback from the lakes, within the required 20 foot setback from the house and within the required 10 foot setback from the property line and/or road right of way. The existing shallow well present at this site will have to be sealed and a new deep well will have to be drilled in order to install the new septic system.

SITE EVALUATION COMPLETED BY: [Signature] MPCA Lic. # 608
Larson Environmental Cons.

This site evaluation has been completed in accordance with all provisions of ISTS rules chapter 7080

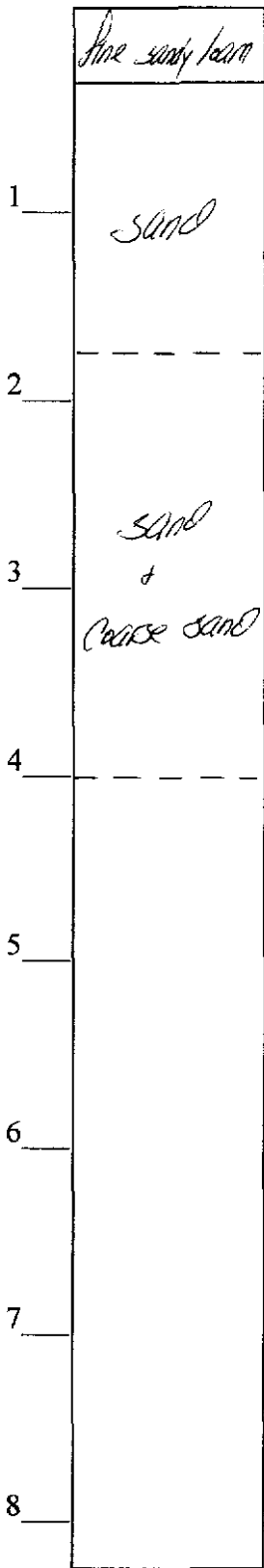
LUG APPROVAL: [Signature] Date: 10/13/98

X SEE VARIANCE APPROVAL Form



Note - This is not an official survey. Location of property lines in the field are approximate.

LOG OF SOIL BORINGS



Depth: 0 to 4"
 Texture: fine sandy loam
 Color: black 10YR 3/1
 Structure: granular
 Mottling: ----
 Clay films: ----
 Carbonates: ----

Depth: 4 to 20"
 Texture: sand
 Color: yellowish brown 10YR 5/4
 Structure: single grain
 Mottling: yes
 Clay films: no
 Carbonates: no

Depth: 20 to 48"
 Texture: sand and coarse sand
 Color: gray 10YR 6/2
 Structure: single grain
 Mottling: yes - gleyed
 Clay films: no
 Carbonates: no

Depth:
 Texture:
 Color:
 Structure:
 Mottling:
 Clay films:
 Carbonates:

Depth:
 Texture:
 Color:
 Structure:
 Mottling:
 Clay films:
 Carbonates:

Name: Cletus Frericks
 Site location: Wolf Lake - Mud Lake
 Lots 1 - 8, part of Lot 9
 sec. 1, T145N - R32W

County: Hubbard
 Boring number: B-1
 Boring location: See map
 Borings completed by:
 Dave Larson - Soil scientist
 Larson Environmental Consulting
 MPCA License #: 608
 Date: 8/28/98
 Classification system: USDA-SCS

Soil type: Outwash sands
 Vegetation: Northern hardwoods
 Slope: 1 to 2 percent
 Floodplain area: No
 Site drainage: Poor
 End of boring at 4.0 feet

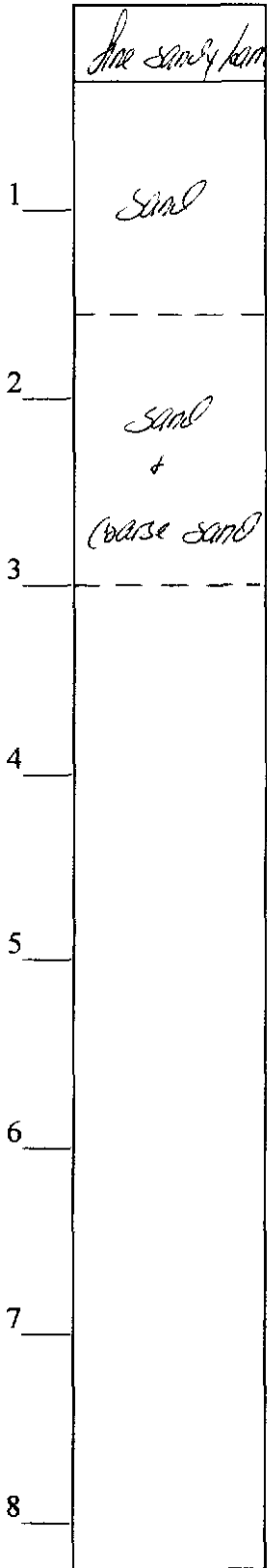
Depth to seasonal water table: 14"

Standing water present in borehole: 22"

Notes and comments:
High chroma reddish 10YR 5/6 mottles present at 14"

Gray 2 chroma 10YR 6/2 mottles present at 15 to 16"

LOG OF SOIL BORINGS



Depth: 0 to 4"
 Texture: fine sandy loam
 Color: black 10YR 3/1
 Structure: granular
 Mottling: ----
 Clay films: ----
 Carbonates: ----

Depth: 4 to 18"
 Texture: sand
 Color: yellowish brown 10YR 5/4
 Structure: single grain
 Mottling: yes
 Clay films: no
 Carbonates: no

Depth: 18 to 36"
 Texture: sand and coarse sand
 Color: gray 10YR 6/2
 Structure: single grain
 Mottling: yes - gleyed
 Clay films: no
 Carbonates: no

Depth:
 Texture:
 Color:
 Structure:
 Mottling:
 Clay films:
 Carbonates:

Depth:
 Texture:
 Color:
 Structure:
 Mottling:
 Clay films:
 Carbonates:

Name: Cletus Frericks
 Site location: Wolf Lake - Mud Lake
 Lots 1 - 8, part of Lot 9
 sec. 1, T145N - R32W

County: Hubbard
 Boring number: B-2
 Boring location: See map
 Borings completed by:
 Dave Larson - Soil scientist
 Larson Environmental Consulting
 MPCA License #: 608
 Date: 8/28/98
 Classification system: USDA-SCS

Soil type: Outwash sands
 Vegetation: Northern hardwoods
 Slope: 1 to 2 percent
 Floodplain area: No
 Site drainage: Poor
 End of boring at 4.0 feet

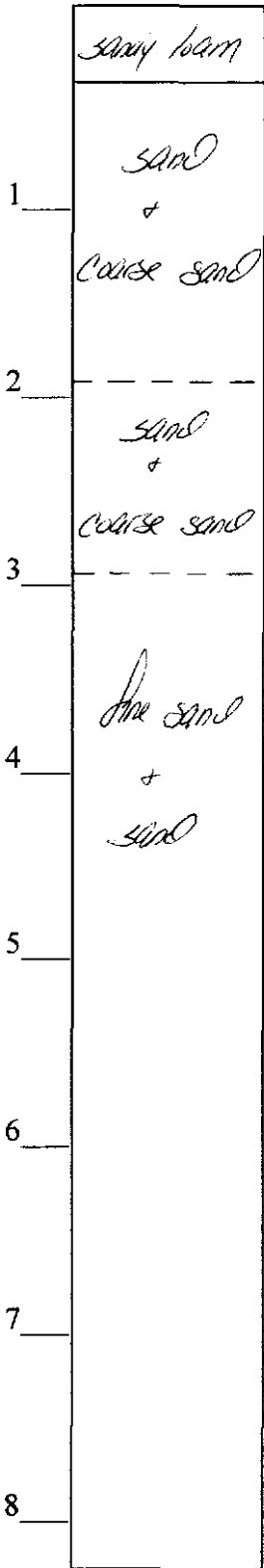
Depth to seasonal water table: 11 to 12"
 Standing water present in borehole: 17"

Notes and comments:
High chroma reddish 10YR 5/6 mottles present at 11 to 12"

Gray 2 chroma 10YR 6/2 mottles present at 14"

This boring was completed in the lower portion of the landscape. The lowest areas of elevation in this area may have 12" of unsaturated soil conditions present

LOG OF SOIL BORINGS



Depth: 0 to 4"
 Texture: sandy loam
 Color: black 10YR 3/1
 Structure: granular
 Mottling: ----
 Clay films: ----
 Carbonates: ----

Depth: 4 to 22"
 Texture: sand and coarse sand
 Color: yellowish brown 10YR 5/4
 Structure: single grain
 Mottling: no
 Clay films: no
 Carbonates: no

Depth: 22 to 34"
 Texture: sand and coarse sand
 Color: pale brown 10YR 6/3
 Structure: single grain
 Mottling: yes - at 30"
 Clay films: no
 Carbonates: no

Depth: 34 to 60"
 Texture: fine sand and sand
 Color: light yellowish brown 10YR 6/4
 Structure: single grain
 Mottling: yes
 Clay films: no
 Carbonates: yes

Depth:
 Texture:
 Color:
 Structure:
 Mottling:
 Clay films:
 Carbonates:

Name: Cletus Frericks
 Site location: Wolf Lake - Mud Lake
 Lots 1 - 8, part of Lot 9
 sec. 1, T145N - R32W

County: Hubbard
 Boring number: B-3
 Boring location: See map
 Borings completed by:
 Dave Larson - Soil scientist
 Larson Environmental Consulting
 MPCA License #: 608
 Date: 8/28/98
 Classification system: USDA-SCS

Soil type: Outwash sands
 Vegetation: Northern hardwoods
 Slope: 1 to 2 percent
 Floodplain area: No
 Site drainage: Moderately well
 End of boring at 5.0 feet

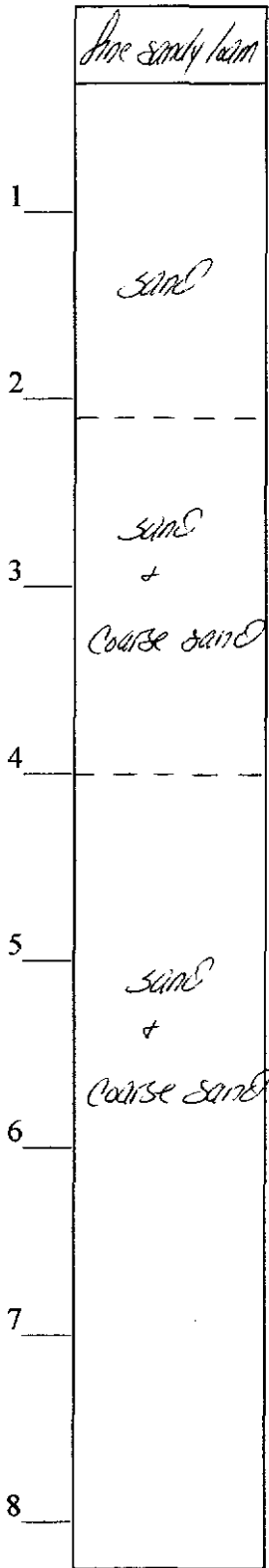
Depth to seasonal water table: 30"

Standing water present in borehole: 41"

Notes and comments:
High chroma reddish 10YR 5/6 mottles present at 30"

Gray 2 chroma 10YR 6/2 mottles present at 34"

LOG OF SOIL BORINGS



Depth: 0 to 4"
 Texture: fine sandy loam
 Color: black 10YR 3/1
 Structure: granular
 Mottling: ----
 Clay films: ----
 Carbonates: ----

Depth: 4 to 26"
 Texture: sand
 Color: yellowish brown 10YR 5/4
 Structure: single grain
 Mottling: yes
 Clay films: no
 Carbonates: no

Depth: 26 to 48"
 Texture: sand and coarse sand
 Color: pale brown 10YR 6/3
 Structure: single grain
 Mottling: yes
 Clay films: no
 Carbonates: no

Depth: 48 to 60"
 Texture: sand and coarse sand
 Color: gray 10YR 6/2
 Structure: single grain
 Mottling: yes - gleyed
 Clay films: no
 Carbonates: no

Depth:
 Texture:
 Color:
 Structure:
 Mottling:
 Clay films:
 Carbonates:

Name: Cletus Frericks
 Site location: Wolf Lake - Mud Lake
 Lots 1 - 8, part of Lot 9
 sec. 1, T145N - R32W

County: Hubbard
 Boring number: B-4
 Boring location: See map
 Borings completed by:
 Dave Larson - Soil scientist
 Larson Environmental Consulting
 MPCA License #: 608
 Date: 8/28/98
 Classification system: USDA-SCS

Soil type: Outwash sands
 Vegetation: Northern hardwoods
 Slope: 1 to 2 percent
 Floodplain area: No
 Site drainage: Moderately well
 End of boring at 5.0 feet

Depth to seasonal water table: 30"
 Standing water present in borehole: 42"

Notes and comments:
High chroma reddish 10YR 5/6 mottles present at 30 to 32"
Gray 2 chroma 10YR 6/2 mottles present at 34 to 36"

LARSON ENVIRONMENTAL CONSULTING

710 Lincoln Ave. SE
Bemidji, MN. 56601
218-751-2570

SEPTIC SYSTEM DESIGN

Project Number #1278

OWNER: (Name and address) Cletus Frericks
Rt. 2 Box 313A
Cass Lake, MN. 56633

SITE LOCATION: Wolf Lake - Mud Lake
Lots 1 - 8 and part of Lot 9, north of Mud Lake and south of Wolf Lake
sec. 1, T145N - R32W

ESTIMATED FLOW: 300 gpd
No. of bedrooms - 2
Garbage disposal - No
Lift in basement - No

SEPTIC TANK VOLUME: 1000 gallons
- 1500 gallon compartmented tank needed with garbage disposal

PUMP TANK VOLUME: 500 gallons

SITE EVALUATION INFORMATION:

- depth to restricting layer: 1.0 or 2.5 feet
- texture: fine sandy loam - sand
- absorption width sizing factor: 0.79 sq. ft./gpd
- slope: 1 to 2 percent
- maximum depth of system: above ground
- perc rate: 1 to 5 mpi - estimated

MOUND SYSTEM AREA:

- Rock bed dimensions: **10 x 25 feet**
- Total mound dimensions: **41 x 55 feet near borings 1 and 2 or 31 x 45 near borings 3 and 4**

ROCK VOLUME (cu.ft.) = (Rock depth) x sq.ft. of bottom area = cu.ft.
- 250 sq. ft. x 1 = **250 cu.ft.**

ROCK VOLUME (cu.yds.) = Rock volume (cu.ft.) / 27 = cu.yds.
- 250 cu.ft. / 27 = **10 cu.yds.**

ROCK WEIGHT (tons) = cu.yds. x 1.4 tons/cu.yd. = tons
- 10 cu.yds x 1.4 tons/cu.yd. = **14 tons**

NUMBER OF PERFORATED LATERALS: **3**

RECOMMENDED PERFORATION SPACING: **2.5 feet**

SETBACK DISTANCES REQUIRED:

- Tank to building: 10 feet
- Tank to well: 50 feet
- Tank to property line: 10 feet
- Tank to buried pipe distributing water under pressure: 10 feet

- Drainfield to building: 20 feet
- Drainfield to well (< 50 feet deep): 100 feet
- Drainfield to well (> 50 feet deep): 50 feet
- Drainfield to property lines: 10 feet

NOTES AND COMMENTS: This mound system was designed for a 2 bedroom - Type I home using an absorption width sizing factor of 0.79 sq.ft./gpd. The new system must be installed in accordance with all technical standards found in chapter 7080 of the ISTS program. In order to install a mound system at this site, the owners will have to receive variances from Hubbard County to install the mound system within the 150 foot setback to the lake, within the required 20 foot setback to the house and within the required 10 foot setback to the property line and/or the road right of way. If the setbacks to the mound system are considered to be to the dike toe, then a mound system could not be installed in the area near borings 1 and 2, because it cannot meet setbacks to the adjacent well and to the road right of way. If the setbacks are considered to be to the absorption area, then it may be possible to install a mound system near borings 1 and 2, but the finished product will be over the road right of way and within the 100 foot setback to the adjacent well. The other alternative would be to install the mound system at a 40 to 50 foot setback from the lake. The owners will have to work with officials from Hubbard County to decide exactly where this mound system will be located. The site evaluation states that the soils in this area formed in outwash sands and there is evidence of a seasonal water table present at 12" near borings 1 and 2 and at 30" near borings 3 and 4. 3.0 feet or 1.5 foot of clean sand is needed to ensure the required four foot separation from the water table. The size of the existing tank was not determined at the time of the evaluation. If this tank is a sealed tank, is at least 1000 gallons in size and if approved by Hubbard County, it can be used for the new system. Either an additional 500 gallon pumping tank will need to be installed in sequence with the existing tank or a new 1500 gallon compartmented septic tank needs to be installed for this system. Due to the depth of the water table, it may be necessary to install two 1000 gallon low-profile tanks in sequence for this system. The tank need to be installed in an area that will allow the effluent to drain back into the tank when the pump shuts off. A single pump, with an alarm system to warn of any failure, could be used to dose the effluent to the mound. The pump needs to be elevated from the bottom of the tank to protect the pump from settling solids. The ground surface needs to be scarified before the clean sand is laid down. The clean sand material must meet the specifications found in the ISTS standards of chapter 7080. It is proposed to use a 2" pipe from the tank to the mound system and 1-1/2" laterals on top of the rock bed. Each lateral should have 10 - 1/4" perforations spaced 2.5 feet apart. The top of the rock bed must be kept level in all directions. The distribution pipes needs to be covered by the rock and the rock bed must be covered with geotextile material before the fill sand and topsoil are spread on top to finish the construction of the mound. A 1-1/2" to 4" inspection pipe must be placed at the end of the rock bed at the rock/sand interface and it is recommended that an additional inspection pipe be placed to the side of the rock bed in the clean sand material. It is estimated that a pump that can deliver 25 gpm with at least 13 feet of total head will be needed for this system. It may also be beneficial to install a filter on the pressure side of the pump to eliminate any foreign debris that could plug the perforation holes on the lateral distribution pipes.

System designed by:


Larson Environmental Cons.

MPCA License # 608

This system has been designed in accordance with all provisions of ISTS rules chapter 7080

MOUND DESIGN WORKSHEET
(For Flows up to 1200 gpd)

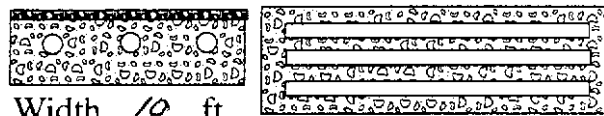
Cletus Frericks
Lots 1-8 and part of Lot 9
Sec. 1, T145N - R32W

<p>A. FLOW Estimated <u>300</u> gpd or measured _____ x 1.5 = _____ gpd.</p> <p>B. SEPTIC TANK LIQUID VOLUMES <u>1000</u> gallons</p> <p>C. SOILS (refer to site evaluation) <u>(30")</u> <u>(2.5)</u></p> <ol style="list-style-type: none"> Depth to restricting layer = <u>12</u> inches <u>1.0</u> feet Depth of percolation tests = _____ inches Texture <u>Fine sandy loam</u> Percolation rate <u>1-5</u> mpi Land slope <u>1</u> % 	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="5">Estimated Sewage Flows in Gallons per day (gpd)</th> </tr> <tr> <th>Number of Bedrooms</th> <th>Type I</th> <th>Type II</th> <th>Type III</th> <th>Type IV</th> </tr> <tr> <td>2</td> <td>300</td> <td>225</td> <td>180</td> <td rowspan="8">60% of the values in Type I, II or III columns</td> </tr> <tr> <td>3</td> <td>450</td> <td>300</td> <td>218</td> </tr> <tr> <td>4</td> <td>600</td> <td>375</td> <td>256</td> </tr> <tr> <td>5</td> <td>750</td> <td>450</td> <td>294</td> </tr> <tr> <td>6</td> <td>900</td> <td>525</td> <td>332</td> </tr> <tr> <td>7</td> <td>1050</td> <td>600</td> <td>370</td> </tr> <tr> <td>8</td> <td>1200</td> <td>675</td> <td>408</td> </tr> </table>	Estimated Sewage Flows in Gallons per day (gpd)					Number of Bedrooms	Type I	Type II	Type III	Type IV	2	300	225	180	60% of the values in Type I, II or III columns	3	450	300	218	4	600	375	256	5	750	450	294	6	900	525	332	7	1050	600	370	8	1200	675	408
Estimated Sewage Flows in Gallons per day (gpd)																																								
Number of Bedrooms	Type I	Type II	Type III	Type IV																																				
2	300	225	180	60% of the values in Type I, II or III columns																																				
3	450	300	218																																					
4	600	375	256																																					
5	750	450	294																																					
6	900	525	332																																					
7	1050	600	370																																					
8	1200	675	408																																					

Septic Tank Capacities (in gallons)		
Number of Bedrooms	Minimum Liquid Capacity	Liquid capacity with garbage disposal
2 or less	750	1125
3 or 4	1000	1500
5 or 6	1500	2250
7, 8 or 9	2000	3000

D. ROCK LAYER DIMENSIONS

- Multiply flow rate by 0.83 to obtain required area of rock layer: $A \times 0.83 =$
300 gpd x 0.83 sq. ft./gpd = 249 sq. ft.
- Select width of rock layer (max 10' if <120 mpi max 5') = 10 ft.
- Length of rock layer = area ÷ width =
249 sq. ft. ÷ 10 ft. = 25 ft.



Width 10 ft
 <120mpi <10'
 >120mpi <5'

E. ROCK VOLUME

- Multiply rock area by rock depth to get cubic feet of rock; 250 sq. ft. x 1.0 ft. = 250 cu. ft.
- Divide cu. ft. by 27 cu. ft./cu. yd. to get cubic yards;
250 cu. ft. ÷ 27 = 10 cu. yd.
- Multiply cubic yards by 1.4 to get weight of rock in tons; 10 cu. yd. x 1.4 ton/cu. yd. = 14 tons.

F. ABSORPTION WIDTH

- Percolation rate in top 12 inches of soil is 1-5 mpi
Texture Fine sandy loam - same?
- Select allowable soil loading rate from table;
0.79 gpd/ft²
- Calculate adsorption width ratio by dividing rock layer loading rate of 1.20 gpd/ft² by allowable soil loading rate;
 $1.20 \text{ gpd/ft}^2 \div 0.79 \text{ gpd/ft}^2 = \underline{1.52}$
- Multiply adsorption width ratio by rock layer width to get required adsorption width;
1.52 x 10 ft = 15 ft

Absorption Width Sizing Table			
Percolation Rate in Minutes per Inch (MPI)	Soil Texture	Gallons per day per square foot	Ratio of Absorption width to Rock Layer Width
Faster than 0.1	Coarse Sand	1.20	1.00
	Sand	1.20	1.00
	Fine Sand	0.60	2.00
	Sandy Loam	0.79	1.52
	Loam	0.60	2.00
	Silt Loam	0.50	2.40
	Clay Loam	0.45	2.67
	Clay	0.24	5.00
	Clay	0.20	6.00
	Slower than 120		

Mound system near berings 1+2

G. DOWNSLOPE BERM WIDTH

1. If landslope is 1% or more, subtract rock layer width from adsorption width to obtain minimum downslope berm toe
 $15 \text{ ft} - 10 \text{ ft} = 5 \text{ feet}$

2. Calculate Minimum mound Size

a. Determine depth of clean sand fill at upslope edge of rock layer:

Separation $\# - 1 \text{ ft} = 3 \text{ feet}$

b. Add depth of clean sand for separation (2a)

at upslope edge, depth of rock layer (1 foot) to depth of cover

(1 foot) to find the mound height at the upslope edge of rock layer;

$3 \text{ ft} + 1 \text{ ft} + 1 \text{ ft} = 5 \text{ feet}$

c. Enter table with landslope and upslope berm ratio. Select berm multiplier of 2.91

d. Multiply berm multiplier by upslope mound height to find upslope berm width:

$5 \times 2.91 = 15 \text{ feet}$

e. Multiply rock layer width by landslope to determine drop in elevation;

$10 \times 1 \% \div 100 = 0.1 \text{ feet}$

f. Add depth of clean sand for slope difference (2e) at downslope edge, to the mound height at the upslope edge of rock layer (2b) to find the downslope height;

$5 \text{ ft} + 0.1 \text{ ft} = 5.1 \text{ feet}$

g. Enter table with landslope and downslope berm ratio. Select berm multiplier of 3.09

h. Multiply berm multiplier by downslope mound height to get downslope berm width:

$5.1 \times 3.09 = 16 \text{ feet}$

i. Compare the values of step G.1 5 and Step G.2h 16

Select the greater of the two values as the downslope berm width; 16 feet

j. Total mound width is the sum of upslope berm (G.2d)

width plus rock layer width (D.2)

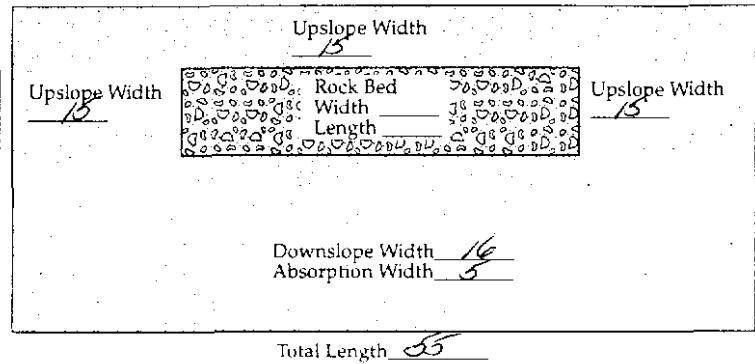
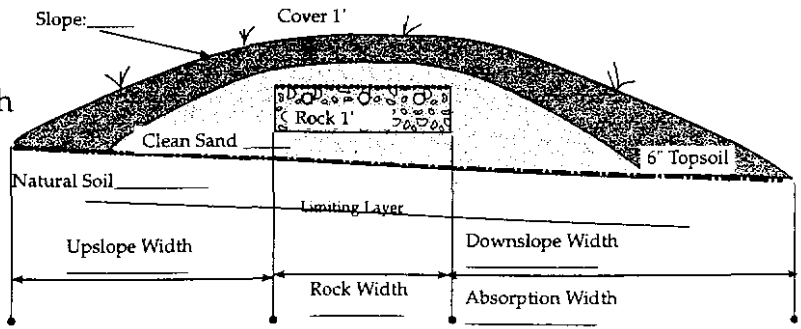
plus downslope berm width (G.2i);

$15 \text{ ft} + 10 \text{ ft} + 16 \text{ ft} = 41 \text{ feet}$

k. Total mound length is the sum of upslope berm width (G.2d) plus rock layer length (D.3)

plus upslope berm width (G.2d);

$15 \text{ ft} + 25 \text{ ft} + 15 \text{ ft} = 55 \text{ feet}$



BERM SLOPE MULTIPLIERS

Land Slope, in %	DOWNSLOPE berm multipliers for various berm slope ratios					UPSLOPE berm multipliers for various berm slope ratios						
	3:1	4:1	5:1	6:1	7:1	3:1	4:1	5:1	6:1	7:1	8:1	
0	3.0	4.0	5.0	6.0	7.0	3.0	4.0	5.0	6.0	7.0	8.0	
1	3.09	4.17	5.26	6.35	7.53	2.91	3.85	4.76	5.66	6.54	7.41	
2	3.19	4.35	5.56	6.82	8.14	2.83	3.70	4.54	5.36	6.14	6.90	
3	3.30	4.54	5.88	7.32	8.86	2.75	3.57	4.35	5.08	5.79	6.45	
4	3.41	4.76	6.25	7.89	9.72	2.68	3.45	4.17	4.84	5.46	6.06	
5	3.53	5.00	6.67	8.57	10.77	2.61	3.33	4.00	4.62	5.19	5.71	
6	3.66	5.26	7.14	9.38	12.07	2.54	3.23	3.85	4.41	4.93	5.41	
7	3.80	5.56	7.69	10.34	13.73	2.48	3.12	3.70	4.23	4.70	5.13	
8	3.95	5.88	8.33	11.54	15.91	2.42	3.03	3.57	4.05	4.49	4.88	
9	4.11	6.25	9.09	13.04	18.92	2.36	2.94	3.45	3.90	4.30	4.65	
10	4.29	6.67	10.00	15.00	23.33	2.31	2.86	3.33	3.75	4.12	4.44	
11	4.48	7.14	11.11	17.65	30.43	2.26	2.78	3.23	3.61	3.95	4.26	
12	4.69	7.69	12.50	21.43	43.75	2.21	2.70	3.12	3.49	3.80	4.08	

Note: The product of the multiplier and the height results in the horizontal distance to where the berm meets the original land slope. Example: Height at upper edge of rock layer is 3.0 feet, rock layer is 10 feet wide, land slope is 6% and berm slope ratio is 4:1. Upslope berm width is $3.23 \times 3.0 = 9.7 \text{ ft}$; height at lower edge of rock layer is $3.0 + 10 \times 0.6 = 3.6 \text{ ft}$ and downslope berm width is $5.26 \times 3.6 = 18.9 \text{ ft}$.

Final Dimesions:
41 x 55

Mound System near Berings 3 & 4

G. DOWNSLOPE BERM WIDTH

1. If landslope is 1% or more, subtract rock layer width from adsorption width to obtain minimum downslope berm toe
 $15 \text{ ft} - 10 \text{ ft} = 5 \text{ feet}$

2. Calculate Minimum mound Size

a. Determine depth of clean sand fill at upslope edge of rock layer:

Separation $B - 2.5 \text{ ft} = 1.5 \text{ feet}$

b. Add depth of clean sand for separation (2a)

at upslope edge, depth of rock layer (1 foot) to depth of cover

(1 foot) to find the mound height at the upslope edge of rock layer;

$1.5 \text{ ft} + 1 \text{ ft} + 1 \text{ ft} = 3.5 \text{ feet}$

c. Enter table with landslope and upslope berm ratio. Select berm multiplier of 2.91

d. Multiply berm multiplier by upslope mound height to find upslope berm width:

$3.5 \times 2.91 = 10 \text{ feet}$

e. Multiply rock layer width by landslope to determine drop in elevation;

$10 \times 1\% \div 100 = 0.1 \text{ feet}$

f. Add depth of clean sand for slope difference (2e) at downslope edge, to the mound height at the upslope edge of rock layer (2b) to find the downslope height;

$3.5 \text{ ft} + 0.1 \text{ ft} = 3.6 \text{ feet}$

g. Enter table with landslope and downslope berm ratio. Select berm multiplier of 3.09

h. Multiply berm multiplier by downslope mound height to get downslope berm width:

$3.6 \times 3.09 = 11 \text{ feet}$

i. Compare the values of step G.1 5 and Step G.2h 11

Select the greater of the two values as the downslope berm width; 11 feet

j. Total mound width is the sum of upslope berm (G.2d)

width plus rock layer width (D.2)

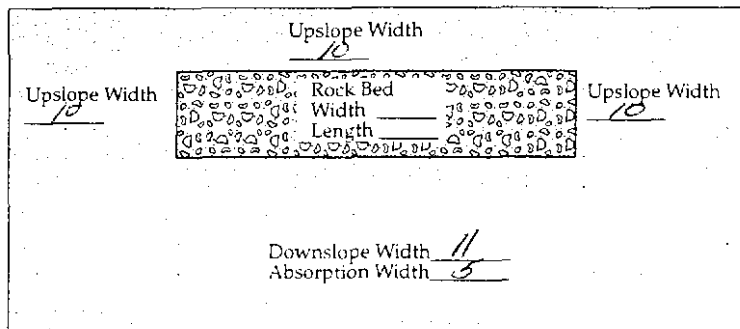
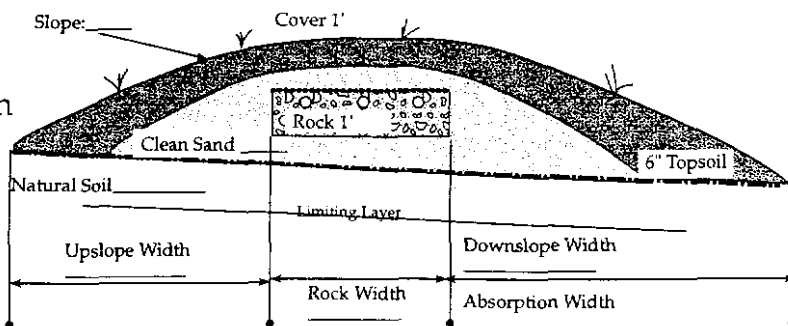
plus downslope berm width (G.2i);

$10 \text{ ft} + 10 \text{ ft} + 11 \text{ ft} = 31 \text{ feet}$

k. Total mound length is the sum of upslope berm width (G.2d) plus rock layer length (D.3)

plus upslope berm width (G.2d);

$10 \text{ ft} + 25 \text{ ft} + 10 \text{ ft} = 45 \text{ feet}$



BERM SLOPE MULTIPLIERS

Land Slope, in %	DOWNSLOPE berm multipliers for various berm slope ratios					UPSLOPE berm multipliers for various berm slope ratios					
	3:1	4:1	5:1	6:1	7:1	3:1	4:1	5:1	6:1	7:1	8:1
0	3.0	4.0	5.0	6.0	7.0	3.0	4.0	5.0	6.0	7.0	8.0
1	<u>3.09</u>	4.17	5.26	6.35	7.53	<u>2.91</u>	3.85	4.76	5.66	6.54	7.41
2	3.19	4.35	5.56	6.82	8.14	2.83	3.70	4.54	5.36	6.14	6.90
3	3.30	4.54	5.88	7.32	8.86	2.75	3.57	4.35	5.08	5.79	6.45
4	3.41	4.76	6.25	7.89	9.72	2.68	3.45	4.17	4.84	5.46	6.06
5	3.53	5.00	6.67	8.57	10.77	2.61	3.33	4.00	4.62	5.19	5.71
6	3.66	5.26	7.14	9.38	12.07	2.54	3.23	3.85	4.41	4.93	5.41
7	3.80	5.56	7.69	10.34	13.73	2.48	3.12	3.70	4.23	4.70	5.13
8	3.95	5.88	8.33	11.54	15.91	2.42	3.03	3.57	4.05	4.49	4.88
9	4.11	6.25	9.09	13.04	18.92	2.36	2.94	3.45	3.90	4.30	4.65
10	4.29	6.67	10.00	15.00	23.33	2.31	2.86	3.33	3.75	4.12	4.44
11	4.48	7.14	11.11	17.65	30.43	2.26	2.78	3.23	3.61	3.95	4.26
12	4.69	7.69	12.50	21.43	43.75	2.21	2.70	3.12	3.49	3.80	4.08

Note: The product of the multiplier and the height results in the horizontal distance to where the berm meets the original land slope. Example: Height at upper edge of rock layer is 3.0 feet, rock layer is 10 feet wide, land slope is 6% and berm slope ratio is 4:1. Upslope berm width is $3.23 \times 3.0 = 9.7 \text{ ft}$; height at lower edge of rock layer is $3.0 + 10 \times 0.6 = 3.6 \text{ ft}$ and downslope berm width is $5.26 \times 3.6 = 18.9 \text{ ft}$.

Final Dimesions:

31 x 45

PRESSURE DISTRIBUTION SYSTEM

- Select number of perforated laterals 3
- Select perforation spacing = 2.5 feet.
- Since perforations should not be placed closer than 1 ft. to the edge of the rock layer (see diagram), subtract 2 ft. from the rock layer length.

$$\frac{25}{\text{Rock layer length}} - 2 \text{ ft.} = \underline{23} \text{ feet.}$$

- Determine the number of spaces between perforations. Divide the length above by perforation spacing and round down to nearest whole number.

$$\text{Length perf. spacing} = \frac{23 \text{ ft.}}{(3)} \div \frac{2.5 \text{ ft.}}{(2)} = \underline{9} \text{ spaces}$$

- Number of perforations is equal to one plus the number of perforation spaces.

$$\underline{9} \text{ spaces} + 1 = \underline{10} \text{ perforations/lateral}$$

- Multiply perforations per lateral by number of laterals to get total number of perforations.

$$\frac{3}{\text{laterals}} \times \frac{10}{\text{perfs/lateral}} = \underline{30} \text{ perforations.}$$

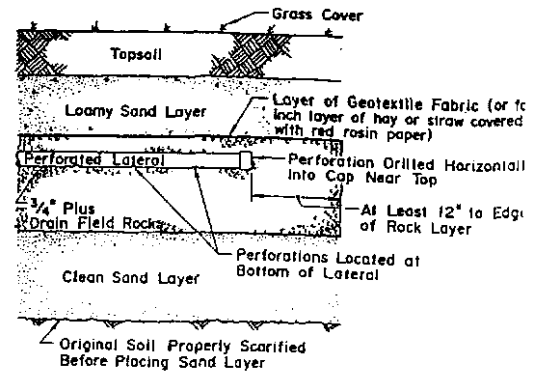
- Determine required flow rate by multiplying number of perforations by flow per perforation

$$\frac{30}{\text{perfs}} \times \frac{0.74}{\text{gpm/perf}} = \underline{22} \text{ gpm.}$$

- If laterals are connected to header pipe as shown on upper example, to select minimum required lateral diameter; enter table with perforation spacing and number of perforations per lateral. Select minimum diameter for perforated lateral = 1 1/4 inches.

- If perforated lateral system is attached to manifold pipe near the center, lower diagram, perforated lateral length and number of perforations per lateral will be approximately one half of that in step 8. Using these values, select minimum diameter for perforated lateral = 1 1/4 inches.

END PERFORATION OF A PERFORATED LATERAL

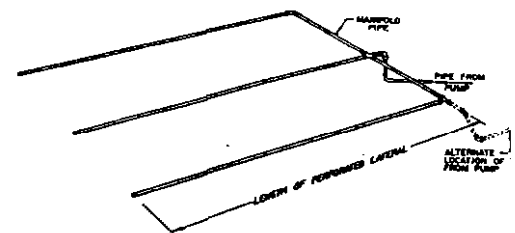


Required Perforation Discharge in gallons per minute (gpm)		
Discharge Head (feet)	3/32 inch perf	1/4 inch perf
1.0a	0.56	0.74
2.0b	0.80	1.04

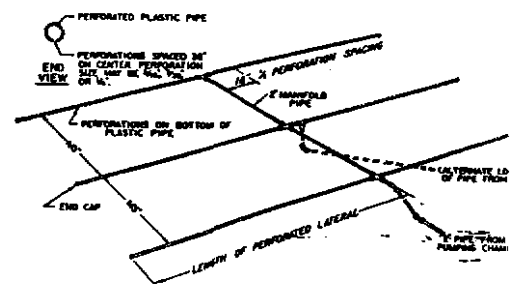
a. Use for single family homes
b. Use for all other applications

Maximum number of quarter inch perforations per lateral to guarantee < 10% discharge variation			
Perforation Spacing (feet)	1 1/4	1 1/2	2
2.5	14	18	28
3.0	13	17	26
3.3	12	16	25
4.0	11	15	23
5.0	10	14	22

MANIFOLD LOCATED AT END OF PRESSURE DISTRIBUTION SYSTEM



LAYOUT OF PERFORATED PIPE LATERALS FOR PRESSURE DISTRIBUTION BY MANIFOLD



PUMP SELECTION PROCEDURE

A. Determine pump capacity:

Gravity Distribution

1. Minimum suggested is 20 gpm
2. Maximum suggested is 45 gpm

Pressure Distribution

3. a. Select number of perforated laterals 3
- b. Select perforation spacing = 2.5 feet.
- c. Subtract 2 ft. from the rock layer length.
Rock layer length 25 - 2 ft. = 23 feet.
- d. Determine the number of spaces between perforations.
Length perf. spacing = 23 ft. ÷ 2.5 ft. = 9 spaces
- e. 9 spaces + 1 = 10 perforations/lateral
- f. Multiply perforations per lateral by number of laterals to get total number of perforations. $\frac{3}{\text{laterals}} \times \frac{10}{\text{perfs./lateral}} = \underline{30}$ perforations.
- g. $\frac{30}{\text{perfs}} \times \frac{0.74}{\text{gpm./perf}} = \underline{23}$ gpm.

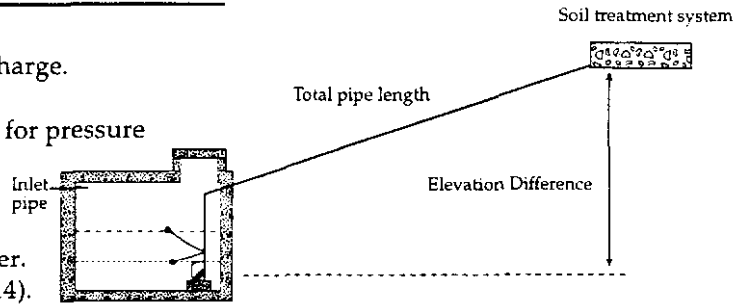
Head (feet)	Perforation diameter (inches)	
	7/32	1/4
1.0a	0.56	0.74
1.5	0.69	0.90
2.0b	0.80	1.04

a Use 1.0 foot single homes.
b Use 2.0 feet for anything else.

SELECTED PUMP CAPACITY 25 gpm

B. Determine head requirements:

1. Elevation difference between pump and point of discharge. 0 feet
2. If pumping to a pressure distribution system, five feet for pressure required at manifold if gravity system, zero. 5 feet
3. Friction loss
 - a. Enter friction loss table with gpm and pipe diameter. Read friction loss in feet per 100 feet from table (F-14).
F.L. = 1.11 ft./100 ft of pipe
 - b. Determine total pipe length from pump to discharge point. Estimate by adding 25 percent to pipe length for fitting loss, or use a fitting loss chart (F-15 feet).
Equivalent pipe length - 1.25 times pipe length = 30 x 1.25 = 38 feet
 - c. Calculate total friction loss by multiplying friction loss in ft/100 ft by equivalent pipe length.
Total friction loss = 38 x 1.11 ÷ 100 = 0.5 feet
4. Total head required is the sum of elevation difference, special head requirements, and total friction loss.



$$\frac{0}{(1)} + \frac{5}{(2)} + \frac{1}{(3c)}$$

TOTAL HEAD 12 feet

Flow Rate gpm	Nominal pipe dia.		
	1.5"	2"	3"
20	2.47	0.73	0.11
25	3.73	<u>1.11</u>	0.16
30	5.23	1.55	0.23
35	6.96	2.06	0.30
40	8.91	2.64	0.39
45	11.07	3.28	0.48
50	13.46	3.99	0.58
55		4.76	0.70
60		5.60	0.82
65		6.48	0.95
70		7.44	1.09

C. Pump selection

1. A pump must be selected to deliver at least 25 gpm (Step A) with at least 12 feet of total head (Step B).

Sizing of Dosing Chamber

using a 500 gallon compartment or a 1000 gallon low profile tank

1. Determine Surface Area

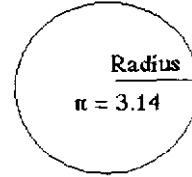
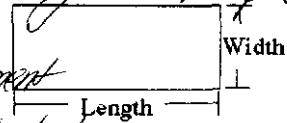
Rectangle = Area = L x W

$3.5 \times 5 = 17.5$ square feet - using a 500 gallon compartment
 $5 \times 11.5 = 57.5$ " " " " - " a 1000 gallon low profile tank

Circle = Area = $\pi \times (\text{Radius})^2$

$3.14 \times \text{Radius} \times \text{Radius} = \text{square feet}$

Other = Get Surface Area from Manufacturer
 _____ square feet



2. Calculate Gallons Per Inch

There are 7.5 gallons per cubic foot of volume, therefore you must multiply the area times the conversion factor and divide by 12 inches per foot to calculate gallons per inch

Area x 7.5 ÷ 12

$17.5 \times 7.5 \div 12 = 11$ gallons/inch - with a 500 gallon compartment
 $57.5 \times 7.5 \div 12 = 36$ " " " " a 1000 gallon low profile tank

3. Calculate Gallons to Cover Pump (with 2 inches of water covering pump)

(Height (in) + 2 inches) x gallons/inch

$(12 + 2) \times 11 = 154$ gallons

$12 + 2 \times 36 = 504$ gallons

4. Calculate Total Pumpout Volume

A. To maximize pump life select sump size for 4 to 5 pump operations per day.

300 gpd ÷ 4 = 75 gallons per dose

B. Calculate drainback

a. Determine total pipe length, 30 feet.

b. Determine liquid volume of pipe, 11.43 gallons per 100 feet. (see page F-13)

c. Multiply length by volume: Drainback quantity =

30 feet x 11.43 gallons ÷ 100 ft. = 5 gallons.

C. Total pump out volume equals dose volume + drainback

75 gallons per dose + 5 gallons = 80 Total gallons

5. Calculate Volume for Alarm (typically 2 to 3 inches)

Depth (in) x gallons/inch =

$3 \times 11 = 33$ gallons

$3 \times 36 = 108$ gallons

6. Recommended:

Calculate Reserve Capacity (75% the daily flow)

Daily flow x .75 =

_____ x .75 = _____ gallons *NA*

7. Calculate total gallons

gallons over pump + gallons pumpout + gallons alarm + (gallons reserve)

$3 + 4 + 5 + 6$
 $154 + 80 + 33 (+ \text{---}) = 267$ gallons

$304 + 80 + 108 = 692$ gallons

8. Total Depth (Total gallon divided by gallon per inch)

Total Gallon ÷ gallon/inch

$267 \div 11 = 24.3$ inches

$692 \div 36 = 19.2$ "

9. Float Separation Distance (equal total pumpout volume)

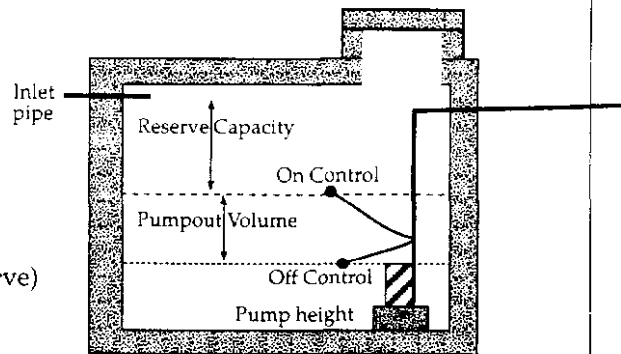
Total pumpout volume ÷ gallons/inch

$80 \div 11 = 7.3$ inches - using a 500 gallon compartment
 $80 \div 36 = 2.2$ " a 1000 gallon low profile tank

Estimated Sewage Flows in Gallons per day (gpd)

Number of Bedrooms	Type I	Type II	Type III	Type IV
2	300	225	180	60% of the values in Type I, II or III columns
3	450	300	218	
4	600	375	256	
5	750	450	294	
6	900	525	332	
7	1050	600	370	
8	1200	675	408	

Pipe diameter (inches)	Gallons per 100 feet
1	4.49
1.25	7.77
1.5	10.58
2	17.43
2.5	24.87
3	38.4
4	66.1





Hubbard County Environmental Services

301 Court Avenue, Park Rapids, MN 56470

Phone: 218.732.3890 Fax: 218.732.7993

www.co.hubbard.mn.us/environmental.htm

April 22, 2009

Michael G. and Darcy J. Thompson
512 1st Ave.
Reynolds, ND 58275

COPY

Staff:

Barb Barth,
Office Assistant
Eric Buitenwerf,
Env. Services Officer
Laird Hensel,
Env. Specialist
Scott Navratil,
Env. Specialist
Janet Thompson,
Admin. Assistant

Re: Hubbard County Board of Adjustment decision for Variance Application # 8-V-09

Dear Mr. and Mrs. Thompson,

The Hubbard County Board of Adjustment met on Monday, April 20, 2009 to review and consider the following variance application.

Variance Application # 8-V-09 by Michael G. and Darcy J. Thompson: That part of Government Lot Nine (9), Section One (1), Township One Hundred Forty-five (145), Range Thirty-two (32), Farden Township on Big Wolf and Mud Lakes, Parcel ID # 07.01.02200. Applicants are requesting an after-the-fact variance from Sections 501.1 and 501.2 of the Hubbard County Shoreland Management Ordinance for the previous owner's creation of the lot by illegal subdivision. The lot doesn't meet any of the minimum lot requirements. A Variance is also requested from the following Sections of the Hubbard County Shoreland Management Ordinance. Sections 502.1 and 502.2 for less than 150' setback from Mud Lake and less than 100' setback from Big Wolf Lake, Section 704 for an addition to a non-conforming structure previously approved by variance, and Section 904.6 to exceed the 25 percent maximum impervious surface coverage on the lot. Approval by the Mississippi Headwater's Board is also required. Mud Lake is a natural environment lake. Big Wolf Lake is a recreational development lake.

The official decision of the Hubbard County Board of Adjustment is as follows:

Benson moved to approve Variance Application # 8-V-09 by Michael G. and Darcy J. Thompson. Hawes seconded as presented.

Benson moved to amend his motion to stipulate that two accessory structures (the old waterfront shed and garage on the end of the trailer house) must be removed, to conform with the Ordinance requirement of 25% impervious lot area surface coverage. Hawes seconded the motion. The motion carried unanimously.

This is in accordance with Section 1104 of the Hubbard County Shoreland Management Ordinance and the findings of fact on file with the Environmental Services Office.

If your variance application is approved, you will still need to obtain the appropriate permit(s) for your project. Approval by the Mississippi Headwaters Board is necessary prior to issuance of any Hubbard County permits.

Your variance application itself does not constitute a permit.

Any approved variance requires a review of your septic system. Proof of compliance or a system upgrade (as applicable) is required before permits are issued.

Please contact the Environmental Services Office at (218) 732-3890 with questions.

Sincerely,

Eric Buitenwerf
Environmental Services Officer



MAR 23 2009

Variance Application

Updated 02/04/2008

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890 Fax: 218.732.7993

www.co.hubbard.mn.us/environmental.htm

Ink must be used to complete this application.

Owner Name(s): Mike and Dorey Thompson Date: 3/18/09

Agent Name(s): _____ (Attach completed "Authorized Agent Form.")

Mailing Address: 512 1st Ave. Reynolds N.D 58275

E911 Property Address: 32304 Wolf Lake Road Cass Lake MN 56633

Phone: 1-701-847-2420 Alternate Phone: 1-218-791-1917

Tax Parcel Number(s): 0.7.01; 0.2.2; 0.0.

Legal Description: - See Sketch MAP enclosed.

Section: 1 Township: 145 Range: 32 Township Name: Farden

Lake Name: Big Wolf Lake River Name: _____

Do you own land adjacent to this parcel(s)? Yes No

If yes, list tax parcel number(s): _____

Explain your requested variance need(s): Give details of the type, size, and purpose of proposed changes. State the specific section(s) of the Ordinance(s) from which your variance is sought. Attach additional sheets labeled "Variance Request", if necessary.

Remove existing 1975 trailer house attached to cabin, and construct new addition in its place. 40' by 20' Ordinance 502.2 Ordinary high water setback

Application Fee: \$275.00 Payable to "Hubbard County Auditor/Treasurer."

A parcel(s) in joint ownership must provide written permission of all owners below:

Signature of owner(s): Michael C. Thompson Dorey Thompson Date: 3/18/09

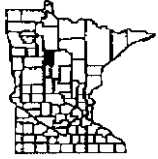
Signature of authorized agent(s): _____ Date: _____

For Office Use:

Date of application: 3/24/09 Filing acknowledgement by: EB Receipt #: 6062 App. #: 8-V-09

Date, time, and place of public hearing: 4/20/09, 9 a.m., Hubbard Co. Courthouse

Applicant and MN DNR notified on: _____



Variance Application

Updated 02/04/2008

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890 Fax: 218.732.7993

www.co.hubbard.mn.us/environmental.htm

MAR 23 2008

Section 3

When was your lot initially created and recorded? (This information can be found in your abstract of title. A copy of this first deed or portion of your abstract must be included in your application.)

A ISTS site design showing your proposed building site, well location, a primary drainfield site, and an alternate drainfield site must be included in your application.

Was the lot recorded prior to July 12, 1971? Yes No

Was the lot recorded from July 12, 1971 to April 15, 1991? Yes No

Was the lot recorded from April 15, 1991 to present? Yes No

Will this be a new parcel subdivision? Yes No

Section 4

A three-dimensional sketch showing length, width, and height dimensions of all portions of the existing and proposed structure(s) and addition(s) must be included in your application.

What is the existing structure's setback from the OHWM? 57.89'

What is the existing structure's setback from the lot line? 16'

What is the existing structure's setback from the ROW? 28'

What is the square footage of the existing structure's footprint? 1,282 SF

What is the total square footage of all stories of the proposed addition(s)? 1,346 SF

If multiple stories are proposed, itemize the square footage for each story: _____

Have there been any additions to the existing structure since April 15, 1991? Yes No

If yes, what is the total square footage of the addition(s)? _____

Is the proposed addition's total square footage of all stories greater than 50% of the existing structure's footprint? Yes No Indicate the percentage here: 59%

Is there a second story to the existing structure? Yes No

Will the proposed addition have a second story? Yes No

Is there a basement to the existing structure? Yes No

Will the proposed addition have a basement? Yes No

How many bedrooms are in the existing structure? 3

How many bedrooms are in the proposed addition? 3

What is the existing structure's height (per the Ordinance height of structure definition)? 18'

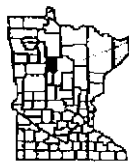
What is the height of the proposed addition(s) (per the same Ordinance definition?) If multiple additions are proposed, itemize the height for each addition: 43'

What will be the overall change in height of the roof when the project is completed? 43'

Is there going to be additional living space once the project is completed? Yes No

Does your proposal involve altering the existing structure's main structural framework (i.e. outside stud walls, floor joists, etc.)? Yes No

If yes, provide an itemized list of the existing structure's main structural framework to be altered: _____



MAR 29 2008

Variance Application

Updated 02/04/2008

Hubbard County Environmental Services

301 Court Ave., Park Rapids, MN 56470

Phone: 218.732.3890 Fax: 218.732.7993

www.co.hubbard.mn.us/environmental.htm

Additional Information

Ink must be used to complete this application.

Is your property located in the Mississippi Headwaters Corridor (i.e. on the Mississippi River or Big Wolf Lake)? Yes No (If yes, see Environmental Services Officer for further requirements.)

Is the variance request after-the-fact (e.g. has the work already been done?) Yes No
(If yes, after-the-fact fees will apply if the variance is approved.)

Place an "X" by each item below that applies to your variance request. Then, fill out only the applicable following section(s) that apply, as directed. If a section does not apply to your request, leave it blank.

What is the reason(s) for applying for the variance? Place an "X" by each applicable item.

- Setback issues (complete Section 1)
- Land or vegetative alteration (complete Section 2) **If this item is marked, our office must conduct a site visit prior to submitting your application.**
- Lot size not in compliance with minimum Ordinance standards (complete Section 3)
- Alteration to Non-conforming structure (complete Section 4)
- Other (Attach separate sheet explaining variance request)

Section 1

Check the item(s) from which you are requesting a variance and fill in the proposed setback distance measured in feet.

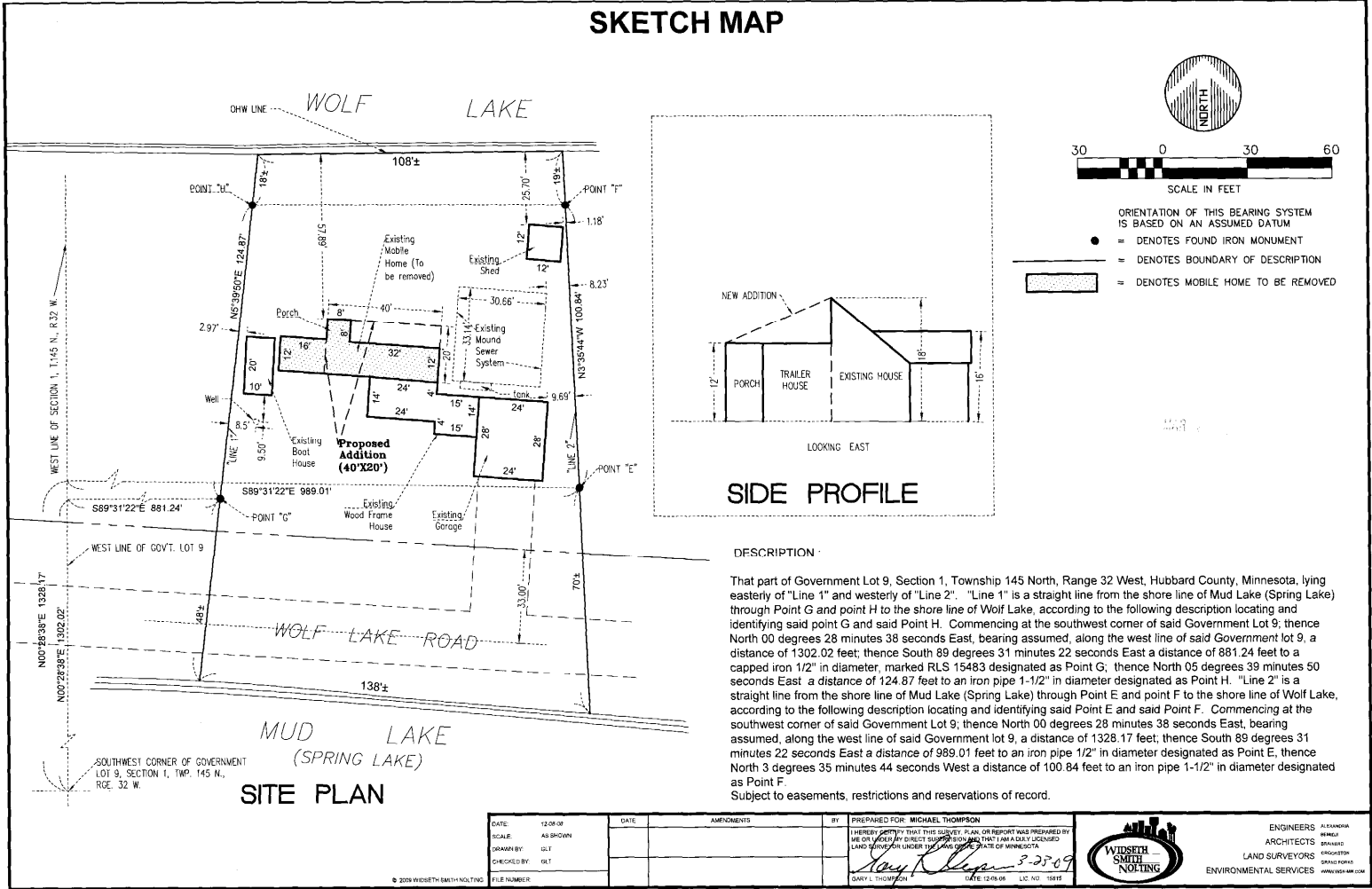
- Ordinary High Water Mark (OHWM) Proposed Setback 57'
- Lot line Proposed Setback
- Road Right of Way (ROW) Proposed Setback
- Crest of bluff Proposed Setback
- Septic system components (**new ISTS site design must accompany variance application**)

Section 2

What is your land alteration? Check all categories that apply. (**add'l cross-section sketch showing length, width, and height dimensions and an itemized list showing volume (cubic yds.) of all proposed grading/filling must accompany application**)

- Vegetative Alteration
- Grading/filling
- Other (Attach separate sheet explaining the land alteration)

SKETCH MAP



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON AN ASSUMED DATUM

- = DENOTES FOUND IRON MONUMENT
- = DENOTES BOUNDARY OF DESCRIPTION
- ▭ = DENOTES MOBILE HOME TO BE REMOVED

SCALE IN FEET: 30 0 30 60

DESCRIPTION

That part of Government Lot 9, Section 1, Township 145 North, Range 32 West, Hubbard County, Minnesota, lying easterly of "Line 1" and westerly of "Line 2". "Line 1" is a straight line from the shore line of Mud Lake (Spring Lake) through Point G and point H to the shore line of Wolf Lake, according to the following description locating and identifying said point G and said Point H. Commencing at the southwest corner of said Government Lot 9, thence North 00 degrees 28 minutes 38 seconds East, bearing assumed, along the west line of said Government lot 9, a distance of 1302.02 feet; thence South 89 degrees 31 minutes 22 seconds East a distance of 881.24 feet to a capped iron 1/2" in diameter, marked RLS 15463 designated as Point G, thence North 05 degrees 39 minutes 50 seconds East a distance of 124.87 feet to an iron pipe 1-1/2" in diameter designated as Point H. "Line 2" is a straight line from the shore line of Mud Lake (Spring Lake) through Point E and point F to the shore line of Wolf Lake, according to the following description locating and identifying said Point E and said Point F. Commencing at the southwest corner of said Government Lot 9, thence North 00 degrees 28 minutes 38 seconds East, bearing assumed, along the west line of said Government lot 9, a distance of 1328.17 feet; thence South 89 degrees 31 minutes 22 seconds East a distance of 989.01 feet to an iron pipe 1/2" in diameter designated as Point E, thence North 3 degrees 35 minutes 44 seconds West a distance of 100.84 feet to an iron pipe 1-1/2" in diameter designated as Point F.

Subject to easements, restrictions and reservations of record.

DATE	12-28-09	DATE		AMENDMENTS	BY	PREPARED FOR: MICHAEL THOMPSON
SCALE	AS SHOWN					I HEREBY CERTIFY THAT THIS SURVEY, PLAN, 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.
DRAWN BY	GLT					<i>Ray Thompson</i> 8-28-09
CHECKED BY	GLT					DARYL L. THOMPSON DATE 12-28-09 LIC. NO. 18415
FILE NUMBER						

WIDSETH SMITH NOLTING

ENGINEERS ARCHITECTS LAND SURVEYORS ENVIRONMENTAL SERVICES

ATLANTA, GA
MINNEAPOLIS, MN
ST. PAUL, MN
DULUTH, MN
DUNDAS, ONTARIO
DUNELVA, ONTARIO

© 2009 WIDSETH SMITH NOLTING



SEE BELLE PRAIRIE (W) PAGE 11

SEE LITTLE FALLS (W) PAGE 43

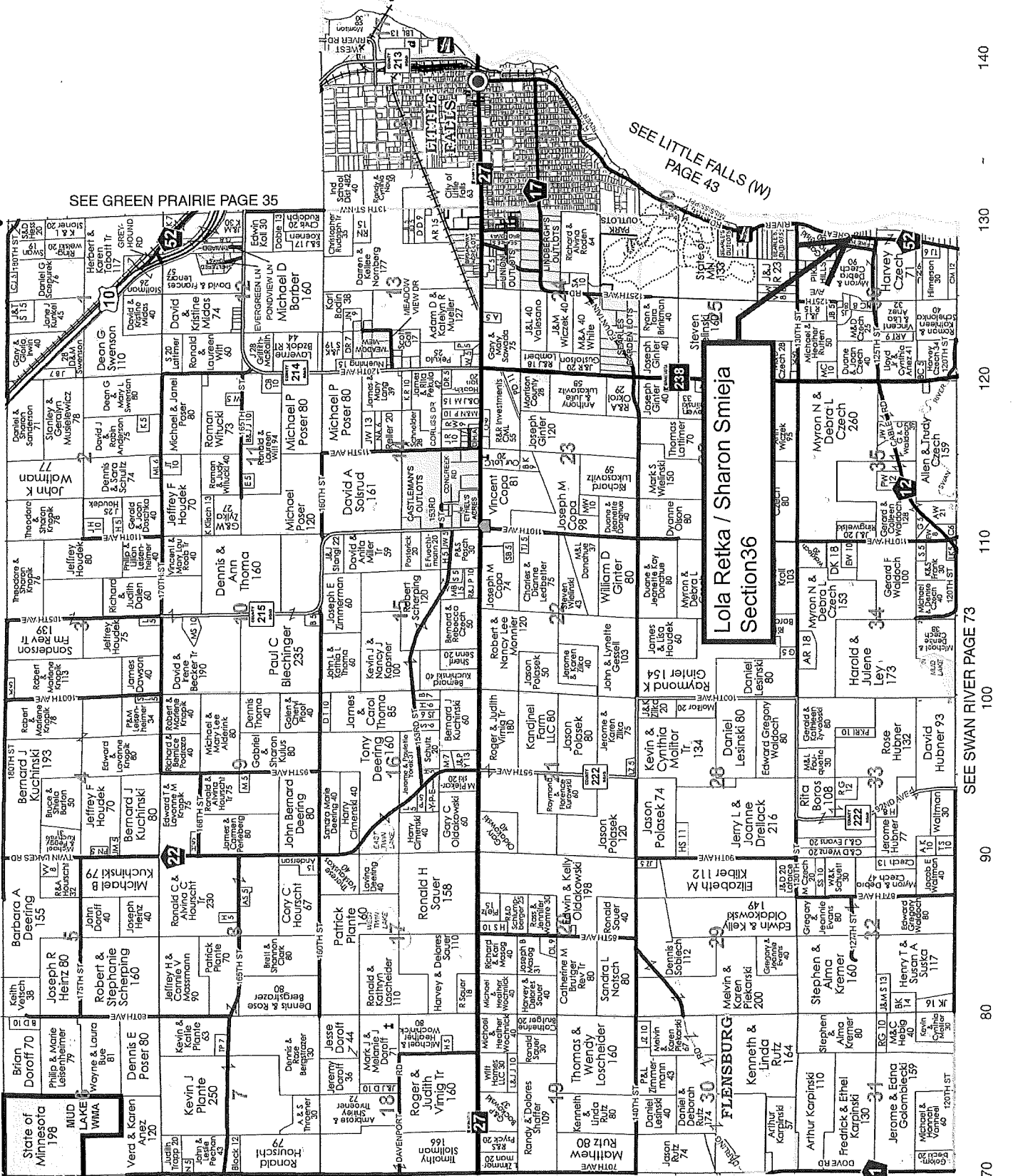
SEE GREEN PRAIRIE PAGE 35

R30W R29W

SEE DARLING PAGE 27

SEE CULDRUM PAGE 21

Lola Retka / Sharon Smieja Section 36



180 170 160 150 140 130 120

70 80 90 100 110 120 130 140

ajc 8.4.21



Morrison County will provide cost effective, high quality Services to county residents in a friendly and respectful manner.

Rec. 8.3.21

Land Services Department
213 1st Avenue S.E., Little Falls, MN 56345
Telephone (320) 632-0170
Toll Free 866-401-1111
All Public Hearings will be held via Microsoft Teams.

Variance Request

Name of Applicant: Sharon Smieja Personal Representative of the Estate
Address: 135 134th St NW
City: Rice State: MN Zip: 56367
Property Address: 12626 Great River Road
City: Little Falls State: MN Zip: 56345
E-Mail Address: mike b4 Sharon@jetup.net
Parcel Number: 22.0515.000 Phone: Cell 320-333-2305 Home 320-393-7113
Sec: 36 Twp: 129 Range: 030 Twp. Name: Pike Creek
Lake/River Name: Mississippi
Legal Description: see next page

(ATTACH A COPY OF YOUR LEGAL DESCRIPTION OFF YOUR DEED)

TWO SEPARATE CHECKS ARE REQUIRED

Public Hearing Fee: (Non-returnable) \$ 600.00 to MORRISON COUNTY TREASURER. #7406

Recording Fee: (Non-returnable) \$ 46.00 to MORRISON COUNTY TREASURER. #7407
(If the property is in Abstract & Torrens two (2) recording fees will be required)

**** APPLICATION WILL NOT BE PROCESSED UNLESS ALL THE REQUIRED FORMS ARE COMPLETED AND FEES PAID BY THE DEADLINE DATE.

AGREEMENT: I hereby certify that I am the owner of the herein described property, or, have the written permission of the owner, and that the information contained herein is accurate.

Signature: Sharon Smieja P&R
SIGNATURE

DATE: Aug 3, 2021

Please explain your request in detail:

THE LOT IS SMALL. THE HOUSE TO THE RIVER IS 100 FT. RECOMMENDING GOING 60 FT. FROM RIVER, IT WILL BE A MOUND AND NEED THIS DISTANCE IN ORDER HAVE A DECENT SLOPE TOWARDS THE HOUSE AND THE 20 FT. SETBACK FROM A DWELLING.

Please explain your practical difficulty:

The size of the lot being small

Variations shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variations are consistent with the comprehensive plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board or governing body as the case may be may impose conditions in the granting of variations. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Background Information Landowner Variance Request

State Statutes section 394.27 provides the property owner the right to apply for relief from the strict enforcement of the county land use ordinance. An area variance may be granted only where the strict enforcement of county zoning controls will result in "practical difficulty." A determination that a "practical difficulty" exists is based upon the consideration of the criteria listed below. For each of the criteria below, please answer the question as completely as possible.

1. Is the variance request in harmony with the general purpose & intent of the Morrison County Land Use Control Ordinance and Comprehensive Plan?

YES

2. Is the variance request proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

YES

3. Will the requested variance maintain the character of the neighborhood?

YES

4. Is the practical difficulty due to circumstances unique to the property?

YES, TOO SMALL OF A LOT, THE DISTANCE FROM THE HOUSE TO THE RIVER IS 100FT, SEPTIC HAS TO GO IN THIS AREA.

5. How did the need for the variance arise? Is the need for the variance created by actions other than the current owner or prior landowners?

THE CURRENT OWNER IS DECEASED AND FAMILY IS SELLING THE PROPERTY.

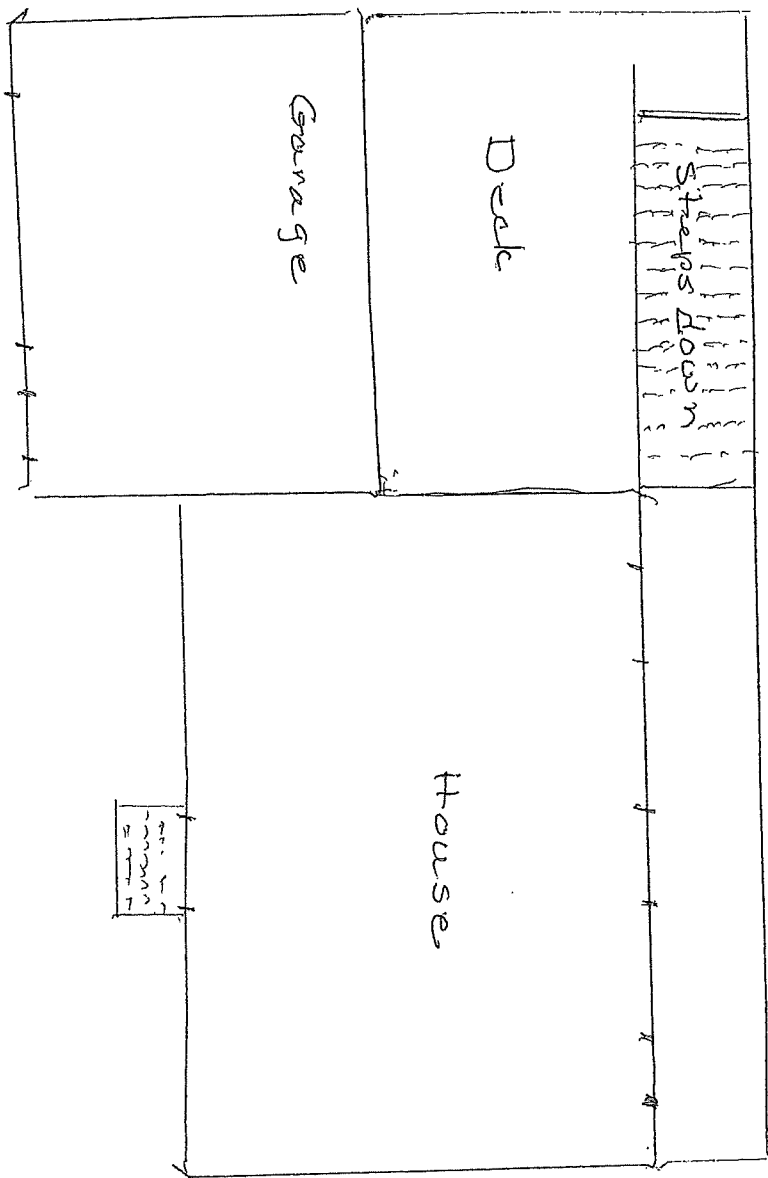
6. Does the practical difficulty involve more than just economic considerations?

THERE IS A PHYSICAL DIFFICULTY DUE TO THE SIZE.

A sketch form is considered part of your application for a Variance. Please show all buildings on your property, all impervious surfaces, and the road from which you have access, all wells (including abandoned wells), and sanitary systems including their setbacks from structures, the work or structure you are proposing, including eaves. (Structure roof eaves must meet all yard setback standards.) Then, give distances from the proposed building(s) to the road right of way, left, right and the rear property lines and lake or river setbacks.



Five + River Road



Mississippi River

X _____
Signature

Today's Date

Date Site Will Be Staked

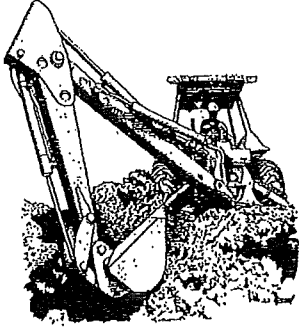
Site Inspected By P & Z Staff: _____

Figure 1

Dave Przybilla Septic & Excavating

16425 - 133rd ST.
Little Falls, MN 56345

320-632-8586



LOLA RETKA

TO WHOM IT MAY CONCERN:

ON JULY 9 2021 I DID A SEPTIC INSPECTION FOR AT LOLA RETKA'S HOME. HER SEPTIC IS NON-COMPLIANT AND WILL NEED A NEW SYSTEM. HER HOME IS ON THE MISSISSIPPI RIVER. THE AREA FOR THE DRAINFIELD WOULD BE APPROX. 70 FT. FROM THE RIVER. THIS IS THE ONLY PLACE AVAILABLE, A NEW WELL WILL HAVE TO BE DRILLED ON THE OPPOSITE SIDE OF THE HOUSE. A VARIANCE WILL BE NEEDED. THE HOUSE TO THE RIVER IS 100 FT.

Dave Przybilla
SEPTIC INSPECTOR

LOLA RETKA SKETCH

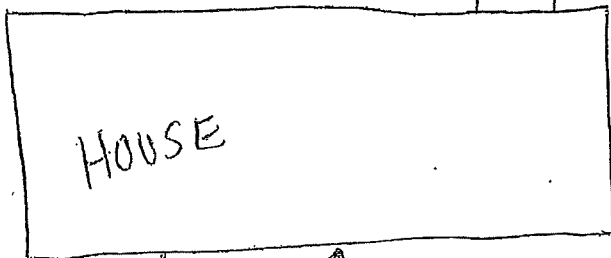


WEST

GREAT RIVER ROAD

NO ROOM FOR SEPTIC IN THIS AREA

PROPOSED NEW DEEP WELL



HOUSE

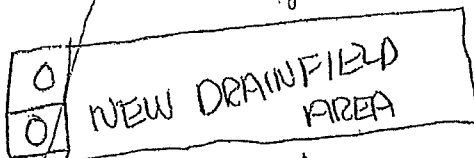
THE HOUSE TO RIVER IS 100FT.

NEW TANK WOULD BE 10FT. OFF OF HOUSE.

TANK WOULD BE 15FT. OFF OF PROPERTY LINE

ABSORPTION AREA WOULD BE 65FT. FROM RIVER

CURRENT WELL



NEW DRAINFIELD AREA



SEEPAGE TANK



70FT.

RIVER



Contact Information

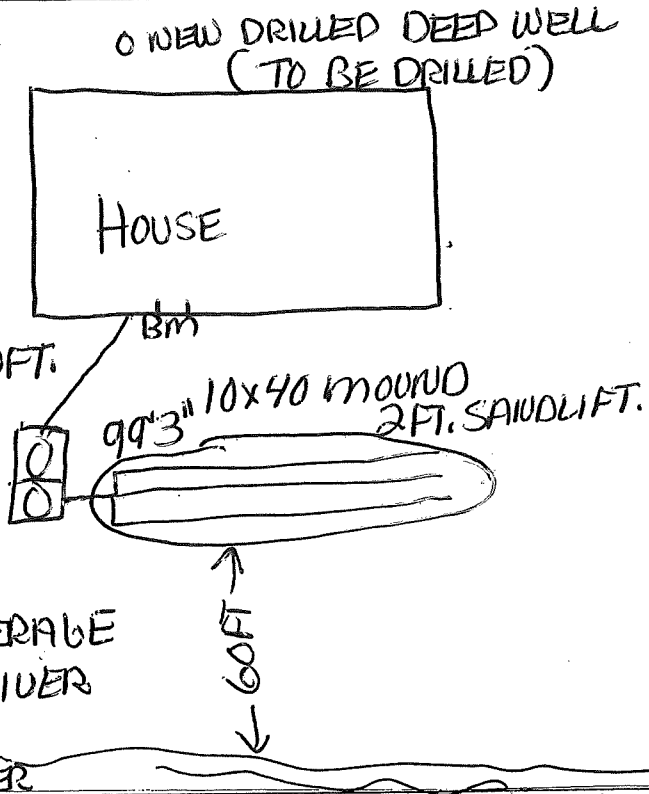
Project ID: Test 1

v 03.19.15

Property Owner/Client: LOLA RETKA

Address:

TANK AND DRAINFIELD
MUST BE 10' OFF OF
PROPERTY LINE.
WELL TO TANK AND FIELD
MUST BE 50 FT ~~FEET~~
TANK TO MISS. RIVER 60 FT.
DRAINFIELD TO MISS.
RIVER 60 FT. ALSO
I DID A PERC TEST
DROP WAS 40 MPI AVERAGE
HOUSE IS 100' FT. FROM RIVER



List any construction issues:

Bm DOOR JAM 100. GROUND AT S.W. CORNER
OF MOUND 99'3" TOP OF SAND 101'3"

Mapping Checklist

Map scale: _____ indicate north _____ show slope _____ % direction _____

Locate

- Lot Dimensions/Property Lines
- Dwellings and Other Improvements
- Existing or Proposed System(s)
- Replacement Area
- Unsuitable Area(s)
- Public Water Supply Wells
- Pumping Access
- Inner Wellhead Zone

Easements

- Phone
- Electric
- Gas

Elevations

- Benchmark
- Borings
- Perc Tests
- Horizontal and Vertical Reference Points

Setbacks

- Building
- All water wells within 100 feet
- Lot Dimensions/Property Lines
- Lot Dimensions/Property Lines
- Lot Dimensions/Property Lines
- Lot Dimensions/Property Lines

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

(Designer)

(Signature)

(License #)

(Date)

APPLICANT: Lola Retka/Sharon Smieja

LOCATION: 12626 Great River Road – Little Falls, MN

EXISTING ZONING: Mississippi Headwaters Board (MHB)

DATE OF HEARING: August 31, 2021

APPLICATION SUBMITTED: Variance to encroach on setback from the river with a septic system

COUNTY ZONING ORDINANCE REQUIREMENT: Mississippi Headwaters Board F1

STAFF REPORT:

The property is in Section 36 of Pike Creek Township, on the Mississippi River. The property is a non-conforming single lot (less than five acres and 330 feet wide). The property is approximately 101 feet wide and 14,520 square feet.

A home, built in 1968, currently exists on the property. The septic system serving the home failed inspection and needs to be replaced. The septic designer could design a full treating system (tank with a drainfield), however both the tank and drainfield will not meet setback from the river. **See Figure 1**

The required setback from the river for septic systems is 125 feet. The proposed system would be 60 feet from the river, which is also within the shore impact zone. A new well must be drilled on the west side of the home for the septic system to meet the well setback. **See Figure 2**

The Mississippi Headwaters Board (MHB) was established in 1980 and implemented a plan that has zoning jurisdiction within the Mississippi River corridor in 1981. The respective counties are responsible for administering the requirements of the plan.

At the DRT meeting, staff discussed the following with the applicant:

1. Only area available for a septic system is between the home and the river
2. If approved, MHB must certify BOA's decision
3. Importance of full treating system for an existing home
4. Similarly sized lots in the area

Applicable Comprehensive Land Use Plan Goals:

Natural Resources and Open Spaces

Goal C2: Preserve natural resources identified as critical and sensitive including wildlife habitats, wetlands, forest lands, etc., within Morrison County.

Shoreland Development

Goal D1: Work to ensure that development occurring within the County's watersheds is done in a thoughtful and deliberate manner so as to balance environmental, social and economic goals to the greatest extent possible.



PLANNING & ZONING

MORRISON COUNTY

Board of Adjustment

Applicable Morrison County Comprehensive Water Plan Goals and Objectives:

Surface Water Goal: To protect, enhance and maintain the quality of all surface waters in Morrison County (lakes, rivers, streams and wetlands)

Objective B: Ensure that land use decisions for shoreland development take environmental impacts and climate change into consideration

Land Use and Development Goal: To ensure that land use decisions are compatible with natural resource protection

Objective B: Ensure that land use decisions for shoreland development and plat development take environmental impacts into consideration

Objective D: Reduce the loss of natural habitat and enhance natural habitat communities when possible

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2021-16

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.01265.00**

WHEREAS, an application was submitted on June 30th, 2021 by Sonja and John Upton requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 6327 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

A reduction of 37,504 square feet in lot size from the underlying R-3 Zoning District requirement of 45,000 square feet;

A one-hundred (100) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;

A fifty and one-tenth (50.1) foot reduction in lot depth from the underlying R-3 Zoning District requirement of one hundred and fifty (200) feet per Section 402;

An ordinary high water setback reduction for the deck of forty and six-tenths (40.6) feet from the required one-hundred (100) feet per Section 901;

An ordinary high water setback reduction for the principal structure of thirty and a half (30.5) feet from the required one-hundred (100) feet per Section 901;

A side-yard setback reduction for the deck of nine and four-tenths (9.4) feet from the required ten (10) feet per Section 901;

A side-yard setback reduction for the principal structure of seven and nine-tenths (7.9) feet from the required ten (10) feet per Section 901;

An additional twelve (12) percent or nine-hundred twelve (912) square feet of impervious surface coverage throughout the property per Section 901; and

WHEREAS, the requested variances will be for structures located on parcel 31.01265.00 legally described as Sect-25 Twp-147 Range-033 PINE BEACH PARK Lot-002 Block-002 .17 AC; and

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

WHEREAS, the requested variances meet 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 Thursday, July 22nd, 2021, to review the application for Variances following mailed and published notices 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. **Has the applicant demonstrated a practical difficulty?**
Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.
2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.
3. **Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Yes. This request is proposing to make use of the property in a reasonable manner while improving environmental quality and not increasing the impact of existing nonconformities.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of eight (8) variances in order to replace the single family structure at 6327 Lavinia RD NE on parcel 31.01265.00, with the following conditions:

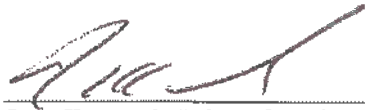
1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. Trees on neighboring property shall be protected from construction disturbance, which includes any activity that may damage the root zone. If tree removal or disturbance is necessary to accomplish the proposed work, a signed agreement between property owners shall be submitted to the JPB for review before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

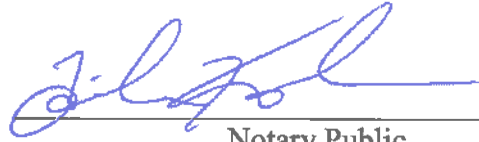
County of Beltrami

This instrument was acknowledged before me on this 13 day of August 2021 by Jess Frenzel, Joint Planning Board Chair.

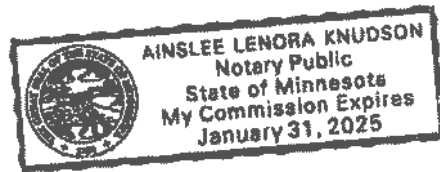


Jess Frenzel, Joint Planning Board Chair

Subscribed and sworn to before me
this 13 th day of August, 2021.



Notary Public



GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
August 11, 2021

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, August 11, 2021, at 6:00 p.m. Chair Jess Frenzel called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Prince, Erickson, Kelly, Frenzel, Rivera (alternate).

Members absent: Peterson (utilized alternate).

Staff present: Jamin Carlson, Nick Phillips, Melissa Fahrenbruch

Others in attendance: Douglas Williams, Kim Williams, John Upton, Sonja Upton, Jared DeVoursney, Dan Hinzmann.

Pledge of Allegiance was performed.

AGENDA

Motion by Kelly, second by Erickson, to approve the agenda. Motion carried unanimously.

MINUTES

Motion by Prince, second by Kelly, to approve the July 14, 2021 minutes as presented. Rivera abstained. Motion carried.

CONSENT AGENDA

- 1) Bills for the total amount of \$16,516.58 were presented for payment.

Motion by Erickson, second by Prince, to approve the consent agenda. Motion carried unanimously.

VISITORS WITH BUSINESS NOT ON THE AGENDA

No visitors.

NEW BUSINESS

RESOLUTION 2021-12 – V-21-80.04871.00 & 80.04872.00 – DOUG & KIM WILLIAMS

Doug & Kim Williams are seeking a variance in order to construct a new accessory structure consisting of a shop with a covered patio and attached garage on a lot located at 3345 River Park Ct NE within the City of Bemidji. This parcel lies within the (R-2) Suburban Residential Zoning District and Forested River Shore land Overlay. The requested variance is for an ordinary high water mark structure setback reduction from the required 150 feet per Section 901(D) to 123 feet. Staff noted that the legal non-conforming lot is currently recorded as two lots of record, however a combination request has been approved and filed with the County Recorder to join parcels 80.04871.00 and 80.04872.00, bringing the property closer to conforming size. This planning case came before the

Joint Planning Commission and Joint Planning Board last month with a Staff recommendation for denial.

While denial of the request is still recommended by Staff, and no recommendation has been forwarded by the Commission, revised findings of fact for approval have been drafted at the direction of the Board considering the additional information presented by the applicants in response to board inquiry at the regular July 14th, 2021 meeting:

Findings of Fact

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot that is currently developed. Without a variance, the lot could not be improved or further developed while keeping the character of the locality and maintaining existing stormwater layout and vegetative cover. While economic considerations may be a factor in the resolution some of these issues, it is not the only factor as the essential character of the property would change as a result of the combined mitigation needed to address onsite conditions while providing for the proposed reasonable use.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. Previous site development has been influenced by changing zoning and land use restrictions in such a way that the specific layout of the site was established in the spirit of the official controls at such times the governing bodies were consulted. The amount of lot reconfiguration that is required to address the current controls works against all past best management decisions, and would disrupt the site beyond what is proposed in the variance request.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving environmental quality and not increasing the impact of existing nonconformities.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment through variances in recent years

Conditions

The following conditions are recommended by staff as part of an approval of the variance request:

1. Buildings shall be staked by a licensed surveyor prior to construction to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. Trees on the property shall be protected from construction disturbance, which includes any activity that may damage the root zone. If tree removal or disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to JPB staff indicating compliance with all ordinance requirements.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.

6. A building permit shall be obtained prior to construction and any site disturbance.
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Prince inquired if the Applicant provided Staff with additional information. Staff confirmed that no additional information was obtained.
- Prince inquired of the outcome if the proposed variance was granted and if the DNR had issue with the variance. Staff addressed that the DNR could potentially review the shoreland ordinance and may recommend training or updates to the ordinance.
- Kelly made comment regarding the Mississippi Headwaters Board reviewing this variance. Staff clarified that the subject lot is within city limits and therefore does not need to be approved by the MHB, but Staff contacted Tim Terrell of the MHB regarding this case and he had no comment.
- Rivera expressed concern over the DNR's evaluation of the case.
- Rivera inquired about the effects of stormwater if the variance was approved or denied. Staff responded.
- Erickson noted her support of Staff recommendation.

Motion by Kelly, second by Frenzel, to approve Resolution 2021-12 to approve an OHWM variance in order to build the accessory structure at 3345 River Park Court NE with the findings of facts and conditions as presented.

Ayes: Frenzel, Kelly.

Nays: Rivera, Erickson, Prince.

Motion failed.

Motion by Erickson, second by Rivera, to approve Resolution 2021-12 for denial of an OHWM variance in order to build the accessory structure at 3345 River Park Court NE with the following findings of facts:

Findings of Fact

1. Has the applicant demonstrated a practical difficulty?

No. The applicant has not provided sufficient evidence to show that alternate site plans or configurations could not work to meet the uses described while meeting existing setbacks. The addition of fill and replacement of sections of the existing driveway would allow for a smoother topographic transition into a garage meeting the required setbacks, however the applicant has stated that option to be unfavorable to the overall site plan. Staff believe that the difficulty arises from the owner's past choice in placement of the single family dwelling and driveway fills, and that the work needed to address the topographic relief issue represents an economic consideration, but

that alone does not represent a practical difficulty.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

No. While this is a previously platted and developed lot of record within the shore land overlay, which limits available space on the lot to meet the required setbacks, the past variance allowing the dwelling at a 75' setback has allowed establishment of the primary use of the parcel without sacrificing all buildable areas available to the owner.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner. This proposal, if approved, would be required to provide mitigation for excess storm-water runoff.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This neighborhood has seen development on small lots within the allowed setbacks via past variances, and the existing structures to the south and north of the proposed structure are already set closer to the river than the 125 foot setback the applicant has proposed.

Ayes: Rivera, Erickson, Prince.

Nays: Frenzel, Kelly.

Motion carried.

RESOLUTION 2021-15 – IUP-21-80.06216.00 – HAGEN’S BARK AVENUE

Kelly Hagen representing Hagen’s Bark Avenue LLC, is requesting approval of an Interim Use Permit (IUP) to provide canine day care and grooming services at property located on Anne Street NW at the intersection of Tamarack Ave NW, within the City of Bemidji. The facility will be in an existing building, under a similar name and same use as the previous IUP holder at this property. This property is located in the Low Density Commercial (B-1) district, adjacent to a Suburban Residential (R-3) district.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of an Interim Use Permit to allow Hagen’s Bark Avenue LLC to provide canine day care and grooming services at property located on Anne Street NW at the intersection of Tamarack Ave NW in the Low Density Commercial (B-1) District, within the City of Bemidji, with the following conditions and findings of fact:

Conditions

1. The IUP shall terminate upon a change in use, a change in the owner/operator (leaseholder), or a change in the lease space.
2. Any signage must meet Section 712 of the Ordinances and a permit must be granted if necessary before any signage is placed on site.
3. All dumpsters shall be fully enclosed with a gate complying with Section 1002 of the Ordinance.
4. If a change in type of services offered were to occur or an intensification of services provided such as increased allowable clientele, JPB staff shall be notified. If staff see a change or intensification warrants review it will be brought to the Joint Planning Board for further action.
5. The IUP shall be reviewed for compliance one (1) time upon six (6) months of operation by the JPB, the applicants shall participate in a review of the IUP.
6. An interim use permit shall expire and become void if the use it allows is not substantially

started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact

1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.

The proposed use will not adversely affect the surrounding area. The surrounding land uses are:

North – Mobile Home Park
South – Single Family Homes
East – Single Family Homes
West - Heavy Commercial

There are two concerns for local residents; excessive noise and animal waste. The applicant has indicated that no animals will be boarded outside overnight. A condition has been placed on the outdoor exercise area, limiting the amount of time an animal can be left outside. A waste management plan shall be provided to JPB staff. No waste shall be left onsite longer than 10 days.

2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.

No changes to access or traffic circulation flow on adjacent streets are proposed. Increases in traffic or other negative impacts are not anticipated.

3. Whether the proposed use adversely affects property in the surrounding area.

There are no adverse effects to property in the surrounding area anticipated as a result of this proposal. While noise from dogs exercising outside is expected to occur, this is no different than if the subject property were a residential property having dogs kept outdoors. The use does not introduce additional nuisance that other residential properties in the neighborhood could also produce in their ordinarily permitted uses.

4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.

The proposed use is consistent with the goals and policies of the JPB Land Use Plan.

5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.

Adequate public infrastructure exists to provide services in this location.

Motion by Erickson, second by Prince, to approve Resolution 2021-15 for a Interim Use Permit (IUP) to provide canine day care and grooming services at property located on Anne Street NW at the intersection of Tamarack Ave NW, within the City of Bemidji, with the above stated conditions and findings of fact.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Frenzel inquired if there were any issues or complaints in regards to this case. Staff confirmed that there was a complaint, and the complainant attended the public hearing and stated that they had worked through their issues with the new owners.

Ayes: Rivera, Frenzel, Kelly, Erickson, Prince.

Nays: None.

Motion carried unanimously.

RESOLUTION 2021-16 – V-21-31.01265.00 – JOHN & SONJA UPTON

Sonja and John Upton are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 6327 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 37,504 square feet in lot size from the underlying R-3 Zoning District requirement of 45,000 square feet;
2. A one-hundred (100) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
3. A fifty and one-tenth (50.1) foot reduction in lot depth from the underlying R-3 Zoning District requirement of one hundred and fifty (200) feet per Section 402;
4. An ordinary high water setback reduction for the deck of forty and six-tenths (40.6) feet from the required one-hundred (100) feet per Section 901;
5. An ordinary high water setback reduction for the principal structure of thirty and a half (30.5) feet from the required one-hundred (100) feet per Section 901;
6. A side-yard setback reduction for the deck of nine and four-tenths (9.4) feet from the required ten (10) feet per Section 901;
7. A side-yard setback reduction for the principal structure of seven and nine-tenths (7.9) feet from the required ten (10) feet per Section 901;
8. An additional twelve (12) percent or nine-hundred twelve (912) square feet of impervious surface coverage throughout the property per Section 901;

RECOMMENDATION & FINDINGS

JPC & Staff recommend approval of eight (8) variances in order to reconstruct a single family structure at 6327 Lavinia Rd NE.

Approval recommended with the following conditions and findings of fact:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. Trees on neighboring property shall be protected from construction disturbance, which includes any activity that may damage the root zone. If tree removal or disturbance is

necessary to accomplish the proposed work, a signed agreement between property owners shall be submitted to the JPB for review before the land-use permit is issued.

4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving environmental quality and not increasing the impact of existing nonconformities.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Kelly commented that his visit to the site revealed that the tree impact from the proposal is likely more significant than expected, considering the installation of footings and foundation so close to the boles of mature trees. He feels that the trees would not be salvageable and that there are no good places to plant new trees. The septic also gave him some concern, as it is 30 years old and a shared system. He wasn't sure where the room would be for

system replacement, and was curious if there was an agreement for long term system management.

- Erickson also questioned the ability to replace the septic system if it failed.
- Phillips responded to Erickson and Kelly by highlighting the possibility of expansion of the existing system to meet increased system load, but reiterated that the system isn't likely to provide long-term service.
- Rivera asked about the trees surrounding the cabin and their age/condition, if there was room for a landscaping plan to meet the shoreland standards, and what the appropriate measures would be to protect the existing trees.
- Phillips responded that he did not know the age of trees, but that they are likely stunted due to root-zone encroachment. That there is little room to plant additional trees outside of the shore impact zone, and that measures to protect the existing trees typically included exclusion of work around the root zone, but that such measures were not the most feasible in this scenario.
- Carlson noted that the ordinance requires that 40% of the root-zone be protected from damage during construction, but that a large portion could be disturbed if necessary.

Motion by Prince, second by Erickson, to approve Resolution 2021-16 for multiple variances in order to rebuild a single-family summer house on a substandard lot of record located at 6327 Lavinia Rd NE in Northern Township, with the above stated conditions and findings of fact.

- Kelly reiterated that the trees were likely to be gone after construction, and that this variance has little show for attempting a reduction of impact. He stated that the applicant is in a difficult situation, with questionable long-term suitability for the site.
- Erickson asked Carlson if the structure was an expansion in any way.
- Carlson stated that the structure footprint is not expanding outside of the existing footprint, and the need for the variances is due to the additional height of the proposed structure, which would otherwise not require a variance approval.
- Frenzel asked Phillips about the suitability of the existing septic for the proposed use.
- Phillips responded that this is a gray area, in that the current certificate of compliance is adequate for the proposed layout, but that this is based on an older design and the assumption that use or number of bedrooms would not significantly increase between the two lots.
- Rivera worked from Kelly's comments by reiterating that the lot is 1/6th the required lot size, a 1/3rd the width, and that those setbacks are small but they are working with a small portion of the typical space.
- Erickson reiterated that this lot is a case of demonstrating a practical difficulty. That the first case of the meeting was an otherwise conforming lot, but that this lot will forever be a non-conforming lot with the only option to develop by going vertically. She explained that this is why she can support such a request.

- Prince commented that he looks to the staff recommendation and attempts to find errors in the reasoning, and that he could not find error with the findings or conclusions.

Frenzel called for a roll call vote to the motion:

Ayes: Rivera, Frenzel, Erickson, Prince

Nays: Kelly.

Motion carried.

RESOLUTION 2021-17 – CUP-21-31.00184.02 – DOLLAR GENERAL

Dollar General, Midwest, MN LLC (Represented by SEH) is requesting a conditional use permit (CUP) to construct a general retail store larger than 10,000 square feet at 9200 Irvine Ave NW within Northern Township, parcel 31.00184.02.

Midwest, MN LLC. (Dollar General) currently has a purchase agreement in place to purchase this vacant parcel located at 9200 Irvine Ave-NW, next to the Animal Clinic and the Northern Township Hall. Midwest plans to build a new building approximately ten thousand six-hundred forty (10,640) square feet of gross floor area. This parcel was subdivided from the southern parcel in May of 2020 for the construction of the Animal Clinic to the south. Per Section 302 of the Greater Bemidji Area Zoning & Subdivision Ordinance, general retail stores larger than ten-thousand (10,000) square feet in size are allowed in (B-1) Low density Commercial zoning district through the issuance of a conditional use permit (CUP).

Fahrenbruch noted that there are 39 proposed parking spaces, and there is a shared access with the Animal Clinic to the south. Fahrenbruch addressed that seven (7) community members submitted written comment in opposition to the proposed retail store, citing traffic and safety concerns during the school year and the character of the area, however, the use is an allowed use that fits with the GBAJPB's Comprehensive Plan.

Staff received comments from Beltrami County Highway Department and email thread from Commissioner Smith per JPC request on July 29, 2021 and is made available in the packet to the JPB. Staff also received a modified site plan after the public hearing and based on community and commission concerns and feedback. A right turn lane has been added to the plans based on Beltrami County Highway Department suggestions and is available to the board under updated plans.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of a conditional use permit (CUP) for a general retail store on parcel 31.00184.02, located at 9200 IRVINE AVE NW within Northern Township with the following conditions and findings of fact:

Conditions

1. Final building plans will need to be approved by the JPB staff and Bemidji Fire Department, and a building permit shall be obtained prior to construction.
2. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.

3. All signage needs to meet Section 712 of the JPB Ordinances and a permit must be obtained prior to any signage being placed on site.
4. All dumpsters on-site shall be fully enclosed complying with Section 1002 of the JPB Ordinance.
5. The developer/owner shall enter into a development agreement with the JPB prior to construction.
6. **The applicant shall install a right turn lane off of Irvine Ave NW per the Beltrami County Highway specifications. (added based on recommendation by JPC)**
7. The CUP shall expire and become void if the use it allows is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

No. A general retail store use conforms to the zoning regulations as a permitted CUP in the (B-1) Low Density Commercial Zoning District. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding commercial areas.

2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No. Increases in traffic or other negative impacts are not anticipated as this building will be next to an animal clinic. The site will have adequate off-street parking and the ingress and egress to and from the site is a shared access road.

3. **Whether the proposed use adversely affects property in the surrounding area.**

No. Adverse impacts upon the surrounding area are not anticipated with this proposal as a general retail store is within the zoning regulations. Any future changes shall be reviewed in accordance with all zoning requirements.

4. **Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan.**

Yes. The proposed use is consistent with the goals and policies of the Greater Bemidji Area Comprehensive Plan as well as the JPB Zoning & Subdivision Ordinance through an approved CUP.

5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**

Yes. The property will have adequate infrastructure and will be served by on-site septic system and well.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Rivera asked if all complaints and concerns voiced have been addressed. Fahrenbruch responded that the Beltrami County Highway Department reviewed the plans and traffic in the area. Fahrenbruch noted that the Highway Department would likely have to do some sort of mitigation in the future because of the amount of traffic in this area.
- Kelly noted that in addition to the traffic complaint, neighboring properties expressed their desire not to see a retail store open on this property, but the property is zoned correctly and meets the other criteria.

Motion by Kelly, second by Erickson, to approve Resolution 2021-17 for a Conditional Use Permit for a general retail store on parcel 31.00184.02, located at 9200 Irvine Ave NW within Northern Township, with the above stated conditions and findings of fact.

Ayes: Rivera, Frenzel, Kelly, Erickson, Prince

Nays: None.

Motion carried unanimously.

ORDINANCE NO. 2021-02 – SHORT-TERM RENTALS

Fahrenbruch presented the updated proposed ordinance amendment allowing short term rentals. Fahrenbruch addressed the changes that Staff had made to the ordinance amendment. Fahrenbruch noted changes to definitions, the appeals process, and the removal of the required interim use permit.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Prince inquired about those properties currently operating as short term rentals. Staff noted that there will need to be enforcement of these properties, letters sent, etc. Staff also noted that some properties are currently acting as home shares which are an allowed use, and some properties are outside of city limits.
- Fahrenbruch addressed items included in the packet for the short term rental permit process, and identified the enforcement section and the complaint process.
- Kelly requested clarification on the short term rental fees. Staff identified that the fees include an initial \$1,000 permit fee, and an annual renewal fee of \$500.
- Board members and Staff discussed enforcement and regulating properties currently operating as short term rentals, and the complaint process.
- Staff clarified that when a permit is issued, letters will be sent out to neighboring properties within 500 feet of the subject property to give notice of the short term rental with contact info for the manager of the property.

Motion by Erickson, second by Rivera, to approve Ordinance 2021-02 to allow short term rentals within the City of Bemidji and Northern Township.

Ayes: Rivera, Frenzel, Kelly, Erickson, Prince

Nays: None.

Motion carried unanimously.

OTHER BUSINESS

ORDINANCE NO. 2021-07 – AMENDED FEE SCHEDULE

Carlson presented the updated proposed fee schedule to include those fees associated with short term rentals.

Motion by Kelly, second by Prince, to approve Ordinance 2021-07 Amended Fee Schedule.

Ayes: Rivera, Frenzel, Kelly, Erickson, Prince

Nays: None.

Motion carried unanimously.

INDUSTRIAL PARK ZONING

Staff and board members discussed industrial park zoning. Board members addressed that they would like to see the representatives from the industrial park submit a proposal of updates and changes they would like to happen.

DIRECTOR'S REPORT

Carlson described year-to-date activity as well as completed, current and upcoming development projects. Carlson noted upcoming planning cases.

Fahrenbruch addressed current enforcement issues.

UPCOMING MEETING DATES

August 26, 2021	6:00 pm	JPC Regular Meeting
September 8, 2021	6:00 pm	JPB Regular Meeting
September 23, 2021	6:00 pm	JPC Regular Meeting
October 13, 2021	6:00 pm	JPB Regular Meeting

ADJOURNMENT

There being no further business, motion by Prince, second by Kelly, to adjourn the Joint Planning Board meeting at 8:07 p.m. Motion carried.

Respectfully submitted,

Ainslee Knudson
Planning & Building Administrative Assistant

JPB Minutes Approved and attested by:

Joint Planning Board Representative

Sonja & John Upton - Variance

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2021-16

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.01265.00**

WHEREAS, an application was submitted on June 30th, 2021 by Sonja and John Upton requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 6327 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

A reduction of 37,504 square feet in lot size from the underlying R-3 Zoning District requirement of 45,000 square feet;

A one-hundred (100) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;

A fifty and one-tenth (50.1) foot reduction in lot depth from the underlying R-3 Zoning District requirement of one hundred and fifty (200) feet per Section 402;

An ordinary high water setback reduction for the deck of forty and six-tenths (40.6) feet from the required one-hundred (100) feet per Section 901;

An ordinary high water setback reduction for the principal structure of thirty and a half (30.5) feet from the required one-hundred (100) feet per Section 901;

A side-yard setback reduction for the deck of nine and four-tenths (9.4) feet from the required ten (10) feet per Section 901;

A side-yard setback reduction for the principal structure of seven and nine-tenths (7.9) feet from the required ten (10) feet per Section 901;

An additional twelve (12) percent or nine-hundred twelve (912) square feet of impervious surface coverage throughout the property per Section 901; and

WHEREAS, the requested variances will be for structures located on parcel 31.01265.00 legally described as Sect-25 Twp-147 Range-033 PINE BEACH PARK Lot-002 Block-002 .17 AC; and

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

WHEREAS, the requested variances meet 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 Thursday, July 22nd, 2021, to review the application for Variances following mailed and published notices 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. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving environmental quality and not increasing the impact of existing nonconformities.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of eight (8) variances in order to replace the single family structure at 6327 Lavinia RD NE on parcel 31.01265.00, with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. Trees on neighboring property shall be protected from construction disturbance, which includes any activity that may damage the root zone. If tree removal or disturbance is necessary to accomplish the proposed work, a signed agreement between property owners shall be submitted to the JPB for review before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this ____ day of _____ 2021 by Jess Frenzel, Joint Planning Board Chair.

Jess Frenzel, Joint Planning Board Chair

Subscribed and sworn to before me
this ____th day of _____, 2021.

Notary Public

THE GREATER BEMIDJI AREA JOINT PLANNING BOARD

PLANNING CASE: V-21-31.01265.00	JPC MEETING DATE: July 22 nd , 2021
APPLICANT: Sonja & John Upton 6327 Lavinia Rd NE	60-DAY RULE DATE: August 29 th , 2021
PROCEEDING: Variances for OHWL setback for principal structure and deck, side yard setback for the principal structure and deck, exceeding maximum impervious surface, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

JPB Memorandum

I. SUMMARY OF REQUEST

Sonja and John Upton are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 6327 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 37,504 square feet in lot size from the underlying R-3 Zoning District requirement of 45,000 square feet;
2. A one-hundred (100) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
3. A fifty and one-tenth (50.1) foot reduction in lot depth from the underlying R-3 Zoning District requirement of one hundred and fifty (200) feet per Section 402;
4. An ordinary high water setback reduction for the deck of forty and six-tenths (40.6) feet from the required one-hundred (100) feet per Section 901;
5. An ordinary high water setback reduction for the principal structure of thirty and a half (30.5) feet from the required one-hundred (100) feet per Section 901;
6. A side-yard setback reduction for the deck of nine and four-tenths (9.4) feet from the required ten (10) feet per Section 901;
7. A side-yard setback reduction for the principal structure of seven and nine-tenths (7.9) feet from the required ten (10) feet per Section 901;
8. An additional twelve (12) percent or nine-hundred twelve (912) square feet of impervious surface coverage throughout the property per Section 901;

II. PUBLIC COMMENT/PUBLIC HEARING

Public Hearing opened at 6:20 p.m.

- John Upton, the property owner, addressed the Commission. Smith inquired about the trees. Upton noted their desire not to take any trees down, but cannot guarantee as the work could affect the trees.
- Smith requested if the applicant has an agreement with the neighboring property. Upton noted that they have a legal agreement with the neighboring property that the area between their properties is middle-ground or “no-mans land.” Upton explained that under this legal agreement no permanent or temporary structure are allowed, and the neighbors are in support of what the applicant is planning. Upton noted that the pavers shown in the image presented will be taken up and replaced with grass.
- Smith requested if the applicant has a plan if the trees are impacted. Upton noted that if any trees come down, it will be replaced with another tree.
- Heinonen requested if the outside staircase will be removed. Upton noted that the staircase is on the neighbor’s property and will be removed and not replaced.
- Faver inquired if the applicant is requesting an encroachment on the lakeside or side yard. Upton stated that he is not.
- Faver asked how high the deck is off the ground. Upton noted that it is approximately twelve to sixteen inches off the ground.

Public Hearing closed at 6:27 p.m.

III. RECOMMENDATION & FINDINGS

JPC & Staff recommend approval of eight (8) variances in order to reconstruct a single family structure at 6327 Lavinia Rd NE.

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. Trees on neighboring property shall be protected from construction disturbance, which includes any activity that may damage the root zone. If tree removal or disturbance is necessary to accomplish the proposed work, a signed agreement between property owners shall be submitted to the JPB for review before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving environmental quality and not increasing the impact of existing nonconformities.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

Motion carried unanimously.

**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

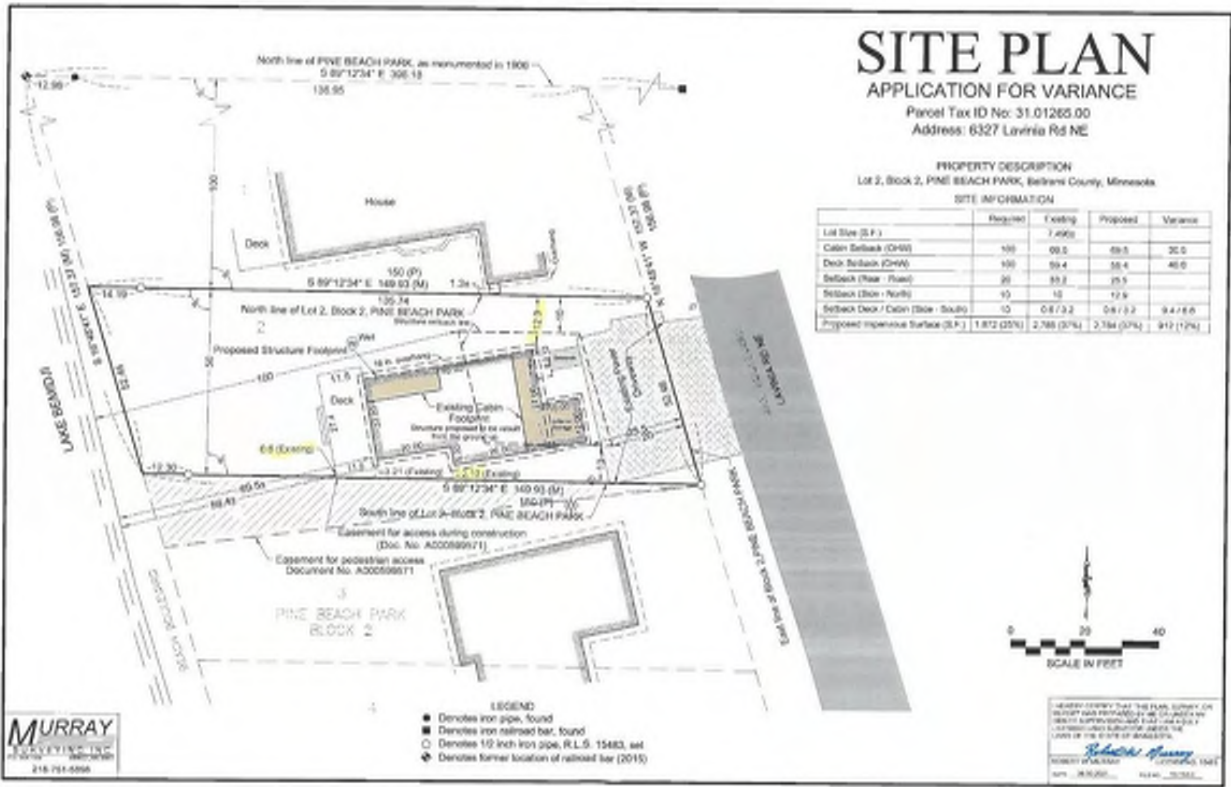
PLANNING CASE: V-21-31.01265.00	JPC MEETING DATE: July 22 nd , 2021
APPLICANT: Sonja & John Upton 6327 Lavinia Rd NE	60-DAY RULE DATE: August 29 th , 2021
PROCEEDING: Variances for OHWL setback for principal structure and deck, side yard setback for the principal structure and deck, exceeding maximum impervious surface, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

PLANNING REPORT

I. SUMMARY OF REQUEST

Sonja and John Upton are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 6327 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 37,504 square feet in lot size from the underlying R-3 Zoning District requirement of 45,000 square feet;
2. A one-hundred (100) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
3. A fifty and one-tenth (50.1) foot reduction in lot depth from the underlying R-3 Zoning District requirement of one hundred and fifty (200) feet per Section 402;
4. An ordinary high water setback reduction for the deck of forty and six-tenths (40.6) feet from the required one-hundred (100) feet per Section 901;
5. An ordinary high water setback reduction for the principal structure of thirty and a half (30.5) feet from the required one-hundred (100) feet per Section 901;
6. A side-yard setback reduction for the deck of nine and four-tenths (9.4) feet from the required ten (10) feet per Section 901;
7. A side-yard setback reduction for the principal structure of seven and nine-tenths (7.9) feet from the required ten (10) feet per Section 901;
8. An additional twelve (12) percent or nine-hundred twelve (912) square feet of impervious surface coverage throughout the property per Section 901;



II. BACKGROUND

The applicants and applicant's representative have met with staff regarding this proposal to redevelop the lake lot. The legal non-conforming lot is currently developed with a nonconforming structure and compliant septic system. The existing cabin sits approximately sixty-nine and one half (69.5) feet from the ordinary high water level (OHWL) and two feet from the south property line. The applicants plan to build a new home on the property. As shown on the site plan, the proposed house will not encroach further than present.

III. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	PROPOSED	REQUIRED/ALLOWED
Section 402 Lot Size	7,496 sq. ft.	45,000 sq. ft.
Section 402 Lot Width	50 ft.	150 ft.
Section 402 Lot Depth	149.9 ft.	200 ft.
Section 901 OHWL Setback (deck)	59.4 ft.	100 ft.
Section 901 OHWL Setback (dwelling)	69.5 ft	100 ft.
Section 901 Side-yard Setback (deck)	0.6 ft	10 ft.
Section 901 Side-yard Setback (dwelling)	2.1 ft	10 ft.
Proposed Impervious Surface	37%	25%
Existing Impervious Surface	37%	25%

IV. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

This lot does not meet any of the allowances for substandard lot construction in the ordinance Section 502 or Section 903, and nothing can be constructed or expanded without a variance.

Existing Conditions

This is an existing substandard lot of record consisting of a house, patios, and walkways along with a paver driveway. The current single-family house is approximately 1,070 square feet, and has numerous sidewalks, deck, and patio areas that bring the site impervious surface to 2,785 square feet. Existing trees close to the structure straddle the property line, and any work that occurs may further impact the root-zone. Trees not located on the Upton property may be impacted by the proposed work, so appropriate measures should be considered to protect them from damage.





Proposed Improvements

The proposal is to rebuild a new structure in generally the same footprint of the existing house and hard surfaces. Alternative site arrangements were suggested, however encroachments, mature vegetation, and ROW setbacks limit where a rebuilt structure can be placed on the lot.

Septic System

The existing system has a current certificate of compliance from 2019, and the new structure will not require additional septic capacity.

Stormwater Mitigation

Staff would recommend that the applicant install a gutter system on the new structure to direct stormwater towards a mitigation system such as raingardens or even a pervious pavement system in lieu of concrete or bituminous surface. This will prevent runoff from entering Lake Bemidji. A stormwater mitigation plan shall be submitted to JPB staff for review and approval prior to land use permit being issued.

Landscaping Requirements

A landscaping plan would need to be submitted if any trees, shrubs, or vegetation are to be removed within the shoreland protection zone. Erosion control would have to be in place before any construction or demolition begins and remain intact until suitable vegetation is established and in place.

Neighborhood Comment

No neighborhood comment was received prior to the date of this report.

Comprehensive Plan References:

The newly adopted Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

Natural Resources Objective 11.2 Preserve and Enhance Water Quality

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

Zoning Ordinance References

Section 402: Lot Size and Bulk Regulations

Section 502: Substandard Lots of Record

Section 901: Bulk Density and Lot Sizes

Section 903: Nonconforming Structures Substandard in Shoreland Overlay

Section 1206: Variances, Appeals and Adjustments

V. RECOMMENDATION & FINDINGS

Staff recommends approval of eight (8) variances in order to reconstruct a single family structure at 6327 Lavinia Rd NE. The variances are as follows:

1. A reduction of 37,504 square feet in lot size from the underlying R-3 Zoning District requirement of 45,000 square feet;
2. A one-hundred (100) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (150) feet per Section 402;
3. A fifty and one-tenth (50.1) foot reduction in lot depth from the underlying R-3 Zoning District requirement of one hundred and fifty (200) feet per Section 402;
4. An ordinary high water setback reduction for the deck of forty and six-tenths (40.6) feet from the required one-hundred (100) feet per Section 901;
5. An ordinary high water setback reduction for the principal structure of thirty and a half (30.5) feet from the required one-hundred (100) feet per Section 901;
6. A side-yard setback reduction for the deck of nine and four-tenths (9.4) feet from the required ten (10) feet per Section 901;
7. A side-yard setback reduction for the principal structure of seven and nine-tenths (7.9) feet from the required ten (10) feet per Section 901;
8. An additional twelve (12) percent or nine-hundred twelve (912) square feet of impervious surface coverage throughout the property per Section 901;

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. Trees on neighboring property shall be protected from construction disturbance, which includes any activity that may damage the root zone. If tree removal or disturbance is necessary to accomplish the proposed work, a signed agreement between property owners shall be submitted to the JPB for review before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance, this includes the existing structure and the septic system.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving environmental quality and not increasing the impact of existing nonconformities.

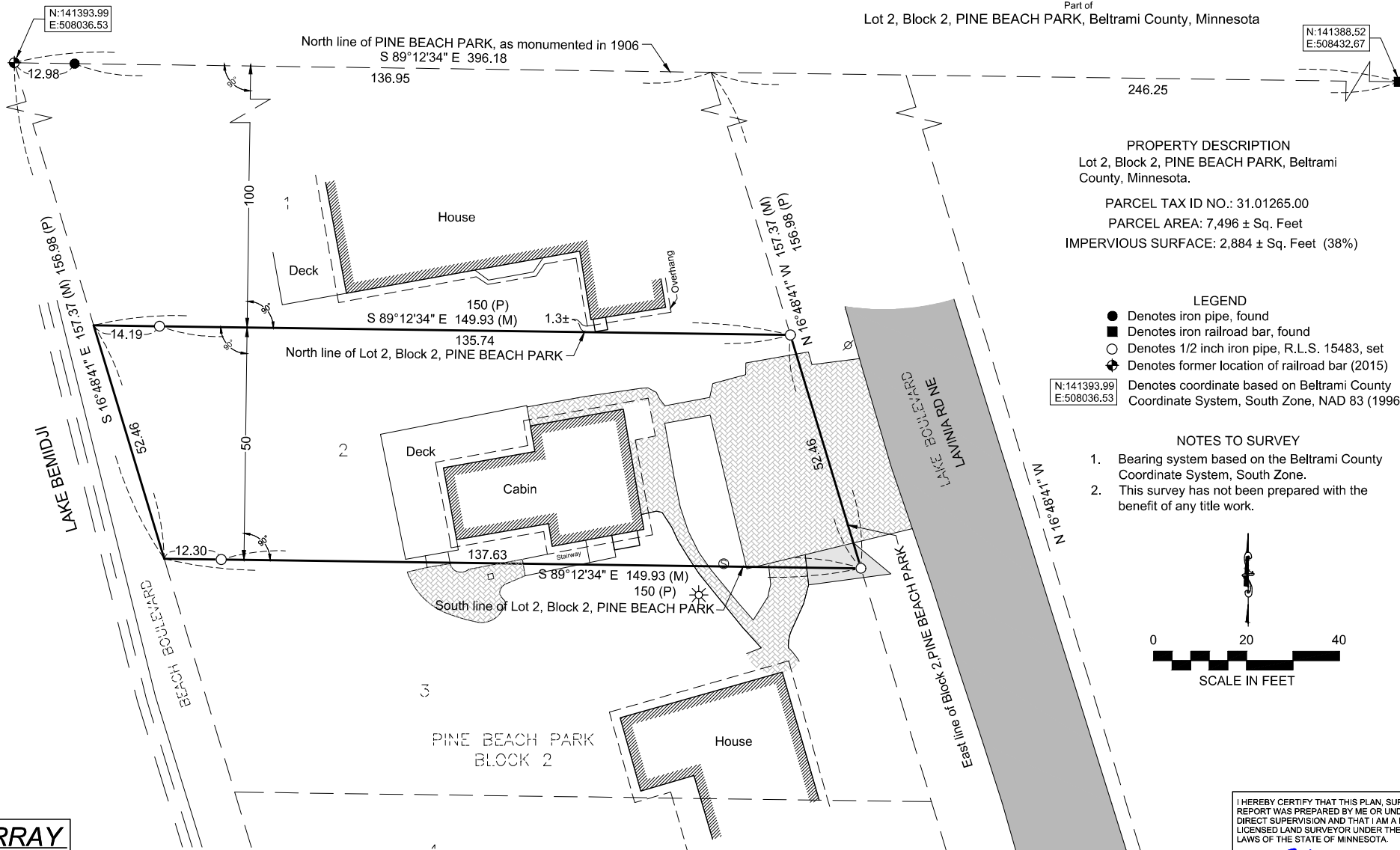
4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

Plans

CERTIFICATE OF SURVEY

Part of
Lot 2, Block 2, PINE BEACH PARK, Beltrami County, Minnesota



PROPERTY DESCRIPTION
Lot 2, Block 2, PINE BEACH PARK, Beltrami County, Minnesota.

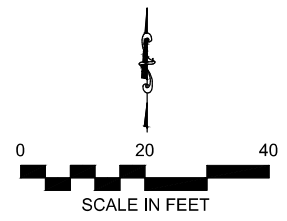
PARCEL TAX ID NO.: 31.01265.00
PARCEL AREA: 7,496 ± Sq. Feet
IMPERVIOUS SURFACE: 2,884 ± Sq. Feet (38%)

LEGEND

- Denotes iron pipe, found
- Denotes iron railroad bar, found
- Denotes 1/2 inch iron pipe, R.L.S. 15483, set
- ⊕ Denotes former location of railroad bar (2015)

N:141393.99
E:508036.53 Denotes coordinate based on Beltrami County Coordinate System, South Zone, NAD 83 (1996).

- NOTES TO SURVEY**
1. Bearing system based on the Beltrami County Coordinate System, South Zone.
 2. This survey has not been prepared with the benefit of any title work.



MURRAY
SURVEYING, INC.
P.O. BOX 1038 BEMIDJI, MN 56601
218-751-5898

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.

Robert W. Murray
ROBERT W. MURRAY LICENSE NO. 15483
DATE: 08-05-2019 FILE NO. 19-154-C

SITE PLAN

APPLICATION FOR VARIANCE

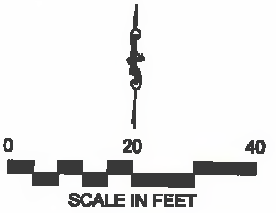
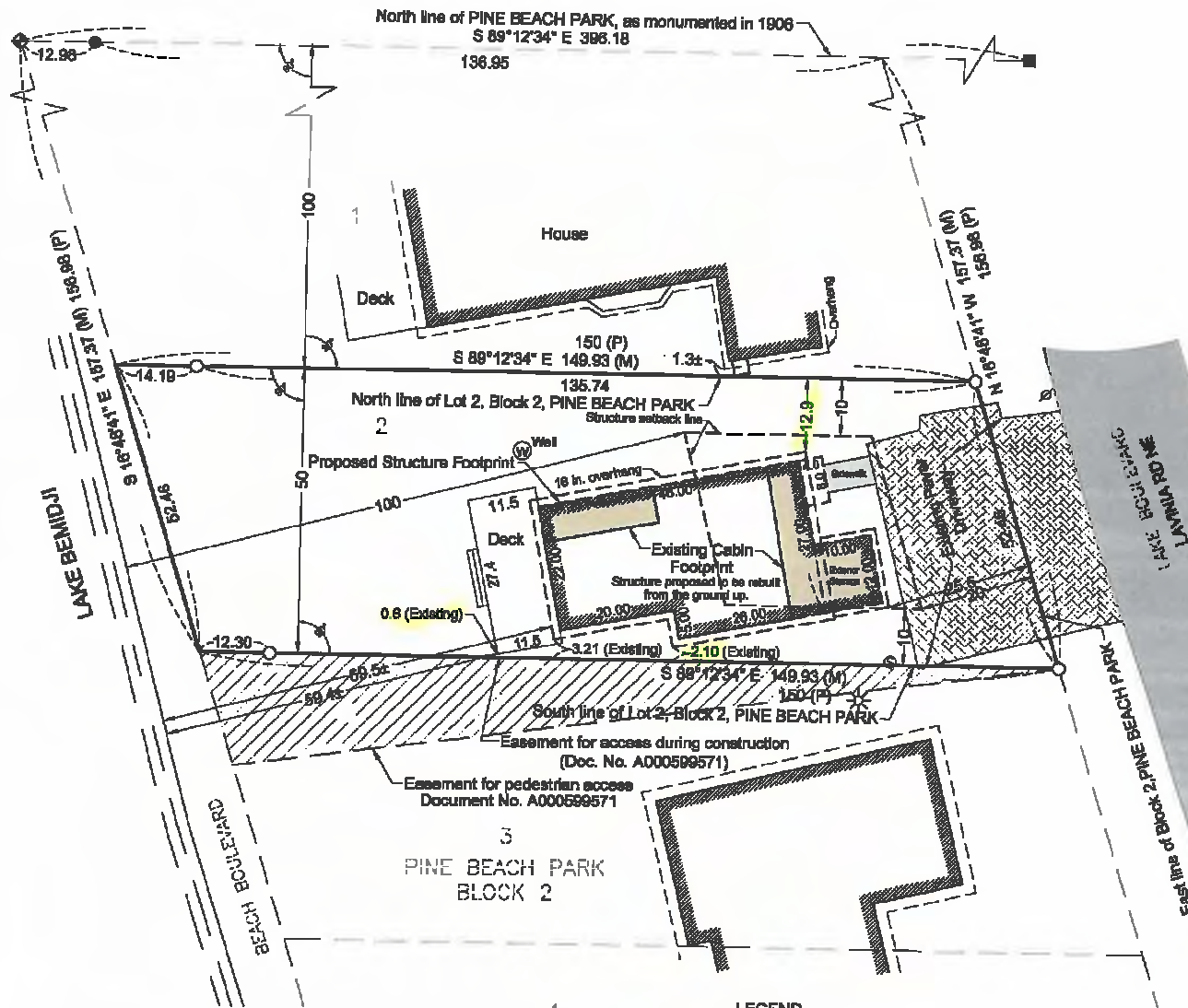
Parcel Tax ID No: 31.01265.00

Address: 6327 Lavinia Rd NE

PROPERTY DESCRIPTION
Lot 2, Block 2, PINE BEACH PARK, Beltrami County, Minnesota.

SITE INFORMATION

	Required	Existing	Proposed	Variance
Lot Size (S.F.)		7,498±		
Cabin Setback (OHW)	100	68.6	68.6	30.6
Deck Setback (OHW)	100	58.4	58.4	40.8
Setback (Rear - Road)	20	33.2	25.5	
Setback (Side - North)	10	10	12.0	
Setback Deck / Cabin (Side - South)	10	0.6 / 3.2	0.6 / 3.2	9.4 / 8.8
Proposed Impervious Surface (S.F.)	1,872 (25%)	2,785 (37%)	2,784 (37%)	912 (12%)



- LEGEND**
- Denotes iron pipe, found
 - Denotes iron railroad bar, found
 - Denotes 1/2 inch iron pipe, R.L.S. 15483, set
 - ◆ Denotes former location of railroad bar (2015)

MURRAY
SURVEYING INC.
P.O. BOX 1509
MINNETONKA, MN 55345
218-761-5898

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.

Robert W. Murray
ROBERT W. MURRAY LICENSE NO. 16483
DATE: 08-30-2021 FILE NO. 18-1M-C

Applications & Supporting Documents



Greater Bemidji Area
Joint Planning Board

RECEIVED
JUN 30 2021
BY: NSP

Application for Variance

OFFICE USE ONLY

Complete Application Rec'd 6/30/21
Payment Rec'd 6/30/2021
Field Checked _____
Zoning District R-3/ Shoreland
Date Permitted _____
Permit Number V-21-31:012165.00
Comments _____

Please complete this application carefully and completely. PLEASE PRINT. 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 the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

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.

APPLICANT DATA

NAME OF APPLICANT: John Sanja UPTON EMAIL: sanjajupton@gmail.com
MAILING ADDRESS: 6327
SITE ADDRESS: 6327 Lavinia Road Bemidji MN 56601 31.01265.00
PHONE NUMBER: WORK _____ HOME 612 508 6438
CONTRACTOR NAME: Howie Zetah PHONE: 218 766 5169
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?
Explain _____

OFFICE USE ONLY

Property Dimensions: Width 50 ft Depth _____ ft Total area 7405 sq ft/acres
Is there one acre of contiguous land on the property? Yes No
Have there been any Variances/Use Permits granted on this property? Yes No Don't Know Attach copies
Is property within 1000 feet of a public water? Yes No Is property in an airport zone? Yes No
Septic Data: Year Installed: 1991 Last Compliance Inspection: UNK 6/10/2019
 Pass Compliance Fail Compliance Notarized Stipulation Other _____
Municipal Services: Water Yes No Sewer: Yes No If no, is hook up possible? Yes No
NSP

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

SECTION

Lot Size, STRUCTURE SETBACK Max Impervious Surface

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

PROPOSED SETBACK FROM OTW, 55 TO DECK 69.5 TO STRUCTURE 2.1 Side Yard Impervious Surface 2740 PROPOSED SETBACK

Describe the existing use of your property:

RESIDENTIAL Summer home

Will the use of your property change with the variance? Yes No

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

Explain

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely limit your construction site options? Yes No Explain

size of lot, configuration of improvements from nearby lots

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

Explain the practical difficulty that exists with your request:

Small lot. Adjacent parcels already developed limiting our building to substandard size lot

Assuming that a practical difficulty 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.)?

WE ARE DECREASING THE IMPERVIOUS SURFACE ON OUR LOT

(Use additional sheets if necessary)

STRUCTURAL/CONSTRUCTION DATA (if applicable)

Proposed Structure/Use:	New Single Family Residence <input checked="" type="checkbox"/>	Building Alteration _____
	Garage (Attached) _____	Detached Garage _____
	Accessory Building/Multi Family Dwelling _____	
	Commercial Building _____	Other (Explain) _____

Structure Dimension(s): Width 26.25 ft. Length 45.33 ft. Height (to roof peak) 25 ft. Total S.F. 1310 *mcl 1006 attaching*

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Total number of bedrooms after construction: 2

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

Estimated Cost of construction: \$ TBD

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

ALL APPLICANTS MUST SIGN BELOW

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

Applicant: [Signature] Applicant: [Signature]

Date: 6/20/2021

OFFICE USE ONLY

Reviewed by [Signature] Date 7/1/2021 Complete Application Yes No

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4TH STREET NW, LOWER LEVEL



Minnesota Pollution Control Agency

520 Lafayette Road North
St. Paul, MN 55155-4194

Compliance Inspection Form
Existing Subsurface Sewage Treatment Systems (SSTS)

Larson Environmental Consulting Project Number #7864

Instructions: Inspection results based on Minnesota Pollution Control Agency (MPCA) requirements and attached forms -- additional local requirements may also apply.

Submit completed form to Local Unit of Government (LUG) and system owner within 15 days

For local tracking purposes:

System Status

System status on date (mm/dd/yyyy): 6/10/2019

[X] Compliant - Certificate of Compliance
(Valid for 3 years from report date, unless shorter time frame outlined in Local Ordinance.)

[] Noncompliant - Notice of Noncompliance
(See Upgrade Requirements on page 3)

Reason(s) for noncompliance (check all applicable)

- [] Impact on Public Health (Compliance Component #1) - Imminent threat to public health and safety
[] Other Compliance Conditions (Compliance Component #3) - Imminent threat to public health and safety
[] Tank Integrity (Compliance Component #2) - Failing to protect groundwater
[] Other Compliance Conditions (Compliance Component #3) - Failing to protect groundwater
[] Soil Separation (Compliance Component #4) - Failing to protect groundwater
[] Operating permit/monitoring plan requirements (Compliance Component #5) - Noncompliant

Property Information

Parcel ID# or Sec/Twp/Range: 31.01265.00, 31.01261.00, 31.01260.00

Property address: 6327 Lavinia Rd. NE Bemidji, MN 56601

Reason for inspection: Property transfer

Property owner: Vaaler Family Properties

Owner's phone: not known

OR

Owner's representative: Bruce Vaaler

Representative phone:

Local regulatory authority: GBAJPB

Regulatory authority phone: 218-759-3579

Brief system description: 500 gallon tank with grinder pump, 1500 gallon septic tank, a 1000 gallon pump tank and a mound system with a 10' x 60' rock bed

Comments or recommendations:

see notes and comments

Certification

I hereby certify that all the necessary information has been gathered to determine the compliance status of this system. No determination of future system performance has been nor can be made due to unknown conditions during system construction, possible abuse of the system, inadequate maintenance, or future water usage.

Inspector name: Dave Larson

Certification number: 608

Business name: Larson Environmental Consulting

License number: 608

Inspector signature: [Signature] 6/10/19

Phone number: 218-751-2570

Necessary or Locally Required Attachments

- [X] Soil boring logs [X] System/As-built drawing [] Forms per local ordinance
[X] Other information (list): see attached

DAL

1. Impact on Public Health – Compliance component #1 of 5

Compliance criteria:

System discharge sewage to the ground surface.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
System discharge sewage to drain tile or surface waters.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
System cause sewage backup into dwelling or establishment.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Any "yes" answer above indicates the system is an Imminent Threat to Public Health and Safety.

Comments/Explanation:

Homeowner stated that there has not been any problems with the system

Verification method(s):

- Searched for surface outlet
- Searched for seeping in yard/backup in home
- Excessive ponding in soil system/D-boxes
- Homeowner testimony (See Comments/Explanation)
- "Black soil" above soil dispersal system
- System requires "emergency" pumping
- Performed dye test
- Unable to verify (See Comments/Explanation)
- Other methods not listed (See Comments/Explanation)

2. Tank Integrity – Compliance component #2 of 5

Compliance criteria:

System consists of a seepage pit, cesspool, drywell, or leaching pit. <i>Seepage pits meeting 7080.2550 may be compliant if allowed in local ordinance.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Sewage tank(s) leak below their designed operating depth. If yes, which sewage tank(s) leaks:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Any "yes" answer above indicates the system is Failing to Protect Groundwater.

Comments/Explanation:

Verification method(s):

- Probed tank(s) bottom
- Examined construction records
- Examined Tank Integrity Form (Attach)
- Observed liquid level below operating depth
- Examined empty (pumped) tanks(s)
- Probed outside tank(s) for "black soil"
- Unable to verify (See Comments/Explanation)
- Other methods not listed (See Comments/Explanation)

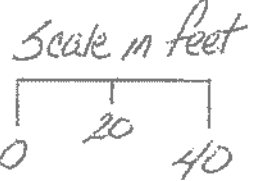
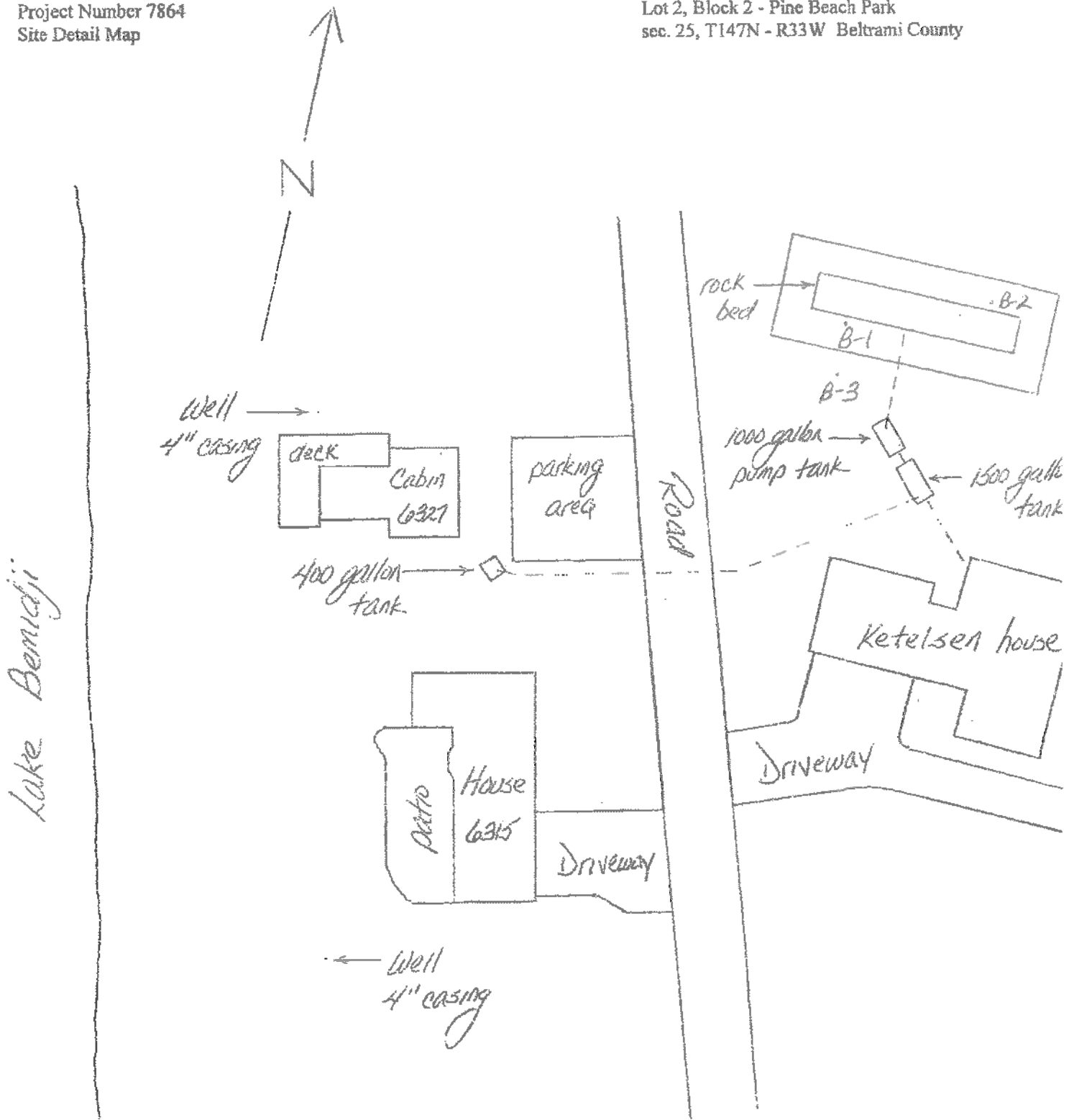
3. Other Compliance Conditions – Compliance component #3 of 5

- a. Maintenance hole covers are damaged, cracked, unsecured, or appear to structurally unsound. Yes* No Unknown
- b. Other issues (electrical hazards, etc.) to immediately and adversely impact public health or safety. Yes* No Unknown
*System is an imminent threat to public health and safety

Explain:

- c. System is non-protective of ground water for other conditions as determined by inspector Yes* No
*System is failing to protect groundwater

Explain:



Note - This is not an official survey. Location of property lines in the field are approximate.

MPCA COMPLIANCE INSPECTION FORM FOR EXISTING INDIVIDUAL SEWAGE TREATMENT SYSTEMS
LARSON ENVIRONMENTAL CONSULTING - PROJECT NUMBER #7864

NOTES AND COMMENTS:

This system was likely installed in 1991 based on documentation obtained from a representative of the Ketelsen's who live across the street where the mound system was installed. There is no permit or installation inspection report for this system on file. There is a 400 or 500 gallon precast concrete tank with a grinder pump inside present on the Vaaler property at 6327 Lavinia Rd. NE. The manhole cover is present at the ground surface and a pump line is visible leaving this tank in the direction of the road. The septic tank present at the Ketelsen property measures approximately 12' x 5-1/2' x 46" liquid depth and appears to be a 1500 gallon precast concrete tank. There are 6" PVC inspection reports present over the inlet and the outlet areas of the tank and it appears that both baffles are in place. The liquid level is present at the bottom of the outlet pipe and appears to be normal. There is a 1" PVC pipe present in the side of the 6" inspection pipe over the inlet of the tank and it is likely connected to the pump line coming over from the tank at the Vaaler property. The pump tank measures approximately 10' x 5-1/2' and appears to be a 1000 gallon precast concrete tank. The manhole cover for this tank is present at the ground surface. A steel rod was inserted down into all three tanks and these tanks have a solid concrete bottom as far as I could reach.

The rock bed measures approximately 10' x 60'. A steel rod was used to probe and measure the rock bed. A soil boring was completed adjacent to the rock bed through the sandy material used to build the mound system. The top of the rock was present at 8 to 13" and the bottom of the rock would be present at approximately 20 to 24". A soil boring was completed adjacent to the rock bed and the original topsoil was present at 29 to 30" so there is approximately 6 to 10" of sand present beneath the rock bed. Another soil boring was completed adjacent to the mound system near boring 1 in the natural soil material and there was evidence of a seasonal water table present at 30". There is greater than three feet of separation from the bottom of the rock bed to the seasonal water table and the components of this system are considered to be in compliance.

STATUS OF THE SYSTEM:

Based on the compliance criteria conducted on the above system, the system status is COMPLIANT
(Failing (to protect groundwater), an Imminent Threat to Public Health or Safety (ITPHS), Non-Compliant (monitoring issue) or Compliant)

Therefore, this document is a CERTIFICATE OF COMPLIANCE
(Certificate of Compliance OR Notice of Noncompliance)

CERTIFICATION:

I hereby certify as a state of Minnesota licensed Inspector and/or Designer I or Qualified Employee Inspector and/or Qualified Employee Designer I that I conducted an investigation that accurately determined the compliance status of this system and that my recorded observations are accurate as of the date at the top of this form. No determination of future hydraulic performance of this system has been nor can be made due to unknown conditions during system construction, abuse of the system, inadequate maintenance and/or future water usage over the life of the system, all of which will adversely affect the life of the system.

INSPECTOR'S NAME: Dave Larson LICENSE NUMBER: 608 PHONE NUMBER: 218-751-2570

EMPLOYED BY: Larson Environmental Consulting

INSPECTOR'S SIGNATURE:  DATE: 6/10/19

Upgrade Requirements (derived from Minnesota Statutes 115.55)

An ITPHS must be upgraded, replaced or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance. If the system fails to provide sufficient groundwater protection, then the system must be upgraded, replaced or its use discontinued within the time required by rule or the local ordinance. If an existing system is not failing as defined in law and has at least two feet of design soil separation, then the system need not be upgraded, repaired, replaced or its use discontinued, notwithstanding any local ordinance that is more strict. This does not apply to systems in shoreland areas, wellhead protection areas or those used in connection with food, beverage and lodging establishments as defined by law.

LOG OF SOIL BORINGS

1	sandy loam	Depth: 0 to 3" Texture: sandy loam Color: black 10YR 3/1 Structure: granular Mottling: --- Clay films: --- Carbonates: ---
2	sand	Depth: 3 to 29" Texture: sand Color: yellowish brown 10YR 5/4 Structure: single grain Mottling: no Clay films: no Carbonates: no
3	sandy loam	Depth: 29 to 36" - original topsoil Texture: sandy loam Color: black 10YR 3/1 Structure: granular Mottling: no Clay films: no Carbonates: no
4		
5		
6		Depth: Texture: Color: Structure: Mottling: Clay films: Carbonates:
7		
8		Depth: Texture: Color: Structure: Mottling: Clay films: Carbonates:

Name: Vaaler Family Properties
 Site location: Lot 2, Block 2
 Pine Beach Park
 sec. 25, T147N - R33W

County: Beltrami
 Boring number: B-2
 Boring location: See map
 Borings completed by:
 Dave Larson - Soil scientist
 Larson Environmental Consulting
 MPCA License #: 608
 Date: 6/10/19
 Classification system: USDA-SCS

Soil type: Outwash sands
 Vegetation: Northern hardwoods, white pine
 Slope: 1 percent
 Floodplain area: No
 Site drainage: Moderately well
 End of boring at 4.0 feet

Depth to seasonal water table: 30" near B-3

Standing water present in borehole: No

Notes and comments:
The top of the drainfield rock is present at 13"
and the bottom of the drainfield rock is present
at approximately 24"

The original topsoil is present at 29" so there is
approximately 5 to 6" of sand present beneath
the rock bed present on this end of the mound

LOG OF SOIL BORINGS

1	sandy loam	Depth: 0 to 3" Texture: sandy loam Color: black 10YR 3/1 Structure: granular Mottling: --- Clay films: --- Carbonates: ---
2	sand	Depth: 3 to 30" Texture: sand Color: yellowish brown 10YR 5/4 Structure: single grain Mottling: no Clay films: no Carbonates: no
3	sandy loam	Depth: 30 to 36" - original topsoil Texture: sandy loam Color: black 10YR 3/1 Structure: granular Mottling: no Clay films: no Carbonates: no
4		
5		
6		Depth: Texture: Color: Structure: Mottling: Clay films: Carbonates:
7		
8		Depth: Texture: Color: Structure: Mottling: Clay films: Carbonates:

Name: Vaaler Family Properties
 Site location: Lot 2, Block 2
 Pine Beach Park
 sec. 25, T147N - R33W

County: Beltrami
 Boring number: B-1
 Boring location: See map
 Borings completed by:
 Dave Larson - Soil scientist
 Larson Environmental Consulting
 MPCA License #: 608
 Date: 6/10/19
 Classification system: USDA-SCS

Soil type: Outwash sands
 Vegetation: Northern hardwoods, white pine
 Slope: 1 percent
 Floodplain area: No
 Site drainage: Moderately well
 End of boring at 3.0 feet

Depth to seasonal water table: 30" near B-3

Standing water present in borehole: No

Notes and comments:

The top of the drainfield rock is present at 8" and the bottom of the drainfield rock is present at approximately 20"

The original topsoil was present at 30" so there is approximately 10" of sand present beneath the rock bed

MEMORANDUM AGREEMENT FOR JOINT USE OF SEPTIC FACILITIES

THIS AGREEMENT, Made and entered into this 18th day of May, A.D. 1991, by and between Larry Ketelsen and Colleen Ketelsen, husband and wife, of 6318 Lavinia Road N.E., Bemidji, Minnesota, hereinafter called "first parties;" and David A. Vaaler and Nan S. Vaaler, husband and wife, whose post office address is 209 Cleo Court, Grand Forks, North Dakota, hereinafter called "second parties;"

WITNESSETH:

WHEREAS, the first parties are the owners of certain real estate hereinafter described, which is located east of and adjacent to real estate owned by the second parties, also hereinafter described; and

WHEREAS, the property of the parties to this agreement hereinafter described as Tract One (first parties) and Tract Two (second parties) lie on either side of and are separated by Lavinia Road N.E. as the same is presently located and platted, Lavinia Road being a township road established and maintained by Northern Township, one of the political subdivisions of Beltrami County, Minnesota; and

WHEREAS, it is necessary for the first parties and the second parties, in order to comply with applicable zoning and other regulations relative to the ownership of property, including the properties herein described owned by the first and second parties, to establish and maintain appropriate septic tank and sewage disposal facilities to serve the properties herein described and the buildings and structures located thereon; and

LOG OF SOIL BORINGS

1	sandy loam	Depth: 0 to 12" Texture: sandy loam Color: black 10YR 3/1 Structure: granular Mottling: --- Clay films: --- Carbonates: ---	Name: Vaaler Family Properties Site location: Lot 2, Block 2 Pine Beach Park sec. 25, T147N - R33W
2	sand	Depth: 12 to 36" Texture: sand Color: yellowish brown 10YR 5/4 Structure: single grain Mottling: yes at 30" Clay films: no Carbonates: no	County: Beltrami Boring number: B-3 Boring location: See map Borings completed by: Dave Larson - Soil scientist Larson Environmental Consulting MPCA License #: 608 Date: 6/10/19 Classification system: USDA-SCS
3	sand	Depth: 36 to 48" Texture: sand Color: light brownish gray 10YR 6/2 Structure: single grain Mottling: yes Clay films: no Carbonates: no	Soil type: Outwash sands Vegetation: Northern hardwoods, white pine Slope: 1 percent Floodplain area: No Site drainage: Moderately well End of boring at 4.0 feet
4			Depth to seasonal water table: 30" Standing water present in borehole: 42"
5			
6		Depth: Texture: Color: Structure: Mottling: Clay films: Carbonates:	Notes and comments: <u>The top of the drainfield rock is present at 8"</u> <u>and the bottom of the drainfield rock is present</u> <u>at approximately 20"</u>
7			<u>There is approximately 10" of sand present</u> <u>beneath the rock bed in this area</u>
8		Depth: Texture: Color: Structure: Mottling: Clay films: Carbonates:	<u>Reddish 7.5YR 5/6 mottles present at 30" and</u> <u>gray 10YR 6/2 mottles present at 36"</u>

WHEREAS, in order to install the appropriate sewage disposal facilities, including drainage fields and attendant equipment and piping, the parties propose to locate and jointly use a septic tank, drainage field, pumping equipment, and associated facilities and equipment and to be jointly responsible for and obligated to pay the installation costs as well as the maintenance, servicing, repair and replacement costs as may be necessary in the future to operate and maintain the joint sewage disposal system (hereinafter later referred to in this agreement as the "system"); and

WHEREAS, the installation of the system must be pursuant to permits granted by the Planning and Zoning officials of Beltrami County, Minnesota; and further, the parties agree it is necessary that part of the pipe or drainage equipment necessary to serve Tract Two as owned by the second parties will have to be installed under and beneath the surface of Lavinia Road N.E. separating Tracts One and Two herein described and it will be necessary for the parties to obtain a permit from Northern Township to install appropriate drainage pipes beneath the surface of Lavinia Road N.E. to enable sewage effluent to drain into the system which is contemplated by this agreement; and

WHEREAS, the parties agree that they will jointly cause to be installed and to pay the costs of such installation of an adequate system for sewage disposal to serve the needs as herein described and will obtain the necessary permits from county and township officials for the purpose of accomplishing such installation and in order to set forth the rights of the parties to this agreement with respect to the installation, operation, and maintenance of the system as is contemplated by the parties to this agreement;

NOW, THEREFORE, the parties hereto agree as follows:

1. The real property involved and affected by this agreement is as follows:

Keiclsen Property (Tract One):

**Lots 1 through 12, Block 1, Pine Beach Park, Beltrami County,
Northern Township, Bemidji, Minnesota.**

Vaaler Property (Tract Two):

**Lot 2 in Block 2 of Pine Beach Park, Beltrami County, Northern
Township, Bemidji, Minnesota.**

This agreement shall be a covenant running with the above-described property and shall impose upon the property and the fee simple owners thereof, the obligations set forth herein with respect to the installation, maintenance and operation of the system serving both tracts and the first and second parties as the owners thereof, or their successors-in-interest, if any.

2. The first and the second parties shall jointly secure the appropriate permits from state, county or township authorities for the installation of the system, including drainage fields and attendant equipment and piping, and locate the same upon Tract One as above described. The cost of the installation of the system shall be borne proportionally by the first and second parties in accordance with the following: first parties shall pay twenty percent (20%) of the costs of installation, and second parties shall pay eighty percent (80%) of the costs of installation. The facilities shall be constructed according to any specifications or requirements as may be established by township, county or state authority and in accordance with plans and specifications as approved by such authority.

3. The second parties, as the owners of Tract Two, will have the right to install appropriate piping under the township road known as Lavinia Road Northeast, to connect with

the system and will be entitled to drain sewage effluent through such piping and from Tract Two into the system contemplated by this agreement.

4. The first and second parties shall have the obligation and responsibility to maintain in good repair, and to pay for any costs for repairs or maintenance thereof to such system as may be necessary or required for the proper, efficient and acceptable operation of the system installed pursuant to this agreement. The obligation for to pay the costs, repairs, and maintenance on such system shall be joint and several as regards the first and second parties, except that all maintenance and installation on the west side of Lavinia Road shall be the responsibility of the second parties. Should either party fail, refuse or be unable to pay for such maintenance costs to pay for such maintenance, repairs, or replacement costs, then the other party shall bear the entire responsibility for all such costs and expenses, and shall have the right to remove one-half of such costs and expenses from the other party.

5. The right to use and enjoy the system installed on Tract One and as operated, maintained and kept in repair by the parties and pursuant to this agreement shall extend as to the first parties as to Tract One, and to the second parties as to Tract Two, and to the successors-in-interest of the first and second parties, so long as the system is maintained on the premises pursuant to this agreement. To that extent, this agreement shall be a covenant running with the land as to both Tract One and Tract Two above, and the rights granted hereunder as to both properties shall continue unless or until the parties hereto or their successors-in-interest, if any, shall terminate, abrogate, or otherwise abandon the system and evidence the termination, abrogation, and abandonment by an instrument in writing signed by both parties or their respective successors-in-interest, if any.

6. Nothing in this agreement shall in any way be construed by either party or their successors-in-interest, if any, to in any way change, modify, abrogate or suspend the right of any state, county, township or other municipal authority to require the compliance with appropriate ordinances, laws, or regulations concerning the operations of septic facilities or the location thereof, as regards both of the properties described above, or other properties adjacent or contiguous thereto, which may, by law, be determined to effect the use or operation or the effect of such use and operation on any of such properties. The parties hereto and their successors-in-interest thereby, shall be obligated to comply with or conform to any such regulations or requirements by such municipal authorities as to the maintenance and operation of the system, including the installation of new equipment or the location or relocation of any of the facilities so as to make the same comply with ordinances or regulations duly passed and adopted by appropriate municipal authority concerning the system or similar facilities.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

First Parties:


LARRY KETELSEN


COLLEEN KETELSEN

the above and foregoing instrument.

Jill E. Gore

Notary Public
Grand Forks County, North Dakota

My commission expires:



JILL E. GORE
Notary Public, State of North Dakota
My Commission Expires November 4, 1993

327198

OFFICE OF COUNTY RECORDER
Beltrami County, Minnesota

I hereby certify that this instrument
was filed in this office for record on the 27th
day of June A.D. 19 91 at 8:10
o'clock A. M. and was duly recorded by
Microfilm No. 327198

Ann F. Allen

Colleen M. Hiltner
COUNTY RECORDER
DEPUTY

*Vaaler, Warscup, Wautat, Zimney
& Foster
600 All There Ave
Gr. Forks, ND 58203*

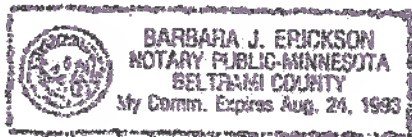
10

Second Parties:

David A. Vaaler
DAVID A. VAALER
Nan S. Vaaler
NAN S. VAALER

STATE OF MINNESOTA)
(SS.
COUNTY OF BELTRAMI)

On this 18 day of June, A.D. 1991, before me, a Notary Public within and for Beltrami County, Minnesota, personally appeared Larry Keteisen and Colleen Keteisen, the above-named "first parties," and they acknowledged to me that they executed the above and foregoing instrument.



(SEAL)

Barbara J. Erickson
Notary Public
Beltrami County, Minnesota

My commission expires: August 24, 1993

STATE OF NORTH DAKOTA)
(SS.
COUNTY OF GRAND FORKS)

On this 20th day of June, A.D. 1991, before me, a Notary Public within and for Grand Forks County, North Dakota, personally appeared David A. Vaaler and Nan S. Vaaler, the above-named "second parties," and they acknowledged to me that they executed

Proposal

FROM

Sandberg & Cauley
3327 Woodland Hills Dr. S.E.
Bemidji, Minn. 56601
751-2677

Proposal No.

Sheet No.

Date 5/4/91

Proposal Submitted To

Name Dave Valler Larry Kittelson
Street Lavinia rd.
City _____
State _____
Telephone Number _____

Work To Be Performed At

Street Lake Bemidji
City _____ State _____
Date of Plans _____
Architect _____

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of

1-300 gal. pump tank

Labor

1- $\frac{1}{2}$ hp sewer pump

Machine time

sanitary permit

1-1000 gal. lift tank

Electrical is not included in this bid.

1-1500 gal. septic tank

? on tanks

1- $\frac{1}{2}$ hp lift pump with switches

2" & 4" sewer pipe

Geo textile to cover rock

15 yds. $1\frac{1}{2}$ crushed rock

30 yds. top soil

80 yds. sand fill

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars (\$5,345.00).

with payments to be made as follows: Cash upon completion

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by Sandberg & Cauley

Respectfully submitted 1/1/91

Per Full Liability

Note — This proposal may be withdrawn by us if not accepted within ~~XXXXXX~~ days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted _____

Signature _____

Date 5/4/91

Signature Jeanne Ayabich

July 29, 1991

Mr. Larry Kittelson
6218 Lavinia Rd NE
Bemidji, MN 56601

Dear Mr. Kittelson:

This letter is to confirm that Sandberg and Cauley will warranty the mound system installed at 6318 Lavinia Rd NE, Bemidji, MN 56601 for a period of 5 years from 7-15-91 thru 7-15-96. This warranty will cover any defects due to workmanship on the part of Sandberg and Cauley. This warranty is only valid with the normal use of the mound system.

Thank you for the opportunity to install your mound system.

Sincerely,

Jerome A. Yerbich

Mr. Jerome Yerbich, Owner
Sandberg and Cauley



Minnesota Well Index

General Information

Unique Well ID:	477973	Well Name:	VAALER, DAVID A.	County:	Beltrami	Aquifer:	
Well Elevation (msl in feet):		Drilled Depth (ft):	75	Well Completed (ft):	75	Date Drilled:	06/27/1991
Township:	147	Range:	33	Dir:	W	Section:	25
Subsection:	BBB	Use:	domestic	Well Status:	Active	Depth To Bedrock:	
Driller:	Aqua Well Drilling	Entry Date:	09/19/1991	Update Date:	02/14/2014		

Related Resources:

[Well Log Report](#)

[Scanned Record\(s\)](#)

[Stratigraphy Report](#)

[More Details](#)
 [Stratigraphy](#)
 [Address](#)
 [Chemical Data](#)
 [Construction](#)
 [Pump Test](#)
[Static Water](#)
 [Comments](#)
 [Overview Map](#)

Address

6315 LAVINICI RD NE, BEMIDJI, MN 56601

2701 COLUMBIA, BOX 848 RD S, GRAND FORKS, ND 58208-848

Address Type

well address

contact address

WATER WELL RECORD
Minnesota Statutes 156A.01-.08

MINNESOTA UNDERGROUND WATER WELL NO
For Water Sample

477973

2

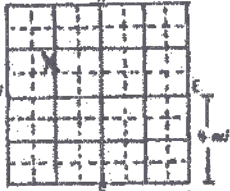
LOCATION OF WELL

County Name: Beltrami
Township Name: Northern
Township Number: 147
Range Number: 33
Section No: 25
Fraction: 1/4 NW 1/4 NW 1/4

4. WELL DEPTH (completed) 75'
Date of Completion: 6-27-91

Numerical Street Address and City of Well Location or Distance from Road Intersection:
6315 Lavinia Rd NE, Bemidji, Mn

Show exact location of well in section grid with "X".



Sketch map of well location:
well
⊗

Additional Name: Pine Beach Park
Block Number: 2
Lot Number: 2

5. DRILLING METHOD:
 Cable Tool Reverse Driven Dug
 Hollow-trial Air Bored
 Rotary Jetted Power Auger

6. DRILLING FLUID: Revert

7. USE:
 Domestic Monitoring Heat Pump
 Irrigation Public Industry
 Test Well Municipal Commercial
 Air Conditioning

2. PROPERTY OWNER'S NAME: David A. Vaaler
Mailing Address if different than property address indicated above:
P.O. Box 848
2701 S. Columbia Rd
Grand Forks ND 58048

8. CASING:
 Black Threaded
 Galv. Welded
HEIGHT: Above/Below Surface: 1 ft.
Drive Shaft: Yes X No
Type: Plastic
Size: 4 1/2 in. to 7 1/2 in.
Weight: 48 lbs. to 71 lbs.

3. FORMATION LOG

FORMATION LOG	COLOR	TEXTURE OF FORMATION	FROM	TO
<u>Sand</u>	<u>Blue</u>	<u>soft</u>	<u>0</u>	<u>8</u>
<u>Clay</u>	<u>Blue</u>	<u>soft</u>	<u>8</u>	<u>48</u>
<u>Sand</u>	<u>Blue</u>	<u>soft</u>	<u>48</u>	<u>75</u>

9. SCREEN:
Material: HD S
Type: Stainless Steel
Slot/Clear: 10
Length: 27
Set between: 71 ft. and 75 ft.

10. STATIC WATER LEVEL:
6 ft. below/above land surface
Date Measured: 6-27-91

11. PUMPING LEVEL (below land surface):
10 ft. after 1 hrs. pumping 10 s.p.m.
 ft. after hrs. pumping s.p.m.

12. HEAD WELL COMPLETION:
 Well adapter manufacturer: Mans Model: J
 Borehole effect At least 12" above ground
 Plastic casing protection

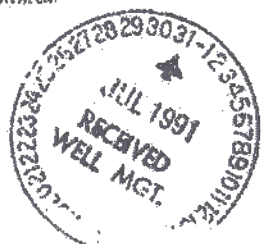
13. WELL GROUTED? Yes No
Grout material: Cement
Grout material: from ft. to ft.

14. NEAREST SOURCES OF POSSIBLE CONTAMINATION:
_____ feet _____ direction None type
Well disinfected upon completion? Yes No

15. PUMP:
Date installed: 7-19-91 Not installed
Manufacturer's name: Grundfos
Model number: NP 1/2 Volts 220
Length of drop pipe: 210' ft. Capacity: _____ s.p.m.
Material of drop pipe: Plastic
Type: Submersible Turbine Reciprocating
 Jet Centrifugal

16. ABANDONED WELLS:
Unused well on property? Yes No
Sealed Permanent Temporary Not sealed

17. REMARKS, ELEVATION, SOURCE OF DATA, etc.



18. WATER WELL CONTRACTOR CERTIFICATION:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Amor Water Well Drilling License No. 04463
Address: 3327 Woodland Hills Dr SE
Signature: [Signature] Date: 7-1-91
Name of Driller: _____ Date: _____

MAP

Please use the space below to sketch the real property being sold and the location of EACH well on the property. Include distances from fixed reference points such as streets and buildings.

SEE
ATTACHED

USE ADDITIONAL SPACE ON BACK IF NEEDED

477973

County Beltrami
 Quad
 Quad ID

MINNESOTA DEPARTMENT OF HEALTH
WELL AND BORING REPORT
 Minnesota Statutes Chapter 1031

Entry Date 06/19/1991
 Update Date 02/14/2014
 Received Date

Well Name VAALER, DAVID 147
 Township Range 33 Dtr Section W 25 Subsection BBB
 Elevation Elev. Method
 Address
 Contact 2701 COLUMBIA, BOX 848 RD S GRAND FORKS ND
 Well 6315 LAVINICI RD NE BEMIDJI MN 56601

Stratigraphy Information

Geological Material	From	To (ft.)	Color	Hardness
SAND	0	8	BLUE	SOFT
CLAY	8	48	BLUE	SOFT
SAND	48	75	BLUE	SOFT

Well Depth: 75 ft. Depth Completed: 75 ft. Date Well Completed: 06/27/1991
 Drill Method: Non-specified Rotary Drill Fluid: Revert

Use: domestic Status: Active

Well Hydrofractured? Yes No From To

Casing Type: Single casing, Joint
 Drive Shoe? Yes No Above/Below 1 ft.

Casing Diameter: 4 in. To 71 ft. Weight: lbs/ft. Hole Diameter: 8 in. To 75 ft.

Open Hole: From ft To ft

Screen? Type: stainless Make: HOWARD SMITH
 Diameter: 2 in. Slot/Gauze: 10 Length: 4 ft Set: 71 ft 75 ft

Static Water Level: 6 ft land surface Measure: 06/27/1991

Pumping Level (below land surface): 10 ft. 60 hrs Pumping at 10 g.p.m.

Wellhead Completion
 Pitless adapter manufacturer: MAASS Model J
 Casing Protection 12 in. above grade
 At-grade (Environmental Wells and Borings ONLY)

Grouting Information: Well Grouted? Yes No Not Specified
 Material: neat cement Amount: From ft To ft

Nearest Known Source of Contamination: feet Direction Type
 Well disinfected upon completion? Yes No

Pump: Not Installed Date Installed: 07/19/1991
 Manufacturer's name: GRUNDFOS
 Model Number: HP 0.5 Volt 220
 Length of drop pipe: 210 ft Capacity: g.p. Typ: Submersible

Abandoned: Does property have any not in use and not sealed well(s)? Yes No

Variance: Was a variance granted from the MDH for this well? Yes No

Miscellaneous
 First Bedrock: Aquifer
 Last Strat: Depth to Bedrock ft
 Located by:
 Locate Method:

System: UTM - NAD83, Zone 15, Meters X Y
 Unique Number Verification: Input Date

Angled Drill Hole

Well Contractor: Aqua Well Drilling 04463 CESOLINI, C.
 Licensee Business Lic. or Reg. No. Name of Driller

Remarks

INSTRUCTION FOR COMPLETING THE WELL DISCLOSURE STATEMENT

DEFINITION

A "well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge, or acquisition of groundwater.

MINNESOTA UNIQUE WELL NUMBER

All new wells constructed AFTER January 1, 1975 should have been assigned a Minnesota unique well number by the person constructing the well. If the well was constructed after this date you should have the unique well number in your property records. If you are unable to locate your unique well number and the well was constructed AFTER January 1, 1975, contact your well contractor. If no unique well number is available, please indicate the depth and year of construction for each well.

WELL TYPE

Use one of the following terms to describe the well type.

- WATER WELL** A water well is any type of well used to extract groundwater for private or public use. Examples of water wells are: domestic wells, drive-point wells, dug wells, remedial wells, and municipal wells.
- IRRIGATION WELL** An irrigation well is a well used to irrigate agricultural lands. These are typically large diameter wells connected to a large pressure distribution system.
- MONITORING WELL** A monitoring well is a well used to monitor groundwater contamination. The well is typically used to access groundwater for the extraction of samples.
- DEWATERING WELL** A dewatering well is a well used to lower groundwater levels to allow for construction or use of underground spaces.
- INDUSTRIAL/COMMERCIAL WELL** An industrial/commercial well is a nonpotable well used to extract groundwater for any nonpotable use including groundwater thermal exchange wells (heat pumps and heat loops).

WELL USE STATUS

Indicate the use status of each well. CHECK ONLY 1 BOX PER WELL.

- IN USE** A well is "in use" if the well is producing sufficient water to meet its intended use and is being operated on a regular basis.
- NOT IN USE** A well is "not in use" if the well is inoperable and not in use or the well is disconnected from a power supply and is not sealed.
- SEALED** A well is "sealed" if the well has been sealed by a licensed contractor and there is a Sealed Well report on file at the Minnesota Department of Health. A properly sealed well has been sealed by a licensed contractor by pumping grout throughout the entire borehole from the bottom of the well.
- NOTE:** If a well is inoperable and not in use or disconnected from a power source, it must be sealed by a licensed well contractor or a well owner must obtain a maintenance permit from the Minnesota Department of Health and pay an annual maintenance fee. If a well is operable and properly maintained, a maintenance permit is not required.

MINNESOTA WELL DISCLOSURE STATEMENT

Minnesota Law requires that before signing an agreement to sell or transfer real property, the seller must disclose information in writing to the buyer about the status and location of all known wells on the property. This requirement is satisfied by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map showing the location of each well. In the disclosure statement the seller must indicate, for each well, whether the well is in use, not in use, or sealed (Minn. Stat. §1031.235, subd. 1) or known statutes.

A seller who fails to disclose the existence of a well at the time of sale and knew of, or had reason to know of, the existence or known status of a well is liable to the buyer for costs relating to the sealing of the well and reasonable attorney fees for collection of costs from the seller, if the action is commenced within six years after the date the buyer closed the purchase of the real property where the well is located (Minn. Stat. §1031.235, subd. 2).

Instructions for completion of this form are on the reverse side.

1. PROPERTY DESCRIPTION

Street Address: 6315 LAVINIA RD, BEMIDJI, MN 56601

2. LEGAL DESCRIPTION

LOTS (3) AND FOUR (4), BLOCK TWO (2) PINE BEACH PARK BELTRAMI, MN COUNTY, MN.

3. WELL DISCLOSURE STATEMENT

(Check the appropriate box.)

The seller certifies that the seller does not know of any wells on the above described real property. If this option is checked, then skip to the last line and sign and date this statement.

The seller certifies that the following wells are located on the above described real property.

	MN. Unique Well No.	Well Depth	Year of Const.	Well Type	IN USE	NOT IN USE	SEALED (Licensed Outside Contractor Only)
Well 1	<u>477973</u>	<u>71'</u>	<u>1991</u>	<u>DOMESTIC WATER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well 2					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well 3					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. SEALED WELL INFORMATION

For each well designated as sealed above, complete this section.

When was the well sealed? _____

Who sealed the well? _____

Was a Sealed Well Report filed with the Minnesota Department of Health? Yes _____ No _____

5. MAP

Complete the attached map showing the location of each well on the real property.

6. CERTIFICATION BY SELLER

I certify that the information provided above is accurate and complete to the best of my knowledge.

[Signature]
Seller or Designated Representative

6-4-19
Date

PRIVATE SEWER SYSTEM
DISCLOSURE STATEMENT

43. Page 2

- 44. Property located at 6327 LAVINIA ROAD
- 45. Is the private sewer system(s) in compliance with applicable sewage treatment system laws and rules?
46. Yes No
- 47. When was the private sewer system installed? 1991
- 48. Installer Name/Phone UNKNOWN
- 49. Where is tank located? UNKNOWN
- 50. What is tank size? UNKNOWN
- 51. When was tank last pumped? UNKNOWN
- 52. How often is tank pumped? UNKNOWN
- 53. Where is the drain field located? UNKNOWN
- 54. What is the drain field size? UNKNOWN
- 55. Describe work performed to the private system since you have owned the Property. UNKNOWN
- 56. _____
- 57. _____
- 58. Date work performed/by whom: UNKNOWN
- 59. _____
- 60. Is private sewer system entirely within Property boundary lines, including set back requirements? NO
- 61. Is the system shared? YES How many units on system? 2 Annual Fee? NONE
- 62. Comments: _____
- 63. _____
- 64. On this Property: _____
- 65. _____
- 66. Approximate number of:
67. people using the private sewer system 3
68. showers/baths taken per week _____
69. wash loads per week _____
NONE AT ABOVE ADDRESS
- 70. Distance between well and private sewer system? UNKNOWN
- 71. Have you received any notices from any government agencies relating to the private sewer system?
72. (If "Yes", see attached notice.) Yes No
- 73. Are there any known defects in the private sewer system? Yes No
- 74. If "Yes", please explain: _____
- 75. _____
- 76. _____
- 77. _____
- 78. _____

79. ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.

PRIVATE SEWER SYSTEM
DISCLOSURE STATEMENT

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form. © 2008 Minnesota Association of REALTORS®, Edina, MN

1. Date _____
2. Page 1 _____ of pages: THE REQUIRED MAP IS
3. ATTACHED HERETO AND MADE A PART HEREOF

4. Property located at 6327 LAVINIA ED. In the City of BEMIDJI
5. County of BELTRAMI State of Minnesota, legally described as follows or on
6. attached sheet (the "Property") LAT TWO (2) BLOCK TWO (2)
7. PINE BEACH PARK, BELTRAMI COUNTY

8. This disclosure is not a warranty of any kind by Seller(s) or any licensee(s) representing or assisting any party(ies) in
9. this transaction, and is not a substitute for any inspections or warranties the party(ies) may wish to obtain.
10. BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS
11. OF THE PRIVATE SEWER SYSTEM AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT
12. BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE / INSPECTION / DEFECTS.

13. SELLER'S INFORMATION: The following Seller disclosure satisfies MN. Statutes Chapter 115.55. The Seller discloses
14. the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on
15. this information in deciding whether and on what terms to purchase the Property. The Seller(s) authorizes any
16. licensee(s) representing or assisting any party(ies) in this transaction to provide a copy of this statement to any person
17. or entity in connection with any actual or anticipated sale of the Property.
18. Unless Buyer and Seller agree to the contrary in writing before the closing of the sale, a Seller who fails to disclose
19. the existence or known status of an individual sewage treatment system at the time of sale, and who knew or had
20. reason to know of the existence or known status of the system, is liable to Buyer for costs relating to bringing the
21. system into compliance with individual sewage treatment system rules and for reasonable attorney fees for collection
22. of costs from Seller. An action under this subdivision must be commenced within two years after the date on which
23. Buyer closed the purchase of the real property where the system is located.

24. Legal requirements exist relating to various aspects of location and status of individual sewage treatment systems.
25. Buyer is advised to contact the local unit(s) of government, state agency or qualified professional which regulates
26. individual sewage treatment systems for further information about these issues.

27. The following are representations made by Seller(s) to the extent of Seller(s) actual knowledge. This information is a
28. disclosure and is not intended to be part of any contract between Buyer and Seller.

29. PRIVATE SEWER SYSTEM DISCLOSURE:
30. (Check the appropriate box.)

31. Seller certifies that Seller does not know of any private sewer system on or serving the above described real
32. property. (If this option is checked, then skip to the last line and sign and date this Statement.)

33. Seller certifies that the following private sewer system is on or serving the above described Property.

34. TYPE:

35. (Check appropriate box(es) and indicate location on attached MAP)

36. Septic Tank: with drain field with mound system seepage tank with open end

37. Sealed System (holding tank)

38. Other (Describe): SHARED MOUND WITH NEIGHBOR

39. Is the private sewer system(s) currently in use?

Yes No

40. NOTE: If any water use appliance, bedroom or bathroom has been added to the Property, the system may
41. no longer comply with applicable sewage treatment system laws and rules.

42. ORIGINAL COPY TO LISTING BROKER; COPIES TO SELLER, BUYER, SELLING BROKER.

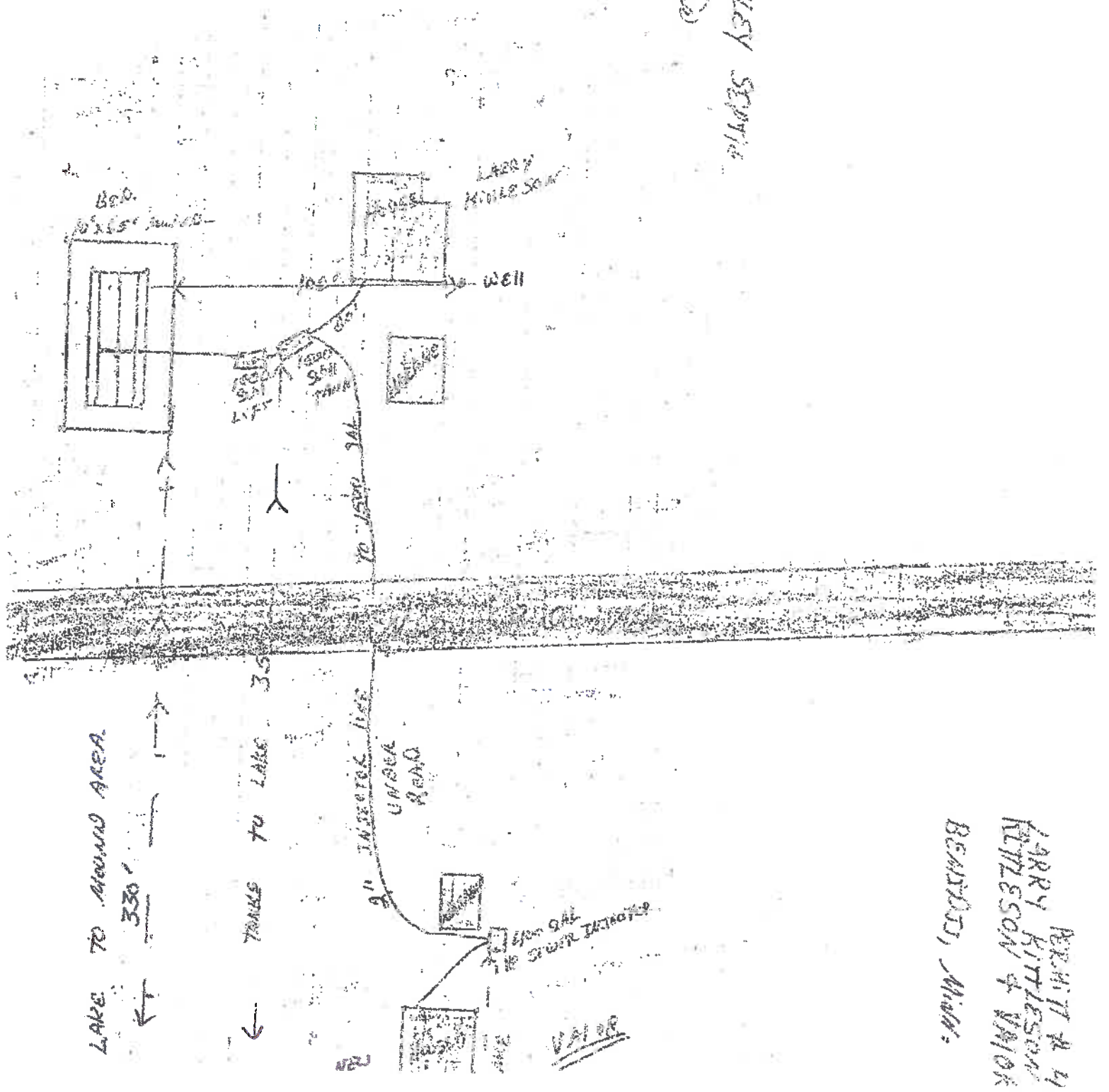
□ 10102 100 SQ FT

SAUL BERG & CAUSEY SEPTIC

BY PAUL C. M. (initials)

1991

55652



PERMIT # 14
LARRY KITTLESON
KITTLESON & MAJOR
BEAVER, MICH.

OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA
THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 06/08/2021 AT
01:19 PM BY DOCUMENT NUMBER
A000599571
By: JER
CHARLENE D. STURK
COUNTY RECORDER
PAGES: 7
Electronically Recorded Document

Beltrami County, MN
Transfer Entered: 6/8/2021
Parcel: 31.01266.00, 31.01265.00

JoDee Treat by NL
County Auditor/Treasurer Deputy

EASEMENT AGREEMENT

This Agreement is made the day and year written below by and between RICHARD BLOCK and LAURA BLOCK, spouses married to each other (herein "Block") and JOHN UPTON and SONJA UPTON, spouses married to each other, (herein "Upton").

RECITALS

A. Block is the owner of the following described real estate located in Beltrami County, Minnesota:

Lots Three (3) and Four (4), Block Two (2), Pine Beach Park;

(herein the "Block Parcel").

B. Upton is the owner of the following described real estate located in Beltrami County, Minnesota:

Lot Two (2), Block Two (2), Pine Beach Park;

(herein the "Upton Parcel").

C. There is currently a patio and stairway located on the Block Parcel, which benefits the Upton Parcel. Upton desires to obtain an easement for the maintenance and use of the encroaching improvements, and both parties desire to define the rights and obligations in that regard. To accomplish these ends, the parties agree as follows:

AGREEMENT

In consideration of one dollar and other good and valuable consideration, receipt and sufficiency whereof is hereby acknowledged by the parties and the parties agree as follows:

1. Block hereby conveys to Upton an easement over and across the Block Parcel, upon which said patio and stairway are currently located.

2. The easement shall be for the purpose of permitting the use, enjoyment, repair and maintenance of the encroachment, which encroaches into the area of the easement. This grant of easement shall give Upton no right to construct additional improvements, to expand or enlarge the improvements which currently encroach into the area of the easement, or to replace the existing improvements if the same are destroyed. Block will allow construction workers to go over their property if Upton decides to build or remodel. Block will not require any removal or remediation of the current improvements.

3. The location of the easement encroachment is shown on the attached Site Plan as Exhibit A1.

4. The grant of this easement shall in no way obligate Block to pay the cost of any repair or maintenance of any such improvements nor assume any liability therefor.

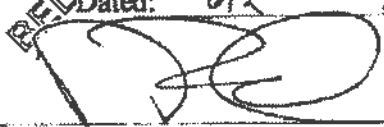
5. This easement shall remain in effect for as long as the encroachment exists and encroaches into the area of the easement, or in the event Upton is no longer the owner of the Upton Parcel, whichever occurs first. This easement is not appurtenant and is an easement in gross.

6. Block hereby conveys an easement to Upton for pedestrian access to Lake Bemidji. The easement is shown as a cross-hatched triangular piece on the attached Site Plan as Exhibit A2. There shall be no access over the easement area for any vehicle or other mode of transportation other than pedestrian use.

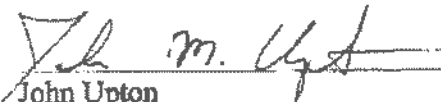
7. This pedestrian easement is conveyed to Upton in gross, and shall not be appurtenant to the Upton Parcel.

8. Block hereby agrees to not construct or make any improvements within the easement area for the term that either of the above-referenced easements exist.

Dated: 6/2, 2021.


Richard Block


Laura Block


John Upton


Sonja Upton

STATE OF Minnesota
COUNTY OF Beltrami ss.

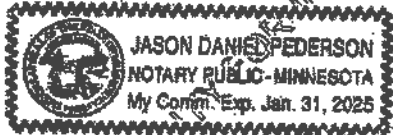
The foregoing instrument was acknowledged before me this 5th day of June, 2021, by Richard Block and Laura Block, spouses married to each other.



Michelle Marie Gonzales
Notary Public

STATE OF MN
COUNTY OF Beltrami ss.

The foregoing instrument was acknowledged before me this 27 day of June, 2021, by John Upton and Sonja Upton, spouses married to each other.



[Signature]
Notary Public

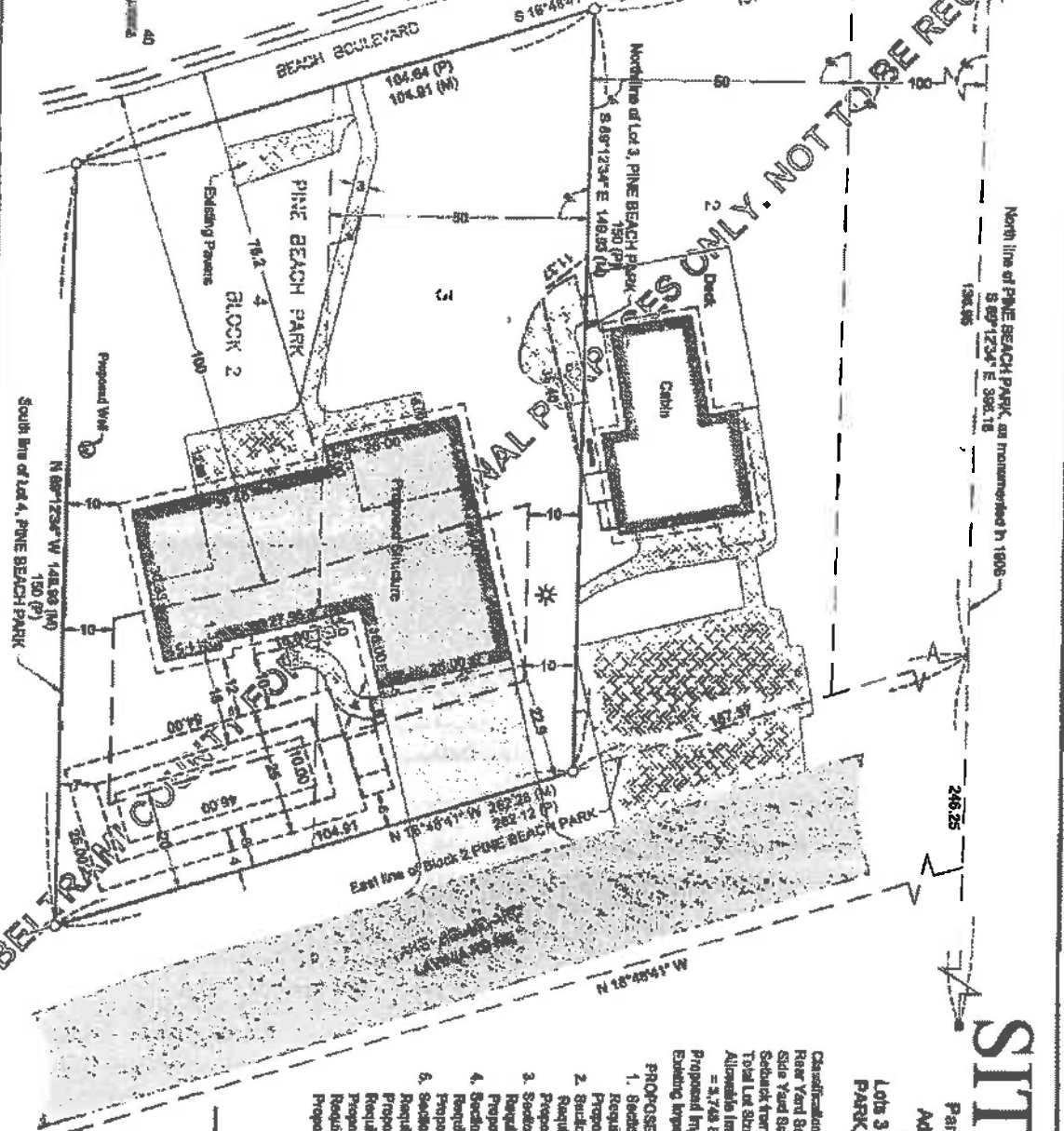
THIS INSTRUMENT DRAFTED BY:
DRAHOS KIESON & CHRISTOPHER, P.A.
Attorneys at Law
502 - 24th Street NW
Bemidji, MN 56601
(218) 444-1750

Z:\DKCSA\VEDOCS\res21\BBlock-Upton-EA.wpd (hs)

EXHIBIT A1

BELTRAMI COUNTY FOR INFORMATIONAL PURPOSES ONLY. NOT TO BE RECORDED.

MURRAY
SURVEYING & L.L.C.
218-741-8839



SITE PLAN

Parcel Tax ID No: 31.01256.00
 Address: 6315 Lavinia Rd NE
 PROPERTY DESCRIPTION:
 Lots 3 and 4, Block 2, PINE BEACH
 PARK, Beltrami County, Minnesota.

SITE CALCULATIONS

Classification: R3 (unassessed) subject to Specialties Overlay
 Rear Yard Setback: 20 feet (Road - per Shoveland)
 Side Yard Setback: 10 feet (per Shoveland)
 Setback from Ordinary High Water (OHWH): 100 feet
 Total Lot Area = 14,893 ± Sq. Ft.
 Allowable Impervious Surface Coverage = 25% (per Shoveland)
 = 3,723 Sq. Ft. (25 x 14,893 = 3,723)
 Proposed Impervious Surface = 4,580 Sq. Ft. (20.0%)
 Existing Impervious Surface = 2,219 Sq. Ft. (24.5%)

PROPOSED VARIANCES:

1. Section 402 D/Section 901B: Lot Width
 Required (R3): 150 feet; Shoveland: 100 feet
 Proposed: 104ft
2. Section 402 D/Section 901A: Lot Area
 Required (R3): 48,000 sq. ft.; Shoveland: 30,000 sq. ft.
 Proposed: 14,893 Sq. Ft. ±
3. Section 402 E/Section 901 C: Maximum Imp. Surface
 Required (R3): 35%; Shoveland: 25%
 Proposed: 20.0%
4. Section 901 D: 1. Setback from OHWH
 Required: 75/100 feet
 Proposed: 75 feet
5. Section 901 E
 Required: Septic Tanks - 10 feet from structure
 Proposed: 6 feet
 Required: Maximum system 20 feet from structure
 Proposed: 18 feet
 Required: Mound system 10 feet from lot line
 Proposed: 4 feet

LEGEND

- Ditches for permitment, 5' wide
- Ditches 12 inches pipe, L.S. 18" dia. to be set
- (M) Ditches measured course and/or distance
- (P) Ditches plotted course and/or distance
- Dashed property boundary
- Dashed impervious pavement
- Dashed impervious pavement
- Dashed proposed 18"TS (Ground System)
- Dashed proposed structure

THIS SITE PLAN IS THE PROPERTY OF MURRAY SURVEYING & L.L.C. IT IS TO BE USED ONLY FOR THE PROJECT AND PARCEL IDENTIFIED HEREON. NO OTHER USES ARE TO BE MADE THEREOF WITHOUT THE WRITTEN CONSENT OF MURRAY SURVEYING & L.L.C. ANY REVISIONS TO THIS SITE PLAN SHALL BE MADE BY MURRAY SURVEYING & L.L.C. ONLY.

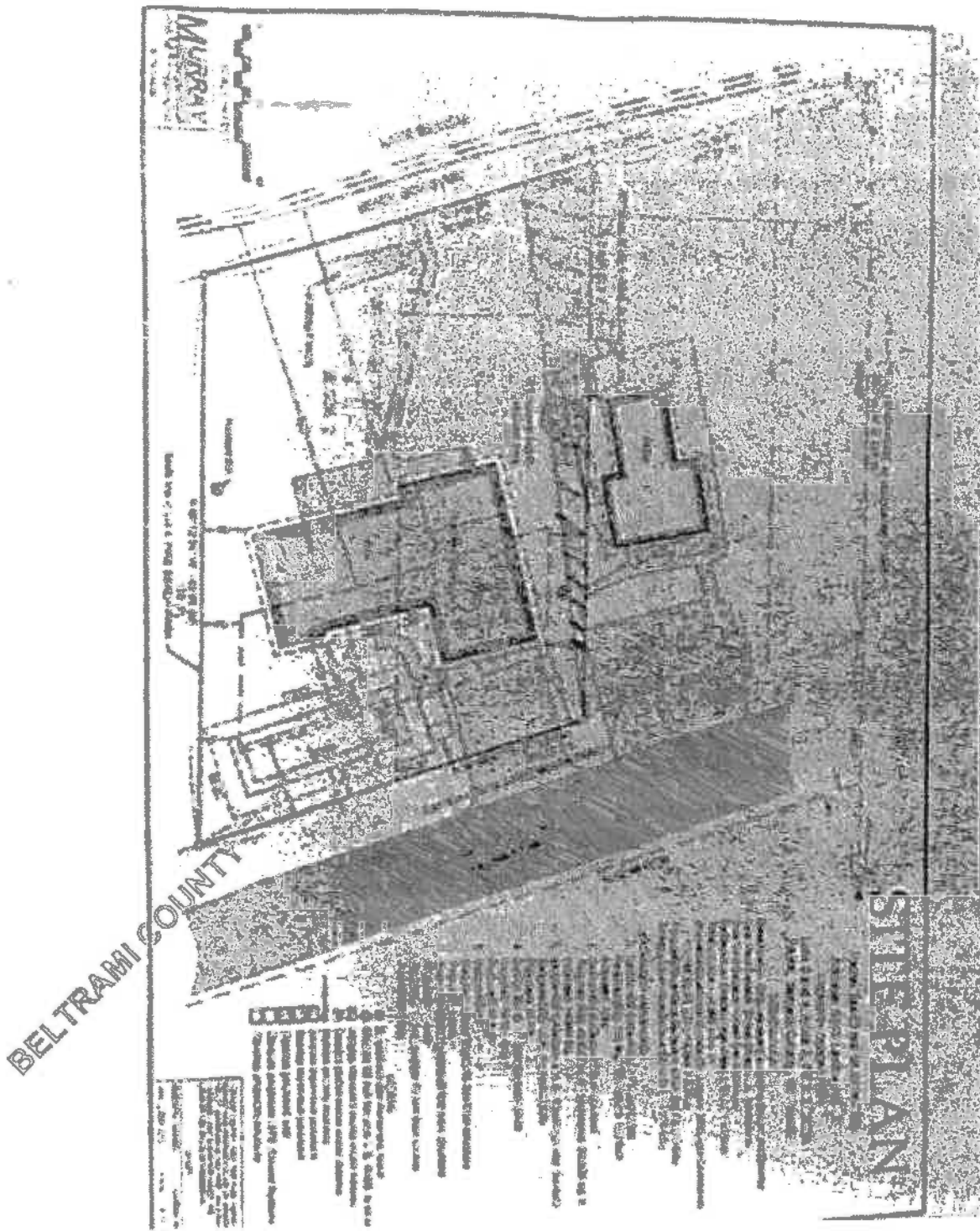
PROJECT NO. 2024-001 DATE: 04/15/24

EXHIBIT A2

BELTRAMI COUNTY FOR INFORMATIONAL PURPOSES ONLY. NOT TO BE RECORDED.

4/7/2021

Mail - Jay Pederson - Outlook



Sent from John Upton's iPhone

OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA

THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 07/17/2019 AT
09:42 AM BY DOCUMENT NUMBER
A000581552

By: ER
CHARLENE D. STURK
COUNTY RECORDER

WELL CERT RECEIVED: N
WELL CERT NOT REQUIRED: Y
PAGES: 3

Electronically Recorded Document

Beltrami County, MN
No Delinquent Taxes and Transfer Entered: 7/17/19
Certificate of Real Estate Value (X) Filed () Not Required
Certificate of Real Estate Value: 28154 7/17/2019
JoDee Treat by SW
County Auditor/Treasurer Deputy
Parcel: 31.01265.00

URS-16290

Miller/Davis Company - millerdavis.com

(Top 3 inches reserved for recording data)

WARRANTY DEED
Individual(s) to Individual(s) Minnesota Uniform Conveyancing Blanks
Form 10.1.1 (2016)

eCRV number: 980687

DEED TAX DUE: \$952.05

DATE: July 12, 2019

FOR VALUABLE CONSIDERATION, Richard L. Block and Laura J. Block, spouses married to each other

("Grantor"), hereby conveys and warrants to Sonja J. Upton and John M. Upton, spouses married to each other ("Grantee"), as

(Check only one box) Tenants in Common Joint Tenants (If more than one Grantee is named above and either no box is checked or both boxes are checked, this conveyance is made to the named Grantees as tenants in common.)

real property in Beltrami County, Minnesota, legally described as follows:

Lot 2,
Block 2,
Pine Beach Park

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

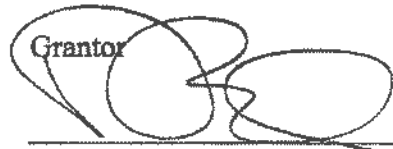
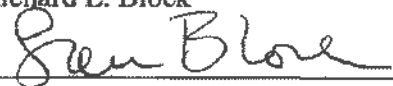
any prior conveyances of minerals or mineral rights, any prior reservations, restrictions, easements, rights of way and any zoning and use regulations, and subject also to the lien of any unpaid special assessments and interest thereon

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed.
(If electronically filed, insert WDC number: _____.)

I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

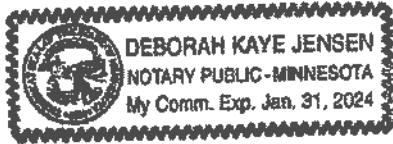
Beltrami County, MN
 Deed Tax Amount Paid: \$952.05
 Deed Tax Date Paid: 7/17/2019
 Deed Tax Receipt No.: 245743
 JoDee Treat by SW
 County Auditor/Treasurer Deputy
 Parcel: 31.01265.00

Grantor

 Richard L. Block

 Laura J. Block

State of Minnesota, County of Beltrami

This instrument was acknowledged before me on July 12, 2019, by
Richard L. Block and Laura J. Block, spouses married to each other

(Stamp)



[Handwritten Signature]

Title (and Rank): Notary

My commission expires: 1-31-24

THIS INSTRUMENT WAS DRAFTED BY
Terri L. Midboe
Sathre Title & Abstract, Inc
315 5th Street NW
Suite 2
Bemidji, MN 56601
Phone: 218-751-4565, Fax: 218-751-7991

TAX STATEMENTS FOR THE REAL PROPERTY
DESCRIBED IN THIS INSTRUMENT SHOULD
BE SENT TO: *(insert legal name and residential or
business address of Grantee)*

Sonja J. Upton and John M. Upton
245 Newton St
Denver, CO 80211

BELTRAMI COUNTY FOR INFORMATIONAL PURPOSES ONLY. NOT TO BE RECOPIED.

Agency & Neighborhood Packet Distribution Information

Packet Distribution List

Northern Township: V-21-31.01265.00 – Sonja & John Upton

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	_X_	___
<input type="checkbox"/>	JPB Attorney	___	___
<input type="checkbox"/>	JPB Engineer: _____	___	___
<input type="checkbox"/>	City Building Department	___	___
<input type="checkbox"/>	City Attorney	___	___
<input type="checkbox"/>	City Engineer	___	___
<input type="checkbox"/>	City Manager	___	___
<input type="checkbox"/>	City Community Development	___	___
<input type="checkbox"/>	City GIS Department	___	___
<input type="checkbox"/>	City Police Department	___	___
<input type="checkbox"/>	City Fire Department	___	___
<input type="checkbox"/>	City Parks Department	___	___
<input checked="" type="checkbox"/>	Northern Township	_X_	___
<input type="checkbox"/>	Beltrami County ESD/SWCD	___	___
<input type="checkbox"/>	Beltrami County Recorder	___	___
<input type="checkbox"/>	Beltrami County GIS Department	___	___
<input type="checkbox"/>	Beltrami County Sheriff	___	___
<input type="checkbox"/>	Beltrami County Engineer / Highway	___	___
<input type="checkbox"/>	Beltrami County Natural Resources	___	___
<input type="checkbox"/>	MnDNR Trails	___	___
<input checked="" type="checkbox"/>	MnDNR Waters	_X_	___
<input type="checkbox"/>	MnDNR District	___	___
<input type="checkbox"/>	MnDOT	___	___
<input type="checkbox"/>	Airport	___	___
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	_X_	___
<input type="checkbox"/>	Bemidji School District	___	___
<input type="checkbox"/>	MPCA Closed Landfill Program	___	___
<input type="checkbox"/>	U.S. Army Corps of Engineers	___	___
<input type="checkbox"/>	Other: _____.	___	___



Greater Bemidji Area Joint Planning Board
City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

July 2nd, 2021

Northern Township: V-21-31.01265.00: - Sonja & John Upton are requesting a variance from the Ordinary High Water Mark Setback of Lake Bemidji, maximum impervious surface coverage, and minimum lot size requirements in order to replace an existing lake home. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

The parcel legal description is as follows:

Sect-25 Twp-147 Range-033 PINE BEACH PARK Lot-002 Block-002 .17 AC

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, July 22nd, 2021 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to Covid-19 restrictions.

If you have any comments, you may present them to the Commission at that time if allowed. It would be encouraged to direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at nickolaus.phillips@ci.bemidji.mn.us. If possible, your comments should be submitted by **Wednesday, July 14th, 2020** 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 218-759-3561.

Respectfully,

Nickolaus Phillips
Assistant Planner
Greater Bemidji Area Joint Planning Board



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

July 2nd, 2021

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

Northern Township: V-21-31.01265.00: - Sonja & John Upton are requesting a variance from the Ordinary High Water Mark Setback of Lake Bemidji, maximum impervious surface coverage, and minimum lot size requirements in order to replace an existing lake home. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

The parcel legal description is as follows:

Sect-25 Twp-147 Range-033 PINE BEACH PARK Lot-002 Block-002 .17 AC

This public hearing will be held on **Thursday, July 22nd, 2021**, at **6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th Street NW or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to the Covid-19 restrictions. You are invited to attend this hearing, or express your opinions on the proposal by letter (preferred method) to the Greater Bemidji Joint Planning Board. If possible, your written comments should be submitted by **Wednesday, July 14th, 2021**, so they may be incorporated into my report to the Joint Planning Commission.

If you have any questions, please feel free to contact me at (218) 759-3561, or email comments to nickolaus.phillips@ci.bemidji.mn.us.

Respectfully,

Nickolaus Phillips
Assistant Planner
Greater Bemidji Area Joint Planning Board

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

WILLIAM R DITTON RVC LVG TR

BLOCK,RICHARD L
LAURA J BLOCK
2606 13TH AVE S #409
GRAND FORKS, ND 58201

FYLPAA,JOHN*
CAROLINE K FYLPAA
4326 TRILLIUM CT NE
BEMIDJI, MN 56601

LOYLAND VACATION HOLDINGS LL
738 7TH AVE NE
THOMPSON, ND 58278

GOEHL,REINHOLD O,TRUSTEE
JOAN GOEHL TRUSTEE
5934 BREN CIRCLE
MINNETONKA, MN 55343

GOEHL,REINHOLD O,TRUSTEE
JOAN GOEHL TRUSTEE
5934 BREN CIRCLE
MINNETONKA, MN 55343

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

KETELSEN,LARRY R
COLLEEN A KETELSEN
6318 LAVINIA RD NE
BEMIDJI, MN 56601

UPTON,SONJA J
JOHN M UPTON
2145 NEWTON ST
DENVER, CO 80211

KLEVAY,MARTHA N,TRUSTEE
MARTHA N KLEVAY TRUST
223 27TH AVE S
GRAND FORKS, ND 58201

LOYLAND VACATION HOLDINGS LL
738 7TH AVE NE
THOMPSON, ND 58278

STATE OF MINNESOTA
500 LAFAYETTE RD
ST PAUL, MN 51155-4045

GOEHL,REINHOLD O,TRUSTEE
JOAN GOEHL TRUSTEE
5934 BREN CIRCLE
MINNETONKA, MN 55343

CRARY,CLARENCE JOSEPH
MARY KATHERINE CRARY
6425 LAVINIA RD NE
BEMIDJI, MN 56601

KIEFFER,RICK W
KELLY A KIEFFER
3117 OLSON DR
GRAND FORKS, ND 58201

KLEVAY,MARTHA N,TRUSTEE
MARTHA N KLEVAY TRUST
223 27TH AVE S
GRAND FORKS, ND 58201



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community © City of Bemidji GIS, ProW-est

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.

Aerial Map - Upton Variance

1:1,128

Date: 7/1/2021

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





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, City of Bemidji GIS, Pro-West &

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.

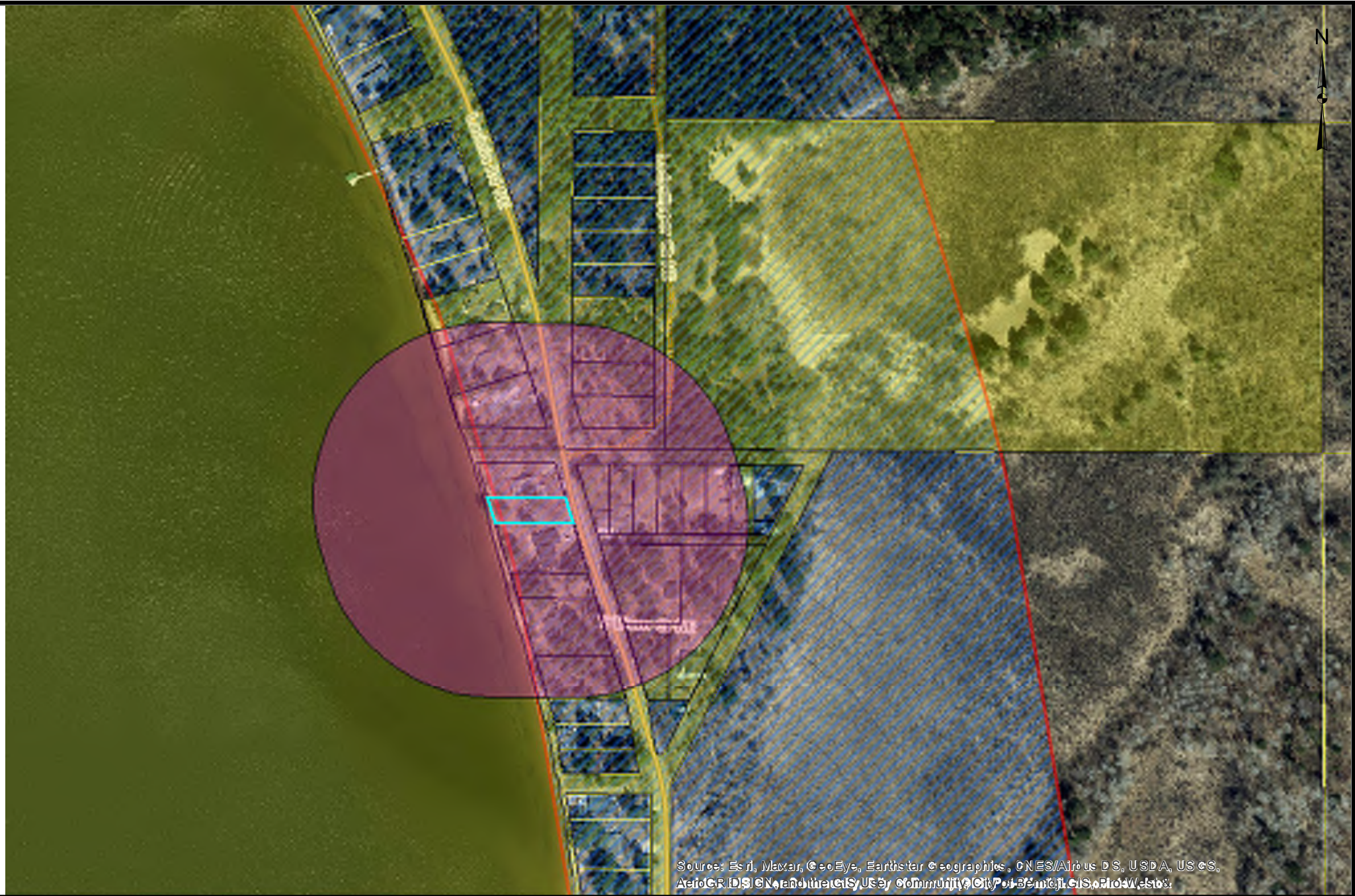
Zoning Map - Upton

1:2,257

Date: 7/1/2021



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



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community City of Bemidji, MN

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.

Buffer Map - Upton

1:4,514

Date: 7/1/2021

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



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

ss.

COUNTY OF BELTRAMI

Elisabeth Beam, being first duly sworn, on oath states as follows: 1. I am the publisher of the *Bemidji Pioneer*, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.


2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.


3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: **Saturday, July 10, 2021.**

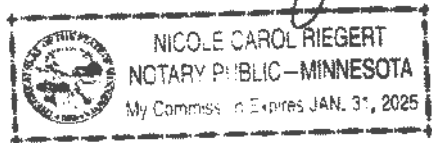
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: *1st run: \$12.70 per column inch. 2nd run: \$11.35 per column inch. 3rd run: \$11.35 per column inch.*

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Beltrami County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

Dated this 10th day of July, 2021.


Legals Clerk


Notary Public



**GREATER BEMIDJI AREA
JOINT PLANNING
COMMISSION
NOTICE OF
PUBLIC HEARINGS &
MEETINGS**

NOTICE IS HEREBY GIVEN, that on Thursday, July 22nd, 2021, at 6:00 p.m. or as soon thereafter as possible, the Greater Bemidji Area Joint Planning Commission will conduct a Public Hearing in-person in the Council Chambers of the Bemidji City Hall, located at 317 4th St. NW, Bemidji MN, and via Webex Video Conferencing (see log-in details on jpbgba.org) on the following requests:

City of Bemidji:
IUP-21-80.06216.00: - Kelly Hagen, representing Hagen's Bark Avenue, is requesting renewal and transfer of an Interim Use Permit held by the previous property owner in order to continue operation, without modification, of an established pet grooming and daycare service. The subject property is at 196 Anne St. NW and is located in the B-1 Low-Density Commercial District and abuts residentially zoned properties.

Northern Township:
V-21-31.01265.00: - Sonja & John Upton are requesting variances from the Ordinary High Water Mark Setback of Lake Bemidji, maximum impervious surface coverage, and minimum lot size requirements in order to replace an existing lake home at 6327 Lavinia Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

Northern Township:
CUP-21-31.00184.02: - Midwest MN, LLC is requesting a conditional use permit for a new Dollar General Store, General Retail Store (Large), in the B-1 Low-Density Commercial District located on a vacant parcel (PID 31.00184.02) just north of 9190 Irvine Ave NW in Northern Township.

All interested parties are encouraged to view or listen to the Hearing, or call the Greater Bemidji Area Joint Planning Board Office at (218) 759-3579, or visit our web site at www.jpbgba.org for more information. Email comments must be received by Thursday, July 15th for inclusion in staff reports.

(July 10, 2021) 2895986

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2021-18

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.01380.00**

WHEREAS, an application was submitted on July 30th, 2021 by Michael & Kimberly Roysland requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred foot reduction in lot width from the underlying R-3 Zoning District requirement of 150 feet per Section 402;
3. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths percent or 1,062 square feet of impervious surface coverage throughout the property per Section 901;

WHEREAS, the requested variances will be for structures located on parcel 31.01380.00 legally described as Sect-35 Twp-147 Range-033 WA.VILLE Lot-003 Block-006 .19 AC; and

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

WHEREAS, the requested variances meet 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 Thursday, August 26th, 2021, to review the application for Variances following mailed and published notices 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. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving measureable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of five variances in order to replace the single family structure at 4025 Waville Rd NE on parcel 31.01380.00, with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

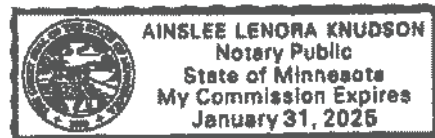
State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this 8th day of September 2021 by Jess Frenzel, Joint Planning Board Chair.



Jess Frenzel, Joint Planning Board Chair



Subscribed and sworn to before me
this 8th day of Sept, 2021.



Notary Public

Page 3 of 3

Drafted by Greater Bemidji Area Joint Planning Board
Roysland Variance – Resolution 2021-18
August 30, 2021

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
September 8, 2021

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, September 8, 2021, at 6:00 p.m. Chair Jess Frenzel called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Prince, Peterson, Kelly, Frenzel, Rivera.

Members absent: None.

Staff present: Jamin Carlson, Ainslee Knudson, Nick Phillips, Melissa Fahrenbruch.

Others in attendance: Matt Murray, Mark Haley, Michael Roysland, Kimberly Roysland, Wes Newell.

Pledge of Allegiance was performed.

AGENDA

Motion by Kelly, second by Rivera, to approve the agenda. Motion carried unanimously.

MINUTES

Motion by Rivera, second by Kelly, to approve the August 11, 2021 minutes as presented. Motion carried. Abstention by Peterson.

CONSENT AGENDA

- 1) Bills for the total amount of \$4,676.18 were presented for payment.
- 2) **Resolution 2021-20** – Approval of 2022 Meeting Calendar

Prince noted the need to schedule a Joint LGU meeting. Members agreed to add this to the agenda of the next Joint Planning Board meeting.

Motion by Prince, second by Peterson, to approve the consent agenda. Motion carried unanimously.

NO VISITORS

NEW BUSINESS

RESOLUTION 2021-18 – V-21-31.01380.00 – MICHAEL & KIMBERLY ROYSLAND

Michael & Kimberly Roysland are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred foot reduction in lot width from the underlying R-3 Zoning District requirement of 150 feet per Section 402;
3. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths percent or 1,062 square feet of impervious surface coverage throughout the property per Section 901;

The applicants and applicant's representative have met with staff regarding this proposal to redevelop the lake lot. The legal non-conforming lot is currently developed with nonconforming structures that encroach on the neighbor's property to the North. The existing cabin sits approximately forty-four (44) feet from the ordinary high water level (OHWL) and one plus four-tenths feet over the North property line. The applicants plan to tear down the existing 1920's cabin to build a new home with attached garage on the property. Staff noted that this property is in the Waville sanitary district, and this property is within the jurisdiction of the Mississippi Headwaters Board and this variance will need to go before them for approval.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE. Approval recommended with the following conditions and findings of fact:

Conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact:

1. **Has the applicant demonstrated a practical difficulty?**

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving measurable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Kelly expressed support of the variance because of the property being in the Waville sanitary district, and the setbacks of the proposed plan bringing the property closer to conformity.
- Rivera inquired about stormwater mitigation. Staff addressed that any one specific stormwater mitigation plan would not be a condition of the variance, but would be addressed as required under the Ordinance.
- Frenzel inquired as to the Waville sanitary district and its capacity. Staff addressed the ability of JPB to evaluate system load under current regulations. Kelly noted the system is monitored on a monthly basis and a major update was made in the spring of 2021 that is expected to give this system another 18-20 years of use.
- Frenzel noted his support, but expressed the need to continue monitoring the Waville sanitary district.

Motion by Kelly, second by Peterson, to approve Resolution 2021-18 to approve five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE with the findings of facts and conditions as presented.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

RESOLUTION 2021-19 – V-21-31.00878.00 – MARK & BONITA HALEY

Mark and Bonita Haley are requesting multiple variances in order to rebuild a detached garage on their substandard lot of record located at 826 Birchmont Beach RD NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths foot reduction in lot width from the Shoreland District requirement of one-hundred feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five feet from the required ten feet per Section 901;
4. An additional six and one-tenth percent or 1,780 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

As an existing lot of record that meets the requirements of Section 502 (Substandard Lots of Record) to be considered a buildable lot, this property would not require a variance from lot size or width, as requested. In addition, impervious surface coverage exceeding the twenty-five (25) percent maximum can be mitigated up to thirty-one and one-quarter (31.25) percent onsite without the need for variance approval by providing an approved plan from a licensed design professional. However, these variances are necessary due to the request for setback relief from the side-lot setback, per the requirement in Ordinance Section 903(C)(1)(a) and as required by MN Statute 462.357.

The applicants and applicant's representative have met with staff regarding this proposal to replace the existing garage. The legal non-conforming lot is currently developed with a nonconforming dwelling and compliant septic system. The existing garage sits approximately two hundred (200) feet from the ordinary high water level (OHWL) and two feet from the west property line. The applicants plan to remove the existing garage and replace it with a slightly larger structure that fits their parking needs. As shown on the site plan, the proposed garage will be moved to a more conforming setback location.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of four (4) variances in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE, with the following conditions and findings of fact:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).

7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing use of the garage as a side-loading structure has been the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record that lacks the required lot width to move the structure to a conforming setback while maintaining its use.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Kelly expressed his support, and noted that this proposed structure is not encroaching on Lake Bemidji or the road right-of-way, and will be moved further off of the property line.

Motion by Kelly, second by Rivera, to approve Resolution 2021-19 for approval of four (4) variances in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE, with the above stated conditions and findings of fact.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

OTHER BUSINESS

ORDINANCE NO. 2021-08 – AMENDED LAND USE MATRIX

Fahrenbruch presented the updated proposed land use matrix to include short term rentals.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Prince inquired if anyone has been held up in obtaining a short term rental permit due to this oversight. Fahrenbruch noted that Staff has had some inquiries and has given out a few applications, but nothing further.

Motion by Prince, second by Rivera, to approve Ordinance 2021-08 Amended Land Use Matrix.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

DIRECTOR’S REPORT

Carlson noted that there were no planning cases submitted for next month. There will be no Joint Planning Commission meeting, but there will still be a Joint Planning Board meeting to review previous planning cases. Carlson described year-to-date activity as well as completed, current and upcoming development projects.

ENFORCEMENT REPORT

Fahrenbruch addressed current enforcement issues. Members and staff discussed alley vacations, current issues, enforcement, citations, and assessments. Rivera requested enforcement data from staff. Staff noted that the new software will aid in providing more detailed reports for the Board. Staff noted the Board’s ability to enact conditions and review conditional and interim use permits.

UPCOMING MEETING DATES

October 13, 2021	6:00 pm	JPB Regular Meeting
October 28, 2021	6:00 pm	JPC Regular Meeting
November 10, 2021	6:00 pm	JPB Regular Meeting

ADJOURNMENT

There being no further business, motion by Peterson, second by Kelly, to adjourn the Joint Planning Board meeting at 6:49 p.m. Motion carried.

Respectfully submitted,

Ainslee Knudson
Planning & Building Administrative Assistant

JPB Minutes approved and attested by: _____
Joint Planning Board Representative

Michael & Kimberly Roysland - Variance

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2021-18

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.01380.00**

WHEREAS, an application was submitted on July 30th, 2021 by Michael & Kimberly Roysland requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred foot reduction in lot width from the underlying R-3 Zoning District requirement of 150 feet per Section 402;
3. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths percent or 1,062 square feet of impervious surface coverage throughout the property per Section 901;

WHEREAS, the requested variances will be for structures located on parcel 31.01380.00 legally described as Sect-35 Twp-147 Range-033 WA.VILLE Lot-003 Block-006 .19 AC; and

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

WHEREAS, the requested variances meet 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 Thursday, August 26th, 2021, to review the application for Variances following mailed and published notices 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. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving measureable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of five variances in order to replace the single family structure at 4025 Waville Rd NE on parcel 31.01380.00, with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this ____ day of _____ 2021 by Jess Frenzel, Joint Planning Board Chair.

Jess Frenzel, Joint Planning Board Chair

Subscribed and sworn to before me
this _____th day of _____, 2021.

Notary Public

**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-21-31.01380.00	JPC MEETING DATE: August 26th, 2021
APPLICANT: Michael & Kimberly Roysland 4025 Waville RD NE	60-DAY RULE DATE: September 28th, 2021
PROCEEDING: Variances for side yard setback for the principal structure, exceeding maximum impervious surface, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

JPB Memorandum

I. SUMMARY OF REQUEST

Michael & Kimberly Roysland are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred foot reduction in lot width from the underlying R-3 Zoning District requirement of 150 feet per Section 402;
3. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths percent or 1,062 square feet of impervious surface coverage throughout the property per Section 901;

II. PUBLIC COMMENT/PUBLIC HEARING

Public Hearing opened at 6:11 p.m.

- The applicant, Michael Roysland, and his daughter Kelly Roysland Curry, addressed the Commission and expressed their desire to pull their house back to the ordinary high water mark and stormwater mitigation particularly in regards to the neighbors. Michael Roysland noted their practical difficulty lying in the size of their lot. Michael Roysland and Kelly Roysland expressed desire to improve their property.

Public Hearing closed at 6:16 p.m.

Commission members had additional comments:

- David inquired about sewer system. Staff clarified that it is in the Waville sanitary district.

III. RECOMMENDATION & FINDINGS

JPC & Staff recommend approval of five variances in order to reconstruct a single family structure at 4025 Waville RD NE.

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving measureable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

Motion by Heinonen, second by Lemmer, to approve the five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE, provided all requirements of the JPB Zoning Ordinance are met, and subject to the above conditions and findings of fact.

Motion carried unanimously.

**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-21-31.01380.00	JPC MEETING DATE: August 26 th , 2021
APPLICANT: Michael & Kimberly Roysland 4025 Waville RD NE	60-DAY RULE DATE: September 28 th , 2021
PROCEEDING: Variances for side yard setback for the principal structure, exceeding maximum impervious surface, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

PLANNING REPORT – AUGUST 20th, 2021

I. SUMMARY OF REQUEST

Michael & Kimberly Roysland are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred (50) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (100) feet per Section 402;
3. A side-yard setback reduction of one-tenth (0.1) foot from the required ten (10) feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth (0.1) foot from the required ten (10) feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths (13.7) percent or one-thousand sixty-two (1,062) square feet of impervious surface coverage throughout the property per Section 901;

II. BACKGROUND

The applicants and applicant’s representative have met with staff regarding this proposal to redevelop the lake lot. The legal non-conforming lot is currently developed with nonconforming structures that encroach on the neighbor’s property to the North. The existing cabin sits approximately forty-four (44) feet from the ordinary high water level (OHWL) and one plus four-tenths feet over the North property line. The applicants plan to tear down the existing 1920’s cabin build a new home with attached garage on the property.

III. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	PROPOSED	REQUIRED/ALLOWED
Section 901 Lot Size	7,768 sq. ft.	30,000 sq. ft.
Section 402 Lot Width	49.96 ft.	100 ft.
Section 901 Side-yard Setback (North)	9.9 ft	10 ft.
Section 901 Side-yard Setback (South)	9.9 ft	10 ft.
Proposed Impervious Surface	38.7%	25%
<i>Existing Impervious Surface</i>	22.5%	25%

IV. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

This lot does not meet any of the allowances for substandard lot construction in the ordinance Section 502 or Section 903, and nothing can be constructed or expanded without a variance.

Existing Conditions

This is an existing substandard lot of record consisting of a cabin, storage sheds, and patios. The current single-family cabin covers approximately 815 square feet at the drip edges, **670** square feet at its footprint, and has numerous patio areas that bring the site impervious surface to 1,750 square feet. This existing dwelling does not provide for the minimum size necessary for the occupants intended use, and does not meet current ordinance requirements.

Proposed Improvements

The proposal is to rebuild a new 28 foot tall structure with a partially attached garage. The side-yard setback encroachments are due in part to the lot width of 49.96 feet, which leaves 9.98 feet on either side of a 28 foot wide dwelling when utilizing one foot overhangs. In order to reduce the setback encroachment on the side property line setbacks, the overhangs of the building were reduced to twelve (12) inches, which is the less desirable for protection of the foundation. Another reduction alternative would have been to reduce the building width to just under twenty-eight feet, however that would have proved somewhat problematic for construction, layout, and finish of the interior spaces of the proposed dwelling.

The proposed dwelling is also placed in conformity with the OHWM setback, and as close to the side-lot line setbacks as is feasible for the proposed layout. The addition of the garage and driveway is the main influence on the impervious surface variance request, as the living quarters, storage, and covered patio components of the proposal would all constitute less than twenty-five (25%) impervious. The proposed garage space is small compared to most two-stall garages, and provides the minimum space necessary for parking.

Septic System/ Sewer

The existing system is part of the Waville Sanitary District, and the tank is adequately sized for feeding into the system, however the expansion in occupancy is likely to increase demand on the district's limited capacity.

Stormwater Mitigation

Staff would recommend that the applicant install a gutter system on the new structure to direct stormwater towards a mitigation system such as raingardens or even a pervious pavement system in lieu of the concrete or bituminous surface of the proposed driveway. This will prevent runoff from entering Lake Bemidji. A stormwater mitigation plan shall be submitted to JPB staff for review and approval prior to land use permit being issued.

Landscaping Requirements

A landscaping plan would need to be submitted if any trees, shrubs, or vegetation are to be removed within the shoreland protection zone. Erosion control would have to be in place before any construction or demolition begins and remain intact until suitable vegetation is established and in place.

Neighborhood Comment

No neighborhood comment was received prior to the date of this report.

Comprehensive Plan References:

The Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

Natural Resources Objective 11.2 Preserve and Enhance Water Quality

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

Zoning Ordinance References

Section 402: Lot Size and Bulk Regulations

Section 502: Substandard Lots of Record

Section 901: Bulk Density and Lot Sizes

Section 903: Nonconforming Structures Substandard in Shoreland Overlay

Section 1206: Variances, Appeals and Adjustments

V. RECOMMENDATION & FINDINGS

Staff recommends approval of five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE. The variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred (50) foot reduction in lot width from the underlying R-3 Zoning District requirement of one hundred and fifty (100) feet per Section 402;
3. A side-yard setback reduction of one-tenth (0.1) foot from the required ten (10) feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth (0.1) foot from the required ten (10) feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths (13.7) percent or one-thousand sixty-two (1,062) square feet of impervious surface coverage throughout the property per Section 901;

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not

provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving measureable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

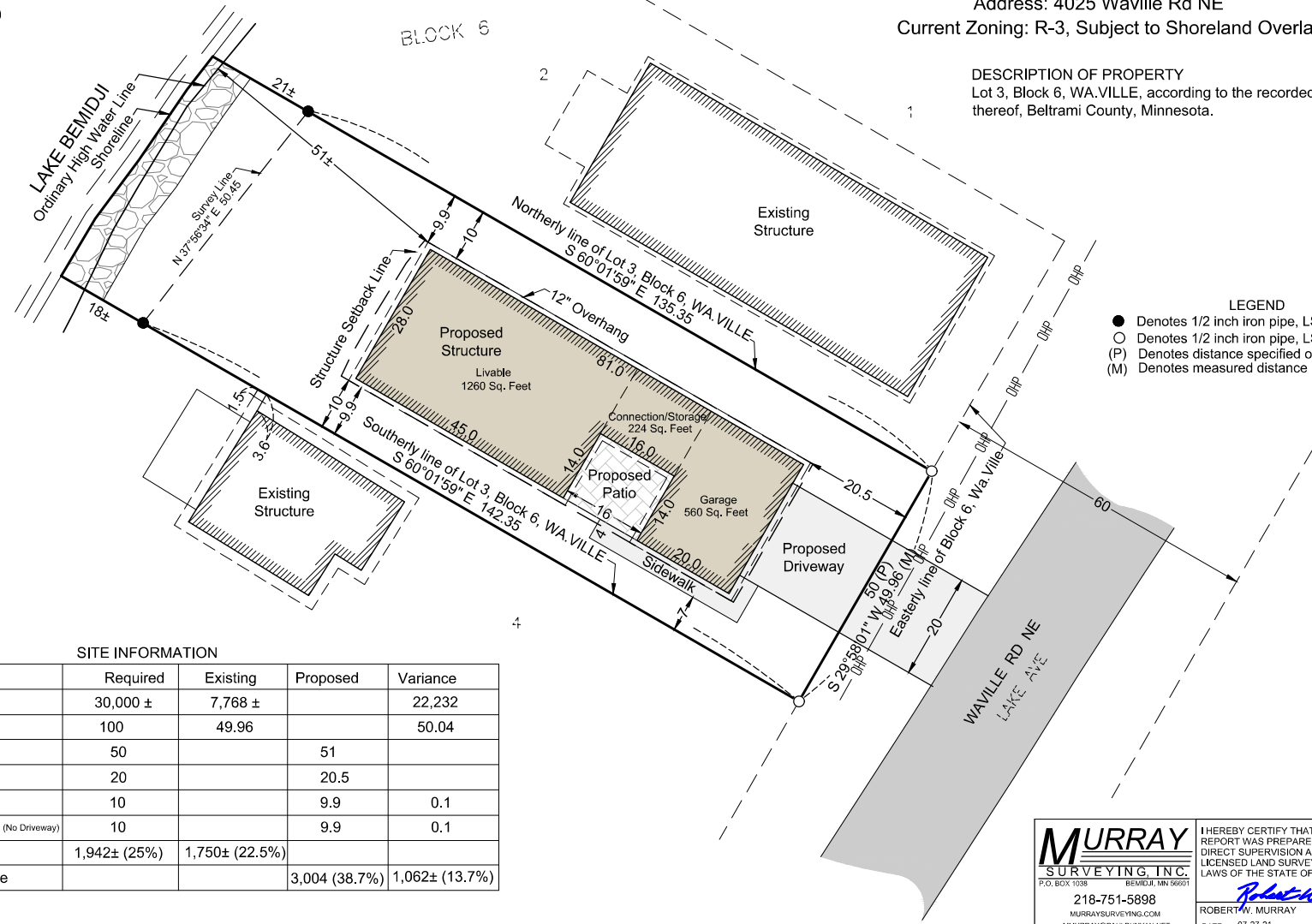
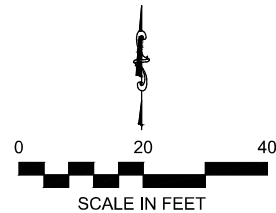
Site Plan(s)

SITE PLAN

ROYSLAND APPLICATION FOR VARIANCE

Parcel Tax ID No: 310138000
 Address: 4025 Waville Rd NE
 Current Zoning: R-3, Subject to Shoreland Overlay

DESCRIPTION OF PROPERTY
 Lot 3, Block 6, WA.VILLE, according to the recorded plat thereof, Beltrami County, Minnesota.



- LEGEND**
- Denotes 1/2 inch iron pipe, LS 15483, found
 - Denotes 1/2 inch iron pipe, LS 15483, set
 - (P) Denotes distance specified on plat
 - (M) Denotes measured distance

SITE INFORMATION

	Required	Existing	Proposed	Variance
Lot Size (S.F.)	30,000 ±	7,768 ±		22,232
Lot Width	100	49.96		50.04
Setback (OHW)	50		51	
Setback (Rear - Road)	20		20.5	
Setback (Side - North)	10		9.9	0.1
Setback (Side - South) (No Driveway)	10		9.9	0.1
Existing Impervious Surface	1,942± (25%)	1,750± (22.5%)		
Proposed Impervious Surface			3,004 (38.7%)	1,062± (13.7%)

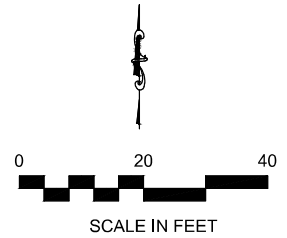
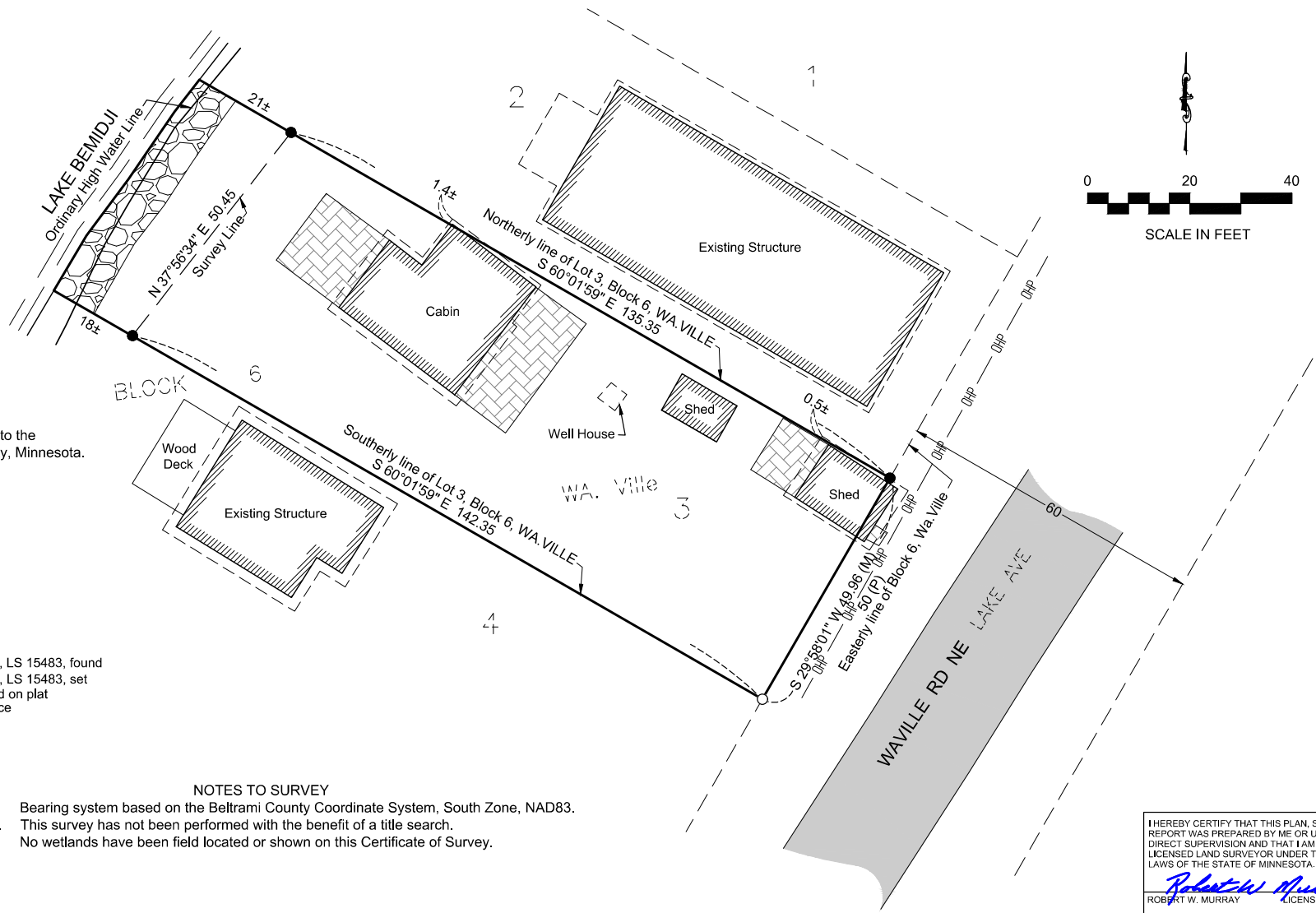
MURRAY
 SURVEYING, INC.
 P.O. BOX 1038 BEMIDJI, MN 56601
 218-751-5898
 MURRAYSURVEYING.COM
 MMURRAY@PAULBUNYAN.NET

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.

Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 07-27-21 FILE NO. 21-85

CERTIFICATE OF SURVEY

Lot 3, Block 6, WA.VILLE, Beltrami County, Minnesota.



DESCRIPTION OF PROPERTY
 Lot 3, Block 6, WA.VILLE, according to the recorded plat thereof, Beltrami County, Minnesota.

- LEGEND**
- Denotes 1/2 inch iron pipe, LS 15483, found
 - Denotes 1/2 inch iron pipe, LS 15483, set
 - (P) Denotes distance specified on plat
 - (M) Denotes measured distance

- NOTES TO SURVEY**
1. Bearing system based on the Beltrami County Coordinate System, South Zone, NAD83.
 2. This survey has not been performed with the benefit of a title search.
 3. No wetlands have been field located or shown on this Certificate of Survey.

MURRAY
 SURVEYING, INC.
 P.O. BOX 1038 BEMIDJI, MN 56601
 218-751-5898

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.

Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 07-27-21 FILE NO. 21-85C

Applications & Supporting Documents



**Greater Bemidji Area
Joint Planning Board**

Application for Variance

Please complete this application carefully and completely. PLEASE PRINT. 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 the **City of Bemidji** must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500 made payable to the **City of Bemidji** must accompany this application. Additional escrow or verification fees may apply for approved projects.

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

Complete Application Rec'd 7/30/21
 Payment Rec'd 7/30/21
 Field Checked _____
 Zoning District R-3/Shoreland
 Date Permitted _____
 Permit Number V-21-31.01380.00
 Comments _____

MAB

APPLICANT DATA

NAME OF APPLICANT: Michael and Kimberly Royston EMAIL: royston@umn.edu
 MAILING ADDRESS: PO Box 55, Fosston, MN 56542
 SITE ADDRESS: 4025 Waville Rd NE PARCEL: 310138000
 PHONE NUMBER: WORK _____ HOME 218-280-0811
 CONTRACTOR NAME: _____ PHONE: _____

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?
 Explain _____

OFFICE USE ONLY

Property Dimensions: Width 50 ft Depth 150 ft Total area 7,547 sq ft/ acres
 Is there one acre of contiguous land on the property? Yes No
 Have there been any Variances/Use Permits granted on this property? Yes No Don't Know Attach copies

Is property within 1000 feet of a public water? Yes No Is property in an airport zone? Yes No
 Septic Data: Year Installed: 2001 Last Compliance Inspection: N/A (Waville Dist)
 Pass Compliance Fail Compliance Notarized Stipulation Other _____

Municipal Services: Water Yes No Sewer: Yes No If no, is hook up possible? Yes No

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

(1) Lot Size, (2) Lot width, (3) Side yard Setback
(4) Impervious Surface

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

(1) Lot size Variance: 22,232 (2) Lot width
Variance: 50.04, (3) Side yard Variance: 0.10, (4) Impervious
Surface Variance: 1,062 sf. (13.7%)

Describe the existing use of your property:

Single family residential property

Will the use of your property change with the variance? Yes No

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

Explain This is one of the few remaining properties along unaville that has not
been redeveloped. Constructing the proper structure will make it more
aligned with the character of the surrounding properties.

Are there unavoidable physical or topographical features (wetlands, buildings, roads, etc.) on your property that severely
limit your construction site options? Yes No Explain

Construction options are limited by the parcel configuration

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 The substandard parcel automatically requires a variance. Any
construction alternatives are limited due to size of the parcel.

Explain the practical difficulty that exists with your request:

The property was originally developed in 1913 well in advance of any
shoeland regulations. Applying current regulations to the property limit the
ability to use the property in a reasonable manner consistent with the neighborhood.

Assuming that a practical difficulty 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.)?

Stormwater mitigation plan

(Use additional sheets if necessary)

STRUCTURAL/CONSTRUCTION DATA (if applicable)

Proposed Structure/Use: New Single Family Residence Building Alteration _____
 Garage (Attached) _____ Detached Garage _____
 Accessory Building/Multi Family Dwelling _____
 Commercial Building _____ Other (Explain) _____

Structure Dimension(s): Width 28 ft. Length 81 ft. Height (to roof peak) 28 ft. Total S.F. 2044
28 x 14 overhangs
81 x 14 overhangs

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Total number of bedrooms after construction: 4

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

Estimated Cost of construction: \$ TBD

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

ALL APPLICANTS MUST SIGN BELOW

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

Applicant: Kelly Royland Curry Applicant: Kelly Royland Curry
 Date: 7/30/21

OFFICE USE ONLY

Reviewed by _____ Date _____ Complete Application Yes No

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4TH STREET NW, LOWER LEVEL

THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 03/06/2019 AT
11:05 AM BY DOCUMENT NUMBER
A000578751

By: PAUL R. COONS
CHARLENE D. STURK
COUNTY RECORDER

WELL CERT RECEIVED: N
WELL CERT NOT REQUIRED: Y
PAGES: 2

No delinquent taxes and transfer entered;
Certificate of Real Estate Value
() filed (X) not required
Certificate of Real Estate Value No. March 6, 2019
JODEE TREAT AUDITOR-TREASURER

Beltrami County Auditor-Treasurer

by 31.01380.00 *SW*
Deputy

(Top 3 inches reserved for recording data)

TRUSTEE'S DEED

by Individual Trustee to Joint Tenants

DEED TAX DUE: \$1.65.

DATE: March 5, 2019

FOR VALUABLE CONSIDERATION, **Michael J. Roysland and Kimberly Roysland**, as Trustee of **Roysland Family Trust ("Grantor")**, hereby conveys and quitclaims to **Michael J. Roysland and Kimberly Roysland ("Grantee")**, as joint tenants, real property in Beltrami County, Minnesota, legally described as follows:

Lot Three (3), Block Six (6), Waville (Plat name reworded to conform with Uniform Plat Names List as "Wa.Ville" or "WA.VILLE").

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

The total consideration for this transfer is \$500 or less.

This deed conveys after-acquired title

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

Michael J. Roysland
Michael J. Roysland

Kimberly Roysland
Kimberly Roysland

Beltrami County, MN

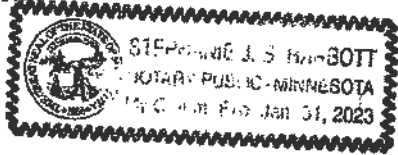
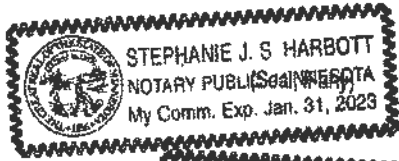
Deed Tax Paid \$1.65

Deed Tax Receipt No. 241415



State of Minnesota, County of Polk

This instrument was acknowledged before me on March 5, 2019, by Michael J. Roysland and Kimberly Roysland, as Trustees of Roysland Family Trust.



Stephanie J. Harbott
(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Reynolds, Harbott,
Knutson & Larson, P.L.L.P.
201 North Broadway, Suite 2
Crookston, MN 56716

PO Box 457
↑
Return

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

Michael J. Roysland
Kimberly Roysland
P.O. Box 55
Fosston, MN 56542

BELTRAMI COUNTY FOR INFORMATIONAL PURPOSES ONLY. THIS INSTRUMENT SHOULD NOT BE RECORDED.

Agency & Neighborhood Packet Distribution Information

Packet Distribution List

Northern Township: V-21-31.01380.00 – Michael & Kimberly Roysland Variance

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	__X__	_____
<input checked="" type="checkbox"/>	JPB Attorney	__X__	_____
<input type="checkbox"/>	JPB Engineer: _____	_____	_____
<input type="checkbox"/>	City Building Department	_____	_____
<input type="checkbox"/>	City Attorney	_____	_____
<input type="checkbox"/>	City Engineer	_____	_____
<input type="checkbox"/>	City Manager	_____	_____
<input type="checkbox"/>	City Community Development	_____	_____
<input type="checkbox"/>	City GIS Department	_____	_____
<input type="checkbox"/>	City Police Department	_____	_____
<input checked="" type="checkbox"/>	City Fire Department	__X__	_____
<input type="checkbox"/>	City Parks Department	_____	_____
<input checked="" type="checkbox"/>	Northern Township	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County ESD/SWCD	__X__	_____
<input type="checkbox"/>	Beltrami County Recorder	_____	_____
<input checked="" type="checkbox"/>	Beltrami County GIS Department	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County Sheriff	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County Engineer / Highway	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County Natural Resources	__X__	_____
<input type="checkbox"/>	MnDNR Trails	_____	_____
<input checked="" type="checkbox"/>	MnDNR Waters	__X__	_____
<input type="checkbox"/>	MnDNR District	_____	_____
<input type="checkbox"/>	MnDOT	_____	_____
<input type="checkbox"/>	Airport	_____	_____
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	__X__	_____
<input type="checkbox"/>	Bemidji School District	_____	_____
<input type="checkbox"/>	MPCA Closed Landfill Program	_____	_____
<input type="checkbox"/>	U.S. Army Corps of Engineers	_____	_____
<input type="checkbox"/>	Other: _____.	_____	_____



Greater Bemidji Area Joint Planning Board
City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

July 2nd, 2021

Northern Township: V-21-31.01380.00: - Michael & Kimberly Roysland are requesting a variance from the side lot-line setbacks, minimum lot width, maximum impervious surface coverage, and minimum lot size requirements in order to replace an existing dwelling at 4025 Waville Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

The parcel legal description is as follows:

Sect-35 Twp-147 Range-033 WA.VILLE Lot-003 Block-006 .19 AC

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, August 26th, 2021 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to Covid-19 restrictions.

If you have any comments, you may present them to the Commission at that time, if allowed. It would be encouraged to direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at **nickolaus.phillips@ci.bemidji.mn.us**. **Your written comments should be submitted by Thursday, August 19th, 2021, if you wish them to 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 218-759-3561.

Respectfully,

Nickolaus Phillips
Assistant Planner
Greater Bemidji Area Joint Planning Board



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 2nd, 2021

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

Northern Township: V-21-31.01380.00: - Michael & Kimberly Roysland are requesting a variance from the side lot-line setbacks, minimum lot width, maximum impervious surface coverage, and minimum lot size requirements in order to replace an existing dwelling at 4025 Waville Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

The parcel legal description is as follows:

Sect-35 Twp-147 Range-033 WA.VILLE Lot-003 Block-006 .19 AC

This public hearing will be held on **Thursday, August 26th, 2021**, at **6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th Street NW or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to the Covid-19 restrictions. You are invited to attend this hearing, or express your opinions on the proposal by letter (preferred method) to the Greater Bemidji Joint Planning Board. Your written comments should be submitted by **Thursday, August 19th, 2021**, if you wish them to be incorporated into my report to the Joint Planning Commission.

If you have any questions, please feel free to contact me at (218) 759-3561, or email comments to nickolaus.phillips@ci.bemidji.mn.us.

Respectfully,

Nickolaus Phillips
Assistant Planner
Greater Bemidji Area Joint Planning Board

J & D OLDERMAN FAMILY LLC
2436 CAMBERWELL CT
ST LOUIS, MO 63131

BORGESON,TERRIL L
ELSIE M BORGESON
6307 HWY 32
PARK RIVER, ND 58270

BORGESON,TERRIL L
ELSIE M BORGESON
6307 HWY 32
PARK RIVER, ND 58270

HABERMAN,DAVID J
CATHY J WILLIAMS
815 28TH AVE S
GRAND FORKS, ND 58201

JELINEK,DIANE L TRUSTEE
DIANE L JELINEK RVC LVG TRUS
3520 20TH ST S
FARGO, ND 58104

HENDRICKS,TROY B
4005 WAVILLE RD NE
BEMIDJI, MN 56601

SANFORD,MATTHEW F
JENNIFER A SANFORD
4001 WAVILLE RD NE
BEMIDJI, MN 56601

JOHNSTON,L MARSHALL
BARBARA E JOHNSTON
3933 WAVILLE RD NE
BEMIDJI, MN 56601

HURTT,TIMOTHY G
NAOMI R HURTT
7552 COUNTY RD 12
HOOPLE, ND 58243

BORGESON,TERRIL L
ELSIE M BORGESON
6307 HWY 32
PARK RIVER, ND 58270

BORGESON,TERRIL L
ELSIE M BORGESON
6307 HWY 32
PARK RIVER, ND 58270

POTVIN,ALLEN G
JUDITH M POTVIN
820 FOSS AVE N
FOSSTON, MN 56542

PAO PROPERTIES LLC
4015 WAVILLE RD NE
BEMIDJI, MN 56601

MOOSBRUGGER,JOSEPH
21724 MOOSE POINT RD
COHASSET, MN 55721

MN DEPT OF TRANSPORTATION
395 JOHN IRELAND BLVD
ST PAUL, MN 55155

BORGESON,TERRIL L
ELSIE M BORGESON
6307 HWY 32
PARK RIVER, ND 58270

BORGESON,TERRIL L
ELSIE M BORGESON
6307 HWY 32
PARK RIVER, ND 58270

ROYSLAND,MICHAEL J
KIMBERLY ROYSLAND
PO BOX 55
FOSSTON, MN 56542

CARLIN,GARY HILDAHL,TRUSTEE
FIRST RESTATED CARLIN FMLY T
PO BOX 2008
BEMIDJI, MN 56619-2008

JOHNSON,CRAIG A
SHARI L JOHNSON
615 20TH ST NW
EAST GRAND FORKS, MN 56721



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community City of Bemidji, MN

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.

Aerial Map - Roysland Variance

1:1,128

Date: 8/2/2021

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





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, City of Bemidji GIS, Pro-West &

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.

Zoning Map - Roysland Variance

1:1,128

Date: 8/2/2021

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





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community City of Bemidji GIS, Pro4Web

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.

Buffer Map - Roysland Variance

1:2,257

Date: 8/2/2021

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



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

ss.

COUNTY OF BELTRAMI

Lindsay Dolan, being first duly sworn, on oath states as follows: 1. I am the publisher of the *Bemidji Pioneer*, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: **Saturday, August 14, 2021.**

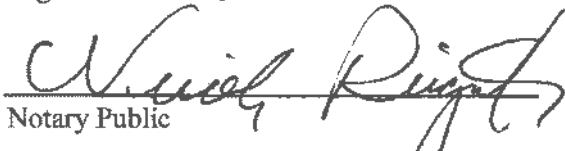
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: *1st run: \$12.70 per column inch. 2nd run: \$11.35 per column inch. 3rd run: \$11.35 per column inch.*

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Beltrami County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

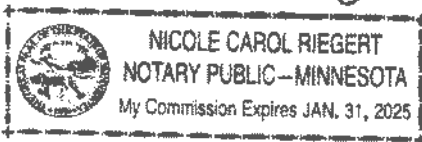
Dated this 14th day of August, 2021.



 Legals Clerk



 Notary Public



**GREATER BEMIDJI AREA
 JOINT PLANNING
 COMMISSION
 NOTICE OF
 PUBLIC HEARINGS &
 MEETINGS**

NOTICE IS HEREBY GIVEN, that on Thursday, August 26th, 2021, at 6:00 p.m. or as soon thereafter as possible, the Greater Bemidji Area Joint Planning Commission will conduct a Public Hearing in-person in the Council Chambers of the Bemidji City Hall, located at 317 4th St. NW, Bemidji MN, and via Webex Video Conferencing (see log-in details on jpbgba.org) on the following requests:

Northern Township:
 V-21-31.00878.00: - Mark & Bonita Haley are requesting a variance from the west lot-line setback, maximum impervious surface coverage, minimum lot width, and minimum lot size requirements in order to replace an existing garage structure at 826 Birchmont Beach Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

Northern Township:
 V-21-31.01380.00: - Michael & Kimberly Roysland are requesting a variance from the side lot-line setbacks, minimum lot width, maximum impervious surface coverage, and minimum lot size requirements in order to replace an existing dwelling at 4025 Waville Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

All interested parties are encouraged to view or listen to the Hearing, or call the Greater Bemidji Area Joint Planning Board Office at (218) 759-3579, or visit our web site at: www.jpbgba.org for more information. Email comments must be received by Thursday, August 19th, for inclusion in staff reports.

(Aug. 14, 2021) 2899954

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2021-19

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.00878.00**

WHEREAS, an application was submitted on July 30th, 2021 by Mark & Bonita Haley requesting multiple variances in order to rebuild a detached garage on their substandard lot of record located at 826 Birchmont Beach RD NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths foot reduction in lot width from the Shoreland District requirement of one-hundred feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five feet from the required ten feet per Section 901;
4. An additional six and one-tenth percent or 1,780 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

WHEREAS, the requested variances will be for a structure located on parcel 31.00878.00 legally described as Sect-15 Twp-147 Range-033 AUDITOR'S PLAT NO. 10 Lot-00C .65 AC; and

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

WHEREAS, the requested variances meet 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 Thursday, August 26th, 2021, to review the application for Variances following mailed and published notices 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. **Has the applicant demonstrated a practical difficulty?**
Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing use of the garage as a side-loading structure has been the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.
- 2. **Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**
Yes. This is a previously platted and developed lot of record that lacks the required lot width to move the structure to a conforming setback while maintaining its use.
- 3. **Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**
Yes. This request is proposing to make use of the property in a reasonable manner while reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.
- 4. **Can the variance be granted without altering the essential character of the surrounding area?**
Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of four variances in order to replace the detached garage structure at 826 Birchmont Beach RD NE on parcel 31.00878.00, with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

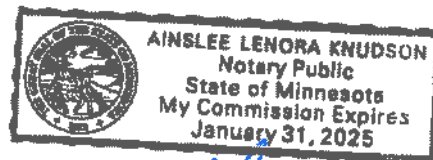
State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this 8th day of September 2021 by Jess Frenzel, Joint Planning Board Chair.



Jess Frenzel, Joint Planning Board Chair



Subscribed and sworn to before me
this 8th th day of September, 2021.



Notary Public

GREATER BEMIDJI AREA JOINT PLANNING BOARD
Meeting Minutes
September 8, 2021

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, September 8, 2021, at 6:00 p.m. Chair Jess Frenzel called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Prince, Peterson, Kelly, Frenzel, Rivera.

Members absent: None.

Staff present: Jamin Carlson, Ainslee Knudson, Nick Phillips, Melissa Fahrenbruch.

Others in attendance: Matt Murray, Mark Haley, Michael Roysland, Kimberly Roysland, Wes Newell.

Pledge of Allegiance was performed.

AGENDA

Motion by Kelly, second by Rivera, to approve the agenda. Motion carried unanimously.

MINUTES

Motion by Rivera, second by Kelly, to approve the August 11, 2021 minutes as presented. Motion carried. Abstention by Peterson.

CONSENT AGENDA

- 1) Bills for the total amount of \$4,676.18 were presented for payment.
- 2) **Resolution 2021-20** – Approval of 2022 Meeting Calendar

Prince noted the need to schedule a Joint LGU meeting. Members agreed to add this to the agenda of the next Joint Planning Board meeting.

Motion by Prince, second by Peterson, to approve the consent agenda. Motion carried unanimously.

NO VISITORS

NEW BUSINESS

RESOLUTION 2021-18 – V-21-31.01380.00 – MICHAEL & KIMBERLY ROYSLAND

Michael & Kimberly Roysland are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 4025 Waville Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Sewered (Waville Sanitary) Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 22,232 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A one-hundred foot reduction in lot width from the underlying R-3 Zoning District requirement of 150 feet per Section 402;
3. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the north property line;
4. A side-yard setback reduction of one-tenth foot from the required ten feet per Section 901, for the south property line;
5. An additional thirteen and seven-tenths percent or 1,062 square feet of impervious surface coverage throughout the property per Section 901;

The applicants and applicant's representative have met with staff regarding this proposal to redevelop the lake lot. The legal non-conforming lot is currently developed with nonconforming structures that encroach on the neighbor's property to the North. The existing cabin sits approximately forty-four (44) feet from the ordinary high water level (OHWL) and one plus four-tenths feet over the North property line. The applicants plan to tear down the existing 1920's cabin to build a new home with attached garage on the property. Staff noted that this property is in the Waville sanitary district, and this property is within the jurisdiction of the Mississippi Headwaters Board and this variance will need to go before them for approval.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE. Approval recommended with the following conditions and findings of fact:

Conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact:

1. **Has the applicant demonstrated a practical difficulty?**

Yes. This is an existing lot of record that is currently developed; the surrounding area is heavily developed on small substandard lots. Without a variance, the lot could not be improved or further developed for the typical use as a year-round house, and would be limited to the placement of a small cabin with limited to no garage space.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record. No improvements could be made to the residence or redevelopment on this property can be permitted without approval of a variance for lot size, this includes any expansion of the existing structure. In addition, the lot does not provide enough suitable area to build a modestly sized garage and dwelling without exceeding impervious surface coverage.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while improving measurable environmental protection aspects of the lot by reducing the impact of the existing nonconformities. The request proposes to exceed impervious surface coverage, but the ordinance provides an avenue to mitigate increased impervious surface through onsite storm-water mitigation, which would be required for the issuance of a land-use permit.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years, which includes an increase in the number of dwellings building vertically to achieve increased floor-space while maintaining a smaller building footprint.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Kelly expressed support of the variance because of the property being in the Waville sanitary district, and the setbacks of the proposed plan bringing the property closer to conformity.
- Rivera inquired about stormwater mitigation. Staff addressed that any one specific stormwater mitigation plan would not be a condition of the variance, but would be addressed as required under the Ordinance.
- Frenzel inquired as to the Waville sanitary district and its capacity. Staff addressed the ability of JPB to evaluate system load under current regulations. Kelly noted the system is monitored on a monthly basis and a major update was made in the spring of 2021 that is expected to give this system another 18-20 years of use.
- Frenzel noted his support, but expressed the need to continue monitoring the Waville sanitary district.

Motion by Kelly, second by Peterson, to approve Resolution 2021-18 to approve five (5) variances in order to reconstruct a single family structure at 4025 Waville RD NE with the findings of facts and conditions as presented.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

RESOLUTION 2021-19 – V-21-31.00878.00 – MARK & BONITA HALEY

Mark and Bonita Haley are requesting multiple variances in order to rebuild a detached garage on their substandard lot of record located at 826 Birchmont Beach RD NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths foot reduction in lot width from the Shoreland District requirement of one-hundred feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five feet from the required ten feet per Section 901;
4. An additional six and one-tenth percent or 1,780 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

As an existing lot of record that meets the requirements of Section 502 (Substandard Lots of Record) to be considered a buildable lot, this property would not require a variance from lot size or width, as requested. In addition, impervious surface coverage exceeding the twenty-five (25) percent maximum can be mitigated up to thirty-one and one-quarter (31.25) percent onsite without the need for variance approval by providing an approved plan from a licensed design professional. However, these variances are necessary due to the request for setback relief from the side-lot setback, per the requirement in Ordinance Section 903(C)(1)(a) and as required by MN Statute 462.357.

The applicants and applicant's representative have met with staff regarding this proposal to replace the existing garage. The legal non-conforming lot is currently developed with a nonconforming dwelling and compliant septic system. The existing garage sits approximately two hundred (200) feet from the ordinary high water level (OHWL) and two feet from the west property line. The applicants plan to remove the existing garage and replace it with a slightly larger structure that fits their parking needs. As shown on the site plan, the proposed garage will be moved to a more conforming setback location.

RECOMMENDATION & FINDINGS

JPC and Staff recommend approval of four (4) variances in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE, with the following conditions and findings of fact:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).

7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings of Fact

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing use of the garage as a side-loading structure has been the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record that lacks the required lot width to move the structure to a conforming setback while maintaining its use.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Kelly expressed his support, and noted that this proposed structure is not encroaching on Lake Bemidji or the road right-of-way, and will be moved further off of the property line.

Motion by Kelly, second by Rivera, to approve Resolution 2021-19 for approval of four (4) variances in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE, with the above stated conditions and findings of fact.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

OTHER BUSINESS

ORDINANCE NO. 2021-08 – AMENDED LAND USE MATRIX

Fahrenbruch presented the updated proposed land use matrix to include short term rentals.

BOARD DISCUSSION AND DECISION

Board members had the following comments:

- Prince inquired if anyone has been held up in obtaining a short term rental permit due to this oversight. Fahrenbruch noted that Staff has had some inquiries and has given out a few applications, but nothing further.

Motion by Prince, second by Rivera, to approve Ordinance 2021-08 Amended Land Use Matrix.

Ayes: Rivera, Frenzel, Kelly, Prince, Peterson.

Nays: None.

Motion carried unanimously.

DIRECTOR’S REPORT

Carlson noted that there were no planning cases submitted for next month. There will be no Joint Planning Commission meeting, but there will still be a Joint Planning Board meeting to review previous planning cases. Carlson described year-to-date activity as well as completed, current and upcoming development projects.

ENFORCEMENT REPORT

Fahrenbruch addressed current enforcement issues. Members and staff discussed alley vacations, current issues, enforcement, citations, and assessments. Rivera requested enforcement data from staff. Staff noted that the new software will aid in providing more detailed reports for the Board. Staff noted the Board’s ability to enact conditions and review conditional and interim use permits.

UPCOMING MEETING DATES

October 13, 2021	6:00 pm	JPB Regular Meeting
October 28, 2021	6:00 pm	JPC Regular Meeting
November 10, 2021	6:00 pm	JPB Regular Meeting

ADJOURNMENT

There being no further business, motion by Peterson, second by Kelly, to adjourn the Joint Planning Board meeting at 6:49 p.m. Motion carried.

Respectfully submitted,

Ainslee Knudson
Planning & Building Administrative Assistant

JPB Minutes approved and attested by: _____
Joint Planning Board Representative

Mark & Bonita Haley - Variance

GREATER BEMIDJI JOINT PLANNING BOARD

Resolution No. 2021-19

**RESOLUTION APPROVING VARIANCE FOR PARCEL
31.00878.00**

WHEREAS, an application was submitted on July 30th, 2021 by Mark & Bonita Haley requesting multiple variances in order to rebuild a detached garage on their substandard lot of record located at 826 Birchmont Beach RD NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths foot reduction in lot width from the Shoreland District requirement of one-hundred feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five feet from the required ten feet per Section 901;
4. An additional six and one-tenth percent or 1,780 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

WHEREAS, the requested variances will be for a structure located on parcel 31.00878.00 legally described as Sect-15 Twp-147 Range-033 AUDITOR'S PLAT NO. 10 Lot-00C .65 AC; and

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

WHEREAS, the requested variances meet 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 Thursday, August 26th, 2021, to review the application for Variances following mailed and published notices 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. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing use of the garage as a side-loading structure has been the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record that lacks the required lot width to move the structure to a conforming setback while maintaining its use.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

NOW, THEREFORE BE IT RESOLVED that the Joint Planning Board hereby grants the approval of four variances in order to replace the detached garage structure at 826 Birchmont Beach RD NE on parcel 31.00878.00, with the following conditions:

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

GREATER BEMIDJI AREA JOINT PLANNING BOARD

State of Minnesota

County of Beltrami

This instrument was acknowledged before me on this ____ day of _____ 2021 by Jess Frenzel, Joint Planning Board Chair.

Jess Frenzel, Joint Planning Board Chair

Subscribed and sworn to before me
this _____th day of _____, 2021.

Notary Public

**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-21-31.00878.00	JPC MEETING DATE: August 26 th , 2021
APPLICANT: Mark & Bonita Haley 826 Birchmont Beach RD NE	60-DAY RULE DATE: September 28 th , 2021
PROCEEDING: Variances for side yard setback for a replacement garage, exceeding maximum impervious surface, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

JPB Memorandum

I. SUMMARY OF REQUEST

Mark and Bonita Haley are requesting multiple variances in order to rebuild a detached garage on their substandard lot of record located at 826 Birchmont Beach RD NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths foot reduction in lot width from the Shoreland District requirement of one-hundred feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five feet from the required ten feet per Section 901;
4. An additional six and one-tenth percent or 1,780 square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

II. PUBLIC COMMENT/PUBLIC HEARING

Public Hearing opened at 6:24 p.m.

- The applicants, Mark and Bonita Haley, addressed the Commission and noted their desire to retire to the subject property, and to update the garage to better fit their needs.

Public Hearing closed at 6:25 p.m.

III. RECOMMENDATION & FINDINGS

JPC & Staff recommend approval of four variances in order to reconstruct a detached garage structure at 826 Birchmont Beach RD NE.

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing use of the garage as a side-loading structure has been the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record that lacks the required lot width to move the structure to a conforming setback while maintaining its use.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot

setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.

4. Can the variance be granted without altering the essential character of the surrounding area?

Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

Motion by Steffen, second by Heinonen, to approve the above stated variances in order to rebuild a single-family summer house on their substandard lot of record located at 826 Birchmont Beach Rd NE in Northern Township with the above stated conditions and findings of fact.

Motion carried unanimously.

**THE GREATER BEMIDJI AREA
JOINT PLANNING BOARD**

PLANNING CASE: V-21-31.00878.00	JPC MEETING DATE: August 26 th , 2021
APPLICANT: Mark & Bonita Haley 826 Birchmont Beach RD NE	60-DAY RULE DATE: September 28 th , 2021
PROCEEDING: Variances for side yard setback for a replacement garage, exceeding maximum impervious surface, and to build on a substandard lot of record.	ZONING DISTRICT: (R-3) Suburban Residential and Shoreland Overlay
PREPARED BY: Nickolaus Phillips Assistant Planner	EXHIBITS: Zoning Map, Aerial Map, Application, Site Plan, Supporting Documentation

PLANNING REPORT – AUGUST 20th, 2021

I. SUMMARY OF REQUEST

Mark and Bonita Haley are requesting multiple variances in order to rebuild a single-family summer house on their substandard lot of record located at 6327 Lavinia Rd NE in Northern Township. This property is within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay. The requested variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths (25.03) foot reduction in lot width from the Shoreland District requirement of one hundred (100) feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five (5) feet from the required ten (10) feet per Section 901;
4. An additional six and one-tenth (6.1) percent or one-thousand seven-hundred eighty (1,780) square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

As an existing lot of record that meets the requirements of Section 502 (Substandard Lots of Record) to be considered a buildable lot, this property would not require a variance from lot size or width, as requested. In addition, impervious surface coverage exceeding the twenty-five (25) percent maximum can be mitigated up to thirty-one and one-quarter (31.25) percent onsite without the need for variance approval by providing an approved plan from a licensed design professional. However, these variances are necessary due to the request for setback relief from the side-lot setback, per the requirement in Ordinance Section 903(C)(1)(a) and as required by MN Statute 462.357.

II. BACKGROUND

The applicants and applicant's representative have met with staff regarding this proposal to replace the existing garage. The legal non-conforming lot is currently developed with a nonconforming dwelling and compliant septic system. The existing garage sits approximately two hundred (200) feet from the ordinary high water level (OHWL) and two feet from the west property line. The applicants plan to remove the existing garage and replace it with a slightly larger structure that fits their parking needs. As shown on the site plan, the proposed garage will be moved to a more conforming setback location.

III. DEVELOPMENT SUMMARY

SITE DEVELOPMENT	PROPOSED	REQUIRED/ALLOWED
Section 901 Lot Size Requirement	28,980 sq. ft.	30,000 sq. ft.
Section 901 Lot Width Requirement	74.97 ft	100 ft.
Section 901 Side-yard Setback	5 ft	10 ft.
Proposed Impervious Surface	31.1%	25%
Existing Impervious Surface	28.7%	25%

IV. DISCUSSION/DEVELOPMENT ANALYSIS

Planning Considerations

Variations should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variations. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

The proposal hinges on the side-yard setback variance, which is currently encroached upon by the existing garage. In evaluating an alternate location for the replacement garage, the owners took into consideration the existing vegetation, privacy, visibility, security, vehicle maneuverability, and accessibility by visitors and emergency responders. After consideration of all the above factors, the owners found their proposed layout to be the most favorable to their needs while reducing their current non-conformity. The owners indicate that the practical difficulty exists due to the inability to utilize their garage in the same manner they currently have been, due to limited lot width available that prevents side-loading the garage when placed at the required setback.

Existing Conditions

This is an existing substandard lot of record consisting of a house, detached garage, patios, and walkways along with an asphalt driveway. The current single-family house is approximately 2,972 square feet, with all other impervious areas bringing the site impervious to 8,329 square feet. The existing garage is set back from the side lot line by two (2) feet. The driveway contains multiple turn-around areas to allow maneuverability for vehicles within the lot, rather than within the road ROW, and spans half the lot length. Multiple mature trees span both sides of the driveway and garage approach.

Proposed Improvements

The proposal is to remove and replace the garage with a new structure that will meet the space needs of the applicants while allowing maneuverability on the existing driveway. The proposed structure is generally in the same footprint of the existing garage, moving three (3) feet further from the side lot line into the driveway. Alternative site arrangements were suggested, such as positioning the garage in the middle of the lot to meet setbacks, however this would necessitate turning the garage doors to the north, blocking the owner's view of the garage entrance and requiring a reconfiguration of the parking approach area to allow maneuvering areas to match.

Septic System

The existing system has a certificate of compliance from its 2017 as-built report (valid until 9/19/2022), and the new structure will not require additional septic capacity.

Stormwater Mitigation

Staff would recommend that the applicant install a gutter system on the new structure to direct stormwater towards a mitigation system such as raingardens or even a pervious pavement system in lieu of concrete or bituminous surface. This will prevent runoff from entering Lake Bemidji. A stormwater mitigation plan shall be submitted to JPB staff for review and approval prior to land use permit being issued.

Landscaping Requirements

A landscaping plan would need to be submitted if any trees, shrubs, or vegetation are to be removed within the shoreland protection zone. Erosion control would have to be in place before any construction or demolition begins and remain intact until suitable vegetation is established and in place.

Neighborhood Comment

Two neighbors wrote letters stating they have no objection to the variance request. No other comments were received as of August 20th, 2021.

Comprehensive Plan References:

The Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

Natural Resources Objective 11.2 Preserve and Enhance Water Quality

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

Zoning Ordinance References

Section 502: Substandard Lots of Record
Section 901: Bulk Density and Lot Sizes
Section 903: Nonconforming Structures Substandard in Shoreland Overlay
Section 1206: Variances, Appeals and Adjustments

V. RECOMMENDATION & FINDINGS

Staff recommends approval of four (4) variances in order to reconstruct a detached garage at 826 Birchmont Beach Rd NE. The variances are as follows:

1. A reduction of 1,020 square feet in lot size from the Mississippi Headwaters Board requirement of 30,000 square feet;
2. A twenty-five and three-hundredths (25.03) foot reduction in lot width from the Shoreland District requirement of one hundred (100) feet per Section 901;
3. A side-yard setback reduction for the replacement garage of five (5) feet from the required ten (10) feet per Section 901;
4. An additional six and one-tenth (6.1) percent or one-thousand seven-hundred eighty (1,780) square feet of impervious surface coverage throughout the property over the maximum allowable per Section 901;

Approval recommended with the following findings of fact and conditions:

Conditions

1. Buildings shall be staked by a professional surveyor to mitigate setback encroachment.
2. An erosion control plan shall be submitted and be in place before any construction commences on the property.
3. If tree removal or landscaping disturbance is necessary to accomplish the proposed work, a landscaping plan shall be submitted to the JPB for review, and any necessary shoreland alteration or tree removal permits obtained, before the land-use permit is issued.
4. A stormwater mitigation plan shall be provided by the landowner from a design professional to be reviewed and approved by the Planning Director before a land use permit can be issued. All additional stormwater produced by impervious surface areas that exceed the allowable twenty-five (25) percent of the lot area must be contained and mitigated onsite.
5. JPB site verification form and fee shall be submitted prior to construction.
6. A land use permit shall be obtained prior to construction and demolition; once certification approval received from Mississippi Headwaters Board (MHB).
7. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Findings

1. Has the applicant demonstrated a practical difficulty?

Yes. This is an existing lot of record that is currently developed and the surrounding area is heavily developed on substandard lots. The existing use of the garage as a side-loading structure has been

the established use on the lot, and would remain a reasonable and allowable use into the future but for the replacement of the structure. The owners would be put under an undue hardship in order to meet the ordinance standards without the issuance of a variance.

2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?

Yes. This is a previously platted and developed lot of record that lacks the required lot width to move the structure to a conforming setback while maintaining its use.

3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?

Yes. This request is proposing to make use of the property in a reasonable manner while reducing an existing non-conformity. The comprehensive plan and shoreland rules regarding side-lot setbacks are in place to provide access to properties while reducing conflict between property owners. These side-lot buffers also provide a pathway for stormwater to follow vegetated groundcover, rather than impervious, as it drains into the aquatic resource. Any increase in the dimensions of such flowages provides additional pollutant and sediment filtering capacity to the shoreland. While the ideal setback would maximize this area, the property owners have the right to choose not to replace the garage if they can't retain their current loading arrangement, and the opportunity for realizing the added stormwater benefit would disappear.

4. Can the variance be granted without altering the essential character of the surrounding area?

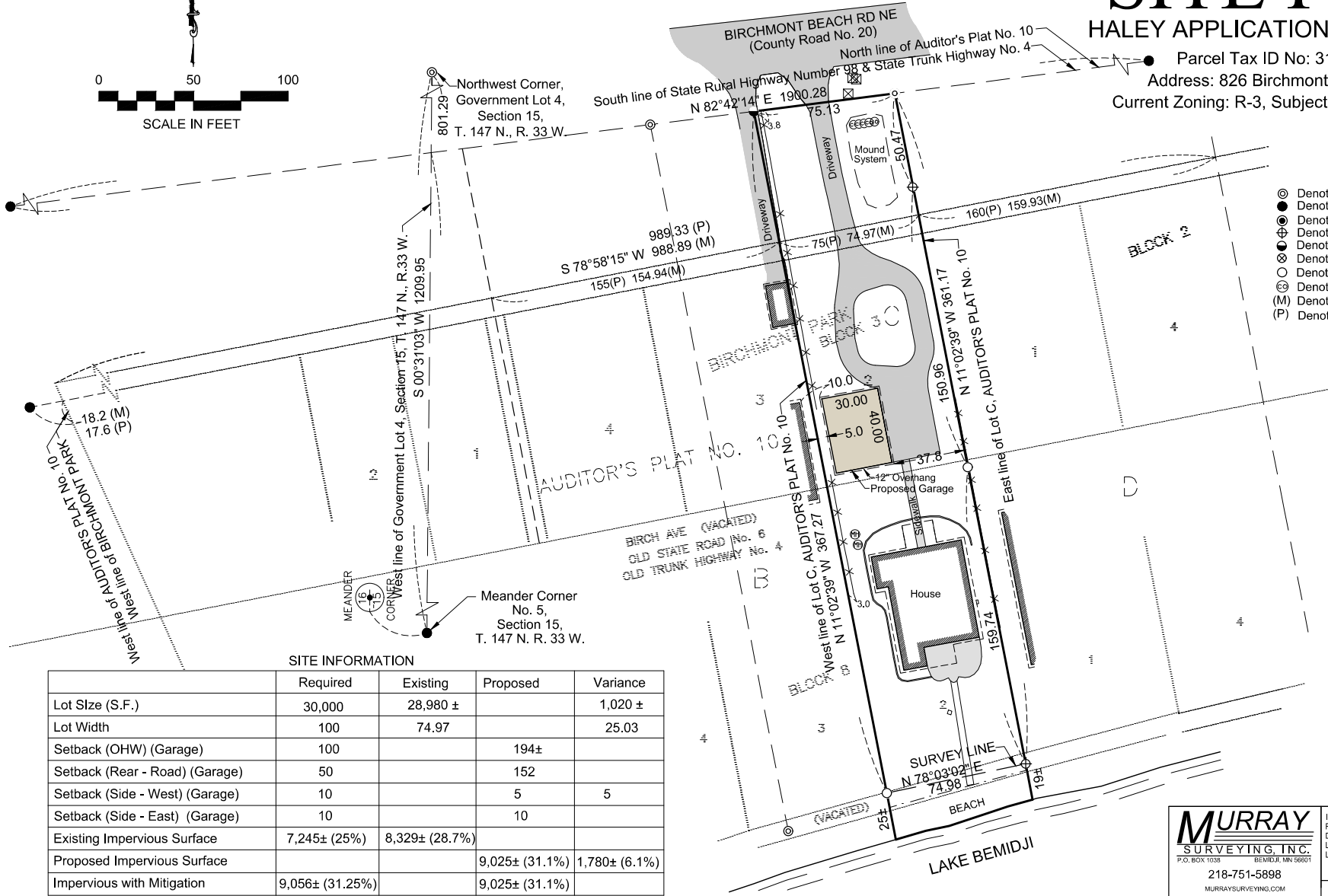
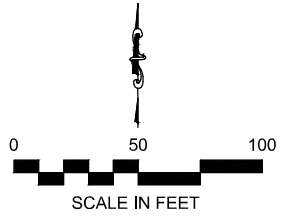
Yes. This existing neighborhood has continued to see redevelopment on small lots through variances in recent years.

Site Plan(s)

SITE PLAN

HALEY APPLICATION FOR VARIANCE

Parcel Tax ID No: 310087800
 Address: 826 Birchmont Beach Rd NE
 Current Zoning: R-3, Subject to Shoreland Overlay



- LEGEND**
- ⊙ Denotes 1/2 iron pipe, LS 15483, found
 - Denotes 3/4 inch iron pipe, found
 - ⊕ Denotes 1/2 inch iron pipe, found
 - ⊗ Denotes solid iron pin, found
 - ⊙ Denotes P.K. Nail, found
 - ⊗ Denotes 1/2 inch iron pipe, found
 - Denotes 1/2 inch iron pipe, LS 15483, set
 - ⊕ Denotes septic system cleanout
 - (M) Denotes measured course and/or distance
 - (P) Denotes platted course and/or distance

SITE INFORMATION

	Required	Existing	Proposed	Variance
Lot Size (S.F.)	30,000	28,980 ±		1,020 ±
Lot Width	100	74.97		25.03
Setback (OHW) (Garage)	100		194±	
Setback (Rear - Road) (Garage)	50		152	
Setback (Side - West) (Garage)	10		5	5
Setback (Side - East) (Garage)	10		10	
Existing Impervious Surface	7,245± (25%)	8,329± (28.7%)		
Proposed Impervious Surface			9,025± (31.1%)	1,780± (6.1%)
Impervious with Mitigation	9,056± (31.25%)		9,025± (31.1%)	

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

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.

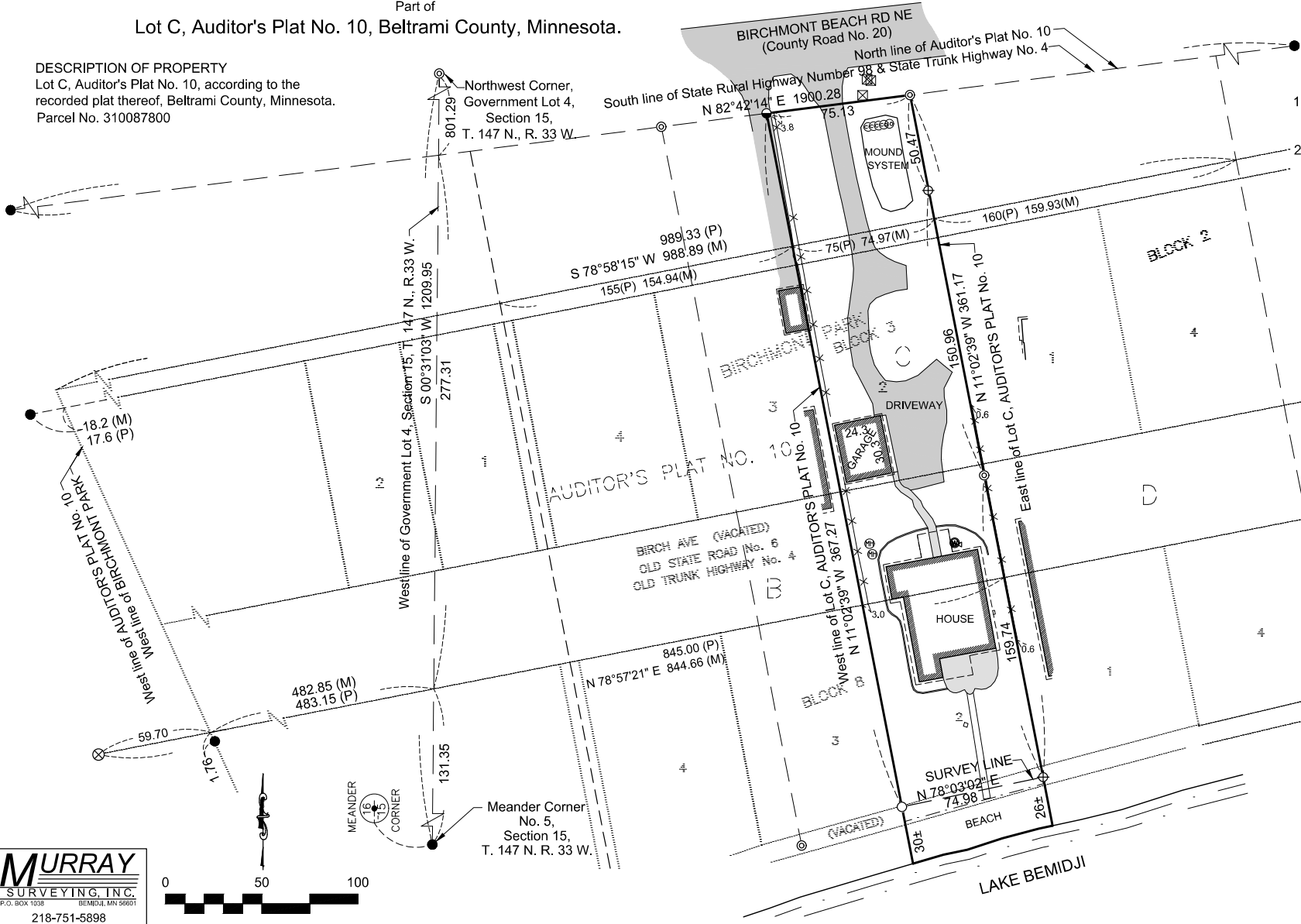
Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 07-18-2021 FILE NO. 21-171

CERTIFICATE OF SURVEY

Part of
 Lot C, Auditor's Plat No. 10, Beltrami County, Minnesota.

DESCRIPTION OF PROPERTY

Lot C, Auditor's Plat No. 10, according to the recorded plat thereof, Beltrami County, Minnesota. Parcel No. 310087800



- NOTES TO SURVEY
- Bearing system based on the Beltrami County Coordinate System, South Zone, NAD83.
 - The subject property is described in relation to Auditor's Plat 10, which included portions of the plat of BIRCHMONT PARK. Iron monuments stemming from the plat of BIRCHMONT PARK were used in the boundary determination shown hereon along with existing monuments found located in proportion with the platted lot dimensions. The iron monuments were accepted as the best available evidence of the original platted lines given their close conformity with the platted dimensions and harmony with the location of long established structures.

- LEGEND
- ⊙ Denotes 1/2 inch iron pipe, LS 15483, found
 - Denotes 3/4 inch iron pipe, found
 - ⊕ Denotes solid iron pin, found
 - ⊗ Denotes P.K. Nail, found
 - ⊗ Denotes 1 1/2 inch iron pipe, found
 - Denotes 1/2 inch iron pipe, LS 15483, set
 - ⊙ Denotes septic system cleanout
 - (M) Denotes measured course and/or distance
 - (P) Denotes platted course and/or distance

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.

Robert W. Murray
 ROBERT W. MURRAY LICENSE NO. 15483
 DATE: 07-19-2021 FILE NO. 21-171-C-1

MURRAY
 SURVEYING, INC.
 P.O. BOX 1038 BEMIDJI, MN 56601
 218-751-5898

Applications & Supporting Documents



**Greater Bemidji Area
Joint Planning Board**

Application for Variance

Please complete this application carefully and completely. PLEASE PRINT. 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 the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

An escrow of \$ 500 made payable to the City of Bemidji must accompany this application. Additional escrow or verification fees may apply for approved projects.

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

Complete Application Rec'd 7/30/21
 Payment Rec'd 7/30/21
 Field Checked _____
 Zoning District R-3/Shoreland
 Date Permitted _____
 Permit Number V-21-3100878.00
 Comments _____

M118

APPLICANT DATA

NAME OF APPLICANT: Mark and Bunita Halcy EMAIL: bunnic@bharviyagetravelid.com
 MAILING ADDRESS: 104 Rivers Edge Dr, Grand Forks, ND 58201
 SITE ADDRESS: 826 Birchmont Beach Rd NE PARCEL: 310087800
 PHONE NUMBER: WORK _____ HOME 218-791-9993
 CONTRACTOR NAME: Murray Surveying, Inc PHONE: 218-751-5898

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?
 Explain _____

OFFICE USE ONLY

Property Dimensions: Width 75 ft Depth 375 ft Total area 28,130 sq ft acres
 Is there one acre of contiguous land on the property? Yes No
 Have there been any Variances/Use Permits granted on this property? Yes No Don't Know Attach copies
 Is property within 1000 feet of a public water? Yes No Is property in an airport zone? Yes No
 Septic Data: Year Installed: 2017 Last Compliance Inspection: 2017
 Pass Compliance Fail Compliance Notarized Stipulation Other _____
 Municipal Services: Water Yes No Sewer: Yes No If no, is hook up possible? Yes No

EXPLANATION OF REQUEST FOR VARIANCE

What specific standard(s) are you requesting variance from (lot size, setbacks, etc.)? Display on site plan.

(1) lot size, (2) lot width, (3) Side yard, (4) Impervious Surface

What standard(s) or measurement(s) are you requesting (be specific)? Display on site plan.

(1) 1,020 SF Variance, (2) 25.03 Variance, (3) 5 feet, (4) 1,780 SF (6.1%)

Describe the existing use of your property:

Single family residential

Will the use of your property change with the variance? Yes No

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

Explain This variance proposes to construct a new garage in largely the same location as the existing one. The garage will be similar to other garages on adjacent residential properties.

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 location of the existing residence and width of the lot limit construction options. The goal is to reconstruct the garage

a manner that ensures privacy/security without blocking the front of the entrance and while still ensuring the maneuverability of vehicles in and out of the garage while also protecting the existing trees in the north and east of proposed -

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 The substandard parcel automatically triggers the need for a variance. Alternatives were considered but none accomplished the goals associated with maneuverability and not blocking the front of the residence

Explain the practical difficulty that exists with your request:

A five foot setback variance is being sought to position the garage in a location that ensures maneuverability and does not block the residence. This is an impement in the current side yard setback and ensures to be from adjacent structure. The location is similar to other structures in the area.

Assuming that a practical difficulty 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.)?

Stormwater mitigation

Emergency access is still readily achievable.

(Use additional sheets if necessary)

STRUCTURAL/CONSTRUCTION DATA (if applicable)

Proposed Structure/Use:	New Single Family Residence _____	Building Alteration _____
	Garage (Attached) _____	Detached Garage <input checked="" type="checkbox"/>
	Accessory Building/Multi Family Dwelling _____	
	Commercial Building _____	Other (Explain) _____

Structure Dimension(s): Width 30 + 1ft overhangs ft. Length 40 + 1ft overhangs ft. Height (to roof peak) 25 ft. Total S.F. 1200

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Structure Dimension(s): Width _____ ft. Length _____ ft. Height (to roof peak) _____ ft. Total S.F. _____

Total number of bedrooms after construction: 2

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

Estimated Cost of construction: \$ TBD

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

ALL APPLICANTS MUST SIGN BELOW

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

Applicant: Mark Halcyon Applicant: Bonita Rugg Halcyon

Date: 7-30-21

OFFICE USE ONLY		
Reviewed by <u>[Signature]</u>	Date <u>8/2/2021</u>	Complete Application <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

COMPLETED FORMS CAN BE SUBMITTED AT CITY HALL, 317 4TH STREET NW, LOWER LEVEL

Beltrami County, MN

No Delinquent Taxes and Transfer Entered: 10/17/16

Certificate of Real Estate Value (X) Filed () Not Required

Certificate of Real Estate Value: 25233 10/17/2016

JoDee Treat by SW

County Auditor/Treasurer Deputy

Parcel: 31.00878.00

OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA
THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 10/17/2016 AT
04:17:20PM BY DOCUMENT NUMBER
A000559247

CHARLENE D. STURK
COUNTY RECORDER
WELL CERT RECEIVED: Y
WELL CERT NOT REQUIRED: N
PAGES: 2
Electronically Recorded Document
Document Electronically Recorded

(Top 3 inches reserved for recording data)

WARRANTY DEED

Individual(s) to Joint Tenants

Minnesota Uniform Conveyancing Blanks
Form 10.1.5 (2013)

eCRV number: 577342

DEED TAX DUE: \$1,452.00

DATE: October 17, 2016

(month/day/year)

FOR VALUABLE CONSIDERATION, Lucille M. Wright, a single person ("Grantor"), hereby convey(s) and warrant(s) to Mark D. Haley and Bonita Rygg Haley ("Grantee"), as joint tenants, real property in Beltrami County, Minnesota, legally described as follows:

Lot C, Auditor's Plat No. 10

Beltrami County, Minnesota

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

- (a) building and zoning laws, ordinances, and state and federal regulations;
- (b) restrictions relating to use or improvement of the property without effective forfeiture provisions;
- (c) reservation of any mineral rights by the State of Minnesota;
- (d) utility and drainage easements which do not interfere with existing improvements

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: 1016494.)
- I am familiar with the property described in this instrument and I certify 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 Amount Paid: \$1,452.00
 Deed Tax Date Paid: 10/17/2016
 Deed Tax Receipt No.: 216779
 JoDee Treat by SW
 County Auditor/Treasurer Deputy
 Parcel: 31.00878.00

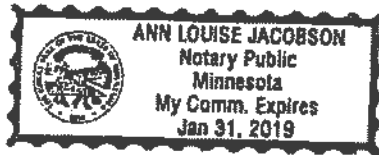
Grantor

Lucille M. Wright
 Lucille M. Wright

State of Minnesota, County of Beltrami

This instrument was acknowledged before me on October 14, 2016, by Lucille M. Wright, a single person.

(Stamp)



Ann Jacobson
 (signature of notarial officer) Ann Jacobson
 Title (and Rank): notary public
 My commission expires: 1-31-19

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Ann Jacobson
 LEER Title Services
 2300 24th Street NW, Suite 104
 Bemidji, MN 56601

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN
 THIS INSTRUMENT SHOULD BE SENT TO:
 (insert legal name and residential or business address of Grantee)
 Mark D. Haley and Bonita Rygg Haley
 104 Rivers Edge Drive
 Grand Forks, ND 58201

BELTRAMI COUNTY FOR INFORMATIONAL PURPOSES ONLY. NOT TO BE RECORDED.

Matt - Murray Surveying, Inc.

From: bonnie@bonvoyagetravelnd.com
Sent: Friday, July 30, 2021 3:31 PM
To: Jamin.Carlson@ci.bemidji.mn.us
Cc: rmmurray@paulbunyan.net
Subject: Haley Garage

Hi Jamin,

We are submitting our variance application today through Matt Murray and we received this email in support of our garage project from our next door neighbors Susan and Bruce Nord, see below:

Bonita (Bonnie) Rygg Haley
218-791-9993

826 Birchmont Beach Rd N E
Bemidji MN 56601

From: bonnie@bonvoyagetravelnd.com <bonnie@bonvoyagetravelnd.com>
Sent: Friday, July 30, 2021 3:23 PM
To: 'rmmurray@paulbunyan.net' <rmmurray@paulbunyan.net>
Subject: Haley Garage

From: Bruce Nord <ozzie@bclean.com>
Sent: Friday, July 30, 2021 3:15 PM
To: Travel Leaders-Bon Voyage Travel <bonnie@bonvoyagetravelnd.com>
Subject: Re: Haley Garage

To whom it may concern:

We have reviewed the Haley Site Plan for their new garage, and we are in support of the proposed side yard setback of 5 feet.

The existing garage has been there for 50 plus years, and the location has never been an issue. We believe the new garage would be a welcome improvement to the property.

Sincerely,

Bruce & Susan Nord

Date: 2/22/94

TOWNSHIP: Northeast

VARIANCE OR CONDITIONAL USE REQUEST

March 7 1994
Hearing Date

STUART WRIGHT
Name

31.00878.00

Phone No.

Work Performed after Initial Receipt of Application

- 2/22/94 File made up, township indicated on front of file
- 2/22/94 Letter sent to town board chairman indicating upcoming variance w/copy of Variance
- 2/22/94 Names looked up of affected property owners
- 2/22/94 Letter sent to affected property owners (within 20 days)
- 2/22/94 Letter sent, if applicable, to MHB people or Army Corp
- _____ Added to Variance or Conditional Use indexing
- _____ Form letter sent to property owner about MHB jurisdiction
- _____ Notification of date of MHB meeting sent to property owner

Public Hearing Process

- _____ Legal to paper (within 10 days of hearing date)
- _____ Field comments done
- _____ Town Board Letter Received (date) _____
- _____ Property Owner Letters Received
- 1. _____
- 2. _____
- 3. _____
- _____ Agenda Typed
- _____ Field comments sent to Planning Commission, property owners & County Attorney, Town Board

Recording Process

- _____ If approved, permit typed and signed by BOA chairman and sent out. / If Conditional Use, signed by County Board also.
- _____ Typed for recording
- _____ After back from recording, indicated on file and also on Variance and Conditional Use indexing.

VIOLATION - DATES CONTACTED AND DOCUMENTED

Sent to Recorder: Sent Recording form 4/15/94

Approved
3/7/94

PLANNING AND ZONING DEPARTMENT

BELTRAMI COUNTY, MINNESOTA

(218) 751-7300, Ext. 139

APPLICATION FOR VARIANCE

Pursuant to Section 7.3 of Beltrami County Shoreland Management Ordinance

No. 6, Stuart Wright
(NAME)

of 826 Birchmont Beach Rd NE, Bemidji, MN
(ADDRESS)

applies to the Board of Adjustment of Beltrami County, Minnesota, for a Variance from said Ordinance as hereinafter more particularly set forth.

1. Description of real estate property affected (use additional sheet if necessary)

_____ name of lake Bemidji

2. Owner of real estate property affected

Stuart Wright

3. If applicant is other than owner, set forth the interest of applicant in the property

4. State whether applicant is an individual, corporation or partnership, and, if partnership, give names and addresses of partners

Individual

5. Section of Ordinance from which Variance is requested

6. Statement of facts upon which application is based (use additional sheet if necessary)

Want to enlarge laundry - utility room
to draw

Application will not be processed unless the application and sketch have been completed.

Dated: 2-17-94 Signed: Luise Knight

WHITE — OFFICE

CANARY — APPLICANT

PINK — TOWN BOARD

AN AFFIRMATIVE ACTION EMPLOYER

\$200.00 fee

Mississippi Headwaters Board

APPLICATION FOR VARIANCE

Name of Applicant: Stuart Wright Date: _____
Address: 826 Birchmont Beach Rd NE
City, State, Zip: Bemidji, MN 56601 Phone: 751-4085
Legal Description: Auditor's plat 10, lot - ⁰⁰⁶~~004~~

Sect. _____ Twp _____ Rge _____ Twp Name Northern
Lake No. _____ Lake Class _____ Lake/River Name Bemidji
Applicant is: Owner Buyer Agent Other
Current use of property: Residential
Intended use of property: Same
Use and character of surrounding property: Same

Section of Ordinance from which variance is requested: _____

Brief summary of why a variance is required: to construct an addition to north side of existing house to enlarge laundry room - utilities room & master bedroom

A variance may be granted where the strict enforcement of county zoning controls will result in unnecessary hardship. Whether a hardship exists is determined by considering each of the following 6 criteria. Please summarize the facts as to your property and alleged hardship with regard to each of the 6 factors, using additional paper if necessary:

1. Facts showing variance would be in harmony with the intent of the comprehensive plan, zoning ordinance and state Shoreland Management Rules.

The property presently has a building on it that we would like to remove.

2. Facts showing that, without the variance, the owner is deprived of a reasonable use of the property.

Too small to meet our needs

3. Facts showing that the plight of the landowner is due to circumstances unique to this property.

Home was existing prior to shoreline ordinance.

4. Facts showing that the circumstances causing the hardship were created by someone or something other than the landowner or previous landowners.

Same as 3

5. Facts showing that issuance of the variance will maintain the essential character of the locality.

Other homes in area within setback.

6. Facts showing that the alleged hardship involves more than economic considerations.

home built prior to 1972

Application will not be processed unless the application and the sketch have been completed.

DATED: 2-17-94

Lucille Wright
Applicant's Signature

Mississippi Headwaters Board

REQUIRED BUILDING PLAN FORM

Name of Applicant: Stuart Wright Date: _____
Address: 826 Birchmont Beach Rd NE
City, State, Zip: Bemidji, MN 56601
Phone: Day 751-4143 Evening 757-4085
Legal Description: Auditor's plat #10 LOT -000

(Copy of deed preferable)

Directions to Property: From Old Hwy 71 to County 20,
one block off 71 on City 20

(Include 412 fire number and nearby roads and other landmarks.)

Sect. _____ Twp _____ Rge _____ Twp Name Northern

Lake No. _____ Lake Class _____ Lake/River Name Bemidji

Applicant is: Owner Buyer Agent Other

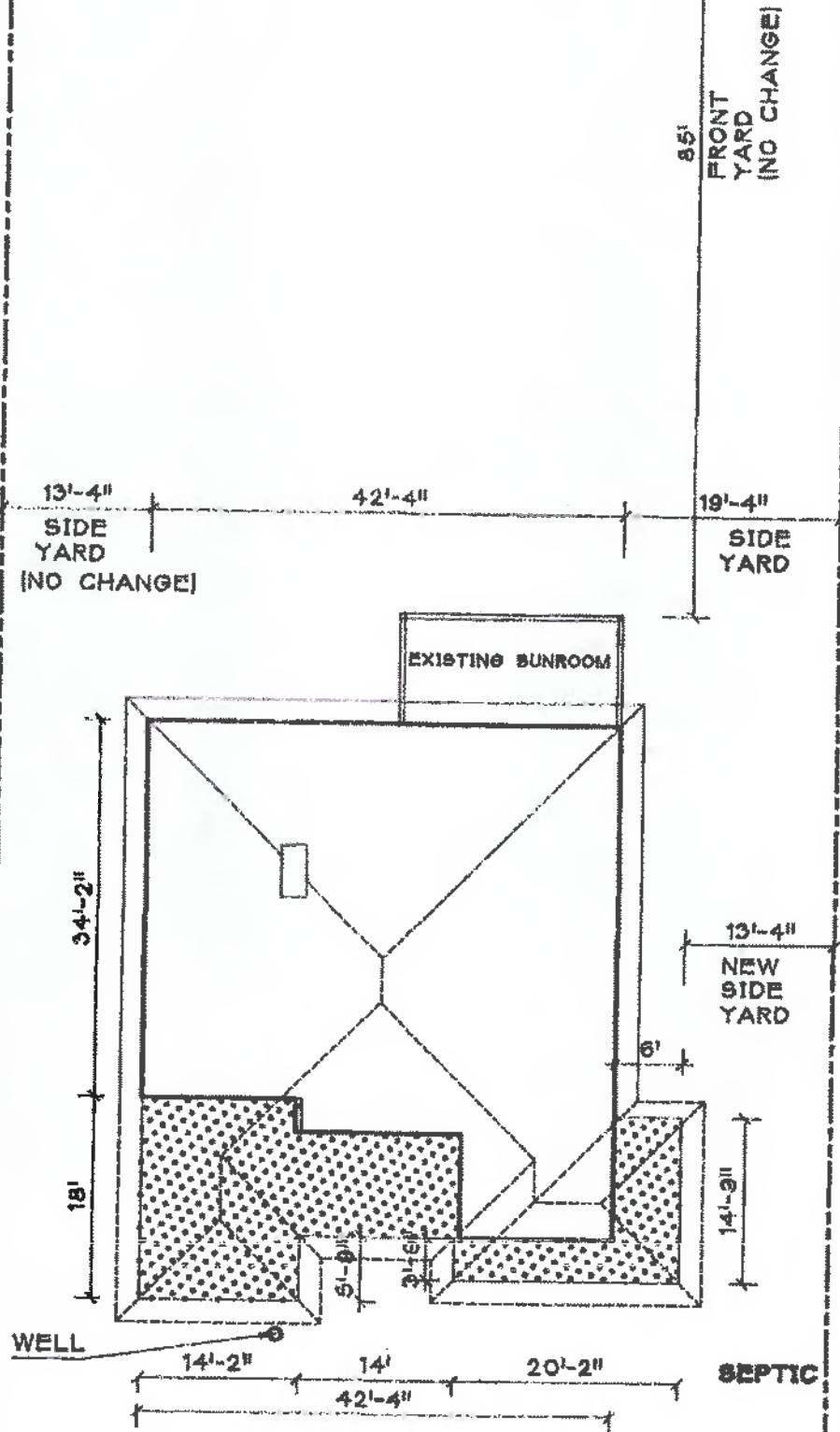
Sketch must be prepared and attached following these guidelines:

1. Prepared in scale where each quarter-inch is equal to 2 feet, 5 feet or 10 feet; note the scale on the map.
2. Indicate direction north with arrow. Indicate water body.
3. Locate all permanent structures on property. Indicate all structural dimensions, including patios, decks and porches. Show all setback of structures measured horizontally from the Ordinary High Water Mark of the water.
4. Indicate lot dimensions, including road right of way, ordinary high water mark of water body, side yard setback near lot lines, sewage systems, wells, adjacent property wells, adjacent sewage systems and adjacent structures. Indicate size and depth of well casing.
5. Indicate permanent structures in solid lines; remodeling or additions should be shown in dotted lines.
6. Other information required by the local governing body, including the Mississippi Headwaters Natural Landscape Protection Plan.

LAKE BEMIDJI

HIGHWATER MARK

DOTTED AREA INDICATES NEW ADDITION
TOTAL AREA OF NEW = 550 SQUARE FEET



SITE PLAN - EXISTING & NEW ADDITION
Scale: 1/16" = 1'-0"

Individual Personal Representative
to full value: \$

No delinquent taxes, certificate of real estate value received, and transfer entered

to _____ 19__

by _____
County Auditor
Deputy

OFFICE OF COUNTY RECORDER
Beltrami County, Minnesota

This instrument was filed in the _____ day of _____, 19__ at _____ P.M. and was duly recorded by _____

Instrument No. 291334

Ann F. Allen
County Recorder

(reserved for recording if U.S.)

STATE DEED TAX DUE HEREON: \$198.00

Date: September 13, 1985

FOR VALUABLE CONSIDERATION IVER AMUNDSEN, JR. Grantor

as Personal Representative of the Estate of Decedent, single married at the time of death; hereby conveys in Grantee(s), real property in Beltrami County, Minnesota, described as follows:

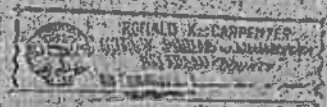
Lot C, Auditor's Plat No. 10.



together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA }
COUNTY OF Beltrami } MN

The foregoing instrument was acknowledged before me this 13th day of September, 1985, by Iver Amundsen, Jr., Personal Representative of the Estate of Charles Iver Amundsen, Decedent.



SPOUSE OF DECEDENT, CONSENTS TO THIS DEED

Name of Spouse _____

STATE OF MINNESOTA }
COUNTY OF _____ } MN

The foregoing instrument was acknowledged before me this _____ day of _____, 19__ by _____, Decedent, and _____, spouse of _____.

THIS INSTRUMENT WAS DRAFTED BY
SHLTH, CARPENTER, BENSHOFF & KLEIN, P.A.
1150 1/2th Street
Bemidji, Minnesota 56601

Statements for recording have been made on the real property described herein and have been sent to
Mr. Stewart W. Wright
3120 Birchmont Drive NE
Bemidji, MN 56601

SKETCH REQUIREMENTS FOR BUILDING
AND/OR SANITARY PERMITS

THE FOLLOWING INFORMATION IS MANDATORY AND MUST BE INCORPORATED
INTO THE SKETCH OR IT SHALL BE RETURNED FOR COMPLETION:

1. Use the entire sketch sheet.
2. Name, Date and Permit Number.
3. North Arrow
4. The entire sketch must be to scale.
 - a. Working scale example: 1" = 10'.
Show the scale of measurement chosen.
 - b. Exception: If the property lines, road/s, well/s, shoreline, or structures are greater than 600 feet from the area under construction, place a directional arrow with the distance in feet stated.
The remainder of the sketch must be to scale.
5. Show the dimensions and configuration of the affected property.
6. Include if applying for a SANITARY PERMIT:
 - a. Show the entire layout of the septic system.
 - b. Show the distances from the closest point of the septic tank and drainfield to road/s, shoreline, property lines, structures, and wells. (This includes neighboring wells within 100 feet.)
7. Include if applying for a BUILDING PERMIT:
 - a. Show the distances from the building to the road/s, shoreline, property lines, well and all other structures on the affected property.

Dear Property Owner:

Stuart Wright of 826 Birchmont Beach Rd. N.E. Bemidji, MN. is requesting a Variance Permit for the purpose to construct an addition to the North side of existing home.

The addition would enlarge laundry and utility room and the master bedroom.

This will not be on the lake side of the home.

The home is now 85 feet from Lake Bemidji.

Lake Bemidji is a GD Lake that requires a 100 foot setback.

This property is located at Auditors plot 10, Lot 00C.



Beltrami County

Bemidji, Minnesota 56601

February 22, 1994

Dear Property Owner:

You are hereby officially notified that the Beltrami County Board of Adjustment shall conduct a public hearing on March 7, 1994, at 7:00 p.m. in the Beltrami County Commissioner's Meeting Room, Courts' Annex, second floor, for the purpose to hear public comments on the Variance application of Stuart Wright, 826 Birchmont Beach Rd. NE; Bemidji, MN 56601.

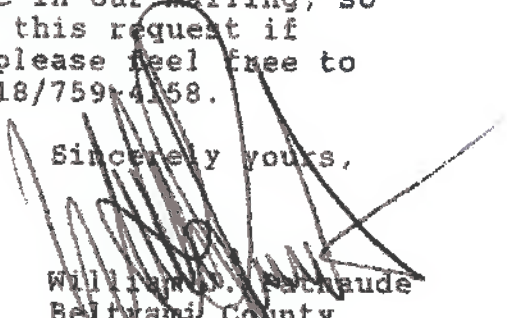
LEGAL DESCRIPTION:

Lot C, Auditor's Plat No. 10

Stuart Wright is requesting a Variance permit for the purpose to construct an addition to the North side of existing home. The addition would enlarge laundry and utility room and the master bedroom. This will not be on the lake side of the home. The home is now eighty-five (85) feet from Lake Bemidji. Lake Bemidji is classified as General Development Lake that requires a one hundred (100) foot setback.

Anyone having comments either in favor or in opposition to the applicant's request, may submit those comments in writing no later than 4:30 p.m., March 4, 1994. If you wish to attend the public hearing you may do so by noting the time and place above. It seems that we inadvertently miss someone in our mailing, so please let your immediate neighbor know of this request if possible. Should you have any questions, please feel free to call the Planning & Zoning Department at 218/759-4158.

Sincerely yours,



William W. Packard
Beltrami County
Planning & Zoning
Director

WJP:sej

3100 873.00 Birchman Inc., 530 Birchmont Beh Rd NE
 874.00 " "
 469.00 " "
 469.00 " "
 384.00 " "
 383.00 " "
 380.00 " "
 874.01 Randolph Rutgeer, 530 Birchmont Beh Rd NE
 875.00 Orval & Ruth Nord, 2015 Chestnut, Grand Forks, ND 58201
 878.00 Stuart Wright, 826 Birchmont Beach Rd N. P.O. Bx 280; Bemidji
 876.00 Randolph Rutgeer
 877.00 " "
 879.00 David & Mayfield Blair, 906 Birchmont Beh Rd NE,
 881.00 Calvina Patricia Hegstrom, 1760 Hwy A1A S; St. Augustine, FL 32084
 880.00 Frances & Vernon Mikkelson, 4574 Belmont Rd, Grand Forks, ND 58201
 882.00 Jane O'Neill; 926 Birchmont Beh Rd NE
 882.01 Stephens & Sully Patterson; 924 Birchmont Beh Rd NE
 883.00 Jack & Donna Naylor, 1070 Birchmont Beh Rd NE
 884.00 Richard & Debra Dehnson, 1026 Birchmont Beh Rd NE
 382.00 State of Minn.
 210.00 Unknown Parcel
 230.00 Gregory & Jacquelyn Ward, 10037 Bemidji Rd NE
 341. Leonard & Gertrude Hein; 5014 Birchmont Dr. NE, P.O. Box 1352
 342 Orval & Ruth Nord
 343 Fritz Building Co. Inc., 815 N 3rd St. Bldg. 6, Grand Forks, ND 58201
 345 Calvina & Patricia Hegstrom, 1760 Hwy A1A
 346.01 Stephen & Sully Patterson
 346 Jane O'Neill
 347 Mary E. Allen, 1027 Birchmont Beh Rd NE
 348 T. A. ... Birchmont Beh Rd NE

530 Birchmont Beach Rd. NE
Bemidji, MN 56601

530 Birchmont Beach Rd. NE
Bemidji, MN 56601

2015 Chestnut
Grand Forks, ND 58201

Stuart Wright
826 Birchmont Beach Road N.
P.O. BOX 280
Bemidji, MN 56601

David & Mayfield Blair
906 Birchmont Beach Rd. NE
Bemidji, MN 5660

Calvin & Patricia Hegstrom
1760 Hwy AIA S.
Augustine, FL 32084

Frances & Vernon Mikkelsen
4574 Belmont Road
Grand Forks, ND 58201

Jane O'Neill
926 Birchmont Beach Rd. NE
Bemidji, MN 56601

Stephen & Sally Patterson
924 Birchmont Beach Rd NE
Bemidji, MN 56601

Jack & Donna Naylor
1010 Birchmont Beach Rd. NE
Bemidji, Mn 56601

Richard & Donna Dickinson
1026 Birchmont Beach Rd. NE
Bemidji, MN 56601

DNR - Trails & Waterways
2115 Birchmont Beach Rd. N1
Bemidji, MN 56601

Gregory & Jacquelyn Ward
10027 Bemidji Rd. NE
Bemidji, MN 56601

Leonard & Gertrude Hein
5014 Birchomnt Dr. NE
P.O. BOX 1352
Bemidji, MN 56601

Fritz Building Co. Inc.
815 N. 39th St. Bldg. G
Grand Forks, ND 58201

Mary K. Allen
1027 Birchmont Beach Rd. NE
Bemidji, MN 56601

Janet Dickinson
1026 Birchmont Beach Rd. NE
Bemidji, MN 56601

Northern Township
Mary Isrealson
445 Town Hall Road NW
Bemidji, MN 56601

Mississippi Headwaters Board
Molly MacGregor
Cass County Courthouse
Walker, MN 56484

Robert Klug
Route 1 Box 1
Blackduck, MN 56630

Diane Labadie
6204 Lagoon Dr. NE
Bemidji, MN 56601

Tom Lloyd, Jr.
P.O. Box 103
Bemidji, MN 56601-0103

Tim Feiock
1030 Augusta Dr. NE
Bemidji, MN 56601

Diane Mistic
Route 1 Box 50
Puposky, MN 56667

Charles Lundblad
12113 Birchmont Beach
Rd NE
Bemidji, MN 56601

Commissioner Brad Nord
9333 Power Dam Road NE
Bemidji, MN 56601

Mr. Kirk English
DNR - Division of Waters
2115 Birchmont Beach Rd. NE
Bemidji, MN 56601

Ann Allen
County Recorder

Assistant County Attorney
Randy Berg

Mr. Greg Lewis
Co. Administrator

Beltrami County

Bemidji, Minnesota 56601



February 22, 1994

Dear Property Owner:

You are hereby officially notified that the Beltrami County Board of Adjustment shall conduct a public hearing on March 7, 1994, at 7:00 p.m. in the Beltrami County Commissioner's Meeting Room, Courts' Annex, second floor, for the purpose to hear public comments on the Variance application of Stuart Wright, 826 Birchmont Beach Rd. NE; Bemidji, MN 56601.

LEGAL DESCRIPTION:

Lot C, Auditor's Plat No. 10

Stuart Wright is requesting a Variance permit for the purpose to construct an addition to the North side of existing home. The addition would enlarge laundry and utility room and the master bedroom. This will not be on the lake side of the home. The home is now eighty-five (85) feet from Lake Bemidji. Lake Bemidji is classified as General Development Lake that requires a one hundred (100) foot setback.

Anyone having comments either in favor or in opposition to the applicant's request, may submit those comments in writing no later than 4:30 p.m., March 4, 1994. If you wish to attend the public hearing you may do so by noting the time and place above. It seems that we inadvertently miss someone in our mailing, so please let your immediate neighbor know of this request if possible. Should you have any questions, please feel free to call the Planning & Zoning Department at 218/759-4158.

Sincerely yours,

It looks like the Wrights have a good plan and we have no objections to granting of the variance.

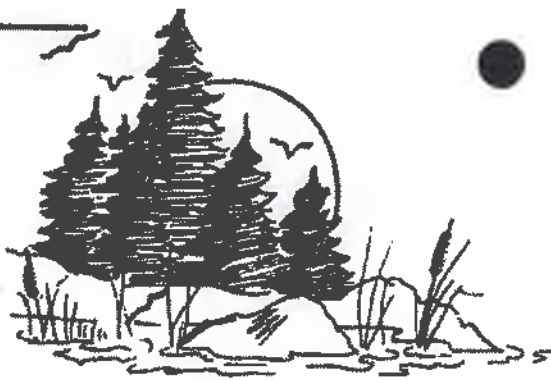
Sincerely,

Dick and Donna Dickinson 3-2-94
WJP:sej

William D. Patlaude
Beltrami County
Planning & Zoning
Director

Beltrami County

Bemidji, Minnesota 56601



February 22, 1994

Dear Property Owner:

You are hereby officially notified that the Beltrami County Board of Adjustment shall conduct a public hearing on March 7, 1994, at 7:00 p.m. in the Beltrami County Commissioner's Meeting Room, Courts' Annex, second floor, for the purpose to hear public comments on the Variance application of Stuart Wright, 826 Birchmont Beach Rd. NE; Bemidji, MN 56601.

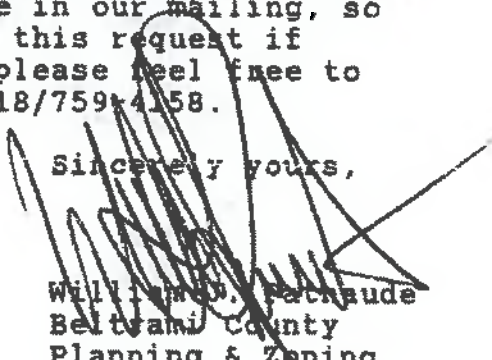
LEGAL DESCRIPTION:

Lot C, Auditor's Plat No. 10

Stuart Wright is requesting a Variance permit for the purpose to construct an addition to the North side of existing home. The addition would enlarge laundry and utility room and the master bedroom. This will not be on the lake side of the home. The home is now eighty-five (85) feet from Lake Bemidji. Lake Bemidji is classified as General Development Lake that requires a one hundred (100) foot setback.

Anyone having comments either in favor or in opposition to the applicant's request, may submit those comments in writing no later than 4:30 p.m., March 4, 1994. If you wish to attend the public hearing you may do so by noting the time and place above. It seems that we inadvertently miss someone in our mailing, so please let your immediate neighbor know of this request if possible. Should you have any questions, please feel free to call the Planning & Zoning Department at 218/759-4158.

Sincerely yours,


William D. Patkaude
Beltrami County
Planning & Zoning
Director

*DNR-Trails? Waterways has no
comments on this variance
request.*

*PL
3/2/94*

WJP:sej

RECEIVED

FEB 24 1994

TRAILS AND WATERWAYS
BEMIDJI, MINNESOTA

NORTHERN TOWNSHIP

445 Town Hall Road, N.W.
Bemidji, Minnesota 56601
218-751-4989

March 3, 1994



Mr. William Patnaude
Beltrami Co. Planning
and Zoning Director
Beltrami County Courthouse
Bemidji, MN 56601

Re: Variance Requests for Doug Lindsey, Stuart Wright and
Martha Busby

Dear Mr. Patnaude:

Please be advised that the Northern Township Planning Commission reviewed the above three mentioned Variance Requests at their March 2, 1994 Planning Commission Meeting and they have no objection to these requests.

We appreciate the proper notification supplied by your office in regards to these requests and we trust that this practice will continue on into the busy season so that this board can continue to have input if any into the decision making on these Variance requests.

Once again many Thanks and we look forward to working with you during the upcoming busy season.

Sincerely,

Becky Moe
Deputy Clerk

cc: File

MEMORANDUM

TO: Beltrami County Planning Commission/Board of Adjustment
FROM: Planning & Zoning Department
DATE: March 7, 1994
SUBJECT: Department's Comments on Cases to be Heard 3/7/94

Conditional Use

CASE: 94-01; Don Knudson & Marlon Davidson

They've remodeled the existing structure for the purpose to open operate a commercial bed & breakfast. The lake is an Unnamed Lake #4-80 which is classified as Natural Environmental lake.

The use falls into the use category of Commercial Planned Unit Development who's definition reads:

Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, resorts, recreational vehicle parks and campgrounds, and other primarily service-oriented activities are examples of commercial planned unit developments.

Variance

CASE: 94-01; Stuart Wright

Addition into rear side of his single family home located on Lake Bemidji. Addition over one hundred (100) feet from lake at the rear of the house. Neighbors Dick & Donna Dickinson do not object. Northern Townboard does not object.

Will need MHB Certification.

CASE: 94-02; Martha Busby

Permit to remove old dilapidated structure on S1/2 of Lot 7, Greenberg's V Point and replace it with a new single family home with a setback of forty-two (42) feet from the ordinary high water mark of Lake Bemidji. Northern Townboard does not object. Stipulation that Busby file a plan to show location of new sewer system and well location as part of the approval.

Will need MHB certification.

CASE: 94-03; John & Tracey Hepola

Requesting a permit to add onto existing single family home located on the West shore of Black Lake. The lake is classified as a Natural Environmental Lake which requires a building setback of one hundred fifty (150) feet from the ordinary high water mark. The closest point of the existing structure is sixty-two (62) feet from the ordinary high water mark of Black Lake.

Turtle Lake Townboard does not object.

CASE: 94-04; Douglas Lindsey

Requesting a permit to place an addition onto his existing single family home located on Lake Bemidji. The existing house is forty-five (45) feet from the ordinary high water mark of Lake Bemidji. This is the old Dr. Thompkins house on the east side of the lake.

Northern Townboard has no objections. Neighbor McDermont is not opposed. Neighbor Arnold Thompson is opposed. Neighbor directly to the north, Retzloff, is opposed.

Will need MHB certificate.

sj

March 11 1994
Planning & Zoning Director, William Patnaude, explained that the proposed use would fall under the definition of a Commercial Planned Unit Development. Tom Lloyd, Jr. asked if there was need for an Environmental Assessment Worksheet for this use. Patnaude explained that the use is attached to an already existing single family home and that it was not necessary to file an EAW on this proposal.

Diane Labadie moved to grant a Conditional Use permit to Don Knudson and Marlon Davidson for the purpose to establish the following use:

- A) A commercial two (2) unit Bed and Breakfast at the above legal description.
- B) That prior to opening of this use, that all applicable County and State licenses are obtained.
- C) Future expansion will require a new Conditional Use permit.

Tom Lloyd, Jr. second the motion. Chairman called for a roll call vote. Tom Lloyd, Jr., Diane Labadie, Charles Lundblad, Tim Feiock - aye. Motion was approved and carried.

* * * * *

A motion was made by Diane Labadie to adjourn the Beltrami County Planning Commission meeting of March 7, 1994 temporarily until later in the evening and convene the Beltrami County Board of Adjustment public hearing for March 7, 1994. Motion was second by Charles Lundblad. Planning Commission was officially adjourned.

Chairman Robert Klug called the Beltrami County Board of Adjustment to order.

94.01

First item before the Board of Adjustment was the Variance request of Stuart Wright, 826 Birchmont Beach Road NE; Bemidji, MN 56601.

LEGAL DESCRIPTION:

Lot C, Auditor's Plat No. 10

Stuart Wright is requesting a Variance permit for the purpose to construct an addition to the North side of existing home. The addition would enlarge the laundry and utility room and the master bedroom. This will not be on the lake side of the home. The home is now eighty-five (85) feet from Lake Bemidji. Lake Bemidji is classified as a General Development Lake that requires a one hundred (100) foot setback.

Diane Labadie made a motion approve the Variance request of Stuart Wright for the purpose to add an addition onto the rear of their existing home located on Lake Bemidji.

That the Northern Townboard had no objection and their were no objections raised by the Wright's neighbors.

Tom Lloyd, Jr. second the motion. Chairman called for a role call vote. Tom Lloyd, Jr., Charles Lundblad, Diane Labadie - aye. Tim Feiock - opposed. Motion was 3 - 1. Motion was approved and carried.

* * * * *

94.02

Next was the Variance of Martha A. Busby, 1726 Jefferson Avenue SW; Bemidji, MN 56601.

LEGAL DESCRIPTION:

South 1/2 of Lot 7, Greenberg's V Point

Martha A. Busby is requesting a Variance for the purpose to construct a new single family home and deck on this lot that presently has an old dilapidated building that is a neighborhood eye sore. The existing home has a setback of forty-two (42) feet from Lake Bemidji and with a ten (10) foot deck being added, it would have a thirty-two (32) foot setback. Lake Bemidji is classified as a General Development Lake which requires a one hundred (100) foot setback from the ordinary high water mark of the lake.

Motion was made by Diane Labadie to approve the Variance request of Martha A. Busby subject to the following stipulations:

- A) That the new house will be setback fifty-two (52) feet from the ordinary high water mark of Lake Bemidji.
- B) That the new house shall conform to the side yard setbacks requirement of ten (10) feet from the property line.
- C) That the Northern Townboard had no objections.
- D) That the lot is of record and in separate ownership.
- E) That the building presently located on it is a wreck.
- F) That the lot is 50 x 35 which does not allow for the proper setback from the ordinary high water mark of Lake Bemidji.

The motion was second by Charles Lundblad. Chairman called for a role call vote. Tim Feiock, Tom Lloyd, Jr., Charles Lundblad,

BELTRAMI COUNTY BOARD OF ADJUSTMENT
Beltrami County
Bemidji, Minnesota 56601

WHEREAS ON the 7th of March, 1994 the Beltrami County Board of Adjustment reviewed the application of Stuart Wright, 826 Birchmont Beach Road NE; Bemidji, Minnesota for a Variance.

THEREFORE UPON MOTION BY MRS. Diane Labadie, SECONDED BY MR. Tom Lloyd, Jr. DULY PASSED, IT WAS RESOLVED

To construct an addition to the North side (rear) of the existing home. This will not be on the lake side of the home. The home is now eighty-five (85) feet from Lake Bemidji.

LEGAL DESCRIPTION:

Lot C, Auditor's Plat No. 10

STATE OF MINNESOTA

ss

COUNTY OF BELTRAMI

I, William J. Patnaude, Zoning Administrator of Beltrami County, Bemidji, Minnesota, do hereby certify that the foregoing is a true and correct copy of a resolution allowing a Variance adopted by the Beltrami County Board of Adjustment at their meeting held March 7, 1994. Notice of said meeting was published February 23, 1994 and served by mail on February 22, 1994


Zoning Administrator
Beltrami County, Minnesota

PLANNING AND ZONING OFFICE
BELTRAMI COUNTY, MINNESOTA
218/759-4158

Pursuant to application, Stuart Wright, 826 Birchmont Beach Road
NE; Bemidji, MN 56601

is hereby granted a Variance permit as authorized by BOA of
Beltrami County Ordinance No. 6 for the following purposes:

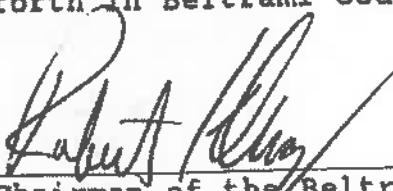
To construct an addition to the North side (rear) of the existing
home. This will not be on the lake side of the home. The home
is now eighty-five (85) feet from Lake Bemidji.

upon the premises in Beltrami County, Minnesota, described as
follows:

Lot C, Auditor's Plat No. 10

This permit is granted subject to any and all special conditions
herein stated and also subject to any and all applicable
regulations, standards and criteria set forth in Beltrami County
Ordinance 6.

DATED: March 7, 1994


Chairman of the Beltrami
County Board of
Adjustment



March 3, 1994

Stuart Wright
826 Birchmont Beach Road NE
Bemidji, MN 56601

Dear Mr. Wright:

Your request for a variance to build an addition on an existing home on Lake Bemidji will be reviewed for certification by the Mississippi Headwaters Board following action by the Beltrami County Board of Adjustment. The next meeting of the MHB is Thursday, March 31st in Brainerd.

The MHB will also meet in Walker (or possibly, Bemidji) on Friday, April 15th.

Your variance can be scheduled for action March 31st, but this would require you to travel to Brainerd, if you chose to attend the meeting. Moreover, Beltrami County Zoning Officer Bill Patnaude cannot attend the March 31st meeting.

With your permission, the MHB could schedule your action on April 15th. Please let me know if this scheduling is agreeable to you.

Sincerely yours,

Molly MacGregor
Director

cc: Bill Patnaude



MISSISSIPPI HEADWATERS BOARD

CASS COUNTY COURTHOUSE
P.O. BOX 3000
WALKER, MINNESOTA 56484
218/547-3300 EXT. 263
FAX 218/547-2440

March 15, 1994

Stuart Wright
826 Birchmont Beach Road NE
Bemidji, MN 56601



Dear Mr. Wright:

Beltrami County Planning & Zoning forwarded a copy of your application for Variance to our office to schedule its certification at the March meeting of the Mississippi Headwaters Board, pending approval by the county.

The meeting of the Mississippi Headwaters Board will be at 1:00 p.m., Thursday, March 31, 1994, at the Commissioner's Board Room, Crow Wing County Courthouse, Brainerd, Minnesota.

Your application will be placed on the tentative agenda for this meeting. The following items have not yet been received by the Mississippi Headwaters Board for a complete application packet:

_____	Completed application
_____	Building Site Plan (Map)
<u>XX</u>	Findings of Fact from the county

If any of these items are still missing at 10:00 a.m. the day before the meeting, your application will be pulled from the agenda and scheduled at a later date.

You are advised to be present or to be represented at the meeting. Please call if you have any questions.

Sincerely yours,

Molly MacGregor
Director

Sent 3/21/94

MM/tme
cc: Bill Patnaude

Mississippi Headwaters Board

FINDINGS OF FACT SUPPORTING/DENYING A VARIANCE

Name of Applicant: Stuart Wright Date: 3/21/94

Variance Requested: Addition to existing home away from the lake.

A variance may be granted only where the strict enforcement of county zoning controls will result in unnecessary hardship. A determination that a "hardship" exists is based upon consideration of the following criteria:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? YES (X) NO ()

Why or why not? The new addition is on the road side at a setback of 119' from the lake.

2. Without the variance, is the owner deprived of a reasonable use of the property? YES (X) NO ()

Why or why not? Owner wishes to improve property without having to encroach on the lake setback.

3. Is the alleged hardship due to circumstances unique to this property? YES (X) NO ()

Why or why not? The home was constructed prior to Shoreland Zoning. The owner's home has a setback of 85' from the ordinary high water mark of Lake Bemidji.

4. Were the circumstances causing the hardship created by someone or something other than the landowner or previous landowners? YES (X) NO ()

Why or why not? The owner is not the original builder of the home. The original setback for Lake Bemidji was 75' from the ordinary high water mark of the lake.

5. Will the issuance of the variance maintain the essential character of the locality? YES (X) NO ()

Why or why not? The essential character of the locality is residential. The applicants use is residential.

6. Does the alleged hardship involve more than economic considerations? YES (X) NO ()

Why or why not? The request is so that the property owner can improve his property without having to encroach on the lake side required setback.

If all answers are YES, the criteria for granting the variance have been met.

Facts supporting the answer to each question, above, are hereby certified to be the Findings of the Board of Adjustment.

APPROVED (X) DENIED ()

DATED: 3/7/94


 Chairman, Board of Adjustments



MISSISSIPPI HEADWATERS BOARD

CASS COUNTY COURTHOUSE
P.O. BOX 3000
WALKER, MINNESOTA 56484

218/547-3300 EXT. 263
FAX 218/547-2440

MISSISSIPPI HEADWATERS BOARD

NOTICE OF

APPROVAL AND NONAPPROVAL

On the 31st day of March, 1994, a meeting of the Mississippi Headwaters Board was duly convened, during which consideration was given to the decision of the Beltrami County Board of Adjustment granting the application of Stuart Wright for the following proposed action:

Requests a variance from the setback standards to build an addition 119 feet from the ordinary high water mark of Lake Bemidji, on a house located 85 feet from the ordinary high water mark of Lake Bemidji, on a lot not meeting current zoning standards, approximately 75 by 150 feet in area, on property described as Auditor's Plat No. 10, Lot-00C, Northern Township, Beltrami County.

Upon a motion by Board Member Margaret Sherman, seconded by Board Member Bill Block, a resolution was adopted recommending the following action:

To certify action of Beltrami County granting the variance to build additions 119 feet from the ordinary high water mark of Lake Bemidji, as the request is consistent with the rules, and based on the findings of the Beltrami County Board of Adjustment.

8 Ayes 0 Nays

Allen Paulson, CHAIRMAN
MISSISSIPPI HEADWATERS BOARD

Dated this 13th day
of April, 1994

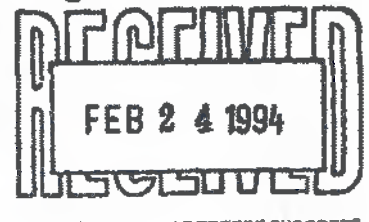


31.00878.01



Beltrami County

Bemidji, Minnesota 56601
759-4158



2/22/94

TOWNBOARD NOTICE

In RE: Variance Application On Stuart Wright

Dear Chairperson:

This is to officially alert you that an application has been submitted by the above reference person(s) to be heard at the March 7, 1994 meeting.

You will find enclosed a copy of the permit application and any other information that has been submitted by the applicant to the Beltrami County Planning & Zoning Department pertaining to this request. Official notification of the date, place and time of the official public hearing will be the only other item on this matter that you will receive from the Beltrami County Planning & Zoning Department.

On behalf of the Beltrami County Planning Commission/Board of Adjustment they would like to hear from your townboard any comments that you may have on this application.

I'm sending this notice in the most expedient manner possible and sincerely hope that this notice coordinates with your next Townboard Meeting.

Should you have any questions or concerns pertaining to this specific matter, please feel free to call me at 218/759-4158.

Sincerely yours,

William J. Patnaude
(Si)

William J. Patnaude
Beltrami County Planning
& Zoning Director

WJP:sej

Enc.



Beltrami County

Bemidji, Minnesota 56601

February 22, 1994

Dear Property Owner:

You are hereby officially notified that the Beltrami County Board of Adjustment shall conduct a public hearing on March 7, 1994, at 7:00 p.m. in the Beltrami County Commissioner's Meeting Room, Courts' Annex, second floor, for the purpose to hear public comments on the Variance application of Stuart Wright, 826 Birchmont Beach Rd. NE; Bemidji, MN 56601.

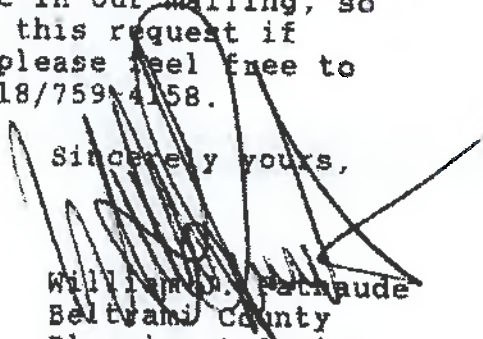
LEGAL DESCRIPTION:

Lot C, Auditor's Plat No. 10

Stuart Wright is requesting a Variance permit for the purpose to construct an addition to the North side of existing home. The addition would enlarge laundry and utility room and the master bedroom. This will not be on the lake side of the home. The home is now eighty-five (85) feet from Lake Bemidji. Lake Bemidji is classified as General Development Lake that requires a one hundred (100) foot setback.

Anyone having comments either in favor or in opposition to the applicant's request, may submit those comments in writing no later than 4:30 p.m., March 4, 1994. If you wish to attend the public hearing you may do so by noting the time and place above. It seems that we inadvertently miss someone in our mailing, so please let your immediate neighbor know of this request if possible. Should you have any questions, please feel free to call the Planning & Zoning Department at 218/759-4158.

Sincerely yours,


William D. Patkaude
Beltrami County
Planning & Zoning
Director

WJP:sej

Mississippi Headwaters Board

APPLICATION FOR VARIANCE

Name of Applicant: Stuart Wright Date: _____
Address: 826 Birchmont Beach Rd NE
City, State, Zip: Bemidji, MN 56601 Phone: 751-4085
Legal Description: Auditor's plat 10, lot - ~~004~~ ⁰⁰⁵

Sect. _____ Twp _____ Rge _____ Twp Name Northern
Lake No. _____ Lake Class _____ Lake/River Name Bemidji
Applicant is: Owner Buyer Agent Other
Current use of property: Residential
Intended use of property: Same
Use and character of surrounding property: Same

Section of Ordinance from which variance is requested: _____

Brief summary of why a variance is required: to construct an
addition to north side of existing house to enlarge laundry
room - utilities room & kitchen bathroom

A variance may be granted where the strict enforcement of county zoning controls will result in unnecessary hardship. Whether a hardship exists is determined by considering each of the following 6 criteria. Please summarize the facts as to your property and alleged hardship with regard to each of the 6 factors, using additional paper if necessary:

1. Facts showing variance would be in harmony with the intent of the comprehensive plan, zoning ordinance and state Shoreland Management Rules.

The property presently has a building on it that we
would like to remove.

PLANNING AND ZONING DEPARTMENT

BELTRAMI COUNTY, MINNESOTA

(218) 751-7300, Ext. 139

APPLICATION FOR VARIANCE

Pursuant to Section 7.3 of Beltrami County Shoreland Management Ordinance

No. 6, Stuart Wright
(NAME)

of 826 Birchmont Beach Rd NE, Bemidji, MN
(ADDRESS)

applies to the Board of Adjustment of Beltrami County, Minnesota, for a Variance from said Ordinance as hereinafter more particularly set forth.

1. Description of real estate property affected (use additional sheet if necessary)

_____ name of lake Bemidji

2. Owner of real estate property affected

Stuart Wright

3. If applicant is other than owner, set forth the interest of applicant in the property

4. State whether applicant is an individual, corporation or partnership, and, if partnership, give names and addresses of partners

Individual

5. Section of Ordinance from which Variance is requested

6. Statement of facts upon which application is based (use additional sheet if necessary)

Want to enlarge laundry-utility room & bedroom

Application will not be processed unless the application and sketch have been completed.

Dated: 2-17-94

Signed: Stuart Wright

WHITE — OFFICE

CANARY — APPLICANT
AN AFFIRMATIVE ACTION EMPLOYER

PINK — TOWN BOARD

\$200.00 fee

2. Facts showing that, without the variance, the owner is deprived of a reasonable use of the property.

too small to meet our needs

3. Facts showing that the plight of the landowner is due to circumstances unique to this property.

Home was existing prior to shoreline Ordinance.

4. Facts showing that the circumstances causing the hardship were created by someone or something other than the landowner or previous landowners.

same as 3

5. Facts showing that issuance of the variance will maintain the essential character of the locality.

Other homes in area within setback.

6. Facts showing that the alleged hardship involves more than economic considerations.

home built prior to 1972

Application will not be processed unless the application and the sketch have been completed.

DATED: 2-17-94

Lucille Wright
Applicant's Signature

Mississippi Headwaters Board

REQUIRED BUILDING PLAN FORM

Name of Applicant: Stuart Wright Date: _____
Address: 826 Birchmont Beach Rd NE
City, State, Zip: Bemidji, MN 56601
Phone: Day 751-4143 Evening 757-4085
Legal Description: Aud. for's plat #10 Lot -000

(Copy of deed preferable)

Directions to Property: N on Old Hwy 71 to County 20,
one block off 71 on City 20

(Include fire number ⁴¹² and nearby roads and other landmarks.)

Sect. _____ Twp _____ Rge _____ Twp Name Northern

Lake No. _____ Lake Class _____ Lake/River Name Bemidji

Applicant is: (Owner) (Buyer) (Agent) (Other)

Sketch must be prepared and attached following these guidelines:

1. Prepared in scale where each quarter-inch is equal to 2 feet, 5 feet or 10 feet; note the scale on the map.
2. Indicate direction north with arrow. Indicate water body.
3. Locate all permanent structures on property. Indicate all structural dimensions, including patios, decks and porches. Show all setback of structures measured horizontally from the Ordinary High Water Mark of the water.
4. Indicate lot dimensions, including road right of way, ordinary high water mark of water body, side yard setback near lot lines, sewage systems, wells, adjacent property wells, adjacent sewage systems and adjacent structures. Indicate size and depth of well casing.
5. Indicate permanent structures in solid lines; remodeling or additions should be shown in dotted lines.
6. Other information required by the local governing body, including the Mississippi Headwaters Natural Landscape Protection Plan.

70.4

LANE DEMIJU

HIGHWATER MARK

85'
FRONT
YARD
(NO CHANGE)

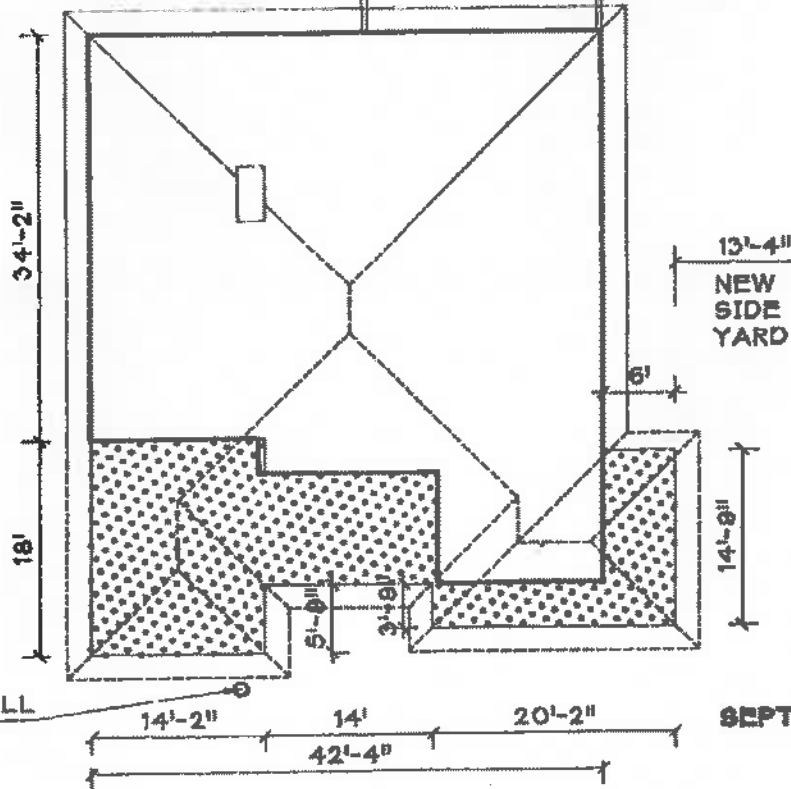
13'-4"
SIDE
YARD
(NO CHANGE)

42'-4"

19'-4"
SIDE
YARD

EXISTING SUNROOM

DOTTED AREA INDICATES NEW ADDITION
TOTAL AREA OF NEW = 850 SQUARE FEET



375' LOT

13'-4"
NEW
SIDE
YARD

WELL

SEPTIC

SITE PLAN - EXISTING & NEW ADDITION
Scale: 1/16" = 1'-0"

PLANNING AND ZONING OFFICE
BELTRAMI COUNTY, MINNESOTA
218/759-4158

Pursuant to application, Stuart Wright, 826 Birchmont Beach Road
NE; Bemidji, MN 56601

is hereby granted a Variance permit as authorized by BOA of
Beltrami County Ordinance No. 6 for the following purposes:

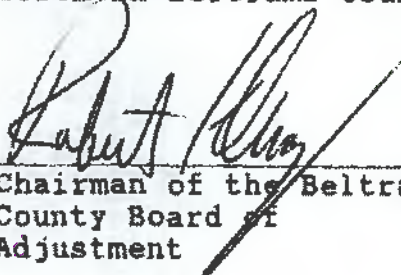
To construct an addition to the North side (rear) of the existing
home. This will not be on the lake side of the home. The home
is now eighty-five (85) feet from Lake Bemidji.

upon the premises in Beltrami County, Minnesota, described as
follows:

Lot C, Auditor's Plat No. 10

This permit is granted subject to any and all special conditions
herein stated and also subject to any and all applicable
regulations, standards and criteria set forth in Beltrami County
Ordinance 6.

DATED: March 7, 1994


Chairman of the Beltrami
County Board of
Adjustment



MISSISSIPPI HEADWATERS BOARD

CASS COUNTY COURTHOUSE
P.O. BOX 3000
WALKER, MINNESOTA 56484
218/547-3300 EXT. 263
FAX 218/547-2440

MISSISSIPPI HEADWATERS BOARD

NOTICE OF

APPROVAL AND NONAPPROVAL


On the 31st day of March, 1994, a meeting of the Mississippi Headwaters Board was duly convened, during which consideration was given to the decision of the Beltrami County Board of Adjustment granting the application of Stuart Wright for the following proposed action:

Requests a variance from the setback standards to build an addition 119 feet from the ordinary high water mark of Lake Bemidji, on a house located 85 feet from the ordinary high water mark of Lake Bemidji, on a lot not meeting current zoning standards, approximately 75 by 150 feet in area, on property described as Auditor's Plat No. 10, Lot-00C, Northern Township, Beltrami County.

Upon a motion by Board Member Margaret Sherman, seconded by Board Member Bill Block, a resolution was adopted recommending the following action:

To certify action of Beltrami County granting the variance to build additions 119 feet from the ordinary high water mark of Lake Bemidji, as the request is consistent with the rules, and based on the findings of the Beltrami County Board of Adjustment.

8 Ayes 0 Nays


Allen Paulson, CHAIRMAN
MISSISSIPPI HEADWATERS BOARD

Dated this 13th day
of April, 1994



31.00878.00

BELTRAMI COUNTY BOARD OF ADJUSTMENT
Beltrami County
Bemidji, Minnesota 56601

WHEREAS ON the 7th of March, 1994 the Beltrami County Board of Adjustment reviewed the application of Stuart Wright, 826 Birchmont Beach Road NE; Bemidji, Minnesota for a Variance.

THEREFORE UPON MOTION BY MRS. Diane Labadie, SECONDED BY MR. Tom Lloyd, Jr. DULY PASSED, IT WAS RESOLVED

To construct an addition to the North side (rear) of the existing home. This will not be on the lake side of the home. The home is now eighty-five (85) feet from Lake Bemidji.

LEGAL DESCRIPTION:

Lot C, Auditor's Plat No. 10

STATE OF MINNESOTA

ss

COUNTY OF BELTRAMI

I, William J. Patnaude, Zoning Administrator of Beltrami County, Bemidji, Minnesota, do hereby certify that the foregoing is a true and correct copy of a resolution allowing a Variance adopted by the Beltrami County Board of Adjustment at their meeting held March 7, 1994. Notice of said meeting was published February 23, 1994 and served by mail on February 22, 1994


Zoning Administrator
Beltrami County, Minnesota

Agency & Neighborhood Packet Distribution Information

Packet Distribution List

Northern Township: V-21-31.00878.00 – Mark & Bonita Haley Variance

	<u>Contact</u>	<u>E-MAILED</u>	<u>US Mailed</u>
<input checked="" type="checkbox"/>	Applicant / Representative	__X__	_____
<input checked="" type="checkbox"/>	JPB Attorney	__X__	_____
<input type="checkbox"/>	JPB Engineer: _____	_____	_____
<input type="checkbox"/>	City Building Department	_____	_____
<input type="checkbox"/>	City Attorney	_____	_____
<input type="checkbox"/>	City Engineer	_____	_____
<input type="checkbox"/>	City Manager	_____	_____
<input type="checkbox"/>	City Community Development	_____	_____
<input type="checkbox"/>	City GIS Department	_____	_____
<input checked="" type="checkbox"/>	City Police Department	__X__	_____
<input checked="" type="checkbox"/>	City Fire Department	__X__	_____
<input type="checkbox"/>	City Parks Department	_____	_____
<input checked="" type="checkbox"/>	Northern Township	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County ESD/SWCD	__X__	_____
<input type="checkbox"/>	Beltrami County Recorder	_____	_____
<input checked="" type="checkbox"/>	Beltrami County GIS Department	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County Sheriff	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County Engineer / Highway	__X__	_____
<input checked="" type="checkbox"/>	Beltrami County Natural Resources	__X__	_____
<input checked="" type="checkbox"/>	MnDNR Trails	__X__	_____
<input checked="" type="checkbox"/>	MnDNR Waters	__X__	_____
<input type="checkbox"/>	MnDNR District	_____	_____
<input type="checkbox"/>	MnDOT	_____	_____
<input type="checkbox"/>	Airport	_____	_____
<input checked="" type="checkbox"/>	Mississippi Headwaters Board	__X__	_____
<input type="checkbox"/>	Bemidji School District	_____	_____
<input type="checkbox"/>	MPCA Closed Landfill Program	_____	_____
<input type="checkbox"/>	U.S. Army Corps of Engineers	_____	_____
<input type="checkbox"/>	Other: _____.	_____	_____



Greater Bemidji Area Joint Planning Board
City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

July 2nd, 2021

Northern Township: V-21-31.00878.00: - Mark & Bonita Haley are requesting a variance from the west lot-line setback, maximum impervious surface coverage, minimum lot width, and minimum lot size requirements in order to replace an existing garage structure at 826 Birchmont Beach Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

The parcel legal description is as follows:

Sect-15 Twp-147 Range-033 AUDITOR'S PLAT NO. 10 Lot-00C .65 AC

The Greater Bemidji Area Joint Planning Commission will consider this proposal at its meeting on **Thursday, August 26th, 2021 at 6:00 p.m.** in the Council Chambers at Bemidji City Hall or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to Covid-19 restrictions.

If you have any comments, you may present them to the Commission at that time, if allowed. It would be encouraged to direct your comments in writing to my attention at the JPB office at 317 4th Street NW, or by email at **nickolaus.phillips@ci.bemidji.mn.us**. Your written comments should be submitted by **Thursday, August 19th, 2021, if you wish them to 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 218-759-3561.

Respectfully,

Nickolaus Phillips
Assistant Planner
Greater Bemidji Area Joint Planning Board



Greater Bemidji Area Joint Planning Board

City of Bemidji Northern Township

317 4th Street NW Bemidji, MN 56601 Office (218) 759-3579 Fax (218) 759-3591

August 2nd, 2021

Dear Property Owner:

The Greater Bemidji Area Joint Planning Commission will conduct a public hearing to discuss the following application:

Northern Township: V-21-31.00878.00: - Mark & Bonita Haley are requesting a variance from the west lot-line setback, maximum impervious surface coverage, minimum lot width, and minimum lot size requirements in order to replace an existing garage structure at 826 Birchmont Beach Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

The parcel legal description is as follows:

Sect-15 Twp-147 Range-033 AUDITOR'S PLAT NO. 10 Lot-00C .65 AC

This public hearing will be held on **Thursday, August 26th, 2021**, at **6:00 p.m.** The meeting will be held in the Council Chambers of the Bemidji City Hall located at 317 4th Street NW or the meeting maybe attended through Cisco Webex Video Conferencing if needed due to the Covid-19 restrictions. You are invited to attend this hearing, or express your opinions on the proposal by letter (preferred method) to the Greater Bemidji Joint Planning Board. Your written comments should be submitted by **Thursday, August 19th, 2021**, if you wish them to be incorporated into my report to the Joint Planning Commission.

If you have any questions, please feel free to contact me at (218) 759-3561, or email comments to nickolaus.phillips@ci.bemidji.mn.us.

Respectfully,

Nickolaus Phillips
Assistant Planner
Greater Bemidji Area Joint Planning Board

RUTTGER,RANDOLPH J,TRUSTEE
RUTTGER FAMILY TRUST
814 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

PATTERSON,STEPHEN J
SALLY PATTERSON
924 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

RUTTGER,SALLY M,TRUSTEE
SALLY M RUTTGER TRUST
2009 NE 21ST CT
WILTON MANORS, FL 33305

RUTTGER,RANDOLPH J,TRUSTEE
RUTTGER FAMILY TRUST
814 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

MIKKELSON,DANIEL C
JOLENE R MIKKELSON
449 DESIREE DR
GRAND FORKS, ND 58201

PATTERSON,STEPHEN J
SALLY PATTERSON
924 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

NORD,BRUCE W
SUSAN D NORD
5599 S 11TH ST
GRAND FORKS, ND 58201

MIKKELSON CONSOLIDATED LP
449 DESIREE DR
GRAND FORKS, ND 58201

WAVRA,MITCHELL E
508 11TH ST SE
EAST GRAND FORKS, MN 56721

NORD,JANE L,TRUSTEE
NORD FAMILY TRUST
607 ISLAND VIEW DR NE
BEMIDJI, MN 56601-7139

HALEY,MARK D
BONITA RYGG HALEY
104 RIVERS EDGE DR
GRAND FORKS, ND 58201

WAVRA,MITCHELL E
508 11TH ST SE
EAST GRAND FORKS, MN 56721

BIRCHMONT INC
7598 BEMIDJI RD NE
BEMIDJI, MN 56601

LARSON,ROGER A
918 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

LARSON,ROGER A
918 BIRCHMONT BEACH RD NE
BEMIDJI, MN 56601

BLAIR,ROBERT J
HEIDI BLAIR
460 CROMWELL DR
GRAND FORKS, ND 58201

HEGSTROM,KIMBERLY A
601 PLEASANT VIEW DR
STOUGHTON, WI 53589-1952

BIRCHMONT INC
7598 BEMIDJI RD NE
BEMIDJI, MN 56601



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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.

Aerial Map - Haley Variance

1:1,128

Date: 8/2/2021

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





Source: Esri, Maxar, © GeoEye, Earthstar © Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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.

Zoning Map - Haley Variance

1:2,257

Date: 8/2/2021



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



Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community City of Bemidji, GIS, and ROW, etc.

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.

Buffer Map - Haley Variance

1:4,514

Date: 8/2/2021

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



AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

ss.

COUNTY OF BELTRAMI

Lindsay Dolan, being first duly sworn, on oath states as follows: 1. I am the publisher of the *Bemidji Pioneer*, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: **Saturday, August 14, 2021.**

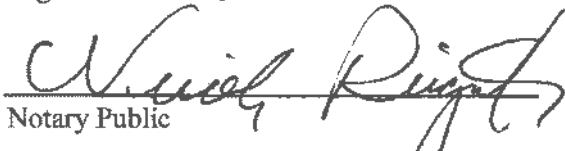
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: *1st run: \$12.70 per column inch. 2nd run: \$11.35 per column inch. 3rd run: \$11.35 per column inch.*

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Beltrami County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

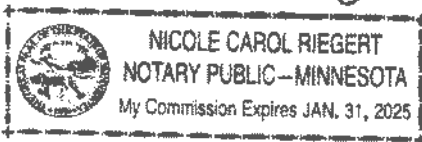
Dated this 14th day of August, 2021.



 Legals Clerk



 Notary Public



**GREATER BEMIDJI AREA
 JOINT PLANNING
 COMMISSION
 NOTICE OF
 PUBLIC HEARINGS &
 MEETINGS**

NOTICE IS HEREBY GIVEN, that on Thursday, August 26th, 2021, at 6:00 p.m. or as soon thereafter as possible, the Greater Bemidji Area Joint Planning Commission will conduct a Public Hearing in-person in the Council Chambers of the Bemidji City Hall, located at 317 4th St. NW, Bemidji MN, and via Webex Video Conferencing (see log-in details on jpbgba.org) on the following requests:

Northern Township:
 V-21-31.00878.00: - Mark & Bonita Haley are requesting a variance from the west lot-line setback, maximum impervious surface coverage, minimum lot width, and minimum lot size requirements in order to replace an existing garage structure at 826 Birchmont Beach Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

Northern Township:
 V-21-31.01380.00: - Michael & Kimberly Roysland are requesting a variance from the side lot-line setbacks, minimum lot width, maximum impervious surface coverage, and minimum lot size requirements in order to replace an existing dwelling at 4025 Waville Rd NE. This property is a riparian lot located in the R-3 Suburban Residential District and Shoreland Overlay.

All interested parties are encouraged to view or listen to the Hearing, or call the Greater Bemidji Area Joint Planning Board Office at (218) 759-3579, or visit our web site at: www.jpbgba.org for more information. Email comments must be received by Thursday, August 19th, for inclusion in staff reports.

(Aug. 14, 2021) 2899954

Action/Discussion

Letter of Support for Land Exchange
Baxter and MHB Joint Powers Agreement
Executive Director's Report- discussion



PROTECTING THE FIRST 400 MILES

Mississippi Headwaters Board

Crow Wing County Land Service Bldg. - 322 Laurel St. Ste. 34- Brainerd, MN 56401

Web Site: www.mississippiheadwaters.org

September 15, 2021

Congressman Pete Stauber
501 Laurel Street
Brainerd, MN 56401

RE: Letter of Support for Land Exchange between the United States Forest Service (USFS) and Bill and Gail Heig (Bowen's Lodge)

Dear Congressman:

In June of 2021, Bill and Gail Heig acquired approximately 34 acres and 1,100 feet of shoreline on Lake Winnibigoshish adjacent to USFS lands. They will soon be proposing a land exchange with the USFS to acquire their current leased marina located on Big Cutfoot Sioux.

There have been exchange opportunities attempted between Bowen's Lodge and the USFS in the past. In 2013, the Deer River Ranger Station initiated a land exchange process between the Chippewa National Forest and Bowen's Lodge; however, due to continuous leadership staffing changes, the exchange became muddled and was ultimately denied in 2014.

The current Comprehensive Plan established on September 1, 2019 gives guidance to land exchanged within the Mississippi Headwaters Board (MHB) Corridor stating, "to increase public land holdings along the Mississippi River and Headwaters Lakes, MHB member counties should initiate exchanges with private land owners who want to exchange their lands".

The MHB board approves that preserving this newly acquired shoreland property on Lake Winnibigoshish, which is currently owned by the Heig Family, will protect the natural and recreational values of the Mississippi River. It also will provide continuity to the existing USFS lands within the area while allowing the Bowen's Resort Property to utilize an existing disturbed marina within the Corridor.

If you have any questions please do not hesitate to call our Executive Director at (218) 824-1189 or email at timt@mississippiheadwaters.org.

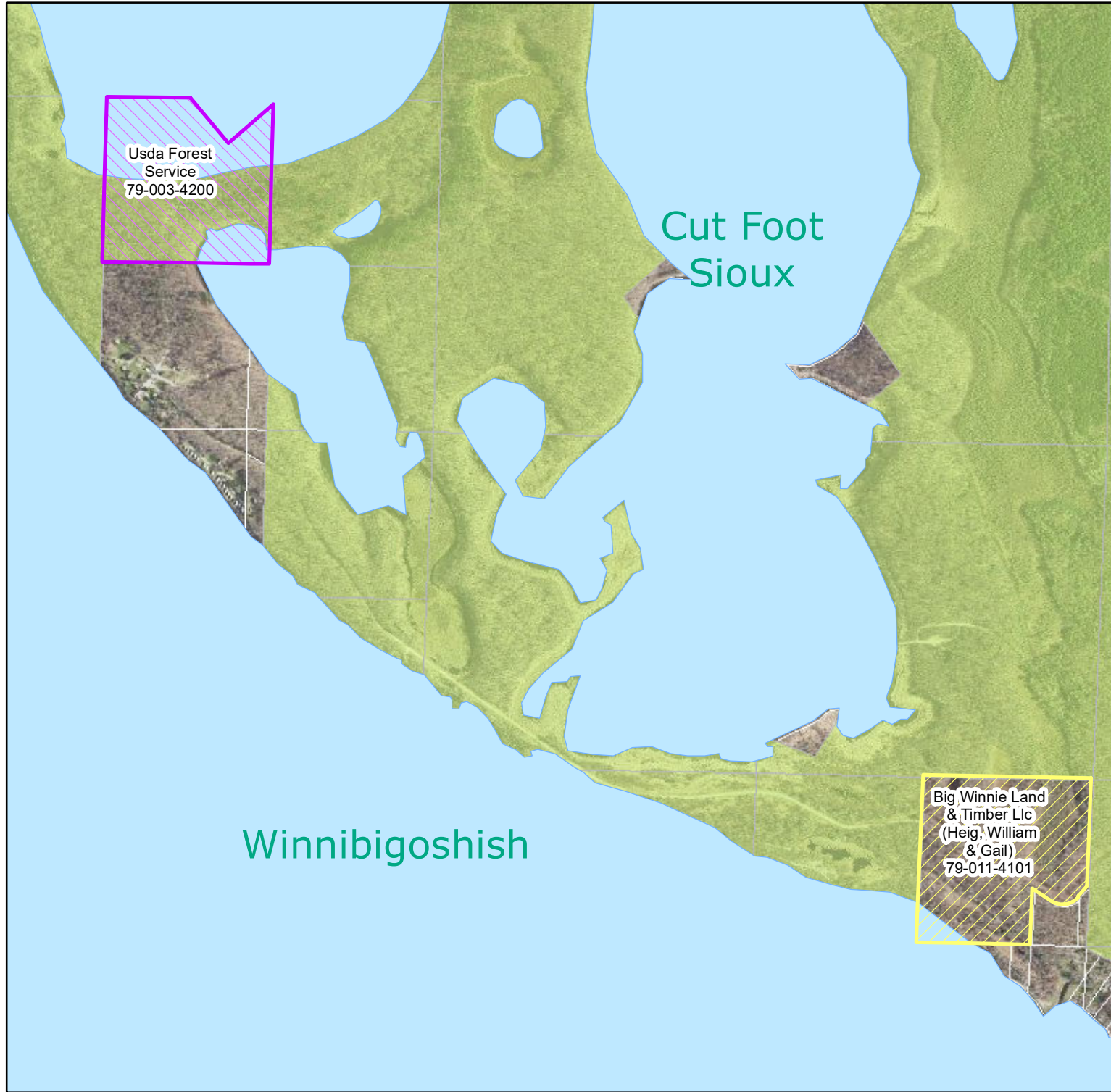
Sincerely,

Anne Marcotte
MHB Chairperson (Aitkin County)

Cc: Michael Stansberry, Chippewa National Forest Supervisor

Encl.

Proposed Land Exchange
between Parcels
79-003-4200 & 79-011-4101

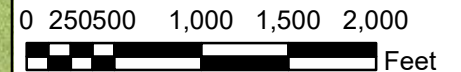
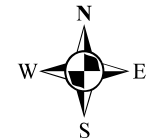


Legend

Select Ownership

-  BIG WINNIE LAND & TIMBER LLC
-  USDA FOREST SERVICE
-  Lake
-  US Forest Service Property
-  Tax Parcel

The aerial photograph was
flown in Spring of 2018.



The Data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The County makes no warranties, express or implied, as to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update.

Itasca Geographic Information System
"decision support through automation"

COPYRIGHT - ITASCA COUNTY
ALL RIGHTS RESERVED

No reproduction of this map is allowed by any
method or in any form without written permission.

Date: 8/16/2021

Name: Heig_ProposedLandExchange

Bowen Lodge and the USFS Land Exchange

Current Events

- In May 2021, a California real estate fund attempted to purchase an incredibly rare, large, and undeveloped land parcel on Lake Winnibigoshish (34 acres & 1100 feet of shoreline) which was listed for private sale. The intended use was a large-scale commercial development.
- In June 2021, Bill & Gail Heig (owners of Bowen Lodge) purchased the Lake Winnibigoshish property to prevent large-scale development on an ecologically important parcel of pristine Lake Winnibigoshish shoreline.
- July 15, 2021, A meeting was held at Bowen Lodge where representatives from Itasca County, USFS, Mississippi Headwaters Board (MHB), Itasca County Soil and Water District and other key stakeholders toured the Winnibigoshish property and discussed opportunities for its preservation, options included conservation easements, a conservation planned unit development, acquisitions, and government land exchanges.
- Consensus was USFS is the best candidate to own and maintain the land in its natural state.
- A land exchange between Bowen Lodge and USFS for the Winnibigoshish property and Cut Foot Sioux Marina Lease was recommended.

Key Features and Benefits of the Lake Winnibigoshish Property

- An exchange for the Cut Foot Sioux Marina Lease would concentrate visitor and commercial activity on already disturbed land.
- USFS acquires an undisturbed and environmentally sensitive parcel on Lake Winnibigoshish; the logic of the exchange follows the USFS mission of managing undisturbed sites.
- Climax Old Growth Maple Basswood Forest – protecting the property meets the same objective as creation of the Battle Point Research Natural Area (FONSI signed June 26, 1991). ([mn_chippewa_battle_point.pdf \(fs.fed.us\)](https://www.fs.fed.us/mn/chippewa/battle_point.pdf))
- Preserves critical wetlands within 1000 feet of Lake Winnibigoshish and the Mississippi River.
- Property boasts a perfect Riparian, Adjacency, Quality (RAQ) score of 10/10 from the MHB, and is among only 41 of 7640 parcels to have a perfect score (10/10).
- Prime wildlife habitat that allows for rich biodiversity in migratory birds, waterfowl, and native species
- Preserves 1100 feet of shoreline from recreational, residential, and commercial development.
- Maintains the High Scenic Integrity Zone of Lake Winnibigoshish
- Critical fish rearing shoreline for muskie, northern, walleye, perch, largemouth bass and spot tail shiners.

Summary

Bowen Lodge proposes an exchange with the USFS of the Cut Foot Sioux Marina Lease for the Lake Winnibigoshish property (see attached map).

JOINT POWERS AGREEMENT

Purpose: The purpose of this agreement is to define the responsibilities and obligations of each party for services to be provided by the Mississippi Headwaters Board and the City of Baxter.

This agreement (Agreement) is made on the 15 day of September 2021, between Mississippi Headwaters Board (hereinafter referred to as the "Headwaters" and the City of Baxter (hereinafter referred to as the "City").

WHEREAS, the Headwaters partnered with the City for a monetary grant to fund improvements to the acquire lands within the Mississippi watershed to protect against further contaminants entering the river (hereinafter referred to as the "Project") and said grant was awarded.

WHEREAS, the Headwaters has agreed to be the HOST/FISCAL AGENT for the Project.

WHEREAS, attached hereto is the grant work plan.

WHEREAS, the parties wish to enter into this Joint Powers Agreement to define the obligations of the Headwaters and the City.

THEREFORE BE IT RESLOVED, It is agreed by and between the parties hereto as follows:

- I. **SCOPE OF SERVICE:**
The City and Headwaters shall partner to acquire the land and then work with other agencies to plant native plants within the area.
- II. **LIABILITY:** Nothing in the agreement shall obligate or cause either party to incur any liability as the result of the actions of the other party as to any specific duty or responsibility assumed or retained hereunder. Each party shall hold the other harmless and indemnify the other for any claim, demand, damage, loss or award arising in any way from the other's conduct pursuant to this agreement. The City shall not incur any liability by reason of any action taken by the Headwaters. The Headwaters shall not incur any liability by reason of any action taken by the City.
- III. **CONTRACT TERM:** This Agreement shall be effective as of September 15 2021, notwithstanding the dates of the signatures of the parties, and shall remain in effect until June 30, 2024. This Agreement may be modified or terminated at any time by mutual consent hereto; or may be terminated by either party alone by giving 90 days' notice, in writing to the other party.
- IV. **INSURANCE:** In order to ensure that each party will be able to perform as required by the above liability provision, each party will maintain general liability and automobile liability with coverage limits not less than those prescribed under Minn. Stat. S466.04; and Worker's Compensation insurance coverage or self insurance in accordance with the Minnesota statutory requirements. Said polices shall be kept in effect during the entire term of this agreement.
- V. **DATA PRIVACY:** The City and Headwaters agree to abide by the applicable provisions of the Minnesota Data Practices Act, Minnesota Statutes, Chapter 13, HIPAA requirements and all other applicable state or federal rules, regulations or orders pertaining to privacy or confidentiality.
- VI. **RECORDS RETENTION AND AVAILABILITY/AUDIT:** The City and Headwaters shall keep pertinent business records pursuant to this agreement. Such records shall be maintained for at least 6 years from the date services or payment were last provided or made or longer if any audit in progress requires a longer retention period. All account records shall be kept in accordance with generally accepted accounting practices. Both parties shall have the right to audit and review all such documents and records at any time during regular business hours or upon reasonable notice. These records are subject to examination, duplication, transcription and audit by either Headwaters or the legislative or State Auditor of the State of Minnesota pursuant to Minnesota Statute S16C.05, subd. 5. The records may also be subject to review by the Comptroller General of the United States, or a duly authorized representative, if federal funds are used for any work under this contract.

- VII. **SERVERABILITY:** Every provision of this Agreement shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this agreement so constructed is held by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, such provision shall be deemed severed from this Agreement, and all other provisions shall remain in full force and effect.
- VIII. **AMENDMENTS:** This Agreement may be altered, extended, changed or amended in writing by mutual agreement of the parties when dated and attached hereto without altering the other terms of this agreement.

In Witness whereof, the parties hereto have executed this Agreement on the dates indicated below.

City of Baxter

MISSISSIPPI HEADWATERS BOARD



Authorized Representative

Authorized Representative

Date 9-7-2021

Date _____

Printed Name: Darrel Olson

Printed Name:



Environment and Natural Resources Trust Fund

M.L. 2020 Approved Work Plan

General Information

ID Number: 2020-068

Staff Lead: Corrie Layfield

Date this document submitted to LCCMR: August 13, 2021

Project Title: Whiskey Creek & Mississippi River Water Quality/Habitat/Recreation

Project Budget: \$500,000

Project Manager Information

Name: Tim Terrill

Organization: Mississippi Headwaters Board

Office Telephone: (218) 824-1189

Email: timt@mississippiheadwaters.org

Web Address: <http://mississippiheadwaters.org/>

Project Reporting

Date Work Plan Approved by LCCMR: August 13, 2021

Reporting Schedule: April 1 / October 1 of each year.

Project Completion: June 30, 2024

Final Report Due Date: August 14, 2024

Legal Information

Legal Citation: M.L. 2021, First Special Session, Chp. 6, Art. 5, Sec. 2, Subd. 09m

Appropriation Language: \$500,000 the second year is from the trust fund to the commissioner of natural resources for an agreement with the Mississippi Headwaters Board to acquire and transfer approximately 13 acres of land to the city of Baxter for future construction of water quality, habitat, and recreational improvements to protect the Mississippi River.

Appropriation End Date: June 30, 2024

Narrative

Project Summary: Project will purchase 13.8 acres and construct water quality, habitat, and recreational improvements to protect the Mississippi River from contaminants in the 400-acre, highly impervious watershed in Baxter Minnesota.

Describe the opportunity or problem your proposal seeks to address. Include any relevant background information.

This project will purchase 13.8 acres in the 400-acre, highly impervious, Trunk Highway 371 watershed in Baxter Minnesota. This overall goal is for the city of Baxter to purchase these acres, by utilizing funding administered by the Mississippi Headwaters Board to accomplish this goal. This project needs to be completed so future goals through other grants can be obtained.

In 2021, the Crow Wing Soil and Water Conservation District was awarded \$890,000 of the Board of Water and Soil Resources Clean Water fund to construct an estimated nine-acre wetland stormwater pond and restore an estimated five acres of native prairie upland habitat adjacent to the pond and aquatic plant communities within the pond. This LCCMR proposal will allow for the implementation to begin. A feasibility study was already completed for this site, and the stormwater basin and green space will remove 145.7 lbs. of phosphorus, and 84,560 lbs of total suspended solids annually.

What is your proposed solution to the problem or opportunity discussed above? i.e. What are you seeking funding to do? You will be asked to expand on this in Activities and Milestones.

MHB will work with the City to execute the City's purchase agreement for the 13.8 acres, which, in combination with land currently owned by the City, comprises the 20.6 acres. The cost of this purchase includes attorney, survey, county filing, and apportioned taxes.

What are the specific project outcomes as they relate to the public purpose of protection, conservation, preservation, and enhancement of the state's natural resources?

The project outcome of this LCCMR project will be to acquire 13.8 for the city of Baxter to maintain and restore with current grants awarded to the partnership.

Project Location

What is the best scale for describing where your work will take place?

Region(s): Central

What is the best scale to describe the area impacted by your work?

Region(s): Central, Metro, SE,

When will the work impact occur?

During the Project

Activities and Milestones

Activity 1: Land Acquisition

Activity Budget: \$500,000

Activity Description:

The Mississippi Headwaters Board submits this application to the LCCMR for funding for Fee Title Land Acquisition, Personnel Wages, and Professional Services for Acquisition required for the design and construction of a major water quality and habitat improvement project protecting the Mississippi River. MHB will work with the City to execute the City's purchase agreement for the 13.8 acres, which, in combination with land currently owned by the City, comprises the 20.6 acres. The cost of this purchase includes attorney, survey, county filing, and apportioned taxes.

Activity Milestones:

Description	Completion Date
Survey project area	February 28, 2022
Complete legal work related to acquisition	April 30, 2022
complete acquisition	June 30, 2023

Project Partners and Collaborators

Name	Organization	Role	Receiving Funds
Brad Chapulis	City of Baxter	accept acquisition, survey, legal, filing with county, title holder	Yes

Dissemination

Describe your plans for dissemination, presentation, documentation, or sharing of data, results, samples, physical collections, and other products and how they will follow ENRTF Acknowledgement Requirements and Guidelines.

The Mississippi Headwaters Board will hold a biennial conference in the fall of 2023 in which this project will be highlighted under the agenda title of stormwater and recreational benefit project. About 85-100 state and local elected officials, committee members, and agency personnel will attend this meeting to see a comprehensive overview presentation of how partners worked with the LCCMR to complete the fee-title acquisition and restoration of this site.

Long-Term Implementation and Funding

Describe how the results will be implemented and how any ongoing effort will be funded. If not already addressed as part of the project, how will findings, results, and products developed be implemented after project completion? If additional work is needed, how will this be funded?

This phase of the project only includes acquisition. The Crow Wing SWCD current grant will implement the engineering and construction services. Local agencies have partnered with MHB and the City of Baxter to form a Technical Advisory Panel (TAP) that will guide the goals for the project, review technical documents, and advise the City during design and construction phases to ensure the project is adhering to permit standards and regulations. This includes the final design plan, environmental permitting, bid specifications, and construction management.

Budget Summary

Category / Name	Subcategory or Type	Description	Purpose	Gen. Ineligible	% Benefits	# FTE	Classified Staff?	\$ Amount
Personnel								
Tim Terrill		Project Coordinator			20%	0.04		\$3,500
							Sub Total	\$3,500
Contracts and Services								
city attorney and surveyor	Acquisition costs	acquisition costs, surveying project area, appraisal, complete legal work and due dilligence according to DNR acquisition rules for the LCCMR.				0.02		\$63,300
							Sub Total	\$63,300
Equipment, Tools, and Supplies								
							Sub Total	-
Capital Expenditures								
							Sub Total	-
Acquisitions and Stewardship								
	Fee Title Acquisition	Acres: 13.8 Parcels: 1						\$433,200
							Sub Total	\$433,200
Travel In Minnesota								
							Sub Total	-
Travel Outside Minnesota								

							Sub Total	-
Printing and Publication								
							Sub Total	-
Other Expenses								
							Sub Total	-
							Grand Total	\$500,000

Classified Staff or Generally Ineligible Expenses

Category/Name	Subcategory or Type	Description	Justification Ineligible Expense or Classified Staff Request
---------------	---------------------	-------------	--

Non ENRTF Funds

Category	Specific Source	Use	Status	Amount
State				
Cash	Clean Water Funds	implementation of water quality and habitat project.	Secured	\$890,000
			State Sub Total	\$890,000
Non-State				
Cash	City of Baxter funds	For use of fee title acquisition expenses and/or possible match to Clean Water Funds.	Secured	\$75,000
			Non State Sub Total	\$75,000
			Funds Total	\$965,000

Acquisition and Restoration

Parcel List

Name	County	Site Significance	Activity	Acres	Miles	Estimated Cost	Type of Landowner	Easement or Title Holder	Status of Work
0336100090F0009 0336100090E0009	Crow Wing	Wetland and pond; this area is a natural habitat for aquatic species and wildlife. This parcel includes the project area and will be converted into a public green space.	Fee Title	13.8	-	\$500,000	Private	City of Baxter	Property Under Contract
Totals				13.8	0	\$500,000			

Fee Acquisition

1. Describe the selection process for identifying and including proposed parcels on the parcel list, including an explanation of the criteria and decision-making process used to rank and prioritize parcels.

In 2013, the Crow Wing Soil and Water Conservation District (the Conservation District) conducted an analysis of the Whiskey Creek subwatershed to determine potential locations for effective stormwater quality best management practices and address nutrient and sediment discharges to Whiskey Creek. The proposed site is located within a region with the highest risk factors for impacts on water quality in the county¹. A subsequent feasibility study, conducted in 2014, identified the proposed site as a high value area for water quality treatment efficiency. In the 2015 MHB regional study, this project was ranked second out of 59 projects for the removal of Total Phosphorus.

The parcels are located at the intersection of Golf Course Drive N. and Excelsior Road N., where Whiskey Creek makes its way across the Northland Arboretum before emptying into the Mississippi River. An abandoned golf course currently sits on the parcels. The Evangelical Lutheran Good Samaritan Society purchased the land for development and signed a purchase agreement to sell 13.8 acres to the City of Baxter for development of a stormwater BMP. The City of Baxter has acquired a purchase agreement for both parcels with the land owner and they have worked together for several years to develop this project.

2. List all adopted state, regional, or local natural resource plans in which the lands included in the parcel list are identified for the acquisition purposes you propose. Include the URL to the plan if one is available.

The parcels are included in the City of Baxter 2015 Comprehensive Plan, Section 4: Parks, Trails, and Open Spaces. A future trail is identified in the project area on page 4-9 as a Future Bike/Pedestrian Trail.

http://www.baxtermn.gov/download/comprehensive_plan/2015%20Comprehensive%20Plan.pdf

This area is also included in the Whiskey Creek Subwatershed Water Quality Retrofit Analysis published in December 2013 by MHB. <http://www.mississippiheadwaters.org/grants/stormreports/Whiskey%20Creek%20Report.pdf>

The Whiskey Creek area is included in the Crow Wing County Water Plan published in April 2013 by Crow Wing County. <https://crowwing.us/DocumentCenter/View/4696/Part7---Mississippi-River-?bidId=>

3. For any parcels acquired in fee title, a restoration and management plan must be prepared. Summarize the components and expected outcomes of restoration and management plans for parcels acquired by your organization, how these plans are kept on file by your organization, and overall strategies for long-term plan implementation, including how long-term maintenance and management needs of the parcel will be financed into the future.

The project area will be converted from an abandoned golf course to a publicly accessible green space. The project will also restore natural habitat within the 20.6-acre area for aquatic species, pollinators, and native wildlife. MHB and the City of Baxter will work together to restore the area along Whiskey Creek, and to protect the water quality of the Mississippi River from harmful contaminants. The project will convert the parcels into a restored natural habitat, recreational area, and stormwater BMP.

Native seed mix, tree and shrub seedlings, and pollinator mixes will be planted around the stormwater BMP to provide a native buffer and natural habitat in the project area for local wildlife. The City of Baxter will be responsible for overseeing and ensuring the growth and health of the plantings for this project. This includes, but is not limited to, watering during the growing season as required, spot spraying noxious weeds with an approved herbicide, determining and adhering to a mowing schedule following the initial planting of native buffer areas, and repairing any portions that may become damaged.

MHB, Crow Wing SWCD, and the City of Baxter will initiate a relationship with the Minnesota Conservation Corp to plant

appropriate pollinator-friendly flower species and native seeds or plugs as they are applicable to the project site. A pollinator planting restoration management plan will follow the Board of Water & Soil Resources native vegetation establishment guidelines and native species diversity required under Minnesota Statute § 84.973 – Pollinator Habitat Program.

4. For each parcel to be conveyed to a State of Minnesota entity (e.g., DNR) after purchase, provide a statement confirming that county board approval will be obtained.

N/A – These parcels will be owned and maintained by the City of Baxter.

5. If applicable (see M.S. 116P.17), provide a statement confirming that written approval from the DNR Commissioner will be obtained 10 business days prior to any final acquisition transaction.

N/A – These parcels will be owned and maintained by the City of Baxter.

Attachments

Required Attachments

Map

File: [5a8c2f45-dac.pdf](#)

Alternate Text for Map

On the map there is a project area of 13.8 acres where the acquisition will take place. Some features on the map are State Hwy 371, Whiskey Creek drainage area, Whiskey creek, and the Paul Bunyan Regional Trail....

Board Resolution or Letter

Title	File
MHB letter of support	1a811b5c-e00.doc

Optional Attachments

Support Letter or Other

Title	File
Northland Arboretum LOS	42bb55ca-bb5.pdf
Brainerd LOS	7af7debf-c77.pdf
Crow Wing Soil & Water Conservation Dist. LOS	c56d8c59-aad.pdf
MN Pollution Control Agency LOS	e19fa23b-228.docx
City of Baxter LOS	ae53faa0-bb2.pdf
background check form	79c3fc95-046.pdf

Difference between Proposal and Work Plan

Describe changes from Proposal to Work Plan Stage

Narrative- Changed paragraph to show that funding was obtained for restoration by the Crow Wing SWCD.

Specific project outcomes questions- changed narrative to show current grant is awarded to the partnership for restoration.

Long term imp. and funding- changed paragraph text to show current implementation grant is acquired by Crow Wing SWCD.

Activities & Milestones- deleted sentence in activity description that describes previous application efforts. Also removed milestone of approval by legislature and funding awarded to MHB which was recommended by LCCMR staff, and added 2 new milestones

Budget- updated annual FTE for the City of Baxter attorney's.

Non-ENRTF funds- Changed Clean Water Fund to \$890,000 and from potential to secured.

Disemination- added wording about biennial conference and presentation.

Per LCCMR comment moved city attorney and surveyor from personnel to professional contracts

Additional Acknowledgements and Conditions:

The following are acknowledgements and conditions beyond those already included in the above workplan:

Do you understand and acknowledge the ENRTF repayment requirements if the use of capital equipment changes?

N/A

Do you agree travel expenses must follow the "Commissioner's Plan" promulgated by the Commissioner of Management of Budget or, for University of Minnesota projects, the University of Minnesota plan?

N/A

Does your project have potential for royalties, copyrights, patents, or sale of products and assets?

No

Do you understand and acknowledge IP and revenue-return and sharing requirements in 116P.10?

N/A

Do you wish to request reinvestment of any revenues into your project instead of returning revenue to the ENRTF?

N/A

Does your project include original, hypothesis-driven research?

No

Does the organization have a fiscal agent for this project?

Yes, Crow Wing County

Executive Director Report

June to July 2021

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. Registered for Little Falls Ride the River Resource/entertainment event.
6. Kayaked Big Winni to Leech Lake landings
7. Submitted LCCMR Work Plan.
8. Set up meeting with Itasca Planning & Zoning, SWCD, and Chippewa National Forest to look at potential easement and/or acquisition of parcel on Lake Winni.
9. Sent in special event to Brainerd to host Paddling day
10. Updated biennial report information.
11. Submitted quote to Camp Ripley Personnel and Community office person on the significance of 18 miles of undeveloped shoreline located on Camp Ripley.
12. Working with local company to develop plaque for Bob Lessard to present to him at the biennial conference.
13. Sent out formation video to MHB board for review and comment.

Meetings & Networking

1. Talked with Brainerd Lakes Chamber of Commerce, Colleen Dols about Resource/entertainment events in Crow Wing County. Specifically the MHB Paddling Days event.
2. Held meeting with Zach (Boy Scout) and Greg Roberts (Scout master) to discuss installing kiosk and signs at different locations in Beltrami and Cass County. Zach was provided designs by me to help him understand and build it. I also gave him enough information so he will be able to develop a project proposal for his Scout District leader.
3. Held meeting with Aimee Gourlay to discuss strategic planning agenda and survey.
4. Held meeting with Jessica Shea to discuss AIS support for MN Traditions.
5. Had telephone conversation with a Lynn, a concerned citizen about the Enbridge pipeline. She is writing an article, and she wanted to know about the MHB responsibilities and jurisdictional area and our role with the pipeline. I told her that we are a zoning agency and the PUC is the agency that determines need and justification for the pipeline. She said she would write an article about the MHB and what we do as an organization

Executive Director Report

July to August 2021

Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Sent press release to newspapers.
5. Reviewed potential variances that may be coming before the Board next month.
6. Printed ad for Paddling day in shopper and Brainerd Dispatch. Shopper 7/23, Dispatch 7/25 and Dispatch 7/28
7. Updated LCCMR workplan and resubmitted it on 8/2/21.
8. Returning calls for people interested in Paddling Day logistics.
9. Set up meetings with LeSeur and Sherburne counties for supporting MN Traditions social media.
10. Reviewed biennial conference ppt. slides from partners and provided examples and comments to help the program flow.
11. Will be receiving a donation of \$100 from Muskie Inc. in the name of Bob Kuschel. Set up a future date to talk with Muskie's ink. about the MHB and our programs.
12. Reviewed JPA agreement between city of Baxter and MHB and forwarded it on to county attorney for review.

Meetings & Networking

1. Held educational meeting with Friends of Old Crow Wing to discuss Paddling Day logistics and the signage and resourcetainment project of the MHB.
2. A landowner was interested in building a structure in the bluff impact zone and I helped Jeff Harper from the Leech Lake Band of Ojibwe understand our Comprehensive Plan relating to bluff impact zones so he could relay the correct information to the landowner.
3. Held Miss. Headwaters Habitat Corridor technical committee meeting in which partners gave reports and provided new easement and fee title acquisition opportunities. The Nature Conservancy did some outreach for local SWCD's and TPL. They will also be contacting Beltrami SWCD for continued outreach. Six easements were approved by the tech team, which if completed, would protect 446 acres and almost 5 miles of shoreland
4. Attended Morrison county DRT meeting and discussed variance for a septic setback. The lot is legal non-conforming and has a failing septic system.
5. Attended Morrison county Local Water Plan update and gave a quick overview of the accomplishments for 2020.
6. Answered zoning question from Hubbard county about specifics of a stormwater management plan if the property exceeds 25% impervious. I informed the BOA member that we leave that discretion up to the county as to how specific they want that to be.
7. Held MHB Paddling day. About 15-20 people attended and many utilized the Miss. Overlook park as a halfway stopping point to rest and picnic there.

8. Attended ACLARA meeting in Aitkin and gave powerpoint to attendees about who the MHB is and an overview of our programs.
9. Offered to participate in a meeting between the Izaak Walton League representatives and fourteen county commissioners to discuss their Upper Mississippi River Initiative (UMRI). Brian Martinson from the Association of MN Counties is helping organize a meeting and the topic of conversation is drainage projects. I'm not sure where the conversation will go with the group, but it may provide an opportunity to meet a potential new partner to work with us.
10. Held Resourcetainment meeting with counties that participated last year. Eight people attended and we looked at each event and looked at positives and negatives of the event. Then we reviewed the survey results and saw similar patterns in events. Ideas about future events were discussed like a paddleboard race down to CW State Park and a bike ride back up to Kiwanis.

Executive Director Report

July to August 2021

Personnel, Budget, Administration, Information & Education, Correspondence

1. Reviewed monthly budget.
2. Prepared monthly agenda packet.
3. Sent in monthly expense report.
4. Sent press release to newspapers.
5. Reviewed potential variances that may be coming before the Board next month.
6. Accepted meeting with AMC and Izaak Walton League regarding their Upper Miss. River Initiative.
7. Registered to attend AMC annual conference in December.
8. Prepared Notice of Meeting for newspaper.

Meetings & Networking

1. Held educational meeting with Friends of Old Crow Wing to discuss Paddling Day logistics and future concerns.
2. Attended LSOHC council meeting and requested \$9,591,400 from them. The project ranked really well, but questions regarding BIPOC came up regarding our project. I responded that the MHB has a formal MOU with the Leech Lake Band, and that we worked with them on a conservation project in the future.
3. Went to Bemidji and met with project partners to discuss Lake Irving project and gave interview for Board of Water & Soil Resources on the MHB role in this. An article and short video will be produced about this and be placed on BWSR website and social media.