

Application Date: February 12, 2016

Owners/ Agents: Randolph Larson

Contact Information:

Owner: Randolph Larson
4235 109th Avenue
Clear Lake, MN 55319
320-290-7294

Property Identification:

14-404-0110

Property Description:

Lot 1, Block 1, "Mastel First Addition", Section 13-134-30, located along Cty 77 SW

Application: "After the Fact" Conditional Use Permit

Project Description:

"after the fact" application to allow for the excavation and removal of a historic ice ridge which exceeds more than 50 cubic yards of earthen material along with the removal of all existing vegetation. The CUP is utilized in conjunction with the implementation of a restoration/ remediation for the area of lot disturbed. The applicable portions of the Land Use Ordinance (o2/15/13) include Section 705 establishes shore impact zone excavation and vegetation standards. The property contains 1.7 acres riparian to Gull Lake (GD).

SITE VISIT AND NOTES:

Site Visit Date: 3/7/2016

In attendance: LaPorte, Dechmann, Richmond, Fitterer, Yoho

Larson closed on the land on 8/25/2015, just after the storm went through the township. Aside from the ice ridge, there was extensive tree down fall. Larson proceeded to remove trees and move soil within the shoreland setback without a permit.

FAIRVIEW PLANNING COMMISSION TO CASS COUNTY PB/PBOA:

Sent to Paul Fairbanks 3/10/2016:

The Fairview Township Planning Commission has reviewed the "after the fact" CUP application submitted by Randolph Larson for the excavation and removal of an historic ice ridge and the existing vegetation.

The Planning Commission recommends the approval of the application and proposed re-construction plan.

The Fairview Planning Commission strongly encourages the ESD to set conditions to monitor the progress of this project and assure that the applicant adheres to the vegetation plan as submitted.

CASS COUNTY FINDINGS OF FACT:

Larson, Randolph, Fairview Township on property described as Lot 1, Block 1, "Mastel First Addition", Section 13-134-30, PID #14-404-0110 located along County 77 SW. An application submitted "after the fact" to allow for the excavation and removal of a historic ice ridge which exceeds more than 50 cubic yards of earthen material along with the removal of all existing vegetation. The CUP is utilized in conjunction with the implementation of a restoration/remediation for the area of lot disturbed. The applicable portions of the Land Use Ordinance include Section 705 establishes the conditional use

permit process and criteria and 1106.2 which establishes shore impact zone excavation and vegetation standards. The property contains 1.7 acres riparian to Gull Lake (GD).

PC members were at the site 03/07/16. 104 notices of the application were mailed. Two written responses supporting approval including that of Fairview Township were received. The application was reviewed with Mr. Larson and his legal counsel Mr. Leistico. MS/P LaPorte/Kostial to approve the application as required to accomplish the rehabilitation of the shore impact zone at PID #14-404-0110 based upon review of the criteria contained in Sections 705 and 1106.2 of the Land Use Ordinance along with M.S. 394.301 with the following findings and conditions:

Findings:

1. The application is intended to address and provide remediation and "make the best of" the unfortunate degradation of the property, a riparian lot, which included complete destruction of a historic ice ridge, complete destruction of all shoreline and lot vegetation and grading and general manipulation of far more than 50 cubic yards of earthen material.
2. Presuming the fulfillment and adherence of all conditions for restoration, there is nothing to indicate that the detrimental visual and physical impact of the property destruction to the lake and neighboring residential property the proposed land use activity will restore the condition of the lot to an extent that does not necessarily contradict the purpose of the Land Use Ordinance which is to protect, preserve and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms and open space for future generations and to promote health, safety, and general welfare or contradict the purpose of the Comprehensive Plan which is to 1.) Provide a rational basis to make difficult land and resource decisions wisely, 2.) Eliminate the conflicts caused by unplanned development, 3.) Improve coordination and communication between county, local governments and the citizens in land use planning, and 4.) Protect the County's natural resources from degradation.
3. The surrounding area consists of a rural suburban lakeshore type development to which there is no reason or evidence to conclude that area land use will be negatively affected or altered by the proposed restoration.
4. Approval will have no effect or impact to County # 77 or any other public infrastructure.
5. No wetland or critical habitat will be disturbed by the proposed restoration.
6. No scenic or historic features will be affected by the proposed restoration.
7. Assuming compliance with conditions of restoration it is reasonable to expect that the proposed restoration will remediate the existing no threat to public health, safety and welfare.

Conditions:

1. The dimensions, location and type of restoration shall be approved by ESD.
2. The type and location of all vegetation of the restoration shall be approved by ESD and acknowledged by the applicant.
3. As allowed by shoreland alteration the property shall have one shoreline lake access location not to exceed 20 feet.
4. No application for future current year ice ridge removal except for the allowed 20 feet shall be considered by ESD.
5. Financial assurance in the amount of \$10,000 shall be submitted to ESD prior to the commencement of the project which shall be reduced incrementally as compliance with the restoration as verified and approved by ESD