
CITY OF FIFTY LAKES
PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

August 22, 2023 6:00 pm

The meeting is being recorded and audio will be posted on the city website. Anyone wishing to speak please raise your hand until recognized by the chairperson then state your name and residence.

1. Call to Order
2. Roll Call
3. Additions or Deletions to Agenda
4. Public Hearings
 - a. None
5. Open Forum
6. Approval of Minutes
 - a. July 25, 2023
7. New Business
 - a. Shoreline Management Discussion and Ordinance Review- Tom Langer, (1-1.5 hr)
 - b. Metes and Bounds Subdivision Application MB-02-23, Travis Kent
8. Old Business
 - a. Recreational Vehicle Ordinance, Discussion
9. Council Liaison Report: Gary Staples
10. P&Z Administrator's Report
11. Adjourn

CITY OF FIFTY LAKES
MINUTES OF THE PLANNING COMMISSION
July 25, 2023
6:00 PM

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6 1. Call to order: 6:00 pm

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8 **2. Roll Call:**

9 Planning Commission: Bob Stancer, Don Reiersen, Fred Strohmeier, Bruce Bissonnette, Mike Milbrath
10 Staff: Justin Burslie, Planning and Zoning Administrator; Jessica Istvanovich, Deputy Clerk
11 City Council: Gary Staples

12 **3. Additions or Deletions to Agenda:**

13 The commission added a review of Open Gate accessory structure under “New Business”.

14
15 **4. Public Hearings:**

- 16 a) V-02-23 to enclose a pre-existing 10’ X 15’ (150 sf) deck with in the ordinary high water level
17 setback. Property address:40535 Westman Bay Rd. Property owners/applicants: Christopher and
18 Wendy Boyer.

19
20 MOTION MADE BY MR. MILBRATH AND SECONDED BY MR. STANCER TO APPROVE V-02-23
21 WITH THE 12 FINDING OF FACTS AND 1 CONDITION:
22

23 **Staff Findings:**

- 24 1. The subject property is located at 40535 Westman Bay Rd. and is zoned “Shoreland Residential”
25 (West Fox Lake – General Development).
26 2. The variance request is to enclose an existing 10’ x 15’ (150 sf) attached pre-existing deck. The
27 proposed addition would convert the deck into a three-season porch.
28 3. The single-family dwelling is considered a “pre-existing structure” because it was constructed before
29 the establishment of the Shoreland Rules and is located 48’ from the OHW level of West Fox Lake
30 (75 ft required.)
31 4. The pre-existing dwelling was significantly damaged by fire in December 2020. The property owners
32 were granted a variance in September 2021 to replace the pre-existing dwelling and construct 947 sq.
33 ft. addition on the east side of the structure.
34 5. The subject property is 3.2 acres and will contain approximately 11% impervious surface coverage
35 with the proposed improvements (25% allowed).
36 6. The pre-existing dwelling is served by a private water well and conforming subsurface sewage
37 treatment system.
38 7. The DNR has been notified of the request and has provided the following:
39 • “Assuming the existing deck is an existing legal non-conforming deck (i.e., either has a
40 permit or was placed prior to P&Z regulations established within the City) and the addition is
41 getting no closer to OHW than the other portion of the house, the DNR has no comments.”
42 8. Will granting the variance put property to use in a reasonable manner not permitted by the Zoning
43 ordinance? The commission answered “Yes, it’s consistent with past approval for the property and
44 it’s a reasonable request because it’s no closer to the lake than the existing structure.”
45 9. Does the property have unique circumstances that were not created by the landowner? The
46 commission answered “Yes, the original structure was built before the setback guidelines were
47 implemented.”
48 10. If the variance is granted, will the essential character of the locality remain consistent? The
49 commission answered “Yes, constructing a porch addition will not alter the essential character of the
50 neighborhood. The improvement will not be visible from the right-of-way and not highly visible
51 from adjacent properties. The addition will be visible from the lake however the shoreline contains
52 some vegetation for screening.”
53 11. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the
54 purpose and intent of the City of Fifty Lakes ordinances? The commission answered “Yes, the
55 request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the

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following goal in the comprehensive plan, ‘To preserve he natural character and environmental quality of the lakeshore and still allow reasonable use for property owners and the public.’”

12. Has the variance request been made based on reasons other than economic considerations alone? The commission answered, “Yes, the request has been made on factors other than economic considerations.

Conditions:

- 1. A stormwater management plan which includes gutters/downspouts on the west side (lakeside) of the porch and dwelling submitted prior to land use permit approval. Stormwater shall be directed to a rain garden(s) and/ or swale(s). The stormwater management plan shall be reviewed/approved by the zoning administrator and shall be implemented in full within one month after completion of the project.

When polled: All members voted aye. Motion carried

MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. REIERSON TO APPROVE THE JUNE 27TH, 2023 MEETING MINUTES.

When polled: All members voted aye. Motion carried

5. New Business:

- a. The planning commission discussed the Recreational Vehicle Ordinance. Discussion topics were as followed:

- Should the city establish a maximum number of RV’s on a property?
- Should the city require a one- time permit or annual permit?
- Is an internal tank adequate? Holding tank?
- Can RV’s be considered a “guest cottage”?

Mr. Burslie will compile the discussion notes and present the commission with proposed changes to the ordinance.

- b. The planning commission discussed a proposed structure on a property in the Open Gate Resort Association. The planning commission determined that a portion of the larger accessory structure cannot be considered a water oriented accessory structure and encroach the lake setback.

6. P&Z Administrator’s Report: Mr. Burslie stated that there were no new updates for the Horvath tower.

MOTION BY MR. STROHMEIER TO ADJOURN. Meeting adjourned at 7:35 P.M.

Jessica Istvanovich, Deputy Clerk

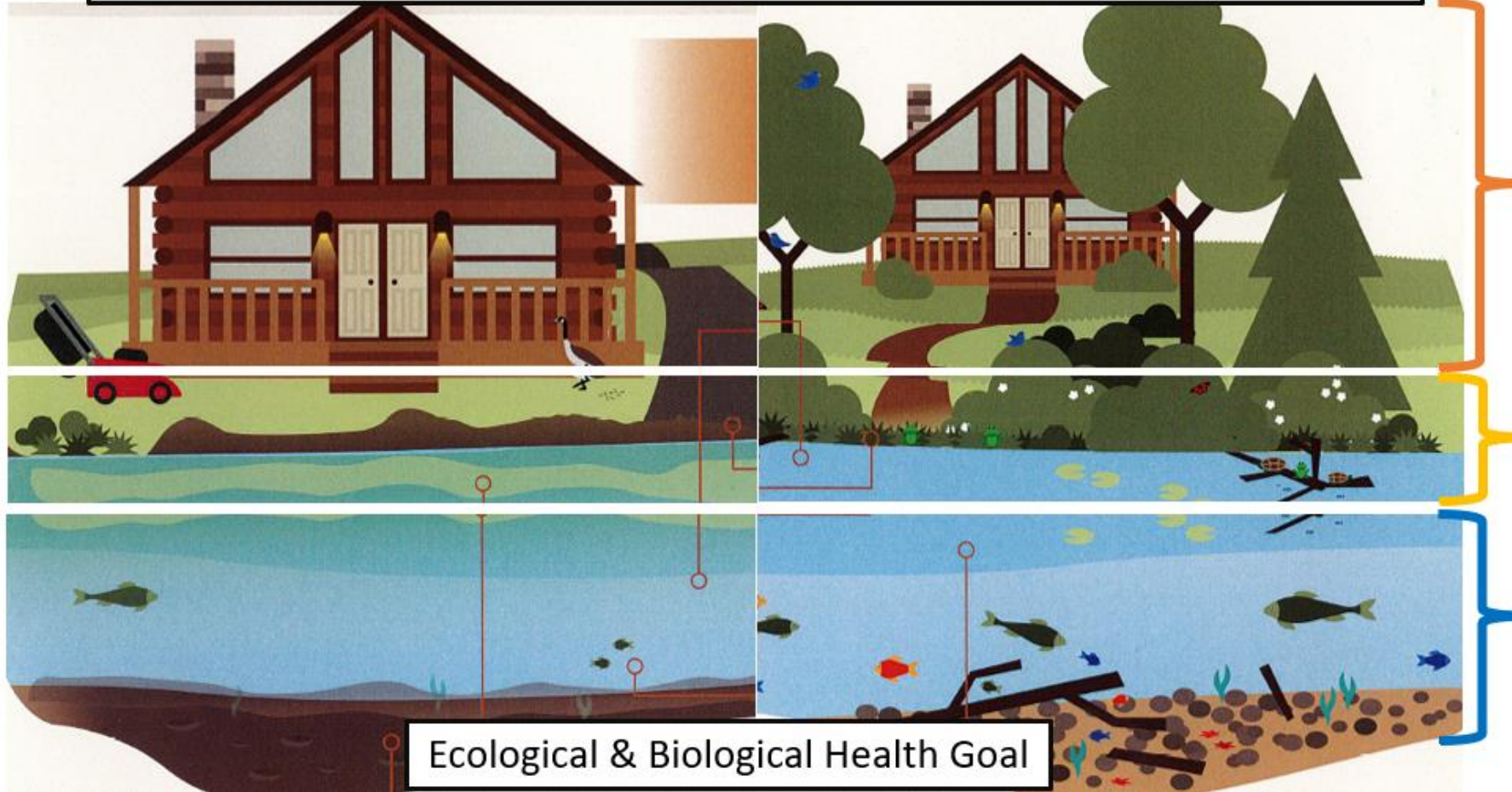
Lakeshore Management Informational



- Introduction and Overview.
- Waterfront Management: Regulatory, Social, Economic, and Cultural.
 - Connect schematics to actual observations.
 - Connect these trends to Research & Monitoring.
 - Authorities – multiple and overlapping. Reliant on each other. Alignment opportunities.
 - Mgmt. Goal: Fishable Waters, Swimmable Waters, Natural Appearance.
 - Overarching Objectives: Clarity, Consistency, Transparency, & Capacity.
- Approaches to change the culture: Education, Engagement, & Enforcement
 - Handout materials.
- Open discussion.
 - Share experiences. What is City observing? Concerns?
 - City Rules

Waterfront Management

Regulatory, Education, Engagement, & Cultural influences on Waterfronts



Authorities

Shoreland

County, City/TWP,
Watershed,
National Park Service (NPS)

Shoreline

County, City/TWP, DNR
Watershed, NPS

Aquatic

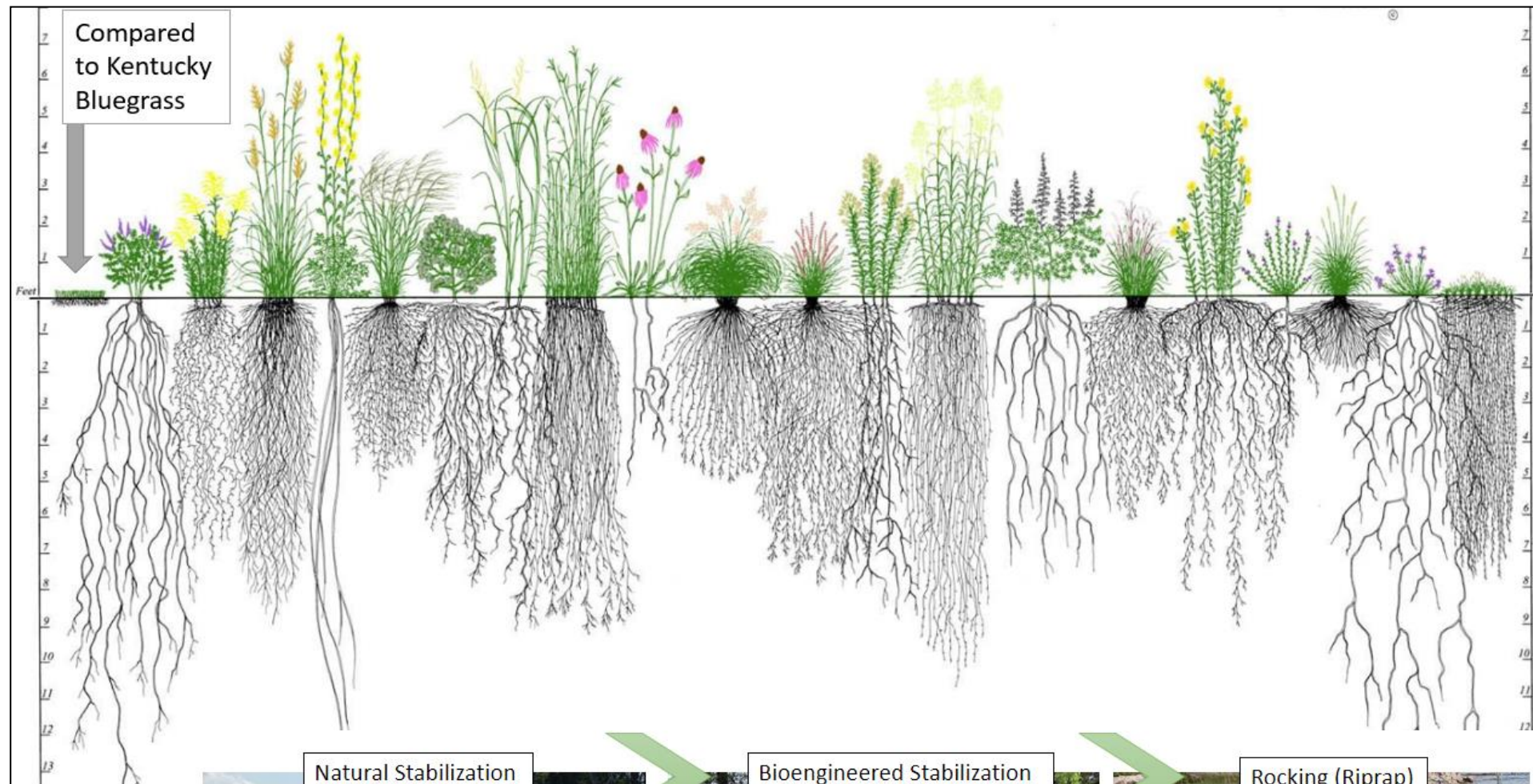
DNR, NPS

Research & Monitoring



CMSCWD Programs:

- Communications & Engagement
- Technical Assistance & Cost Share
- Inspections & Permits
- Analysis & Prioritization
- Capital Improvements



Natural Stabilization

Best



Bioengineered Stabilization

Common



Rocking (Riprap)

Exception

Recorded Shoreline Workshops:

Protect Your Shore

- <https://www.youtube.com/watch?v=kRSwe9oVKak>

Restore Your Shore

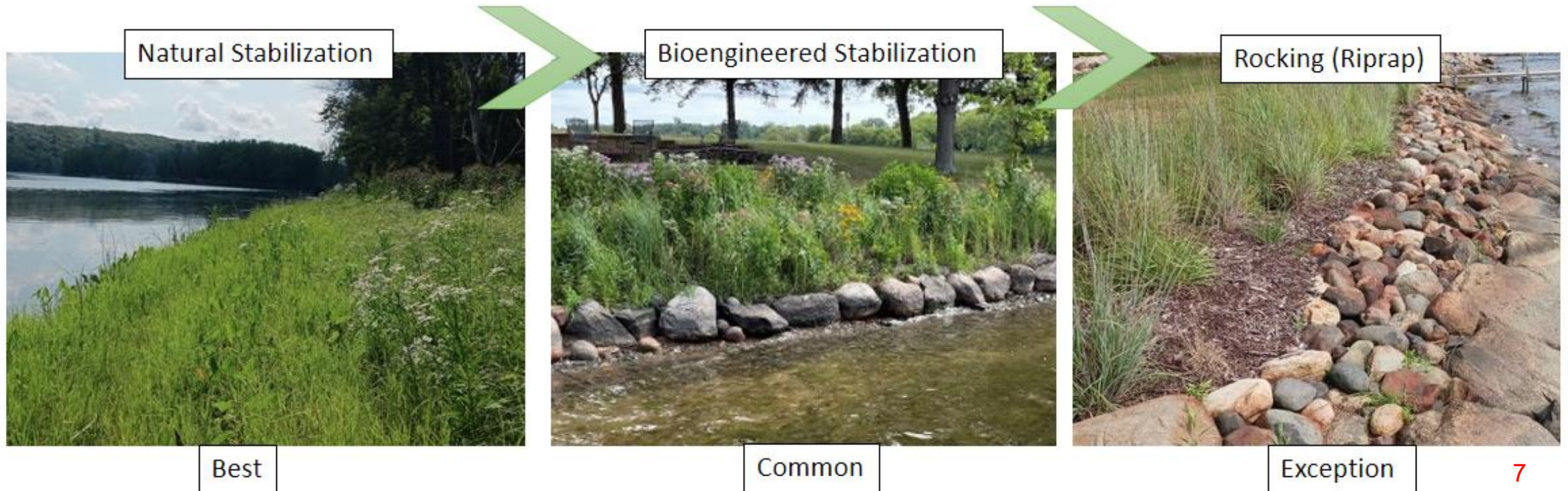
- <https://www.youtube.com/watch?v=1Z3mV64d2WQ>



District Rule 5 (Shoreline & Streambank Alterations) Policy:

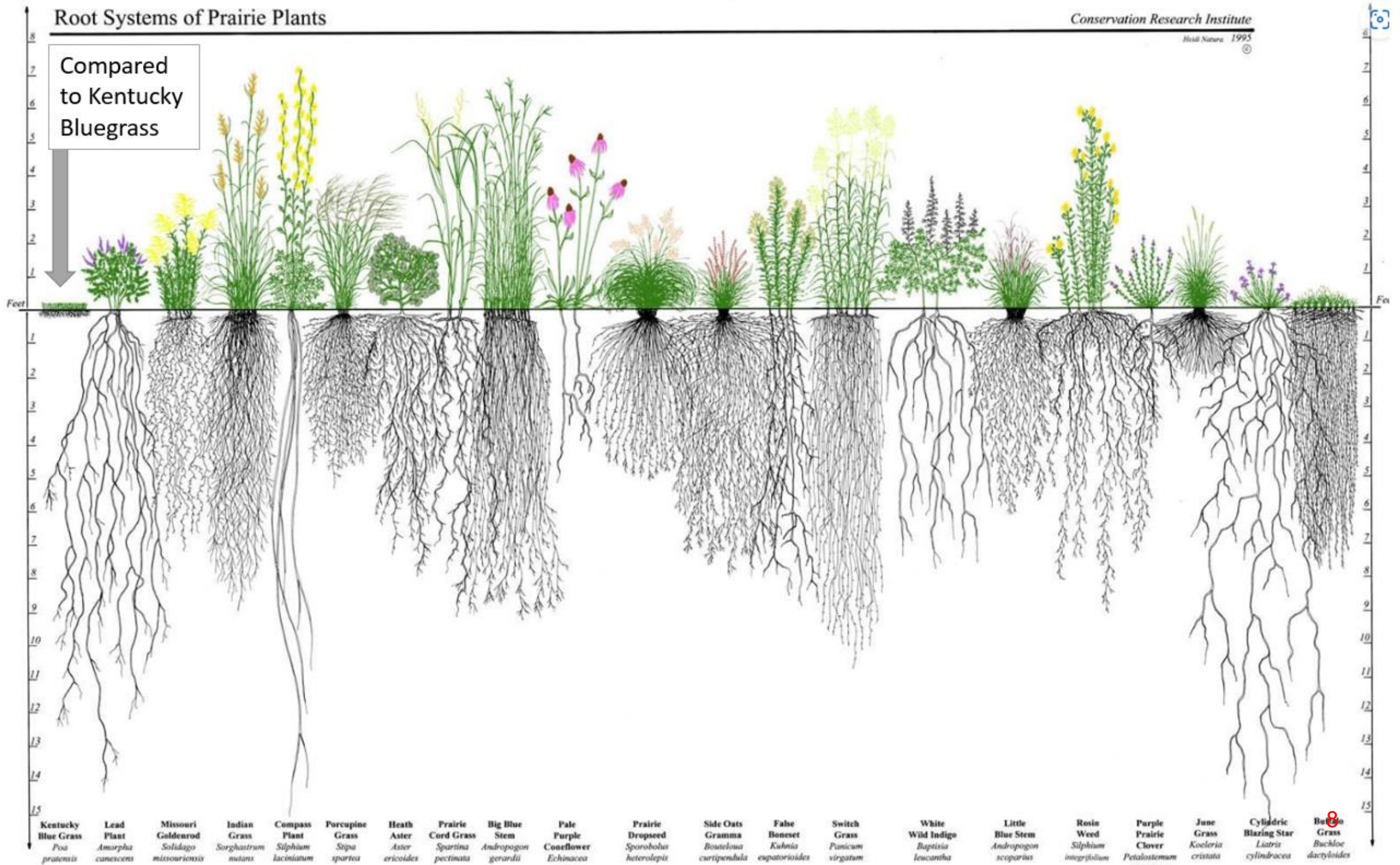
3 Policies:

1. Limit alteration of a shoreline to instances where erosion of the shoreline is occurring or likely to occur.
2. Assure that alterations of shoreline comply with accepted engineering principles to prevent erosion; **and**
3. Preserve and, wherever feasible, enhance the ecological integrity and natural appearance of shoreline.



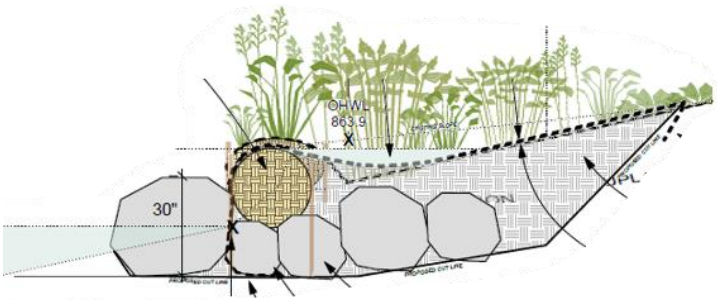
Root Systems of Prairie Plants

Compared to Kentucky Bluegrass

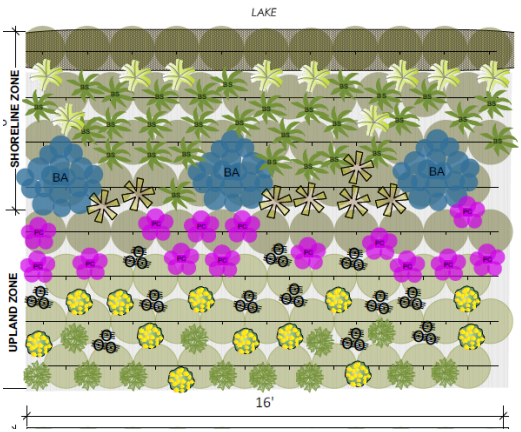




Construction



Planting



3) FLOWERING FORBS LAYER - SHORELINE

(See Planting Plan L-3)

NAME / SPECIES	QTY.
BA Blue Wild Indigo <i>Baptisia australis</i>	3
IF Blue-Flag Iris <i>Iris versicolor</i>	10
MS Meadow Blazing Star <i>Liatris ligulistylis</i>	30
SM Swamp Milkweed <i>Asclepias incarnata</i>	7

FORBS PER 96 SF SHORELINE ZONE = 50
FORBS PER 1,000 SF SHORELINE = 520

4) FLOWERING FORBS LAYER - UPLAND

DC <i>Dalea candida</i> White Prairie Clover	12
PC Purple Coneflower <i>Echinacea purpurea</i>	14
AR Alum Root <i>Heuchera richardsonii</i>	12
ES Black-eyed Susan <i>Rudbeckia hirta</i>	12

FORBS PER 96 SF UPLAND ZONE = 50
FORBS PER 2,520 SF UPLAND ZONE = 1,312



Maintenance



WATERING
WEEDING & REMOVAL

Thanks to Becker SWCD

What to ask your lakeshore landscape contractor

Are you considering hiring a contractor for a shoreline project? The following three questions will guide you in selecting a well-informed contractor who will help fix erosion concerns, support your recreational uses, and ensure the project will meet requirements intended to safeguard lake health and your property value.



WHAT TYPE OF DESIGNS DO YOU OFFER TO STOP EROSION?

There are three types of shorelines commonly used to address erosion concerns: riprap, bioengineered, and natural. The designs differ in the amount of rock and native vegetation used to stabilize sediments and provide protection. Natural and bioengineered designs utilize native plantings with deep root systems to stabilize sediments and minimize excessive rock placement.

In contrast, riprap shorelines utilize a large amount of rock and no vegetation, which often does not provide better erosion prevention compared to natural or bioengineered designs.



HOW DO YOUR DESIGNS ENHANCE WATER QUALITY & AQUATIC HABITATS?

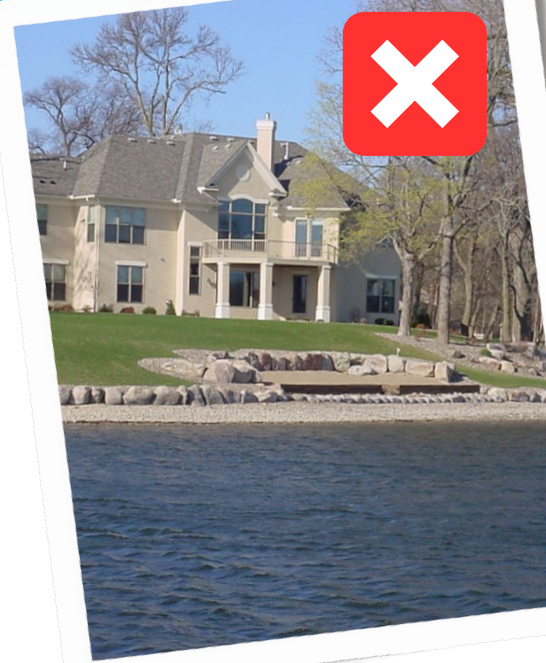
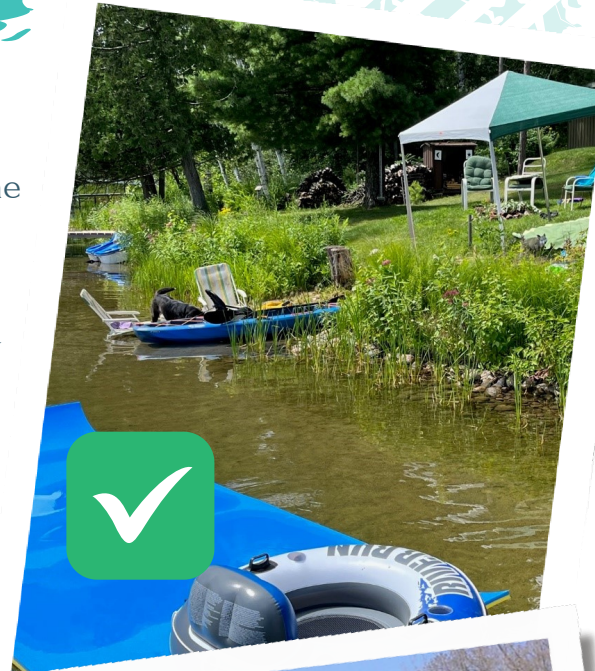
Natural or bioengineered shorelines, with their native vegetation and strategic engineering, prevent shoreline erosion and minimize and filter stormwater runoff - protecting lake water quality. They also provide essential habitat for diverse aquatic organisms that support fish populations and other desirable wildlife.

Conversely, riprap shorelines may prevent erosion, but they do little to enhance water quality or critical shoreline habitats. Shoreline designs that prioritize the removal of trees, vegetation, or excessively focus on hardscapes and beaches fail to contribute to the enhancement of biodiversity and the preservation of declining wildlife populations in many of Minnesota's renowned lakes.



HOW DO YOUR DESIGNS INCORPORATE LOCAL RULES AND REGULATIONS?

The Minnesota DNR oversees the management of lakeshores below the Ordinary High-Water Level (OHWL). However, almost all shoreline projects include areas above the OHWL and need to follow local rules and ordinances. Before proceeding, ensure that your contractor provides documentation from the local Watershed District, Soil and Water Conservation District, or Zoning Administrator, that confirms that their proposed design does not require a permit. Exercise caution if the contractor cannot provide such proof - the responsibility for unpermitted projects and shoreline restorations ultimately lies with the landowner, not the contractor.



OTHER RESOURCES:

MN DNR SHORELAND PROGRAM

tinyurl.com/MNShoreland

MN DNR SCORE YOUR SHORE

www.dnr.state.mn.us/rys

QUESTIONS?

Contact your local Soil and Water Conservation District and/or Watershed District



CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT



Notice of Violation & Cease and Desist Request

Date of Notice: _____

Time: _____ AM or PM

sSTEP Issuer(s): _____

RE: Lakeshore Alteration Violation: Joint Cease and Desist Request

Address: _____

Landowner contact information provided during initial visit (names, emails, and phones):

Dear Shoreline Owner and/or Contractor,

A member of a Shoreland Technical Evaluation Panel (sSTEP) comprised of the Carnelian Marine St. Croix Watershed (CMSCWD), Washington County, & Minnesota Department of Natural Resources (MnDNR) staff have documented a potential unpermitted shoreland alteration. Observations in relation to the land disturbance activities are described in the *Initial Findings Summary*.

All lakeshore alterations require project review and approval prior to implementation to ensure compliance with local and state rules and ordinances. For these reasons we are requesting that you:

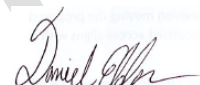
- Cease-and-Desist all work activities and only pursue actions to stabilize altered lakeshore areas with temporary seed, erosion controls, and sediment logs or silt fencing downs gradient of disturbed areas.
- Contact CDR Issuer(s) listed within 72 hours to confirm contact information, discuss your project and required submittals.
-

The sSTEP may seek to schedule a site visit within the next 60 days to continue its review of your project. We will notify you of the scheduled visit date and welcome your attendance. The sSTEP will follow up the site visit with a notification and findings summary. If confirmed to be a violation we will be seeking your voluntary compliance and will assist in understanding your permitting and restoration requirements. Failure to comply with these requests may result in escalated enforcement measures and restoration orders being issued.

The sSTEP Issuer(s) listed above will serve as your initial contacts in resolving the project.

Respectfully,


Tom Langer
Riparian Permit Specialist
CMSCWD
651-275-7452
tom.langer@cmscwd.org


Daniel Elder
Zoning Administrator
Washington County
651-430-4307
daniel.elder@co.washington.mn.us

Dan Scollan
East Metro Area Hydrologist
MnDNR
651-259-5732
daniel.scollan@state.mn.us

Cc: Mike Isensee, CMSCWD Administrator
Bobbi Hummel, Town of May Clerk

Lyssa Leitner, Public Works Planning Director
John Gleason, Hydrologist Supervisor

CARNELIAN-MARINE-ST. CROIX WATERSHED DISTRICT



Notice of Violation & Cease and Desist Request

Initial Findings Summary:

The DNR has an established ordinary high water level (OHW) of 863.9 ft for Big Carnelian Lake. The last lake level reading by CMSCWD prior to our site inspection occurred on _____ and observed a lake level of _____ ft, a difference of approximately _____ ft. Therefore, we have concluded that unpermitted activities occurred above / below (circle) the OHW.

Observed disturbances at/below the OHW (check all that apply):

- Grading/ Filling/ Excavating.
- Removal of vegetation including trees, shrubs, ground cover, and/or emergent vegetation.
- Installation/removal of riprap or retaining wall.
- Installation/removal of impervious surfaces or structures.
- Additional:

Observed disturbances above the OHW:

- Grading/ Filling/ Excavating.
 - Stockpiles of sediment and debris without ESC control in place.
 - Removal of vegetation including trees, shrubs, ground cover, and/or emergent vegetation.
 - Installation/removal of riprap or retaining wall.
 - Installation/removal of impervious surfaces or structures.
 - Additional:
-
- Site photos from the initial visit were obtained and can be provided at your request.

Follow Up Findings Summary:

After the initial site visit, the site was revisited on _____ and observed the following activities were pursued:

- Erosion controls are sufficiently installed to reduce erosion potential.
 - Sediment controls are sufficiently installed to prevent erodible soils from entering the Lake.
 - Continued grading, filling, or excavation.
 - Continued removal of vegetation.
 - Continued installation/removal of riprap or retaining wall.
 - Continued installation/removal of impervious surfaces or structures.
 - Additional:
-
- Site photos from the follow up visit were obtained and can be provided at your request.

City of Fifty Lakes Land Use Ordinance

8.03 **Dirt Moving - Shoreland Alterations**

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Such alterations must be conducted consistent with the provisions of the University of Minnesota Extension’s [“Shoreland Best Management Practices”](#).

8.03.01 **Policy**

It is the policy of the Fifty Lakes City Council and its appointed commissions that the protection of wetlands, protected waters and sensitive slopes and bluff areas is essential to the welfare of the City as a whole. The Wetland Conservation Act of 1991, pursuant to [Minnesota Statutes, Chapter 103G.245](#) and the state shoreland regulations in [Minnesota Rules, Chapter 6120](#) have delegated authority to local units of government to protect the wetlands and water resources of the State of Minnesota. In as much as the excavation or fill of materials into these protected natural resources is detrimental to the welfare of the State, the City desires to adopt a dirt moving permit review process that recognizes the need for protection while attempting to streamline the application review process. In addition the Crow Wing County Water Plan has prioritized wetlands in the shoreland area for protection due to their intrinsic functions. To this end, the following standards are adopted.

8.03.02 **Dirt Moving in Shoreland Areas**

The standards for dirt moving in the shoreland area allow greater quantities of dirt moving as the distance from the receiving water increases. The three zones recognized within the shoreland area are: shore impact zone 1 (SIZ-1), shore impact zone 2 (SIZ-2) and rear-lot zone (RLZ). In the shoreland area all dirt moving activities require a permit. 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. Dirt moving includes but is not limited to: riprap, ice ridge alterations, and any movement of dirt.

a) **Dirt moving in the shore impact zone-1 (SIZ-1)¹:**

1. In upland areas, up to 10 cubic yards (cumulative from natural state) of movement of material (including sand) requires a

¹ Amended 6/11/19

permit provided that analysis of existing shoreland vegetation is conducted by the Zoning Administrator, a revegetation plan developed, and revegetation installed as set forth in Section 8.05.

2. In wetland areas, fill or dirt moving are prohibited.
3. The movement of any annual ice ridge requires a dirt moving permit. All such projects shall comply with [Department of Natural Resources guidelines](#).
4. Historic Ice Ridges. On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
 - i. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
 - ii. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 (a ratio of length to height) at each end.
 - iii. On water oriented commercial lots, the maximum bottom width shall be 25 feet with 2:1 (a ratio of length to height) side slopes at each end.
 - iv. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
 - v. A stormwater management plan meeting the standards of Article 41 of this ordinance must be approved by the zoning administrator prior to any dirt moving.
 - vi. All disturbed material shall be graded landward or removed from the site.
 - vii. Any alteration below the OHWL may require approval from the Department of Natural Resources and/or U.S. Army Corps of Engineers.

b) Dirt moving in shore impact zone-2 (SIZ-2)

1. In upland areas, up to 50 cubic yards of fill/dirt moving requires a permit.
2. In wetland areas, up to 400 square feet of fill (one time cumulative), requires a permit pursuant to Section 8.08. An approved Wetland Conservation Act Certificate of Exemption from the Crow Wing County Soil and Water Conservation District shall also be required.

3. Only 400 sq. ft of cumulative wetland impact shall be permitted in the SIZ-2 and the RLZ.
- c) **Dirt moving in the Rear Lot Zone (RLZ)**
1. In upland areas, up to 100 cubic yards of fill/dirt moving requires a permit.
 2. In wetland areas, up to 400 square feet of fill (one time cumulative), requires a permit pursuant to Section 8.08. An approved Wetland Conservation Act Certificate of Exemption from the Crow Wing County Soil and Water Conservation District shall also be required.
 - a. Only 400 sq. ft of cumulative wetland impact shall be permitted in SIZ-2 and the RLZ.
- d) **Dirt moving on steep slopes**
1. Filling or excavation shall not be permitted in SIZ-1 or a bluff impact zone.
 2. Finished slopes shall not exceed 30%.
 3. Plans to place fill or excavated materials on steep slopes must be designed and inspected by the Crow Wing County Soil and Water Conservation District or a registered professional engineer to insure continued stability.
- e) **Dirt moving below the ordinary high water level (OHWL).**
1. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, sections 103G.245 and 103G.405.
- f) **Connections to public waters.**
1. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

8.03.03 **Retaining Walls**

- a) Retaining walls in shore impact zones 1 and 2 (SIZ-1 and SIZ-2) require permits and may only be installed in situations where bio-engineering practices (vegetation) are not feasible. More than one (1) tier or combination of tiers of a retaining wall exceeding four feet in height shall require a conditional use permit.
- b) No tier of a retaining wall shall exceed four (4) feet in height. A design plan, showing elevations, stormwater drainage patterns, soil erodibility factors, critical area seeding/landscaping recommendations and amount of dirt displaced/moved for existing and proposed conditions must be submitted.
- c) Length of retaining wall is limited to half of the lot width, not to exceed forty (40) feet.

- d) No more than 30 cubic yards of dirt moving shall be permitted.
- e) Retaining walls in the rear lot zone (RLZ) require permits and may be installed provided they do not create a runoff or erosion problem.

8.03.04 **Riprap**

- a) Placement of natural rock riprap waterward of ordinary high water level does not require a permit from the City. However, all work done waterward of the ordinary high water level shall comply with [Department of Natural Resources guidelines](#).
- b) The placement of up to ten (10) cubic yards of riprap landward of the ordinary high water level (OHWL) including associated grading of the shoreland and placement of a filter blanket, requires a dirt moving permit and shall comply with [Department of Natural Resources guidelines](#). The placement of more than ten (10) cubic yards of riprap landward of the ordinary high water level (OHWL) including associated grading of the shoreland and placement of a filter blanket, requires a conditional use permit.
- c) Rock riprap landward of ordinary high water level will only be allowed with a permit in situations where bio-engineering practices (vegetation) are not feasible.
- d) Riprap used for ornamental purposes shall be prohibited.
- e) Permits for rock riprap landward of ordinary high water level shall also include requirements to establish vegetative shoreline buffers (landward of the riprap) with a minimum of ten (10) feet parallel to the edge of shoreline of the entire width of the lot, except for lake or river access areas. Earthen berms may be substituted for vegetative buffers.

8.03.05 **Exemptions**

- a) Grading, filling or excavations necessary for construction of structures, subsurface sewage treatment systems, if part of a validly issued construction/ permit, shall not require a separate dirt moving permit, unless located within wetlands, steep slopes, a shore or bluff impact zone.
- b) Placement of soils for the creation of yard area in upland areas of shore impact zone-2 (SIZ-2) or the rear lot zone (RLZ) are allowed without a dirt moving permit provided the fill/dirt moving is not located within a bluff or shore impact zone 1 (SIZ-1), and do not exceed 10 cu. yds.
- c) The creation of wetland habitat improvements, except in shore impact zone 1 (SIZ-1), are allowed without a dirt moving permit provided plans are approved by the Crow Wing County Soil and Water Conservation District (SWCD) prior to construction and that spoils be deposited in a manner consistent with Wetland Conservation Act (WCA) standards,
- d) The construction of livestock watering ponds, agricultural manure storage facilities which are approved by the Natural Resources

Conservation Service (NRCS) and the Crow Wing County Soil and Water Conservation District (SWCD) are allowed without a dirt moving permit, except in SIZ-1 and 2.

- e) Public and private roads and parking areas are allowed without a dirt moving permit provided that the roadway is designed to achieve maximum screening from adjacent properties and public waters and are not located within wetlands, a bluff, or shore impact zone 1 or 2 (SIZ-1 or 2). All appropriate permits from other regulatory agencies must be obtained.

8.04 Vegetation Alterations

8.04.01 Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 5.03 and 5.06, respectively, is allowed with a permit (unless otherwise specified below) and subject to the following standards²:

- a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of the shore and bluff impact zones and on steep slopes may be allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the Crow Wing County Soil and Water Conservation District.
- b) In shore and bluff impact zones and on steep slopes, no clearing or cutting of trees and shrubs shall be allowed except to establish a view corridor. In establishing a view corridor the following standards shall be met:
 1. Prior to vegetative removal regulated by this section or prior to establishing a view corridor on a riparian lot, the property owner shall contact the zoning administrator to arrange for a site visit and complete an application for vegetative alteration.
 2. The zoning administrator may require that the property owner clearly mark any proposed view corridor and/or any vegetation to be removed from a riparian lot. Additionally, the zoning administrator may require the property owner to supply information on slope, soil type, property line locations, location of easements and any other information that may be needed in order for the zoning administrator to act on a request.
 3. The view corridor shall not exceed 50 feet or half the lot width, whichever is less.
 4. Tree/shrub removal within the view corridor shall not exceed 25% of the trees greater than 5” in diameter (measured at 4.5 feet above the ground, known as “diameter at breast height” or DBH), and 25% of the trees/shrubs less than 5” (DBH). A permit is not required to cut new growth (including tree branches) in order to maintain an established view corridor.

² Amended 6/11/19

5. From the ordinary high water level, extending through the shore impact zone and extending to the building setback, exclusive of the view corridor, no vegetative alterations are allowed, however planting of trees, shrubs and other vegetation is encouraged.
 6. The removal of exotic species such as european buckthorn, ~~or~~ purple loosestrife, or noxious species such as poison ivy or prickly ash is allowed.
 7. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 8. The existing shading of water surfaces along the shoreline is preserved during leaf-on periods of the year.
 9. Trees and shrubs which are located outside of the view corridor, but within the shore impact zone, bluff impact zone, or on steep slopes shall be left undisturbed except for the removal of exotic species such as european buckthorn or purple loosestrife or noxious species such as poison ivy or prickly ash.
 10. Naturally dead or diseased trees may be removed without a permit.
 11. A permit is not required to remove a tree that is creating a safety hazard as determined by the zoning administrator.
 12. Application of fertilizer and pesticides in shoreland must be done in such a way as to minimize runoff into the shore impact zone or public water. The use of phosphorus containing fertilizer is prohibited within the shore impact zone.
 13. Burning of yard waste is prohibited within the shore and bluff impact zones or on steep slopes.
 14. An area up to 15 ft wide within the view corridor may be 100% cleared of woody vegetation in order to accommodate a permitted path to access the shoreline. Paths, stairways, lifts and landings located in the Shore Impact Zone may not be located outside of a view corridor.
- c) A vegetative buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with slopes greater than 25 percent. Vegetation clearing and removal of ground cover is not allowed except as allowed in Section 8.04.01 (b) and as follows:
1. Only removal of vegetation is necessary to accommodate the placement of a stairway and associated landings, lifts, is allowed. Trees, shrubs, and low ground cover consisting of plants and understory must be maintained in a natural state within these areas.
 2. Removal of trees or branches that pose a safety hazard or are diseased is allowed.

- d) The Zoning Administrator shall evaluate possible soil erosion impacts and the development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- e) **Vegetative Mitigation.** To protect water quality and safeguard sensitive areas, on-site vegetative mitigation on riparian lots is required for:
 - 1. A variance granted to the standards of this ordinance;
 - 2. Issuance of a permit for lots located on Natural Environment Lakes;
 - 3. Issuance of any conditional permit where evaluation and assessment determine the need for additional environmental protection.
 - 4. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 15% of total lot impervious coverage.
 - 5. Mitigation shall be proportional to the impact of the proposed project.
 - 6. Required mitigation shall be recommended by the Zoning administrator for permits, variances, or conditional uses.
 - 7. Plans shall comply with the standards in Section 8.04.01.
- f) Vegetation alteration necessary for the construction of structures and subsurface sewage treatment systems and the construction of roads and parking areas regulated by Section 8.06 of this ordinance are exempt from these vegetation alteration standards.

8.05 Revegetation, stormwater management, and erosion control plans

8.05.01 The following standards shall apply to all dirt moving and vegetation alteration permits listed in Sections 8.03 and 8.04³:

- a) Revegetation, stormwater management, and erosion control plans shall be developed in conjunction with the issuance of all dirt moving permits and implemented during and immediately following construction.
- b) Total impervious coverage on a lot shall be calculated for each project.
- c) Impervious surface coverage of lots must not exceed the standards in Section 5.01 of this ordinance.
- d) Plans shall be designed and approved in advance by the Crow Wing County Soil and Water Conservation District (SWCD) or a registered professional engineer using the most current standards of the Natural Resources Conservation Service, the Minnesota

³ Amended 6/11/19

Department of Natural Resources, or the Minnesota Board of Water and Soil Resources.

- e) The Zoning Administrator or a representative of the Crow Wing County Soil and Water Conservation District (SWCD) shall inspect all permitted projects to assure compliance with revegetation and erosion control plans.
- f) Permit applicants shall be responsible for paying all fees charged by the Crow Wing County Soil and Water Conservation District (SWCD) or an engineer in conjunction with the design and inspection of revegetation and erosion control plans.
- g) 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.
- h) Excavation or fill shall not be allowed in bluff impact zones.
- i) The fill or excavation shall not negatively impact public waters, roads, adjacent or affected properties.
- j) Mulches and similar erosion control materials shall be used to provide temporary bare ground protection. Facilities or methods shall be used to retain sediment on the site.
- k) Permanent vegetative coverage shall be established within two weeks of the completion of construction.
- l) Stormwater Management Plans are required as part of the permit approval on lots exceeding 15% impervious surface.
- m) When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- n) 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, rain gardens, skimming devices, dikes, waterways, berms, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- o) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be utilized. Altered areas shall be stabilized to acceptable Best Management Practice standards.
- p) All storm water plans shall be designed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. No stormwater or runoff to adjacent lots or roadways shall exceed pre construction conditions.

- q) All dirt moving permits shall be for a one (1) time fill/movement or excavation within shore impact zone 1 (SIZ-1), shore impact zone 2 (SIZ-2) and/or rear lot zone (RLZ).
- r) There shall be no boat access, road, or ramp permitted for lots on public waters that have a public access.
- s) Lake access across wetlands in SIZ-1 shall be by a walkway no more than four (4) feet in width.

8.06 Placement and Design of Roads, Driveways, and Parking Areas

- 8.06.01 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.
- 8.06.02 Roads, driveways, and parking areas must meet structure setbacks and must not be placed within shore impact zones 1 or 2 (SIZ 1 or 2), or bluff impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

LAKESHORE LAWN SURVEY

WEST & EAST FOX LAKES

ACREAGE
 WEST 510
 EAST 234
 TOTAL 744

APPROXIMATE NUMBER OF
 HOMES ON BOTH LAKES
 COMBINED IS \approx 200

GENERAL DEVELOPMENTAL LAKES

SURVEY BY DON R. & KEN NEIHART JULY 3, 2011

FOOTAGE OF LAWN DOWN TO LAKES WITHOUT ANY BUFFER.

(NOTE THAT LAWN BUFFERS WERE OFTEN ONLY A FEW FEET.)

<u>WEST FOX</u>	
	<u>NUMBER</u>
10'	4
15'	7
20'	6
25'	1
40'	2
50'	4
70'	3
75'	5
80'	1
100'	3
<hr/>	
	36

<u>EAST FOX</u>	
	<u>NUMBER</u>
15'	8
20'	7
30'	5
35'	1
40'	1
50'	1
60'	2
75'	2
100'	3
<hr/>	
	30

66 OUT OF 200 = 33%

NOTE THAT THE PERCENTAGE OF LAWNS
 25 FEET OR LESS WAS 16 1/2% AND
 LAWNS 26 TO 100' WAS 16 1/2% OF TOTAL

LAKESHORE LAWN SURVEYMITCHELL LAKE

SURVEY BY DAN WRIGHT AS GIVEN
TO KENNEDY

APPROXIMATE NUMBER OF HOMES ON LAKE \approx 90-100

LAWNS DOWN TO LAKE (WIDTH NOT NOTED)

8-10 TOTAL = 8% TO 10%

EAGLEKEGO

\approx 30 HOMES ON LAKE

BUTTERFIELD

\approx 9 HOMES ON LAKE IN FIFTY LAKES

OX

\approx 4 HOMES ON LAKE IN FIFTY LAKES

TROUTMAYER

Eagle Lake

Natural Shoreline 23

Rip Rap w/ Lawn 19

Rip Rap w/ Retaining Wall / Grass 5

* Mow to Water Edge 23

Buffer Zone 22

~~Sow~~ Sod Banket away $\frac{6}{98}$

1
46
24
28

8

W
D

STAFF REPORT

Application: Metes and Bounds Subdivision to split a 39.6 acre into two tracts

Property Owner/Applicant: Travis Kent

Background Information: The applicant is requesting to subdivide a 39.6 acre parcel into two tracts. The subject property is located at 39796 Majestic Road and is zoned “Shoreland Residential” (Meyer Lake- Natural Environment.)



Tract A: The proposed vacant parcel is 6.03 acres and has 66 ft of frontage along Majestic Road which is a public road. The proposed parcel is 200 ft wide and contains 1.48 acres (64,469 sf) of buildable area. It is adequately sized for a subsurface sewage treatment system and well. The proposed parcel contains a steep slope located east of the building site and a bluff area located along the north property line between the building site and shoreline.

Tract B: The proposed parcel is 33.57 acres and is vacant. The parcel has adequate buildable area and shoreline along Meyer Lake and Four Acre Lake. It will be accessed via a 66' wide easement across proposed Tract A.

Applicable Regulations: The following ordinance regulations apply to this request:

5.01 Lot Area, Width, Buildable Area and Impervious Surface Standards

Table 5.01.01 Shoreland Residential District (SR) Lot Area, Width, Buildable Area, and Impervious Surface Standards

Single Family Residential

Shoreland Residential District (SR) Lake Classification	Min. Lot Area (ft²)	Min. Lot Width	Min. Buildable Area (ft²)**	Max. Impervious Coverage (%)
Natural Environment				
Natural Environment- Riparian	80,000	200	40,000	10

6.03.03 **Metes and Bounds Subdivision.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor. All subdivisions by metes and bounds shall be reviewed and approved or denied by the Planning Commission. The Planning Commission may include any requirement from Subdivision by Plat Sec. 6.05 to sanction orderly development. Subdivision by metes and bounds shall be limited the creation of three (3) parcels in any five (5) year period, including the remnant parcel. Conditions may be attached to an approval requiring appropriate improvements. The resulting land descriptions shall be recorded in the office of the county recorder.

6.04.03 **Metes and Bounds Subdivision Design Standards.** The standards for an administrative subdivision shall be as follows:

- a) Record parcel must have deeded access to public road.
- b) Proposed easements must have a minimum width of 33 feet.
- c) A private easement/driveway shall not serve more than three parcels.
- d) A road or access serving more than three parcels shall be require to be constructed to the City of Fifty Lakes' "Road Construction Specifications," platted, and dedicated to the public.
- e) Proposed subdivision must meet the land use district standards in which it is located.

- f) Proposed subdivisions to include location of delineated wetlands, or a letter stating there are no wetlands from certified wetland delineator, if no wetlands exist.
- g) Applications must include all of the following applicable items:
 - 1. Certificate of survey.
 - 2. County coordinates for public land survey corners if they are not of public record.
 - 3. Certificate of location of government corner must be prepared and placed of record for any corner(s) used in determining the boundary of the subject parcel as specified in [Minnesota Statutes, Chapter 381.12, Subd 3](#) or executed public land survey corner perpetuation and record agreement.
 - 4. Completed wetland delineation submittal and review form or statement that none exist from a certified wetland delineator.
 - 5. Consolidation form completed (for non-conforming property to an adjacent parcel).
 - 6. Once approved, electronic version of subdivision (compatible with County software).
 - 7. Subsurface sewage treatment site suitability provided for two sites on each new parcel planned, with supporting documentation from a MPCA-licensed designer or compliance inspection reports for existing systems.

Staff Findings: Staff provides the following findings of fact for consideration:

- 1. The request is to subdivide a to subdivide a 39.6 acre parcel (22320528) into two tracts.
- 2. The subject property is located at 39796 Majestic Road and is zoned “Shoreland Residential” (Meyer Lake- Natural Environment.)
- 3. All of the proposed tracts meet the minimum lot size and dimensional requirements of the “Shoreland Residential” Zone.
 - a. Tract A: The proposed vacant parcel is 6.03 acres and has 66 ft of frontage along Majestic Road which is a public road. The proposed parcel is 200 ft wide and contains 1.48 acres (64,469 sf) of buildable area. It is adequately sized for a subsurface sewage treatment system and well. The proposed parcel contains a steep slope located east of the building site and a bluff area located along the north property line between the building site and shoreline.
 - b. Tract B: The proposed parcel is 33.57 acres and is vacant. The parcel has adequate buildable area and shoreline along Meyer Lake and Four Acre Lake. It will be accessed via a 66’ wide easement across proposed Tract A.

Planning Commission: The Planning Commission can approve the request, deny the request or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

Staff Recommendation: The proposed parcels meet the minimum standards of the Shoreland Residential Zone. Staff recommends the subdivision request be approved without conditions.

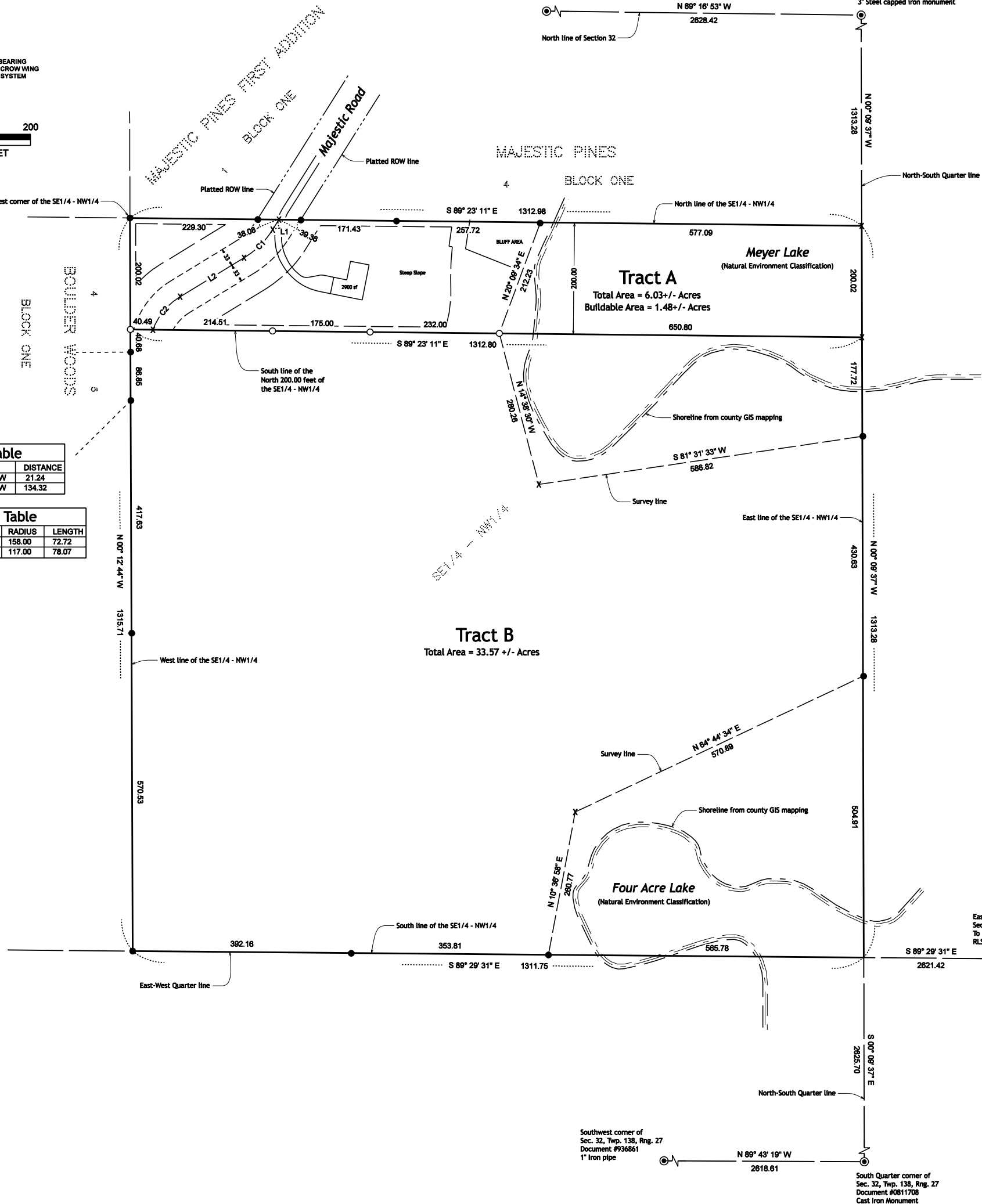


ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE SYSTEM



Northwest corner of Sec. 32, Twp. 138, Rng. 27 Document #0799485 2" PK nail over 3/4" Iron pipe

North Quarter corner of Sec. 32, Twp. 138, Rng. 27 Document #0799485 3" Steel capped iron monument



Line Table		
LINE	BEARING	DISTANCE
L1	S 32°15'18" W	21.24
L2	S 58°37'37" W	134.32

Curve Table			
CURVE	DELTA	RADIUS	LENGTH
C1	28°22'20"	158.00	72.72
C2	38°14'00"	117.00	78.07

Surveyors Notes

The property address for the subject property is:

Not Declared

The Parcel Number for the subject property is 22320528.

The current zoning classification for the subject property is Shoreland Residential.

This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.

Structure setbacks are based off of property lines, Ordinary High-Water line, and Right-of-way line. There were no bluff determinations done a part of this survey.

The East-West Quarter line is based on the East Quarter corner of Section 32 AND a computed point in Big Trout Lake at an even split between the Northwest and Southwest corners of Section 32.

Legal Description - Document Number 0682272

SE1/4NW1/4, Sec. 32, Twp. 138, Rge. 27.

Proposed Legal Description - Tract A:

The North 200.00 feet of the Southeast Quarter of the Northwest Quarter of Section 32, Township 138 North, Range 27 West, Crow Wing County, Minnesota.

Subject to a 66.00-foot-wide easement for ingress and egress purposed, over, under, and across that part of said Southeast Quarter of the Northwest Quarter. The centerline of said easement is described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Northwest Quarter; thence South 89 degrees 23 minutes 11 seconds East, along the north line of said Southeast Quarter of the Northwest Quarter, a distance of 267.38 feet to the point of beginning of the centerline to be described; thence South 32 degrees 15 minutes 18 seconds West, a distance of 21.24 feet; thence 72.72 feet southwesterly along a tangential curve concave to the northwest, said curve having a radius of 158.00 feet and a central angle of 26 degrees 22 minutes 20 seconds; thence South 58 degrees 37 minutes 37 seconds West, tangent to the last described curve, a distance of 134.32 feet; thence 78.07 feet southwesterly along a tangential curve concave to the southeast to the intersection with the south line of the North 200.00 feet of said Southeast Quarter of the Northwest Quarter, said curve having a radius of 117.00 feet and a central angle of 38 degrees 14 minutes 00 seconds, said centerline there terminating.

The sidelines of said easement are to be shortened or prolonged to terminate on the north line of said Southeast Quarter of the Northwest Quarter AND the south line of the North 200.00 feet of said Southeast Quarter of the Northwest Quarter.

Said tract contains 6.0 acres, more or less, and is subject to any restrictions, reservations, and easements of record, if any.

Proposed Legal Description - Tract B:

The Southeast Quarter of the Northwest Quarter of Section 32, Township 138 North, Range 27 West, Crow Wing County, Minnesota, EXCEPT the North 200.00 feet thereof.

Together with a 66.00-foot-wide easement for ingress and egress purposed, over, under, and across that part of said Southeast Quarter of the Northwest Quarter. The centerline of said easement is described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Northwest Quarter; thence South 89 degrees 23 minutes 11 seconds East, along the north line of said Southeast Quarter of the Northwest Quarter, a distance of 267.38 feet to the point of beginning of the centerline to be described; thence South 32 degrees 15 minutes 18 seconds West, a distance of 21.24 feet; thence 72.72 feet southwesterly along a tangential curve concave to the northwest, said curve having a radius of 158.00 feet and a central angle of 26 degrees 22 minutes 20 seconds; thence South 58 degrees 37 minutes 37 seconds West, tangent to the last described curve, a distance of 134.32 feet; thence 78.07 feet southwesterly along a tangential curve concave to the southeast to the intersection with the south line of the North 200.00 feet of said Southeast Quarter of the Northwest Quarter, said curve having a radius of 117.00 feet and a central angle of 38 degrees 14 minutes 00 seconds, said centerline there terminating.


The sidelines of said easement are to be shortened or prolonged to terminate on the north line of said Southeast Quarter of the Northwest Quarter AND the south line of the North 200.00 feet of said Southeast Quarter of the Northwest Quarter.

Said tract contains 33.6 acres, more or less, and is subject to any restrictions, reservations, and easements of record, if any.

PROPERTY BOUNDARY LEGEND

- SET IRON PIPE WITH CAP STAMPED "KRAMER 23668"
- FOUND IRON MONUMENT
- X COMPUTED POSITION
- ⊙ GOVERNMENT SECTION CORNER MONUMENT

NO.	REVISIONS SINCE INITIAL DATE OF	DATE



KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRAINERD ST. CLOUD

1120 Industrial Park Road
Brainerd, MN 56401
716-629-6339

13 North 11th Avenue
St. Cloud, MN 56303
320-259-1599

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

Signature: *James Kramer* 04/07/2022
James Kramer, MN License No. 23668 Date

PROJECT NO. KENTT2101

CERTIFICATE OF SURVEY

Topographic and Property Boundary Survey

Travis Kent
Section 32, Township 138 North, Range 27 West
Crow Wing County, Minnesota

City of Fifty Lakes Recreational Vehicle Ordinance Draft Modifications – 8/22/23

9.06 Parking, Storage and Usage of Recreational Vehicles

9.06.01 General.

- a) Recreational vehicles (RV) 20 feet or more in length shall be stored inside or be fully screened from adjacent properties and public waters.
- b) RV's must meet dwelling setback requirements for the zone they are located in.
- c) There shall be a maximum of _____ units allowed on a property at any one time.
- d) Up to one RV may be considered a "guest cottage" on a conforming lot if no other guest quarters or guest cottages are located on the property.
- e) RV's shall be located to reduce visibility as viewed from public water and adjacent shorelands by vegetation or topography.

9.06.02 Temporary Placement for Use.

- ~~a) Temporary placement for use of recreational vehicles other than in a campground shall be allowed with a land use permit for one (1) calendar year (June through May). The land use permit may be renewed for three (3) consecutive years. Any use of a recreational vehicle greater than three (3) years will require an interim use permit.~~
- b) a) Any owner or tenant on a lot may use a recreational vehicle for guests for a period of up to twenty-one (21) consecutive days without a permit.
- ~~c) Temporary recreational vehicle placement for use shall be allowed only on lots having conforming water supply and subsurface sewage treatment systems.~~

9.06.03 Long-term Placement for Use

- a) A one-time permit for long-term placement for use of recreational vehicles other than in a campground shall be allowed with a land use permit for up to three (3) years.
- b) Long-term placement for more than three (3) years shall require an interim use permit and installation of a conforming water supply and subsurface sewage treatment system.

2023 Land Use Permits

NUMBE R	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZON E	PIN	DESCRIPTION	FEE
01-23	2/3	4/28	40324 W Fox Lake Road	Drill	David & Erica	SR	22280577	Construct 2,156 sf dwelling addition	300
02-23	3/3	3/10	41441 East Eagle Lake Ln	Moldenhaus	Donald	SR	22240575	Construct 1,120 sf dwelling addition in accordance with Variance V-05-22	200
03-23	3/10	4/17	12730 Manhattan Point Blvd	Steinbauer	Nathan & Joanna	SR	22310509	Construct 2' wide paverwalkway in SIZ 1 & 2	100
04-23	4/5	4/14	43953 KEGO LAKE RD	Bailey	Jackie	SR	22150514	Shoreline alteration: sand blanket, walkway and rip rap	100
05-23	4/19	4/28/23	39098 Ox Lake Cir	Gibbs	Ben	SR	22320517	Apprx 8 cu yd grading in SIZ I.	100
06-23	4/21	5/8/23	16246 Eagles Turn	Wright	Thomas	SR	22230522	Construct 28' x 42' (1,176 sf) accessory structure	200
07-23	5/5/23	5/8/23	41325 Peninsula Rd	Salo	Robert & Lois	SR	22220599	Construct wood boardwalk/entry ramp	150
08-23	5/5/23	5/8/23	tbd E Fox Heights Rd	Faber	Mike	SR	22220590	Construct 10' x 12' water oriented accessory structure and install 15' (l) x 10' (w) sand area	300

NUMBER	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZONE	PIN	DESCRIPTION	FEE
09-23	5/1/23	5/8/23	40293 Fox Glen Rd	Siemers	Scott & Nicole	RR	22270568	Construct 60' x 60' (3,600 sf) single family dwelling	550
10-23	5/8/23	5/12/23	16594 Fawn Cir	Bengtson	Tim	SR	22110502	Construct 32' x 48' (1,536 sf) accessory structure	200
11-23	5/12/23	5/12/23	40366 Co Rd 3	City of Fifty Lakes		C	22250500	Construct 60' x 60' (3,600 sf) pickle ball courts	n/a
12-23	5/15/23	5/19/23	12248 Northgate Ln	Frederiksen	Scott & Heidi	SR	22310549	Construct 1,216 sf accessory structure and garden fence	200
ATF13-23	5/22/23	5/22/23	15122 CO RD 1	Thalacker	Craig & Linda	SR	22270579	AFTER-THE-FACT Shoreline grading permit. 4' wide stairs. Remove boulder wall in SIZ 1, restore grade and vegetate.	1100
14-23	5/19/23	5/22/23	15156 Edgewild Ln	Grudem	Jerome	SR	22220622	Construct 3' x 90'+ wooden stairway	100
15-23	5/19/23	5/22/23	43252 County Road 136	Gilman	Gary	SR	22120548	Replace existing accessory structure with 36' x 40' (1,440 sf) accessory structure	200
16-23	5/26/23	6/8/23	17594 Emerald Ln	Baskfield	John	SR	22240543	patio and 3' wide stairway/walkway	100
17-23	5/23/23	6/8/23	Manhattan Point Blvd	Trout Lodging LLC		SR	27320535	15' (length along shoreline) x 10' wide sand area	100
18-23	6/12/23	6/16/23	17709 Emerald Ln	Lang	Dale	SR	22240552	Construct two retaining walls and general site grading in SIZ 2 and RLZ to mitigate erosion. Construct 4' wide stairway and 120 sf accessory structure	200
19-23	6/14/23	6/16/23	14082 West Fox	Hupperts	Greg	SR	22280606	Convert existing patio into 4' wide walkway and construct a walkway and fire pit/patio in SIZ 2	100

NUMBER	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZONE	PIN	DESCRIPTION	FEE
20-23	6/16/23	9/26/23	40946 Peninsula Rd	Kirchoff	John	SR	22220571	Construct 4' wide walkway in SIZ 1	100
21-23	6/30/23	6/30/23	43292 Buck Trl	Hilton	Gerald &	SR	22130571	Seasonal placement of recreational vehicle	50
22-23	6/21/23	6/30/23	43314 Buck Trl	Kremer	Greg	SR	22130580	Construct a 2,490 sf single family dwelling.	450
23-23	6/14/23	6/30/23	17374 Pitch Pine Ln	Maloney	Richard	SR	22130512	Construct 2,280 sf single family dwelling with attached deck	450
24-23	6/30/23	6/30/23	41282 Peninsula Rd	Johnson	Lary	SR	22220605	Construct 640 sf dwelling addition partially within OHW level setback in accordance with Variance V-01-23 and reconstruct 8' x 46' (368 sf) pre-existing deck.	200
25-23	6/30/23	7/3/23	41170 W Fox Lake Rd	Nibbe	James	SR	22210504	Place 7' x 7' (49 sf) accessory structure on property	75
26-23	7/6/23	7/10/23	tbd W Eagle Lake Rd	McGuire	John	SR	22140514	Construct 10' wide driveay	50
27-23	7/14/23	7/14/23	15634 Co Rd 1, Unit #15	Jorgensen	Alan	WOC	22270512	Construct 9' x 10' (90 sf) deck	75
28-23	7/14/23	7/14/23	TBD County Rd 3	Anderson	Jerry	Ag	22350540	Construct 10' x 20' accessory building	100

NUMBER	DATE RECD	DATE APPRVD	PROPERTY ADDRESS	LAST	FIRST	ZONE	PIN	DESCRIPTION	FEE
29-23	7/3/23	7/14/23	43835 Kego Lk Rd	Cronister	Jason	SR	22150510	Construct 10' x 12' (120 sf) water oriented accessory structure	100
30-23	7/21/23	tbd	39796 Majestic Rd	Kent	Travis	SR	22320528	Construct 4,054 sf single family dwelling	650
31-23	7/31/23	8/4/23	TBD	Potz	David	RR	TBD (new parcel)	Construct a 30' x 40' (1,200 sf) single family dwelling	350
32-23	8/4/23	8/7/23	39855 Majestic Road	Berger	Vanessa	SR	22320510	Construct a 20' x 32' (640 sf) dwelling addition (4 season porch/awning)	200
33-23	8/4/23	8/11/23	17175 N Mitchell Lake Rd	Widman	Craig	SR	22120533	Repair existing retaining wall, and add apprx 8 cu yd sand to existing sand area.	100
34-23	8/4/23	8/11/23	17175 N Mitchell Lake Rd	Widman	Craig	SR	22120532	Construct 4' wide walkway, repair existing retaining wall, and add apprx 10 cu yd sand to existing sand area.	100
35-23	8/7/23	8/11/23	17011 Buchite Rd	Ness	Randy	RR	22360516	Construct 10' x 20' (200 sf) accessory structure addition, 9' x 20' (180 sf) accessory structure addition, new 12' x 20' (240 sf) accessory structure and 12' x 12' (144 sf) lean-to addition.	150
36-23	8/7/23	8/15/23	13755 County Road 1	Morton	Jeanne	SR	22320534	Construct 30' x 32' (960 sf) single family dwelling	250

2023 SSTS Permits

Permit #	Date Rec.	Date Apprvd.	New or Rep.	PIN	Location	Last Name	First Name	Type
SSTS01-23	5/1/23	5/8/23	New	22270568	40293 Fox Glen Rd	Siemers	Scott & Ni	1- rock trenches, 300 gpd, 1 tank
SSTS02-23	5/19/23	5/19/23	New/upgr	22310549	12248 Northgate Ln	Frederiksen	Scott & He	1- Add 1500 gal tank to existing system
SSTS03-23	5/19/23	5/19/23	New	22130582	tbd N Eagle Lake Rd	Gleason	John	3?- Privy
SSTS04-23	5/30/23	5/30/23	New	22320534	tbd County Rd 1	Morton	Jeanne	1- rock trenches, 300 gpd, 1 tank
SSTS05-23	05/23/23	6/8/23	Rep	14050626	12864 Manhattan Poir	Trout Lodging LLC		1- pressure bed, 750 gpd, 2 tanks
SSTS06-23	6/23/23	6/26/23	New	22270549	tbd Old Co Rd 1	Adas	Pat	1- rock trenches, 450 gpd, 1 tank
SSTS07-23	6/14/23	6/30/23	Rep	22130512	17374 Pitch Pine Ln	Maloney	Richard	1- rock trenches, 450 gpd, 1 tank
SSTS08-23	7/21/23	tbd	New	22320528	39796 MAJESTIC RD	Kent	Travis	1- rock trenches, 600 gpd, 1 tank
SSTS09-23	7/31/23	8/4/23	New	TBD (new	TBD	Potz	David	1- rock trenches, 300 gpd, 1 tank



CITY OF FIFTY LAKES

July 31, 2023

Christopher & Wendy Boyer
5615 Brookview Ave
Edina, MN 55424

**Re: Variance V-02-23 Approved
City of Fifty Lakes**

Mr. & Mrs. Boyer,

The City of Fifty Lakes approved your variance request to enclose a pre-existing 10' x 15' (150 sf) deck within the OHW level setback on the property located at 40535 Westman Bay Rd.

The approval was made by the Board of Adjustment at their meeting on July 25, 2023 based on the following findings of fact and with the following conditions of approval.

Findings of Fact:

1. The subject property is located at 40535 Westman Bay Rd. and is zoned "Shoreland Residential" (West Fox Lake- General Development).
2. The variance request is to enclose an existing 10' x 15' (150 sf) attached pre-existing deck. The proposed addition would convert the deck into a three-season porch.
3. The single family dwelling is considered a "pre-existing structure" because it was constructed before the establishment of the Shoreland Rules and is located 48' from the OHW level of West Fox Lake (75 ft required.)
4. The pre-existing dwelling was significantly damaged by fire in December 2020. The property owners were granted a variance in September 2021 to replace the pre-existing dwelling and construct 947 sq. ft. addition on the east side of the structure.
5. The subject property is 3.2 acres will contain approximately 11% impervious surface coverage with the proposed improvements (25% allowed).
6. The pre-existing dwelling is served by a private water well and conforming subsurface sewage treatment system.
7. The DNR has been notified of the request and has provided the following:
 - a. "Assuming the existing deck is an existing legal non-conforming deck (i.e., either has a permit or was placed prior to p&z regulations established within the City) and the addition is getting no closer to OHW than the other portion of the house, the DNR has no comments."
8. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?

- a. Yes, the request is consistent with the previous variance approval for the property. The request is reasonable because the proposed improvement over an existing deck and is no closer to the lake than the existing structure.
- 9. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the pre-existing dwelling was constructed prior to the establishment of the State Shoreland Rules.
- 10. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing a porch addition will not alter the essential character of the neighborhood. The improvement will not be visible from the right-of-way and not highly visible from adjacent properties. The addition will be visible from the lake however the shoreline contains some vegetation for screening.
- 11. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Fifty Lakes ordinances?
 - a. Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "To preserve the natural character and environmental quality of the lakeshore and still allow reasonable use for property owners and the public."
- 12. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the request has been made on factors other than economic considerations.

Conditions of Approval:

- 1. A stormwater management plan which includes gutters/downspouts on the west side (lakeside) of the porch and existing dwelling submitted prior to land use permit approval. Stormwater shall be directed to a rain garden(s) and/or swale(s). The stormwater management plan shall be reviewed/approved by the zoning administrator and shall be implemented in full within one month after completion of the project.

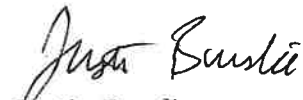
Your stormwater management plan submitted in 2022 contains gutters/downspouts on the west side of the existing dwelling. Your permit is hereby amended to include the porch (deck enclosure) and no further action is required at this time.

Please schedule a follow-up inspection with me when the improvements included in your stormwater management plan are complete.

If you have any questions or concerns please contact me at (218) 895-4151 or pz@fiftylakesmn.com.

Sincerely,

CITY OF FIFTY LAKES



Justin Burslie
Planning and Zoning Administrator

Cc: City Council
Planning Commission



CITY OF FIFTY LAKES

July 28, 2023

Shawn & Laura Gagnon
5212 Nelmark Ave NE
Saint Michael, MN 55376

**Re: Unpermitted Stairway/Deck Replacement
City of Fifty Lakes**

Mr. & Mrs. Gagnon,

The city has received an inquiry regarding a potential unpermitted replacement deck and stairway recently constructed on your property located at 41102 Peninsula Road.

According to Section 3.06.01 of the City of Fifty Lakes Land Use Ordinance, all new and replacement structures in the city require a land use permit:

3.06 Permits

3.06.01 Permits Required

A land use permit is required prior to commencement of any change in land use, the construction of any structure including expansion of building footprint or the addition of stories or living space, **the replacement of any structure** not exempted by Section 3.06.08, the installation and/or alteration of subsurface sewage treatment systems, and those grading and filling activities not exempted by Section 8.03.04 of this ordinance.

Application for a permit shall be made to the Zoning Administrator on the forms provided by the City. The application shall include:

- a) A description of the type and scope of construction, use, development, or alteration proposed.
- b) A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and subsurface sewage treatment system locations, and utility lines.
- c) Topographic features including but not limited to wetlands, bluffs, ordinary high water level designations, or steep slopes.

3.06.08 Exceptions (no permits required):

- a) A maximum of two structures on a lot, each not exceeding 25 square feet in size, meeting all setbacks and complying with all other requirements of this ordinance.
- b) Maintenance of structures including but not limited to the replacement of windows, doors, siding, roofs, paint, deck boards, and railings.
- c) Deer stands not exceeding 32 square feet in floor area or the height permitted under State statute.
- d) Stored fish houses currently licensed and meeting all setbacks.
- e) Playground equipment meeting all setbacks, covering a maximum of 200 square feet of land area, and not a component of a commercial or semipublic use.

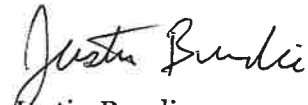
A land use permit application form is enclosed. The after-the-fact penalty for unpermitted structures is \$1,000 or triple the permit fee, whichever is greater, plus the original permit fee.

In order to obtain a permit, the subsurface sewage treatment system (SSTS) will need to be inspected if it has not been in the last three years. Our records indicate the SSTS on your property was last inspected when it was installed in 1999.

Please contact me at (218) 895-4151 upon receipt of this letter to discuss this matter.

Sincerely,

CITY OF FIFTY LAKES



Justin Burslie
Planning and Zoning Administrator

Enclosure

August 9, 2023

Michael and Dawn Faber
30944 128th St. NW
Princeton, MN 55371

Michael and Dawn,

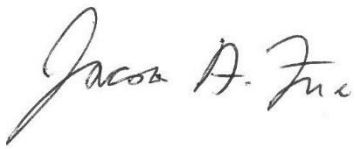
Recently, the Minnesota Department of Natural Resources – Brainerd area office, received information that an apx. 10x12 structure (or larger) has been re-constructed, improved, and expanded upon on your property located at 15701 East Fox Heights Road, Fifty Lakes, MN (PID# 22220590). See attached site map and photos of the area and issue. The location of the structure is both above and below the ordinary high-water mark (or, “OHW”). The OHW is the jurisdictional boundary between where the Minnesota DNR regulates public waters (below OHW) and where the City of Fifty Lakes regulates planning and zoning ordinances (i.e., structures).

Pursuant to Minnesota Rule 6115.0210 Subp. 4 (6), dock structures more than eight feet in width and/or those structures combined with other similar structure so as to create a larger structure are not allowed in or over public waters. Also, even if it was reduced in width, the current use does not meet the definition of a dock per MN Rule 6115.0170 Subp. 7 and therefore this “Deck” or “Platform” structure is not allowed within or over public waters with any size.

Additionally, after speaking with City of Fifty Lakes Zoning Administrator Justin Burslie, the structure is also not in conformance with the City of Fifty Lake’s Shoreland Ordinance. I have included Justin Burslie as a “cc” to this letter and attachments.

To satisfy both the DNR and City’s violation, please remove the entirety of the portion of structure by September 8th, 2023. Failure to do so may result in a formal Restoration Order issued by a Minnesota DNR Conservation Officer and Civil or Criminal penalties issued by the City of Fifty Lakes.

Thank you for your time.



Jacob Frie

Area Hydrologist | Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1601 Minnesota Drive

Brainerd, MN, 56401

Phone: 218-203-4367

Email: Jacob.frie@state.mn.us

mndnr.gov



CC: *Karen McLennan – Administrative Assistant*
Justin Burslie - City of Fifty Lakes Zoning Administrator
Tony Flerlage – MN DNR Conservation Officer

Attached: Site map and photos



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.

Faber Trust property
MN DNR

Date: 8/2/2023 Time: 3:10 PM









