

Douglas County Lakes Association

March 11, 2015

Public Works Building

The meeting was called to order at 4:30 p.m. by President Jan Beliveau this date.

Present: Jan Beliveau - Mary, Jim Peterson - Ida, Steve Henry Jr. - SWDC, Tara Bitzan - Echo Press, Linda Dokken-McFann - Mary, Stephen Henry Sr. - L'Homme Dieu, Don Stallman - Irene, Chris Risbrudt - Stowe, Bob Reynolds - Devils/Little Chippewa, Vern Lorsung - Latoka, Dave Rush - DC Land & Resource.

Vern Lorsung moved, Bob Reynolds seconded the February 11, 2015 meeting minutes approved with the following corrections. Ph 4 delete access insert assess. Paragraph 6 insert the word Carp in front of Bow Fishing. Motion passed.

Jim Peterson, Treasurer reported no transactions to report this month. Two bills were submitted for payment approval: MN. Lakes & Rivers for \$100.00 and Info Links (website) for \$53.44 minus the sales tax. Vern Lorsung moved and Stephen Henry Sr. seconded to pay the bills. Motion passed.

Dave Rush, DC Land & Resource Director reported that Justin Swart, former DNR Watercraft Inspection Supervisor was hired by Douglas County to fill a newly created position with the Land & Resource Department as Environmental Shoreland AIS Tech. He will be in charge of the watercraft inspection program, equipment training, AIS concerns/education and shoreland alterations applications.

The Land Use Tech position with DC is currently vacant which will now focus on land use site work unrelated to shoreland area. Mr. Rush reported that the Feedlot Inspector position has also been filled at this time. Mae Petrehn's background is in animal management, psychology, resources and plan grazing programs.

Douglas County has *proposed amendments* to its ordinances regarding the criteria for granting of variances. This change was in response to the changes made by the State Legislature several years ago regarding the same issue. Mr. Rush advised that Douglas County Planning Advisory Commission held a public hearing on March 9, 2015. Counties and municipalities are now the same which will be less confusing for everyone. There are 8 factors outlined for granting a variance which really is an *area variance* with regards to the setback requirement. (1.) that the request is in harmony with the general purpose of the Douglas County Land Use Ordinance and the goals and policies of the Comprehensive Plan. (2.) That the applicant is proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance. (3.) That the issuance of the variance(s) will maintain the essential character of the locality. (4.) That the alleged practical difficulty is due to circumstances unique to the property. (5.) That the need for the variance was created by actions other than of the landowner or prior landowners. (6.) That economic considerations alone shall not constitute practical difficulties that justify the granting of a variance. (7.) The practical difficulty cannot be alleviated by methods other than a variance. (8.) *The*

granting of the variance will not adversely impact the environmental health or quality of the location or a specific resource.

Additional Considerations for *After the Fact Applications*. (1.) Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith? Why or Why not? (2.) Did the applicant attempt to comply with the law by obtaining the proper permits? (3.) Did the applicant obtain a permit from another entity that violated the law? (4.) Did the applicant make a substantial investment in the property? (5.) Did the applicant complete the repairs/construction before the applicant was informed of the impropriety? (6.) Would the minimum benefits to the County appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure? The goal is to catch infractions upfront. The County now has the man power to conduct setback inspections to insure the work is in compliance with the granted permit.

AIS Task Force Update - AIS (*Aquatic Invasive Species*) plan is in a draft form. The AIS Prevention Resolution was adopted in December 2014 by the County Commissioners. Several from the task force members attended the AIS Summit in January 2015 held in St. Cloud. The Summit was an information collecting workshop from across the Country. The Summit organizers put together an AIS template that Counties are free to use when drafting AIS plans. In February 2015, the Task Force identified goals for this year: County Inspections/Decon Units, Education/Information vs. Regulatory interactions with the public. Task Force felt that there needs to be a balanced message - one message - same message. Have a Decon Unit within 10 minutes of inspection site. The goal is consistency of application and message to the public, collecting data and AIS education. Emphasis on having a positive message that Douglas County has great resources and would like to keep them that way to share with others. County's task is to implement goals. DC will begin hiring/training between 15-20 watercraft inspectors. Add Decon units. What are the critical hours needed for inspections, which lakes, how often, identify lakes in general, which ones infested, where the lake is in the watershed? Example: Lake Osakis is uninfested, heavily used and is at the head of a watershed. Lake Vermont - not as heavy traffic but is uninfested and at the top of a watershed. Infested lakes that have high boater usage need consideration. The Task Force will meet again in March 2015 for review draft AIS plan. Justin Swart is coming aboard later this month and this should be an asset to getting the inspection program rolling.

State mandated AIS Decal Requirement has been postponed. Currently there is legislation to repeal this law. There is also legislation to revise the language in the AIS funding to Counties to read that Counties *may opt out of the program* . *Currently there is no language in the law that allows Counties to give back the money if they choose not to participate.*

Steve Henry Jr. SWDC provided the following information :*Governor Dayton's Buffer Initiative Summary*: Minnesota Department of Agriculture, MN Board of Water and Soil Resources, MN Department of Natural Resources and the MN Pollution Control Agency prepared the bill with stakeholder input. The buffer initiative bill will protect MN water resources from erosion and runoff pollution by establishing at least 50 feet of vegetation around the state's waters. Phase in for compliance - buffers will need to be in place by September 1, 2016. Soil and Water conservation districts will implement the buffer requirement, including planning, technical assistance to landowners,

approval of alternative practices, and tracking and reporting progress. The DNR may issue an order requiring violations be corrected and administratively assess monetary requirements. Landowners can use federal Farm Bill resources, such as CRP, to get buffers installed. Other state program conservation dollars may be available. Contact Steve Henry, Jr. at Douglas County Soil and Water office for questions and programs available.

Existing Douglas County Shoreland Ordinance: Special Provision for Agricultural Uses. Agricultural uses within shoreland existing at time of adoption of this Ordinance many continue provided the following standards are met: 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 an approved conservation plan consistent with the field office technical guides of the local soil and water districts as provided by a qualified individual or agency. The shore impact zone parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. Douglas County has no mandates for buffer zone on agriculture lands that butt up to water bodies. There is a law on the books that gives non conformity protection if land farmed prior to ordinance. *In summary, there is nothing on the books in Douglas County that regulates agricultures sediment and nutrient run off into our waters. General consensus - storm water runoff is regulated but conversations need to start on water quality and agriculture run off.*

Upcoming Summer Events for Kids

March 26, 2015 Steam Shell Case - appears to be by invite only.

May 1, 2015 Kids Ground Water Festival to be held at the Runestone Center. Approximately 500 participates. The Science Museum and State Agencies present educational information to the younger generation on ground water and its importance.

June 13, 2015 Carp Bow Fishing Challenge - looking for sponsors yet for the prize categories.

July 11, 2015 11:00 a.m. - 3:00 p.m. Kids Fishing Day at Fleet Farm

August 30th, 2015 Youth Conservation Day

Susan Bitzan from the Echo Press was in attendance. DCLA thanked Eric Morken (Echo contact) for the informative coverage on lake topics and presentations given by experts such as Dr. Bajer.

Steve Henry Jr. , SWDC provided an update on the *Watershed Rain Garden* on Little Buffalo Creek in Brainerd which he felt was a very successful example of looking at smaller area to do the best things for lowest dollars. He suggested that we look at the 36 lakes in Douglas County for smaller projects for best results. DCLA could partner with SWDC if lake associations are interested rain garden projects. Mr. Henry will send out information on this project.

Meeting was adjourned at 5:40 p.m. this date.

Minutes recorded and prepared by Linda Dokken-McFann