



DOUGLAS COUNTY LAKES ASSOCIATION
Public Works Building
January 10, 2018

The meeting was called to order at 1630 hours on January 10, 2018 by President J. Beliveau. The following were in attendance: Jim Peterson - Ida, Dian Lopez - Ida, Dick Sudmeier - Ida, Gene Rose - Miltona, Bob Reynolds - Devils/Little Chip, Vern Lorsung - Latoka, Linda Rice - Darling, Stephen Henry - L'Homme Dieu, Jeanne Johnson - Brophy, Steve Kogler - Lobster, Don Clausen - Rachel, Jan Beliveau - Mary, Linda Dokken-McFann - Mary, Bill Rustad - Victoria, Rod Johnson - Lobster, Paul Anderson - Big Chip, Chuck Bokinskie - Viking Sportsmen, Dave Rush - DC Land & Resource Director, Justin Swart - DC L&R AIS/Shoreland Tech, Jerry Haggenmiller - SWCD, Danielle Anderson SWCD Water Plan Tech. A quorum was present.

I. Introductions were given.

II. Rose moved, seconded by Sudmeier to approve the agenda with the addition of salt use on the roads and to move up the DCLA position paper to #5. Motion carried.

III. Rose moved, seconded by Lorsung to approved the December 13, 2017 meeting minutes as written. Motion carried.

IV. J. Peterson, Treasurer report: checking account balance is 10716.24. One bill paid for 250.00 for the annual General Liability Insurance. No bills submitted this month. Current membership is 24.

V. A sub-committee was created to rework the language to include measurable goals for each item outlined in the DCLA position paper. J. Beliveau, J. Johnson and M. Cleary will serve on this committee.

VI. Jerry Haggenmiller, SWCD introduced Danielle Anderson the new SWCD Water Plan Tech. She has prior experience with the SWCD in Todd County. A Doodle Pool was sent out on Monday requesting possible dates for the next Environmental Trust Fund meeting. Not everyone has responded back yet. Haggenmiller reported that BWSR has selected applicants for FY2018 Clean Water Grants that totaled 6 million. Douglas County was not selected. It should be noted that the Sauk River Watershed received a grant of 300,000 to be used for livestock in shoreland area.

VII. Dave Rush, DC Land & Resource Director provided a presentation on the topic of Variances. Enforcement lays with the State who passed down to the Counties to *regulate land use*. Cities are under a total different set of rules. Townships cannot be less restrictive than Counties. Counties cannot be less restrictive than State rules. There is equal protection in that regulations must be uniformly applied. No takings of land and cannot deny owner the use of their land. There is due process in that the government must act reasonably. Process must be fair with the opportunity for notice and a hearing. A permit is required for any structure built or moved onto a property in Douglas County including but not

limited to: Dwellings, storage sheds, decks, patios, playhouses and garages. A permit is also required if you are remodeling and planning to change the footprint of the original structure, changing the roof pitch, or making any structural changes.

In 2011, Douglas County adopted a Comprehensive Land Use Plan. For details go to <http://www.co.douglas.mn.us/dc/government.aspx>. Click on Government tab on top, scroll down to County Plans category. Zoning is a system by which different land use is classified. Each zoning district have their own regulations. Types & Uses: Allowed Use, Permitted Use, Accessory Use, Conditional Use and Interim Use. First three require a permit and approval. Last two require a permit and approval via a hearing.

Every rule we have, a land owner can ask for a variance. A variance is an exception to the rules that are set forth in the Douglas County Zoning Ordinance. A variance is necessary when a landowner wishes to build or develop his/her property and the *rules of the ordinance prohibit* him/her from doing so. More information about Variances can be found in Section Six of the Douglas County Ordinance.

Variances provides landowner relief from strict interpretation of rules and laws. MN Law provided that regulation for variances are heard by quasi judicial body after a public hearing such as the Board of Adjustment. If denied a variance request, anyone can file an appeal in District Court. The County cannot grant use variances that is not allowed in a zoning district. Other uses of similar nature are considered. The word hardship has been replaced with "practical difficulty". A variance can be denied if landowner still has reasonable use of land. The State change the language to outline clear set of criteria to evaluate "practical difficulty", refer to MN Statute 394.27 Sub 7.

- The applicant must establish practical difficulty in complying with the rule.
- Will the issuance maintain the essential character of locality.
- Circumstances due to property or prior owner and not created by current owner.
- Does not adversely affect the environmental health and the quality of life.

There is After The Fact criteria which has monetary fines attached. Most believe these fine amounts are not high enough. Another category is existing non conformity - cannot take away but landowner cannot make *more non conforming*. According to Mr. Rush the most common variance requested is to build over an existing structure in shoreland area, followed by road setback, second story and existing building. Total number of variances for 2017 was 32. In the past 6 years, 2016 had the highest at 44.

The DC Land &Resource Department sends out monthly viewing packets to DCLA members. Anyone can participate in the site viewings, provide feedback directly or through their township boards at the monthly County meetings.

VIII. J. Beliveau will follow up on the virtual summit registration for DCLA for the upcoming Aquatic Invaders Summit III to be held February 28th - March 1, 2018.

IX. Due to lack of time, salt use on the roads item will be carried over to next month's meeting.

Rose moved, seconded by D. McFann to adjourned at 1800 hours.

Minutes recorded and prepared by Linda Dokken-McFann, DCLA Secretary