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# CITY OF LONG BEACH

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## ZONING MEETING PACKET FOR May 10, 2017





## STAFF REPORT

**Application:** Final plat application for a subdivision and conversion of a resort to a Residential Planned Unit Development (PUD).

**Applicant:** Ken Moe, Captain's Resort LLC/Moe & Gerdes Properties, LLC

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### Background Information:

) **Proposal:** The application is for final plat approval of a preliminary plat/conditional use permit application that was approved at the April 12 meeting of the City Council. The conditions of the preliminary plat approval were:

1. All areas, as noted on the survey from Stoeckel-Jahner surveying (File Number 2686) dated 1-17-2017, marked for conversion from gravel/pavement to green space shall be converted to pervious green space prior to final plat approval.
2. A fence shall be installed consistent with city requirements in the area as noted on the above-mentioned survey that is sufficient to block cars from passing between the PUD property and the adjacent bar/restaurant property. A gate may be installed within this fence to allow for passage of emergency service vehicles or other occasional use.
3. Each of the four units shall be allowed one dock. There shall be a maximum of 2 slips allowed per dwelling unit on their respective dock. The fence shall be installed prior to final plat approval.
4. Check valves shall be installed on the sewer lines serving each individual dwelling unit to prevent backflow of sewage into the units. These shall be installed prior to final plat approval.
5. The City of Glenwood shall approve the Planned Unit Development in relation to its impact on the agreement for sewage treatment with the City of Long Beach.
6. The applicant shall have no more than 120 days from the date of final plat approval to apply for a building permit to reconstruct a dwelling unit on Lot 6. After this date, the use of the lot for a dwelling unit shall be considered abandoned and not buildable without a variance.

) **Location:**

- o Property address: 23597 N LAKESHORE DRIVE
- o Sec/Twp/Range: 11-125-38
- o Parcel number(s): 24-0280-000, 24-0281-000, 24-0282-000

) **Zoning:** RC - Residential & Commercial Transition District

) **Lake Designation:** General Development (Lake Minnewaska)

) **Parcel size:** Approximately 1.2 acre

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### Applicable Statutes/Ordinances:

## **City of Long Beach Subdivision Ordinance**

### **2.02 DEFINITIONS**

**FINAL APPROVAL:** Approval of the final plat by the City Council, as indicated by certification of the plat by the Mayor of the City, constitutes authorization to record a plat.

**FINAL PLAT:** A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by county for the purpose of recording.

### **3.05 FINAL PLAT CONTENTS.**

The owner or subdivider shall submit a final plat, final grading plan, final erosion control plan and final utility plan, together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of state statutes and Pope County surveyor's plat review regulations, and such final plat shall contain the following information.

A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivisions within Pope County. Proposed names must be verified with the County recorder.

B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure of any portion of a final plat shall be one foot (1') in seven thousand five hundred feet (7,500').

C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.

D. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

E. Lots and outlots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

F. The exact locations, widths and names of all streets to be dedicated.

G. Location and width of all easements to be dedicated.

H. Name and address of land surveyor making the plat.

I. Scale of the plat shall be 10, 20, 30, 40, 50, 60 or 100 scale with the scale shown graphically on a bar scale along with the date and north arrow.



J. Statement dedicating all easements as follows. "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked 'drainage and utility easements'."

K. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows. "Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated."

L. The final grading plan, final erosion control plan and the final utility plan must be prepared in accordance with the current City specifications.

M. A title report prepared by a title company indicating owners and encumbrances on the property and a statement as to which parts of the property are registered (torrens).

N. Construction cost estimates for all required basic improvements.

O. A drawing listing the following information shall be provided with the final plat.

1. Total acreage per lot and block.
2. Gross acres.
3. Net developable acres.
4. Comprehensive plan land use designation.
5. Existing and/or proposed zoning.
6. Gross unit density.
7. Net unit density.
8. Acres of right of way.
9. Acres of wetland.
10. Acreage of each outlot.

P. Other data. Such other information that may be required by the City at the time of final plat approval or shortly thereafter, including, but not limited to.

1. Financial guarantee of cash escrow or letter of credit.

2. A certified mylar copy of the plat evidencing filing of the plat with the County within sixty (60) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by County.

3. Three complete sets of 11" x 17" reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City within one hundred and twenty (120) days after the construction is complete and approved by the City. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the City.

4. Deed restrictions and protective covenants which involve a matter of public concern.

5. Permits and plans required by County, MnDOT, Minnesota Pollution Control Agency, Minnesota Department of Health, DNR, etc.

7. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to all required parties.

8. A disk of the recorded plat in ArcView, AutoCadd or other approved digital format for inclusion in the City's base map.

### 3.06 CERTIFICATION REQUIRED.

A. Certification by registered surveyor in the form required by Minnesota statutes section 505.03, as amended.

B. The names and signatures required by Minnesota statutes section 505.021, as amended, shall appear on the plat.

C. Space for certificates of approval and review to be filled in by the signatures of the mayor and city clerk.

The form of approval of the City Council is as follows:

This day of \_\_\_\_\_, 20 .

Signed:

Mayor

Attest:

City Clerk

### 3.07 FINAL PLAT PROCESS.

Pursuant to Minnesota statutes 462.358 subdivision 3b, an application for a final plat shall be approved or denied within sixty (60) days from the date of its official and complete submission unless a time waiver is granted by the applicant. Additional City requirements are as follows.

A. Review. After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. Such application shall be accompanied by ten (10) large-scale (22" x 34") copies and one (1) reduced scale (8 1/2" x 11") copy of the final plat and related plans. The City may agree to review the preliminary and final plats simultaneously.

Request for final plat approval, as provided within this Subdivision Ordinance, shall be filed with the City on an official application form. Unless modified by the City Council, such application shall be accompanied by a fee as provided for by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the City shall notify the applicant, in writing, within ten (10) days of the date of submission.

B. Recommendation.

1. Five (5) copies of the final plat including all information shall be submitted to the City.

2. The City shall examine the final plat and refer the final plat to the Planning Commission for review. The Planning Commission shall prepare a recommendation as to approval, disapproval or any delay in decision of the final plat, which recommendation shall be conveyed to the subdivider prior to review by the City council.

C. Approval of The City Council.

1. The final plat, together with the recommendations of the Planning Commission and other jurisdictions, shall be submitted to the City Council for approval.

2. If accepted, the final plat shall be approved by resolution, providing for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council.

4. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the City Council and reported to the person or persons applying for such approval within ten (10) days of the City Council's action.

D. Special Assessments. When any existing special assessments which have been levied against the property described, they shall be divided and allocated to the respective lots in the proposed plat, the City shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the county auditor, and making such division and allocation, and upon approval by the City Council of such cost, the same shall be paid to the City before the final plat approval.

E. Recording Final Plat. If the final plat is approved by the City Council, the subdivider shall record it with the county recorder within one hundred (100) days after said approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider shall, immediately upon recording, furnish the City with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by the county.

F. Recording Final Plats Of Multi-phased Plats: If a preliminary plat is final platted in stages unless otherwise provided in the development contract, all stages must be final platted into lots and blocks, not outlots, within two (2) years after the preliminary plat has been approved by the City Council or the preliminary plat of all phases not so final platted within the two (2) year period shall be void.

4.10 EASEMENTS.

All easements shall be dedicated by appropriate language on the final plat as required by law or by easement document that is recorded with the Pope County recorder and by the provisions of this subdivision ordinance.

A. Drainage and Utility Easements. An easement for drainage and utilities at least ten feet (10') wide along front and rear lot lines and five feet (5') wide along all abutting side lot lines shall be provided. An easement for drainage and utilities not less than ten feet (10') wide shall be provided adjacent to all plat boundaries. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. When it is not practical to center easements, the fully required easement width may be required within one property. Said easements shall have continuity of alignment from block to block. The easements, when approved, shall not thereafter be changed without the approval of the City Council pursuant to established City Code procedures, as may be amended.

B. Continuous Easement Locations. Drainage and utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

C. Drainage. Drainage and utility easements shall be provided along each side of the centerline of any natural watercourse lake, pond, stream, wetland or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff as necessary.

Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than ten (10) feet in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is less. All drainage easements shall be so identified on the plat and shall be graded, sodded or left in its natural state if no disturbance is required in accordance with the Subdivision Ordinance requirements, prior to the issuance of building permits for the site.

D. Sight. Sight easements beyond required zoning setback regulations may be required by the City, County, or MN/DOT to protect major intersections on the street and highway system.

E. Trail/Pedestrian Way Easement. In addition to other open space, dedication of easements to provide connections to public trails will be required where determined by the City Council, if the trail or pedestrian way is not located in a right-of-way. Where deemed essential to provide circulation, or access to schools, playgrounds, and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet may be required.

F. Outlot Alternative. The City may at its discretion choose to require outlots rather than drainage and utility easements for wetlands, drainage areas and other natural features.

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**Staff Findings:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

1. The applicant has indicated that the conditions of the preliminary plat approval will be met by the May 10 City Council meeting date (specifically those that must be done prior to final plat approval, as follows):

- a) All areas, as noted on the survey from Stoeckel-Jahner surveying (File Number 2686) dated 1-17-2017, marked for conversion from gravel/pavement to green space shall be converted to pervious green space prior to final plat approval.
  - b) A fence shall be installed consistent with city requirements in the area as noted on the above-mentioned survey that is sufficient to block cars from passing between the PUD property and the adjacent bar/restaurant property. A gate may be installed within this fence to allow for passage of emergency service vehicles or other occasional use.
  - c) Check valves shall be installed on the sewer lines serving each individual dwelling unit to prevent backflow of sewage into the units. These shall be installed prior to final plat approval.
2. The City of Glenwood has approved the Planned Unit Development in relation to its impact on the agreement for sewage treatment with the City of Long Beach.
  3. The applicant has a title opinion for the property that was prepared in 2014. The ordinance requires a "current" title opinion but does not further define what is meant by "current".
  4. The plat does not currently show any drainage or utility easements. These should be shown as required in the ordinance or separate easement documents should be recorded.
  5. The applicant is requesting "preliminary" approval of the final plat in the sense that the City would authorize the City Clerk and Mayor to sign the mylar copies of the final plat once they are created - rather than waiting until the next regular City Council meeting. All other signatures of the final plat, including that of the County Surveyor, County Auditor, owners of the property, banks holding mortgages, etc. would be required before the document could be recorded and lots could be sold.

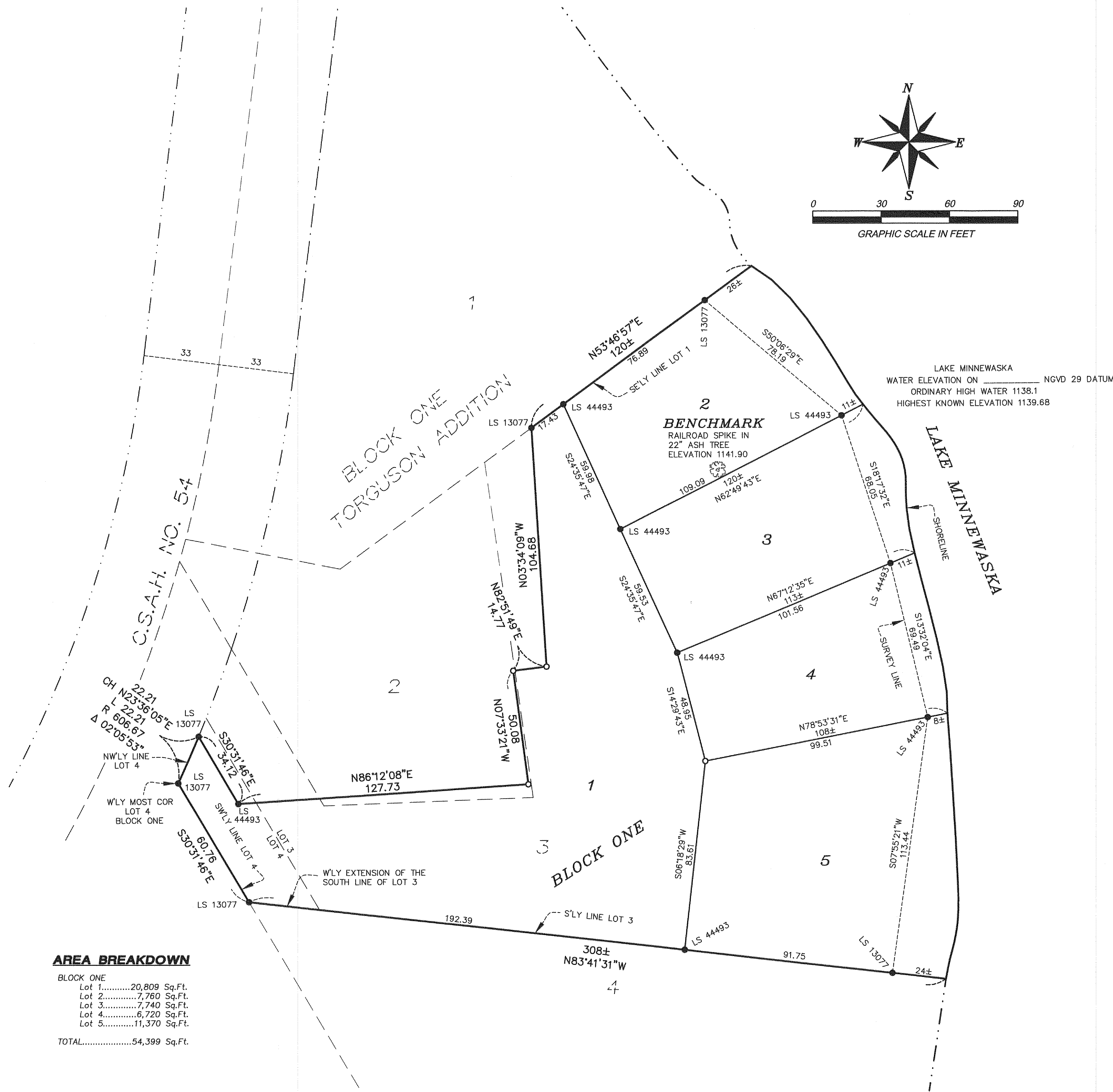
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**Planning Commission/City Council Direction:** The Planning Commission/City Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

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**Staff Recommendation:** Staff recommends approval of the final plat, provided that the conditions of preliminary plat approval, as noted above, are met by May 10, 2017. Also, the drainage/utility easements should either be shown or recorded as separate easement documents. Staff would recommend that the mayor/clerk of the City only sign the mylars once they have been signed by the property owner(s) and the banks holding mortgages.

# CAPTAINS BAY



## AREA BREAKDOWN

BLOCK ONE	
Lot 1.....	20,809 Sq.Ft.
Lot 2.....	7,760 Sq.Ft.
Lot 3.....	7,740 Sq.Ft.
Lot 4.....	6,720 Sq.Ft.
Lot 5.....	11,370 Sq.Ft.
TOTAL.....	54,399 Sq.Ft.

## LEGEND

- DENOTES 1/2" PIPE SET MARKED WITH A PLASTIC CAP NO. 44493
- DENOTES IRON MONUMENT FOUND IN PLACE

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTHWESTERLY LINE OF LOT 4, BLOCK ONE, TORGUSON ADDITION, WHICH HAS A RECORDED BEARING OF SOUTH 30 DEGREES 31 MINUTES 46 SECONDS EAST.

KNOW ALL PERSONS BY THESE PRESENTS: That Moe & Gerdes Properties, LLC, a Minnesota limited liability company, and Captains Resort, LLC, a Minnesota limited liability company, owners and Eagle Bank, a Minnesota Corporation, mortgagee of the following described property situated in the County of Pope, State of Minnesota, to wit:

That part of Lots 2, 3 and 4, Block One, TORGUSON ADDITION, according to the recorded plat thereof, described as follows:

Commencing at the westerly most corner of said Lot 4;

thence on a plat bearing of South 30 degrees 31 minutes 46 seconds East along the southwestern line of said Lot 4, a distance of 60.76 feet to the westerly extension of the southerly line of said Lot 3 and this to be the point of beginning of the land to be described;

thence reversing North 30 degrees 31 minutes 46 seconds West 60.76 feet to said westerly most corner of Lot 4;

thence Northeastly along the northwesterly line of said Lot 4 and along a non-tangential curve, concave to the northwest, radius 606.67 feet, central angle 02 degrees 05 minutes 53 seconds 22.21 feet, the chord of said curve bears North 23 degrees 36 minutes 05 seconds East 22.21 feet;

thence South 30 degrees 31 minutes 46 seconds East 34.12 feet;

thence North 86 degrees 12 minutes 08 seconds East 127.73 feet;

thence North 07 degrees 33 minutes 21 seconds West 50.08 feet;

thence North 82 degrees 51 minutes 49 seconds East 14.77 feet;

thence North 03 degrees 34 minutes 09 seconds West 104.68 feet to the southeasterly line of Lot 1, Block One, said TORGUSON ADDITION;

thence North 53 degrees 46 minutes 57 seconds East along said southeasterly line 120 feet more or less to the shoreline of Lake Minnewaska;

thence southerly along said shoreline to the intersection of said southerly line of Lot 3;

thence North 83 degrees 41 minutes 31 seconds West along said southerly line and its westerly extension 308 feet more or less to the point of beginning.

Have caused same to be surveyed and platted as CAPTAINS BAY.

In witness whereof said Moe & Gerdes Properties, LLC, a Minnesota limited liability company has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Moe & Gerdes Properties, LLC

Kenneth R. Moe, Manager

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Kenneth R. Moe, Manager, Moe & Gerdes Properties, LLC, a Minnesota limited liability company on behalf of the company.

Notary Signature \_\_\_\_\_

Notary Printed Name \_\_\_\_\_

Notary Public, \_\_\_\_\_ Minnesota

My Commission Expires \_\_\_\_\_

In witness whereof said Captains Resort, LLC, a Minnesota limited liability company has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Captains Resort, LLC

Kenneth R. Moe, Manager

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Kenneth R. Moe, Manager, Captains Resort, LLC, a Minnesota limited liability company on behalf of the company.

Notary Signature \_\_\_\_\_

Notary Printed Name \_\_\_\_\_

Notary Public, \_\_\_\_\_ Minnesota

My Commission Expires \_\_\_\_\_

In witness whereof said Eagle Bank, a Minnesota Corporation has caused these presents to be signed by its proper officers this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Eagle Bank, a Minnesota Corporation

Erick A. Gandrud, President

Arlene D. Bowen, Cashier

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Signature \_\_\_\_\_

Notary Printed Name \_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Minnesota

My Commission Expires \_\_\_\_\_

I, Mark F. Jahner do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark F. Jahner, Licensed Land Surveyor  
Minnesota License No. 44493

STATE OF MINNESOTA  
COUNTY OF DOUGLAS

This instrument was acknowledged before me on \_\_\_\_\_ by Mark F. Jahner.

Notary Signature \_\_\_\_\_

Notary Printed Name \_\_\_\_\_

Notary Public, Douglas County, Minnesota  
My Commission Expires \_\_\_\_\_

This plat of CAPTAINS BAY has been reviewed according to the subdivision regulations of City Ordinance No. 28 and is approved by resolution of the Council of the City of Long Beach at a \_\_\_\_\_ meeting of said Council on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor, City of Long Beach

Clerk, City of Long Beach

I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pope County Surveyor

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution.

Attorney for the City of Long Beach

Taxes for the current year are paid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pope County Auditor/Treasurer

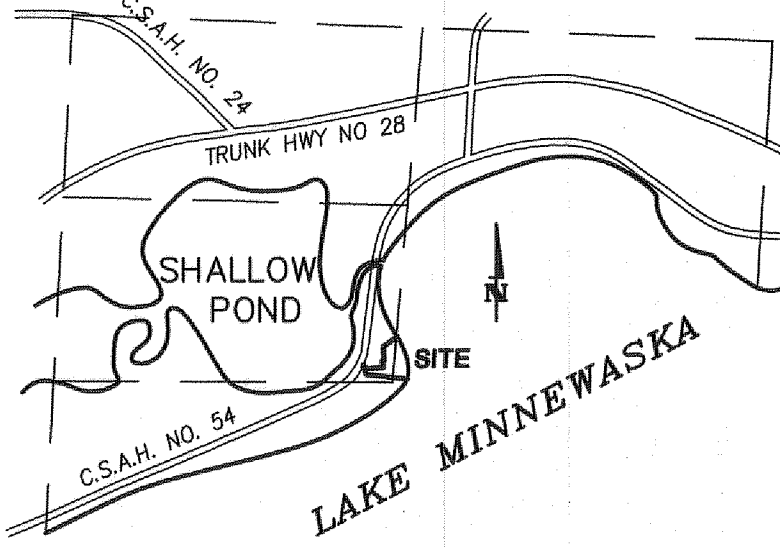
No delinquent taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Pope County Auditor/Treasurer

I hereby certify that the within instrument was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_M., and was duly recorded as Document Number \_\_\_\_\_, in Slide No. \_\_\_\_\_.

Pope County Recorder

## VICINITY MAP (NO SCALE)



SECTION 11, TOWNSHIP 125 NORTH, RANGE 38 WEST,  
POPE COUNTY, MINNESOTA

STOECKEL-JAHNER SURVEYING INC.  
ALEXANDRIA, MN  
(320) 763-6855

## STAFF REPORT

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**Issue:** Resolution to appoint the City Council as the Planning Commission

**Agenda item:** 4a

**Background Information:** A draft resolution was distributed at the April 12, 2017 meeting of the City Council that would appoint the Council as the Planning Commission. This is necessary given the recent dissolution of the previous committee serving that role.

A copy of that draft resolution is attached for your reference.

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**Issue:** Revision of permits and fee schedule

**Agenda item:** 4d

**Background Information:** At the April 12, 2017 Council meeting, the Zoning Administrator was directed to draft a proposed fee schedule in consultation with two of the Council members. The result of that discussion is the attached proposed amendments to the existing fee schedule.

Of note regarding the proposed changes:

1. The proposed fee schedule would eliminate the differing fees for home construction/additions and accessory structures. Instead, just one fee of \$10/100 sq ft would apply to all new construction, regardless of what type of structure or addition.
2. The proposed fee schedule would eliminate fees associated with interior remodeling or exterior non-structural projects such as replacing of windows, doors, shingles, etc. This is because the City does not enforce the building code or conduct inspections of such projects, and as such, the proposal is to eliminate any permit requirements or fees associated with those projects.
3. The fee schedule would generally have flat fees, but reserve the right of the City to change additional costs in a permit review back to the applicant, should it be warranted.

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**Issue:** Discussion on parcels 24-0162-000 and 24-0160-000 Whether these lots are buildable or can have improvements. Discussion on access to lots listed.

**Agenda item:** 4e and 4f

**Background Information:** At the April 12, 2017 Council meeting, the Zoning Administrator was directed to research whether the parcels listed above were buildable or what other uses could be allowed on the lot.

**LONG BEACH PLANNING AND ZONING FEE SCHEDULE  
2017  
All fees are non-refundable**

**LAND USE PERMITS**

**All New Construction and Additions** (includes patios, decks, accessory) ..... \$10.00 per 100 sq. ft.  
Minimum permit fee           \$ 25.00

**Commercial and Industrial** .....\$15.00 per 100 sq. ft.  
Minimum permit fee           \$ 50.00

**Roof Pitch Changes or Roof Replacement** (with no additional living space).....\$50.00

**Towers** ..... \$200.00

**Solar Panels**.....\$25.00

**Signs** .....\$50.00

**Shoreland Alterations** .....\$50.00

**After the Fact fee**..... \$300.00 + restoration + regular fee

**Rip Rap** ..... No permit if meets DNR requirements

**Conditional Use Permit, Variance, Rezoning** .....\$350.00

**Common Property Line Adjustment/Minor Subdivision**.....\$100.00

**Metes and Bounds** .....\$100.00

**Special Meetings** .....\$500.00

**NOTE for all fees listed above:** When costs associated with processing or reviewing an application exceed the base application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits. When applying for a permit from the City of Long Beach, you may be charged additional fees.



# LONG BEACH PLANNING AND ZONING FEE SCHEDULE

2014

All fees are non-refundable

## Permits

### New construction & additions

1. Residential
  - A. Per 100 square feet of dwelling area.....\$10.00
  - B. Deck or Patio.....as follows
    - Under 100 square feet .....\$25.00
    - 101 – 400 square feet.....\$50.00
    - Over 400 square feet.....\$100.00
  - C. Minimum land use permit fee.....\$25.00
  - D. Accessory structure.....as follows
    - Under 120 square feet.....\$25.00
    - 121 – 750 square feet .....\$50.00
    - 751 – 1500 square feet .....\$75.00
    - 1501 – 5000 square feet .....\$100.00
    - 5001 or more square feet .....\$200.00
2. Commercial and Industrial
  - A. per 100 square feet of floor area.....\$15.00
  - B. Minimum land use permit fee.....\$50.00
3. Remodeling (any remodel under \$1000 cost – no permit required)
  - A. Shingling.....\$35.00
  - B. Siding.....\$35.00
  - C. Driveways.....\$35.00
4. Miscellaneous
  - Under 120 square feet .....\$25.00
  - 121 -750 square feet.....\$50.00
  - 751 – 1500 square feet.....\$75.00
  - 1501 – 5000 square feet .....\$100.00
  - 5001 or more square feet .....\$200.00
5. Roof Pitch Changes (with no additional living space) .....\$100.00
6. Towers, wind, TV, radio, satellite .....\$2.00 per \$1,000 of Valuation
7. Solar panels.....\$25.00

Sign permits .....\$75.00

Shore land Alteration/Landscaping permits..... as follows

- Minor Landscaping permits (\$1.00 to \$1500) .....\$25.00
- Standard Landscaping Permits (\$1501 to \$3000).....\$45.00
- Major Landscaping Permits (\$3001 and up).....\$65.00

After-the-fact Shore land Alteration/ Landscaping Permit ..\$750.00 plus Restoration

Applications

1. Conditional Use Application (s) .....\$300.00
2. Variance Application (s)..... \$300.00
3. Plat Fee (preliminary and minor subdivision final plats).....\$550.00 plus \$20.00 per lot
4. Re-zoning Application (s) .....\$400.00
5. Planned Unit Development.....\$500.00

Other fees

1. Common Property line adjustments.....\$50.00
2. Metes and Bounds Subdivisions.....\$50.00
3. Temporary Mining .....\$100.00
4. After-the-fact charges ..... \$300.00

Staff finds that the following sections of the ordinance apply:

28.06: NONCONFORMITIES.

A. All legally established nonconformities as of the approval date of this section may continue, but they will be managed according to applicable state statutes and other regulations of the City for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas.

1. Construction on nonconforming lots of record.

b. In a group of two (2) 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:

(1) The lot must be at least sixty-six percent (66%) of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120.

(2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls.

(3) Impervious surface coverage must not exceed twenty-five percent (25%) of each lot.

(4) Development of the lot must be consistent with an adopted comprehensive plan.

c. A lot subject to subsection (b) above, not meeting the requirements of subsection (b), must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

The two parcels are approximately 2,200 sq ft and 3,400 sq ft. In order to meet the 66% standard above, the lots would need to be at least 13,200 sq ft each (for sewered areas) or 26,400 sq ft (for unsewered areas). Since they don't meet this standard, the lots would not be considered buildable.

It is unclear from the City's ordinance whether RVs or similar temporary structures could be allowed on the lot. However, since the minimum structure setback from the lake is 75 feet and it would be impossible to meet that setback, it could be interpreted that even an RV could not be allowed without a variance.

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**Issue:** Discussion on access to parcels 24-0162-000 and 24-0160-000.

**Agenda item:** 4e and 4f

**Background Information:** The Zoning Administrator has been contacted by the owner of these lots with a question as to whether they have public access to their lots. Their feeling is that they do and they have apparently approached the Council with this issue a few years ago. They feel that their access is being blocked by adjacent property owners and they asked to be placed on the agenda for the May 10, 2017 meeting.

Staff asked if they could provide any information they have, as they apparently had their attorney research the matter several years ago. To date, nothing has been provided.

Staff's own research of the original plat indicates that there is a 33 ft public road right of way that does extend all the way out to these lots. See attached copy of the original plat as well as a copy of an aerial photo with rights of way shown on the Pope County GIS website. Unless this has since been vacated, it would appear that the public access is present and that the landowner would have access to the property. Staff would need to research at the County Recorder's office if the road has ever been vacated.



# PLAT OF SMOKY RIDGE

A PART OF LOT ONE OF THE NE1/4, SEC. 16-125-38,  
GOV. LOT 6, SEC. 9-125-38, LOT ONE OF THE  
NW1/4 NW1/4 SEC. 15-125-38, LOT 5 OF GOV.  
LOT 4, SEC. 10-125-38

KNOW ALL MEN BY THESE PRESENTS THAT WE CHARLES M. KUHN'S AND MARGERY G. KUHN'S HUSBAND AND WIFE, THOMAS J. STAHLER AND BONITA G. STAHLER, HUSBAND AND WIFE, OWNERS OF THE FOLLOWING PARCEL OF LAND WHICH IS DESCRIBED AND ENCLOSED WITHIN THE FOLLOWING BOUNDARY LINES TO-WIT:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 125, RANGE 38, THENCE DUE SOUTH ALONG THE EAST LINE OF SAID SECTION 16 A DISTANCE OF 664.75 FEET, THENCE SOUTH 89° 52' WEST ALONG THE SOUTH LINE OF LOT ONE OF THE SUBDIVISION OF THE NORTHEAST QUARTER OF SAID SECTION 16 A DISTANCE OF 743.4 FEET TO THE LAKESHORE OF LAKE PELICAN THIS POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREIN CONVEYED, THENCE NORTH 89° 52' EAST ALONG THE SAID SOUTH LINE OF LOT ONE A DISTANCE OF 196.3 FEET, THENCE NORTH 63° 03' EAST A DISTANCE OF 250.56 FEET, THENCE NORTH 36° 33' EAST A DISTANCE OF 268.0 FEET, THENCE NORTH 42° 55' WEST A DISTANCE OF 157.0 FEET TO THE LAKESHORE OF LAKE PELICAN, THENCE IN A SOUTHWESTLY DIRECTION ALONG THE LAKESHORE OF LAKE PELICAN TO THE POINT OF BEGINNING AND THERE TERMINATING SAID LANDS BEING A PART OF LOT ONE OF THE SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION SIXTEEN, TOWNSHIP ONE HUNDRED TWENTY FIVE, RANGE THIRTY EIGHT, VILLAGE OF LONG BEACH COUNTY OF POPE, STATE OF MINNESOTA, CONTAINING 2.20 ACRES, MORE OR LESS

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED, WHICH PLATTED AREA SHALL BE NAMED KNOWN AS SMOKY RIDGE

WE HEREBY DONATE AND DEDICATE TO PUBLIC USE FOREVER THE DRIVE WHICH IS CONTAINED WITHIN THE ABOVE DESCRIPTION AND SHOWN ON THE PLAT. WE ALSO HEREBY DONATE AND DEDICATE TO PUBLIC USE FOREVER THE DRIVE WHICH LIES WITHIN A DISTANCE OF 16.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE. COMMENCING AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 125, RANGE 38 THENCE DUE SOUTH ALONG THE EAST LINE OF SAID SECTION 16 A DISTANCE OF 664.75 FEET, THENCE SOUTH 89° 52' WEST A DISTANCE OF 547.1 FEET, THENCE NORTH 63° 03' EAST A DISTANCE OF 250.56 FEET, THENCE NORTH 36° 33' EAST A DISTANCE OF 268.0 FEET, THENCE NORTH 42° 55' WEST A DISTANCE OF 53.3 FEET THIS POINT BEING THE POINT OF BEGINNING OF THE TRACT HEREIN CONVEYED, THENCE NORTH 20° 05' EAST A DISTANCE OF 181.15 FEET, THENCE NORTH 47° 40' EAST A DISTANCE OF 185.25 FEET TO THE NORTHEAST CORNER OF SAID SECTION 16, THENCE NORTH 42° 42' EAST A DISTANCE OF 292.76 FEET, THENCE SOUTH 38° 27' EAST A DISTANCE OF 248.0 FEET, THENCE NORTH 83° 36' EAST A DISTANCE OF 279.15 FEET, THENCE SOUTH 79° 59' EAST A DISTANCE OF 140.6 FEET TO THE TOWNSHIP ROAD AS THE SAME IS NOW TRAVELED AND MAINTAINED AND THERE TERMINATING SAID LANDS BEING A PART OF GOVERNMENT LOT SIX, SECTION NINE, LOT ONE OF THE SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION SIXTEEN, LOT ONE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION FIFTEEN, LOT FIVE OF THE SUBDIVISION OF GOVERNMENT LOT FOUR, SECTION TEN, ALL BEING IN TOWNSHIP ONE HUNDRED TWENTY FIVE, RANGE THIRTY EIGHT, VILLAGE OF LONG BEACH, COUNTY OF POPE, STATE OF MINNESOTA, ACCORDING TO THE PLATS ON FILE IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN AND FOR SAID COUNTY AND STATE. CONTAINING 1.0 ACRE, MORE OR LESS

SEGMENTS OF LOTS LYING SOUTHEASTERLY OF "DRIVE" AND CONNECTED TO THE NUMBERED LOTS BY " " ARE A PART OF THE LOTS TO WHICH SO CONNECTED.

IN TESTIMONY WHERE OF THE SAID OWNERS HAVE HEREUNTO SET THEIR HANDS THIS 26 OF JULY, 1962

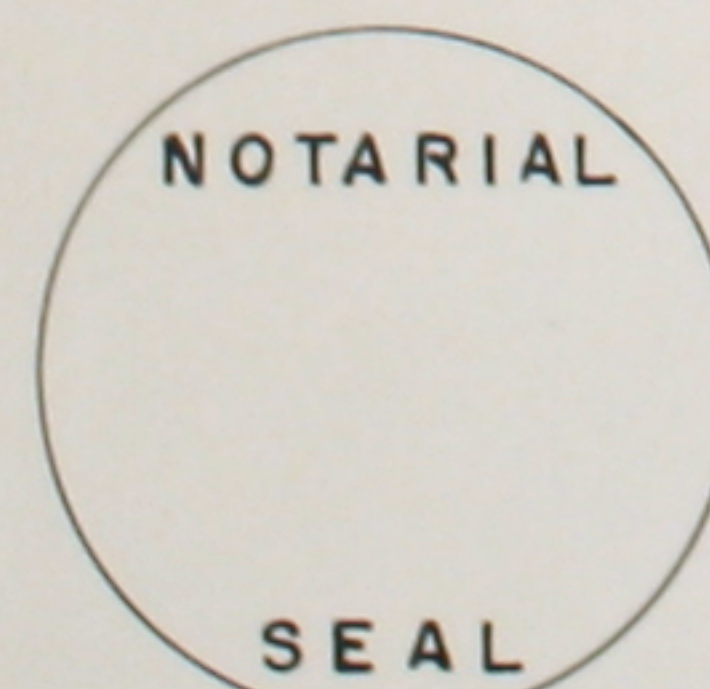
IN PRESENCE OF

Betty M. Noyes  
Richard D. Gasser  
Harold W. Anderson

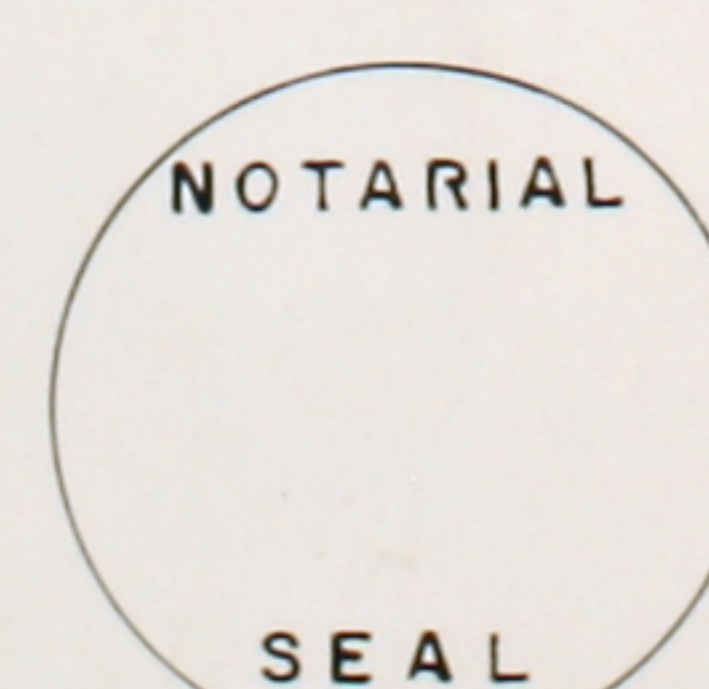
Charles M. Kuhns  
Margery G. Kuhns  
Thomas J. Stahler  
Bonita G. Stahler

STATE OF MINNESOTA  
COUNTY OF POPE

ON THIS 26 DAY OF JULY, 1962, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED CHARLES M. KUHN'S, MARGERY G. KUHN'S, THOMAS J. STAHLER AND BONITA G. STAHLER TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FORE GOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.



Richard D. Gasser  
NOTARY PUBLIC POPE COUNTY, MINN.  
MY COMMISSION EXPIRES March 3, 1966  
Also Acting in Stevens County



Wendell Schaub  
NOTARY PUBLIC POPE COUNTY, MINN.  
MY COMMISSION EXPIRES OCT. 6, 1964

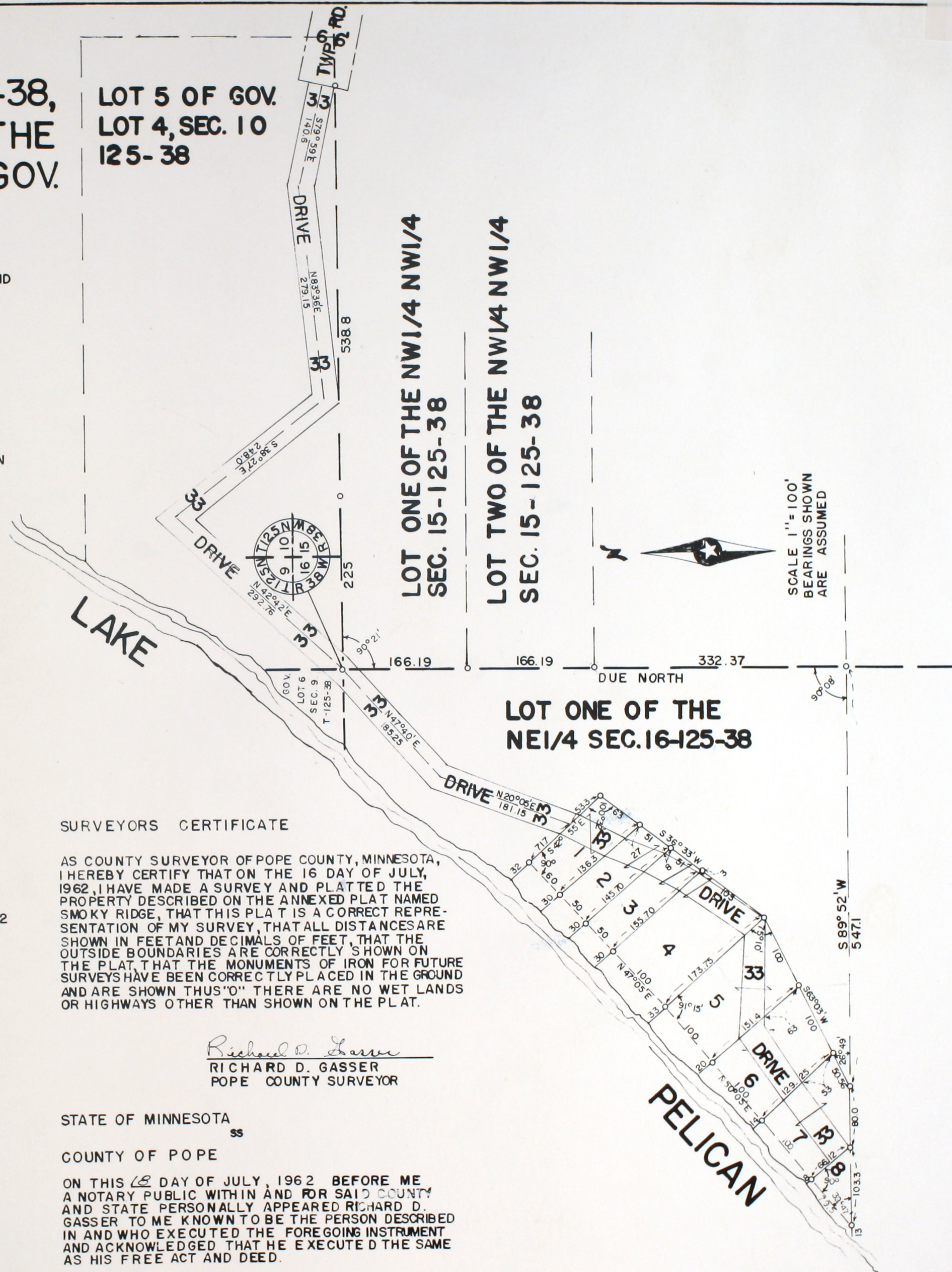
STATE OF MINNESOTA  
COUNTY OF POPE

ON THIS 26 DAY OF JULY, 1962 BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, AND STATE PERSONALLY APPEARED RICHARD D. GASSER TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

## SURVEYORS CERTIFICATE

AS COUNTY SURVEYOR OF POPE COUNTY, MINNESOTA, I HEREBY CERTIFY THAT ON THE 16 DAY OF JULY, 1962, I HAVE MADE A SURVEY AND PLATTED THE PROPERTY DESCRIBED ON THE ANNEXED PLAT NAMED SMOKY RIDGE, THAT THIS PLAT IS A CORRECT REPRESENTATION OF MY SURVEY, THAT ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS OF FEET, THAT THE OUTSIDE BOUNDARIES ARE CORRECTLY SHOWN ON THE PLAT, THAT THE MONUMENTS OF IRON FOR FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AND ARE SHOWN THUS "O" THERE ARE NO WET LANDS OR HIGHWAYS OTHER THAN SHOWN ON THE PLAT.

Richard D. Gasser  
RICHARD D. GASSER  
POPE COUNTY SURVEYOR



## CERTIFICATE

I HEREBY CERTIFY THAT THE ANNEXED PLAT OF SMOKY RIDGE HAS BEEN ACCEPTED AND APPROVED BY THE VILLAGE COUNCIL OF LONG BEACH AT A REGULAR MEETING OF SAID COUNCIL.

WITNESS MY HAND AND OFFICIAL SEAL THIS 8 DAY OF August 1962

Margaret Rugh  
CLERK, VILLAGE OF LONG BEACH, POPE COUNTY, MINN.

CORPORATE SEAL

LONG BEACH VILLAGE

## TREASURER'S OFFICE

POPE COUNTY, MINNESOTA

I HEREBY CERTIFY THAT THE TAXES FOR THE YEAR 1961 ON LANDS ABOVE DESCRIBED ARE PAID IN FULL.

L. O. Grevette  
TREASURER OF POPE COUNTY, MINN.

TREASURER'S

SEAL

120668

OFFICE OF THE REGISTER OF DEEDS  
POPE COUNTY, MINNESOTA

FILED FOR RECORD THIS 9 DAY OF August 1962 AT 8 O'CLOCK A.M. AND RECORDED IN VOLUME C OF PLATS ON PAGE 8

Richard C. Eide  
REGISTER OF DEEDS POPE COUNTY, MINN.

## AUDITORS OFFICE

POPE COUNTY, MINNESOTA

TAXES PAID AND TRANSFER ENTERED THIS 18 DAY OF July 1962

David Troen  
Op. AUDITOR OF POPE COUNTY, MINN.





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.

1:1,332	Date: 5/5/2017
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.	

Pope County  
Minnesota