

**Wabedo Township Planning Commission**

Craig Anderson, Chair

Nov. 10, 2016

To: Paul Fairbanks  
Cass County, Minnesota

Re: Loren Properties, LLC  
3600 County 54 NE  
Longville, MN 56655

**Conditional Use Permit (CUP) Request – Legal Description**

Part of Gov Lot 5, Section 23-140-28 PID#46-023-3405, Located at 1650 Wabedo Frontage Road, Wabedo Township.

**Request:**

An application submitted to reclassify the property from Shoreland Residential (SR) to Water Oriented Commercial (WOC) and restore the property to its use as a resort both of which require approval by conditional use permit (CUP). The relevant portions of the Land Use Ordinance include Section 705 which establishes the CUP criteria, Section 903 which describes the use categories and Section 1001 which establishes land use district requirements, Section 1001 which establishes the land use table which indicates that a CUP is required for a resort within the Water Oriented Commercial (WC) and Section 1104.7 which establishes resort criteria. The property contains 4.3 acres riparian to Wabedo Lake (RD) (SR).

**Facts:**

1. Property became lot of record in 2002 and owner purchased the property in 2016.
2. Lot area is 4.3 acres, water frontage of 235' on Wabedo Lake, lot width 200-500 ft., lot depth of 440-585 ft.
3. New septic system installed and inspected 2016.
4. Property located at 1650 Wabedo Frontage Road and is riparian to Wabedo Lake (RD).
5. Property owners stated that this resort will be handled as a separate business from Little Boy Resort.

**Site Findings:**

1. One new large storage building.
2. One fish cleaning house.
3. Public road through the site. Four cabin units on lakeside of the road, one cabin on the other side.
4. New septic system recently installed.
5. Grounds are well groomed.
6. Considerable shoreline buffer areas exist.
7. Old building will be torn down.
8. One two-track concrete boat launch exists.
9. Two docks are on the property.

**Regulatory Standards:**

1. Section 705, Conditional Use Permits, of the Cass County Land Use Ordinance/ Wabedo Township follows Cass County Ordinance. A resort is a Conditional Use in a WOC.
2. Section 706, Land Use Reclassification Procedures, Cass County Land Use Ordinance/Wabedo Township follows Cass County Ordinance. Resorts need to have property reclassified to WOC.
3. Sections 900, 1000, 1001, Land Use Districts, of the Cass County Land Use Ordinance/Wabedo Township follows Cass County Ordinance.
4. Section 1104.9, Resorts, of the Cass County Land Use Ordinance/Wabedo Township follows Cass County Ordinance. Resorts need to follow these standards.
5. Section 1121, Multiple Family Private Retreats, of the Cass County Land Use Ordinance/Wabedo Township follows Cass County Ordinance.
6. Section 1123, Shoreline Buffers, of Cass County Land Use Ordinance/Wabedo Township follows Cass County Ordinance.
7. Section 1129, Water Oriented Commercial Uses, of the Cass County Land Use Ordinance/Wabedo Township follows Cass County Ordinance.

**Findings of Fact**

1. Cass County Land Use Ordinance 706.2 (Land Use Reclassification Criteria) states the following criteria shall be considered when reclassifying land uses:
  - a. "Preservation of natural areas."
  - b. "Present ownership and development."
  - c. "Soil types and their engineering capabilities."
  - d. "Topographic considerations."
  - e. "Vegetative cover."
  - f. "In-water physical characteristics, values, and constraints."
  - g. "Recreational use of the surface water."
  - h. "Road and service center accessibility."
  - i. Socioeconomic development needs and plans as they involve water and related land resources."
  - j. "The land requirements of industry which, by its nature, requires location in shoreland areas."
  - k. "The necessity to preserve and restore certain areas having significant historical or ecological value."
  - a) No natural areas.
  - b) Present owner purchased property in 2016. Property was formerly Shoreline Residential. New large storage building recently built.
  - c) N/A
  - d) N/A
  - e) Shoreline buffer exists.
  - f) One two-track concrete boat launch and two docks currently on property.
  - g) Recommend limitation to resort occupants and land owners.
  - h) N/A
  - i) N/A

- j) Resort requires location on shoreland area.
- k) N/A

2. Cass County Land Use Ordinance 705.2 (Conditional Use Review) states the following criteria shall be considered when reviewing CUP's:

- a. Evaluation of water bodies, rivers, and wetlands, and also the topographic, vegetations, and soils conditions on the site shall be made to ensure:
    - a.10.i. The prevention of soil erosion or other pollution of Public waters, both during and after construction.
    - a.10.ii. The visibility of structures and other facilities as viewed from Public waters is limited.
    - a.10.iii. There is a complying SSTS present or there is an approved SSTS site evaluation and design for the intended use of the property.
  - b. Application of the Cass County Wetland Model to the Proposed use to determine critical areas and development suitability.
  - c. Consistency with the policies and provisions of the Cass County Comprehensive Plan and the requirements of all County ordinances.
  - d. Compatibility of the proposed use with present land uses in the area.
  - e. Ability of existing transportation and utility infrastructure to support the proposed use.
  - f. Degree to which the proposed use impacts natural, scenic, or historic features of major importance.
  - g. Other factors specific to the application that impact upon public health, safety, and welfare.
- 
- a) i. Considerable shoreline buffer exists. Recommend rain water control be added to any cabin upgrades.
  - ii. Recommend establishing parking areas off the lakeshore side, especially for boat trailers and large vehicles.
  - iii. A new septic system has recently been installed.
  - b) N/A.
  - c) Meets the county requirements.
  - d) Property was originally designed as a traditional resort and is compatible with the area.
  - e) No issues with transportation or utilities.
  - f) N/A.
  - g) Will need to meet current Minnesota Health requirements.

### **Wabedo Township Community Comprehensive Plan:**

Page 20 of the Wabedo Township Community Comprehensive Plan states, "The Township community strongly supports its local resort owners and would like to find ways to continue to keep traditional family resort businesses in the local community."

**Summary of Findings of Fact Section:**

This application is in line with the principles of the Township Comprehensive Plan. However, the Township recommends the owners work toward developing plans to move the lakeshore cabins back from the shoreline in conjunction with future upgrades or necessary construction improvements. The owners have demonstrated excellent skills in maintaining and upgrading lakeshore properties. We believe it is best to grant the CUPs for these existing properties in order to bring them under state and county ordinances. Wabedo Township believes these CUPs should be granted.

**Recommended Conditions:**

1. Shoreline buffers be checked to be sure they are up to ESD staff recommendations.
2. Water runoff control be added to any future cabin upgrades.
3. Parking areas be available off the lakeshore side.
4. Use of boat launch area be limited to resort occupants and property owners.
5. Notification of completion of conditions should be submitted by applicant to ESD and copied to Wabedo Township.

Wabedo Township Planning Commission Site Visitors:  
November 7, 2016, Gary Ewald, Tom Lund

Craig Anderson, Wabedo Township Planning Commission Chair