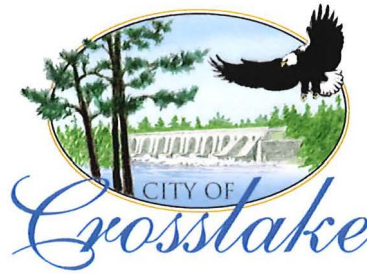


City Hall: 218-692-2688  
Planning & Zoning: 218-692-2689  
Fax: 218-692-2687



13888 Daggett Bay Rd  
Crosslake, Minnesota 56442  
[www.cityofcrosslake.org](http://www.cityofcrosslake.org)

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## **CITY OF CROSSLAKE**

### **PLANNING COMMISSION/BOARD OF ADJUSTMENT**

**February 26, 2021  
9:00 A.M.**

Crosslake City Hall  
13888 Daggett Bay Rd, Crosslake MN 56442  
(218) 692-2689

### **PUBLIC HEARING NOTICE**

**Applicant:** Timothy A & Cynthia A Darnell

**Authorized Agent:** N/A

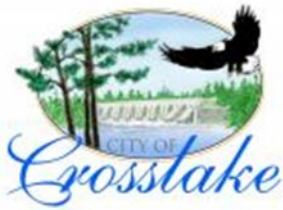
**Site Location:** 13231 Eagle Street, Crosslake, MN 56442

**Request a Conditional Use Permit:**

- Dirt moving in the shoreland district

**Notification:** Pursuant to Minnesota Statutes Chapter 462, and the City of Crosslake Zoning Ordinance, you are hereby notified of a public hearing before the City of Crosslake Planning Commission/Board of Adjustment. Property owners have been notified according to MN State Statute 462 & published in the local newspaper. Please share this notice with any of your neighbors who may not have been notified by mail.

**Information:** Copies of the application and all maps, diagrams or documents are available at Crosslake City Hall or by contacting the Crosslake Planning & Zoning staff at 218-692-2689. Please submit your comments in writing including your name and mailing address to Crosslake City Hall or ([crosslakepz@crosslake.net](mailto:crosslakepz@crosslake.net)).



## STAFF REPORT

Property Owner/Applicant: Timothy A & Cynthia A Darnell

Parcel Number(s): 14080636, 14080637

Application Submitted: January 7, 2021

Action Deadline: March 8, 2021

City 60 Day Extension Letter sent/ Deadline: N/A / N/A

Applicant Extension Received / Request: N/A / N/A

City Council Date: N/A

**Authorized Agent:** N/A

**Request:**

Conditional Use Permit for Dirt moving in the shoreland district

**Current Zoning:**

Shoreland District

**Adjacent Land Use/Zoning:**

North – Shoreland District

South – Rush Lake

East – Shoreland District

West – Shoreland District

**Development Review Team Minutes held on 9-8-2020:**

- Property is located on Rush Lake at 13231 Eagle Street with a lake setback of 75 feet
- Land Use ordinance requires a CUP for dirt exceeding the allowable amount
- Impervious maximum of 25% and if impervious exceeds 20% a Shoreline Rapid Assessment Model form will be completed (Sec. 26-518)
- If your parcel is located within an organization that has restrictions, it would be your responsibility to verify and meet those restrictions
- Design and implement a stormwater management plan (gutters, berm & rain gardens) to update any existing plan, which is required with all conditional use applications and is not required to be on the survey per Article 7, section 26-185, (2)
- Two certificates of installation are on file dated in 2017 & 2018
- Wetland Delineation is a requirement for a CUP or a no wetland statement/letter
- Survey to show both parcels; denote locations and dirt moving amounts for zoning area-SIZ 1 & 2, & RLZ
- Exhibit of the lake area for a closer detail of the request
- Cut & fill calculations are required per zoning area – SIZ 1 & 2, and RLZ
- Discussion on application requirements, procedure, schedule and the requirements/need for a complete application packet by the deadline date

- A Land Use Permit will be required prior to construction

Property owner was informed that before they could be placed on a public hearing agenda the following information is required:

1. A certificate of survey meeting the requirements outlined in Article 7, Sec. 26-185 of the City Land Use Ordinance
2. Cut & Fill calculations if required
3. Wetland delineation or a no wetland statement/letter
4. A complete Conditional Use Permit application with the \$500.00 public hearing fee

**Parcel History:**

- April 1979 – New addition and new septic tank
- August 1982 – Retaining wall
- August 1994 – Septic update
- April 2017 – Accessory structure, demo and new septic
- April 2018 – New home, attached garage, deck, porch, and demo
- Septic Systems– two Certificate of Installation dated 4.28.17 & 6.29.18

**City Ordinance:**

Article 21 Dirt Moving, Sec. 26-575 Standards for Dirt Moving Activities in Shoreland Areas, states that moving larger quantities than allowed shall be processed as conditional uses

**Agencies Notified and Responses Received:**

**County Highway Dept:** N/A

**DNR:** No comments were received as of 2-12-2021

**City Engineer:** N/A

**City Attorney:** N/A

**Lake Association:** No comments were received as of 2-12-2021

**Township:** N/A

**Crosslake Public Works:** No comments were received as of 2-12-2021

**Crosslake Park, Recreation & Library:** N/A

**Concerned Parties:** No comments were received as of 2-12-2021

**POSSIBLE MOTION:**

To approve/table/deny the Conditional Use Permit for Dirt moving in the shoreland district at 13231 Eagle Street, Sec 08, City of Crosslake

**POSSIBLE CONDITIONS:**

1. Work with staff to implement the submitted stormwater plan
2. Work with staff to implement an erosion control plan
3. \_\_\_\_truck loads or cubic yards of dirt/rocks to be stored on the property at one time
4. Storage of dirt/rocks to be stored in the \_\_\_\_zone

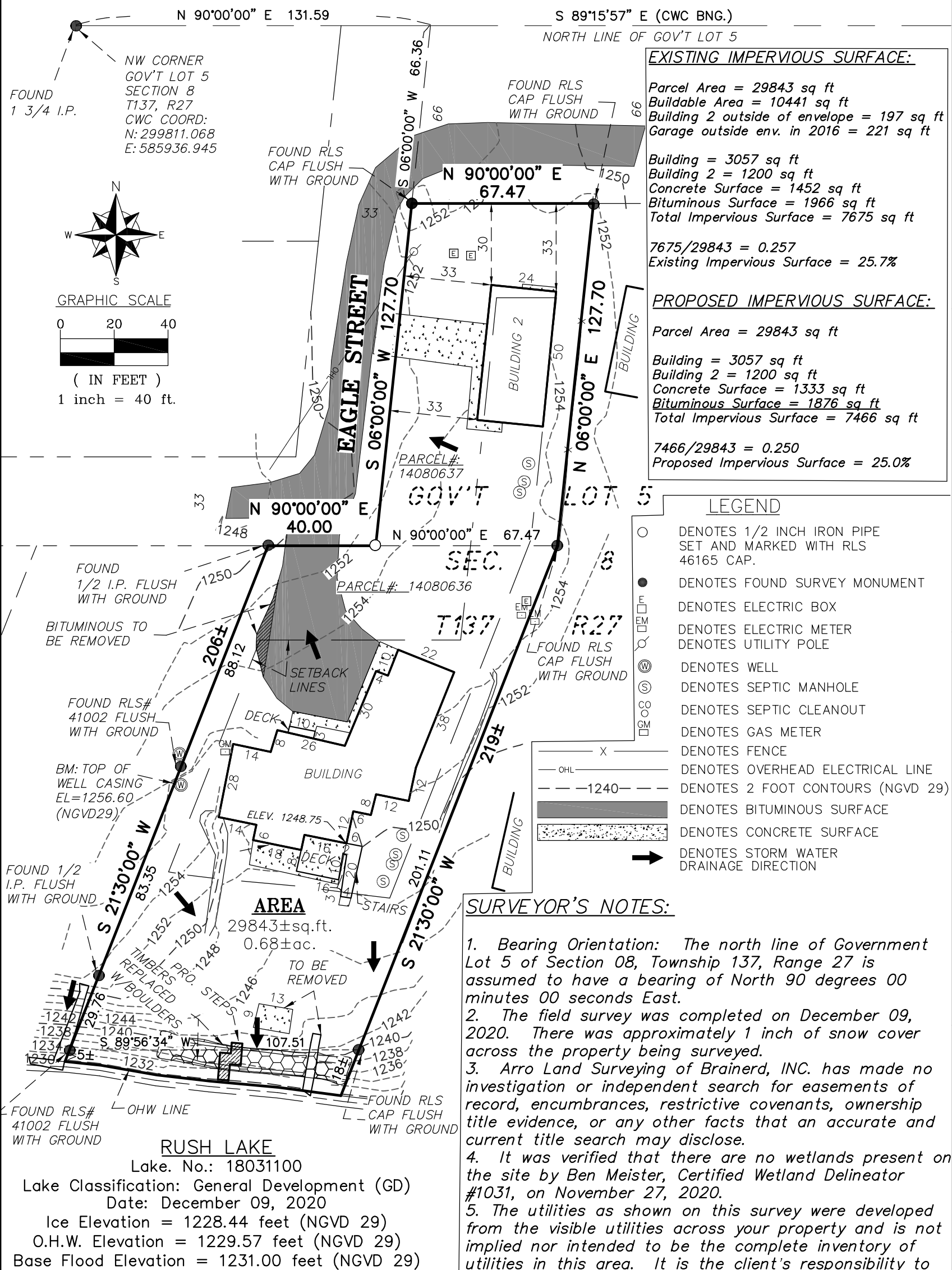








# CERTIFICATE OF SURVEY



DESCRIPTION—(Parcel No.: 14080636)

*All that part of Government Lots 4 and 5, Section 8, Township 137, Range 27, Crow Wing County, Minnesota, described as follows: Commencing at the northwest corner of said Government Lot 5; thence running due East, along the north line of said Government Lot 5, 131.59 feet; thence South 6 degrees West, 194.06 feet; thence due West, 40 feet, to the actual point of beginning of the tract to be described; thence run due East, 107.47 feet; thence run South 21 degrees 30 minutes West, 224.76 feet, more or less to the northerly shoreline of Rush Lake; thence Northwesterly, along said shoreline, to its intersection with a line bearing South 21 degrees 30 minutes West, from the actual point of beginning; thence North 21 degrees 30 minutes East, 208.33 feet, to the actual point of beginning. Including easements for roadway over parts Lots 5 and 4 as recorded.*

DESCRIPTION—(Parcel No.: 14080637)

Part of Government Lot 5, Section 8, Township 137, Range 27, Crow Wing County, Minnesota, described as follows: Commencing at the northwest corner of said Government Lot 5; thence on a bearing of East, along the north line thereof, a distance of 131.59 feet; thence South 6 degrees 00 minutes West, a distance of 66.36 feet, to the actual point of beginning of the tract to be described; thence continue South 6 degrees 00 minutes West, a distance of 127.70 feet; thence East a distance of 67.47 feet; thence North 6 degrees 00 minutes East, a distance of 127.70 feet, to the south line of the public road; thence West along the south line of said road, a distance of 67.47 feet to the point of beginning. Subject to mineral reservations, rights of overflow, easement and regulations of record.

EXISTING IMPERVIOUS SURFACE:

Parcel Area = 29843 sq ft  
Buildable Area = 10441 sq ft  
Building 2 outside of envelope = 197 sq ft  
Garage outside env. in 2016 = 221 sq ft

Building = 3057 sq ft  
Building 2 = 1200 sq ft  
Concrete Surface = 1452 sq ft  
Bituminous Surface = 1966 sq ft  
Total Impervious Surface = 7675 sq ft

$$7675/29843 = 0.257$$

Existing Impervious Surface = 25.7%

PROPOSED IMPERVIOUS SURFACE:
















Parcel Area = 29843 sq ft

Building = 3057 sq ft  
Building 2 = 1200 sq ft  
Concrete Surface = 1333 sq ft  
Bituminous Surface = 1876 sq ft  
Total Impervious Surface = 7466 sq ft

$$7466/29843 = 0.250$$

*Proposed Impervious Surface = 25.0%*

## LEGEND

- |   |   |
|---|---|
|  | DENOTES 1/2 INCH IRON PIPE SET AND MARKED WITH RLS 46165 CAP. |
|  | DENOTES FOUND SURVEY MONUMENT                                 |
|  | DENOTES ELECTRIC BOX  |
|  | DENOTES ELECTRIC METER  |
|  | DENOTES UTILITY POLE  |
|  | DENOTES WELL  |
|  | DENOTES SEPTIC MANHOLE  |
|  | DENOTES SEPTIC CLEANOUT                                       |
|  | DENOTES GAS METER   |
|  | DENOTES FENCE   |
|  | DENOTES OVERHEAD ELECTRICAL LINE                              |
|  | DENOTES 2 FOOT CONTOURS (NGVD 29)                             |
|  | DENOTES BITUMINOUS SURFACE                                    |
|  | DENOTES CONCRETE SURFACE                                      |
|  | DENOTES STORM WATER DRAINAGE DIRECTION                        |

*SURVEYOR'S NOTES:*

1. Bearing Orientation: The north line of Government Lot 5 of Section 08, Township 137, Range 27 is assumed to have a bearing of North 90 degrees 00 minutes 00 seconds East.
2. The field survey was completed on December 09, 2020. There was approximately 1 inch of snow cover across the property being surveyed.
3. Arro Land Surveying of Brainerd, INC. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
4. It was verified that there are no wetlands present on the site by Ben Meister, Certified Wetland Delineator #1031, on November 27, 2020.
5. The utilities as shown on this survey were developed from the visible utilities across your property and is not implied nor intended to be the complete inventory of utilities in this area. It is the client's responsibility to verify the location of all utilities prior to construction or improving your property.
6. Property Zoning: Shoreland District
7. Setback Requirements (per City of Crosslake):  
OHW (GD) = 75 feet Road R/W = 35 feet  
Property Line = 10 feet

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 6 day of January, 2021

By: Mark T. Downing  
Mark T. Downing, Minnesota License No. 46165

20396 Division Rd. 217 1st Ave. N.  
Brainerd, MN 56401 Waite Park, MN 56387  
(218)820-4437 (320)241-6247

**ARRO**  
Land Surveying  
of Brainerd, INC.

# BOUNDARY SURVEY

Part of Gov't Lots 4 & 5  
Sec. 8, T137, R27  
Crow Wing County, MN

**CLIENT:**

**Tim & Cynthia Darnell**  
13231 Eagle Street  
Crosslake, MN 56442

DRAWN BY: JAS CHECKED BY: MTD

DRAWN BY: JAS CHECKED BY: MTD

APPROVED BY: MTD JOB NUMBER: 20-237E

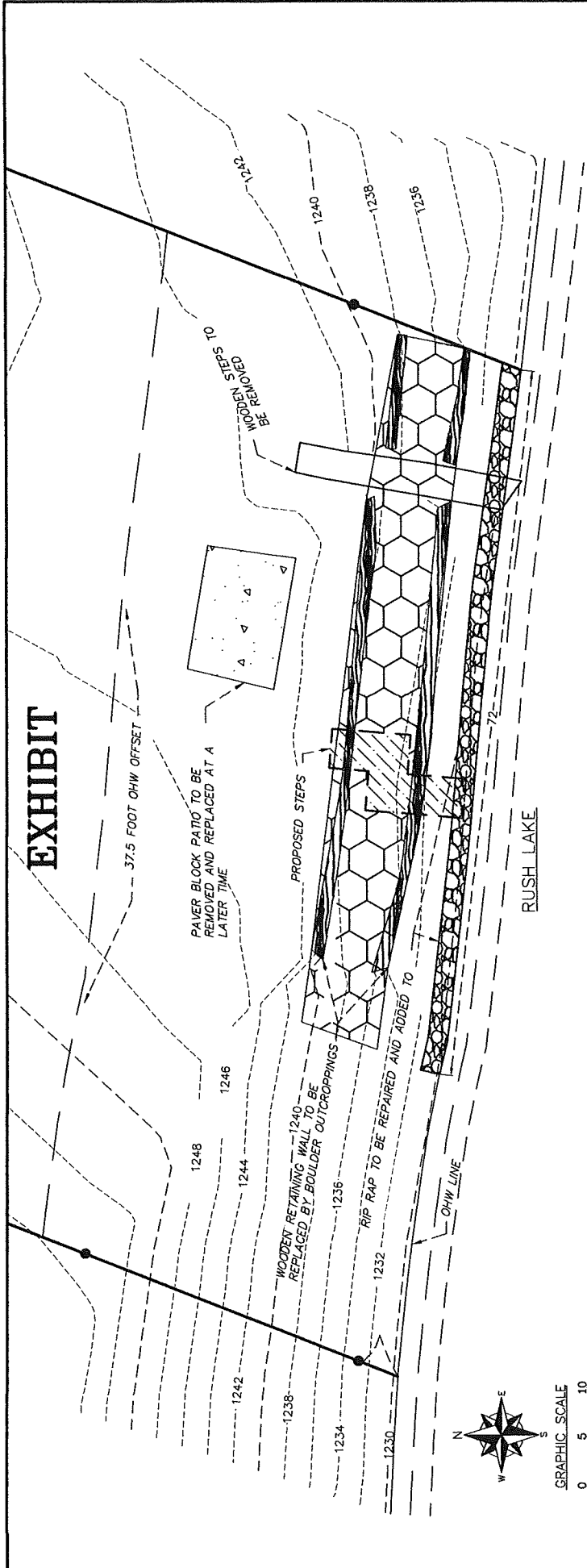
APPROVED BY: MTD      JOB NUMBER: 20-237E

NO.	DATE	BY	REVISION DESCRIPTION
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NO.	DATE	BY	REVISION DESCRIPTION
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NOTE: All volumes shown on this exhibit have been furnished by the client's contractor: Chadwick Company, and have not been verified.

### LEGEND

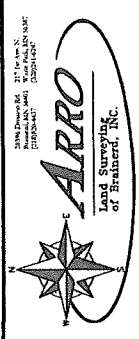
- DENOTES RIP RAP
- DENOTES EXISTING WOODEN STEPS
- DENOTES PAVER BLOCK
- DENOTES WOODEN RETAINING WALL
- DENOTES PROPOSED WOODEN STEPS
- DENOTES PROPOSED BOULDER OUTCROPPING

VOLUME OF MATERIAL TO BE MOVED:	
<b>EXPORT-</b>	
Timber Retaining Walls (Crossed Timbers) =	40 C.Y.
Vegetation/unsuitable soils/sand-mix =	50 C.Y.
Total material to be removed =	90 C.Y.
<b>IMPORT-</b>	
Extra large to medium size boulders =	112 C.Y.
Black dirt (for around outcroppings) =	15 C.Y.
Total Material to be added =	127 C.Y.
Overall Material to be added to project =	37 C.Y.

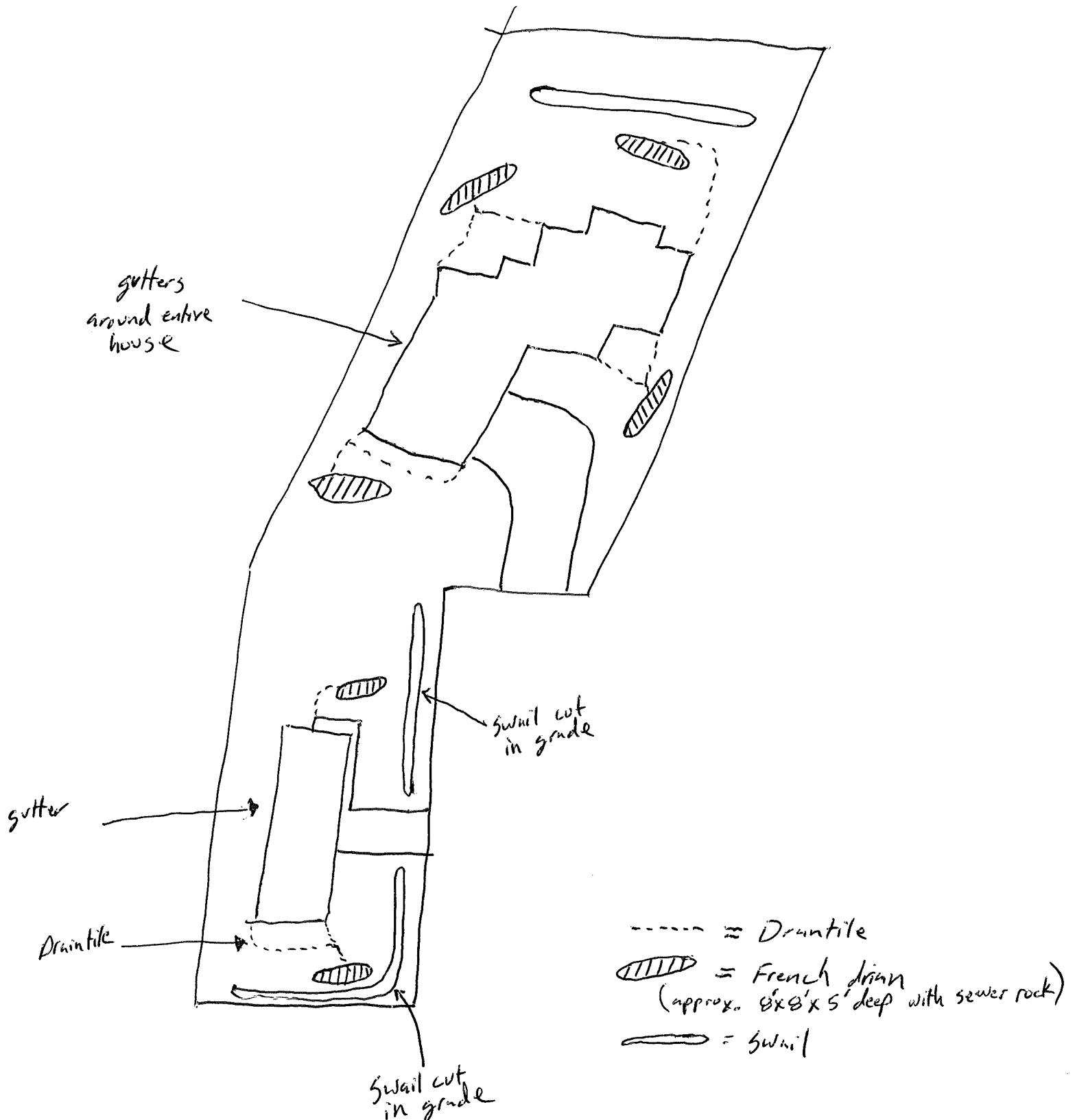
DRAWN BY: <u>JAS.</u>		CHECKED BY: <u>JMD.</u>	
APPROVED BY: <u>JMD.</u>		JOB NUMBER: <u>20-2329</u>	
NO.	DATE	BY	REVISION DESCRIPTION

**CLIENT:**  
**Tim & Cynthia Darnell**  
 13231 Eagle Street  
 Crosslake, MN 56442

**BOUNDARY SURVEY**  
 Part of Gov't Lots 4 & 5  
 Sec. 8 T137, R27  
 Crow Wing County, MN



# Storm Water Retention Plan





# Appendix C: SHORELINE RAPID ASSESSMENT MODEL



The City of Crosslake's Shoreline Rapid Assessment Model (SRAM) is a tool for quickly and objectively determining the degree of natural vegetation along a shoreline and the amount of natural buffer required to meet Ordinance requirements. With this model, the Shore Impact Zones (SIZ-1 & SIZ-2) are evaluated for natural vegetative cover and a cumulative score is tallied. Vegetative restoration that may be necessary must be performed according to Article 19.

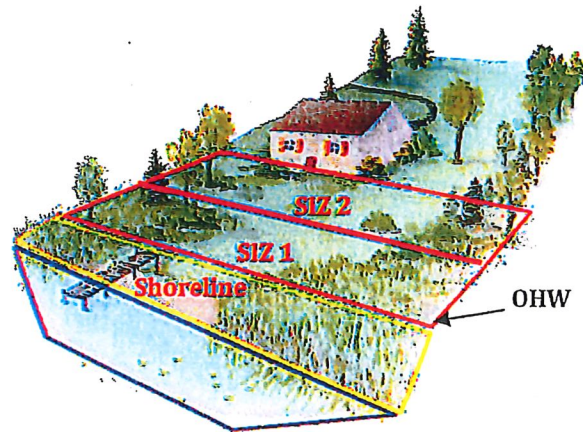
## Shoreline:

Condition of Shoreline	Score:
Stable shoreline	0
< 25% of shoreline is eroding or unstable	-1
25-50% of shoreline is eroding or unstable	-2
50-75% of shoreline is eroding or unstable	-3
> 75% of shoreline is eroding or unstable	-4

## Ground cover:

% Naturally Vegetated Cover in SIZ 1	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	3
50-75% natural vegetated cover	5
> 75% natural vegetated cover	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% natural ground cover	1
25-50% natural vegetative cover	2
50-75% natural vegetative cover	3
> 75% natural vegetated cover	4



## Trees / shrubs:

% Naturally Vegetated Cover in SIZ 1	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	3
50-75 % of surface is covered by shrubs and trees	5
> 75% of surface is covered by shrubs and trees	7

% Naturally Vegetated Cover in SIZ 2	Points:
< 25% of surface is covered by shrubs and trees	1
25-50% of surface is covered by shrubs and trees	2
50-75 % of surface is covered by shrubs and trees	3
> 75% of surface is covered by shrubs and trees	4

### If score is 0-5:

- Leave a 20' No Mow Buffer & possible other mitigation efforts

### If score is 6-10:

- Leave a 15' No Mow Buffer

### If score is 11-15:

- Leave a 10' No Mow Buffer

Above buffers shall allow for an access area to lake, per Ordinance requirements

Landowner Danell Permit or Parcel Number 14080636 & 14080637

Score 6 (Max Score = 22)

Crosslake Planning & Zoning Department Staff [Signature]

scored from Available Aerial Photos 12/29/2020





# Conditional/Interim Use Permit Application

Planning and Zoning Department

13888 Daggett Bay Rd, Crosslake, MN 56442

218.692.2689 (Phone) 218.692.2687 (Fax) [www.cityofcrosslake.org](http://www.cityofcrosslake.org)

Receipt Number: 969608

Permit Number: 210001C

Property Owner(s): Timothy A & Cynthia A Darnell

Mailing Address: 13231 Eagle Street  
Crosslake MN 56442

Site Address: -same-

Phone Number: 763.286.8616 (Tim-cell)

Phone Number: 320.237.8369 (Cindy-cell)

E-Mail Address: cdarnell@andersencorp.com

Parcel Number(s): #14080636 + #14080637

Legal Description: Lots 4+5, Section 8 etc...

Sec 8 Twp 137 Rge 26 ☐ 27 ☒ 28 ☐

Land Involved: Width: \_\_\_\_\_ Length: \_\_\_\_\_ Acres: .68

Lake/River Name: Rush Lake

Do you own land adjacent to this parcel(s)? ☒ Yes ☐ No

If yes, list Parcel Number(s) (see above)

Authorized Agent: NA

Agent Address: NA

Agent Phone Number: NA

Signature of Property Owner(s) [Signature] / Cindy Darnell Date 1/7/21

Signature of Authorized Agent(s) N/A Date \_\_\_\_\_

(Check applicable requests)

☒ **Residential & Related Uses:**

Specify Dirt Moving in S1Z1 + S1Z2

☒ Shoreland District

☐ Rural Residential District (5 A Min.)

☐ Sensitive Shoreland District

☐ Limited Commercial District

☐ Downtown Commercial District

☐ Waterfront Commercial District

☐ Commercial/Light Industrial District

☐ **Recreational Uses:**

Specify \_\_\_\_\_

☐ Shoreland District

☐ Rural Residential District (5 A Min.)

☐ Limited Commercial District

☐ Waterfront Commercial District

☐ Commercial/Light Industrial District

☐ **Civic, Edu & Institutional Uses:**

Specify \_\_\_\_\_

☐ Shoreland District

☐ Rural Residential District (5 A Min.)

☐ Limited Commercial District

☐ Waterfront Commercial District

☐ Commercial/Light Industrial District

☐ **Commercial & Industrial Uses:**

Specify \_\_\_\_\_

☐ Shoreland District

☐ Rural Residential District (5 A Min.)

☐ Sensitive Shoreland District

☐ Limited Commercial District

☐ Downtown Commercial District

☐ Waterfront Commercial District

☐ Commercial/Light Industrial District

- All applications must be accompanied by a site plan
- Fee \$500 for Residential and Commercial Payable to "City of Crosslake"
- No decisions were made on an applicant's request at the DRT meeting. Submittal of an application after DRT does not constitute approval. Approval or denial of applications is determined by the Planning Commission/Board of Adjustment at a public meeting as per Minnesota Statute 462 and the City of Crosslake Land Use Ordinance.

## For Office Use:

Application accepted by CS Date 1/7/2020 Land Use District SD Lake Class GD

Septic: Compliance \_\_\_\_\_ SSTS Design \_\_\_\_\_ Installation Cert of Install 2017 & 2018

City of Crosslake Planning Commission/Board of Adjustment

Conditional Use Permit Application

Findings of Fact

Supporting/Denying a Conditional Use Permit Request

*Findings shall be made in either recommending approval or denial of a Conditional Use Permit application, and should reference Chapter 26, Article 7 of the City of Crosslake Ordinance. The following questions are to be considered, but are not limited to:*

- (1) Will the proposed use impact the health, safety, and general welfare of the occupants in the surrounding neighborhood?

YES ☐ NO ☒

Why?

Because our project involves lakeside changes only.

- (2) Does the proposed use meet the standards of this Chapter?

YES ☐ NO ☒

Why?

Our project requires more dirt than ordinance allows

- (3) Will the proposed use meet goals and policies adopted within the Crosslake Comprehensive Plan?

YES ☒ NO ☐

Why?

- (4) Will the proposed use adversely affect property values and future development of the land in the surrounding neighborhood?

YES ☐ NO ☒

Why?

Our project involves removal of creosote railroad timbers on lakeside. Our objective with this project is to increase safety with removal of rotting timbers and to increase aesthetics of property.

- (5) Will the proposed negatively impact public utility, public services, roads and schools?

YES ☐ NO ☒

Why?

No - this project does not intersect with any of these things.

- (6) Will the proposed use impact the environment adversely, considering its impact on groundwater, surface water and air quality?

YES ☐ NO ☒

Why?

Removing creosote, rotting timbers w/ limited natural vegetation and installing natural boulders w/ more buffer areas will support environment + lakeshore in positive manner.

- (7) Are the water supply, public sewer or subsurface sewage treatment system facilities, erosion control and stormwater management provided for pursuant to applicable standards of the Ordinance?

YES ☒ NO ☐

Why?

Property has own well + septic; no public utilities.  
Stormwater mgmt plan provided in separate exhibit.



City of Crosslake Planning Commission/Board of Adjustment

Conditional Use Permit Application

Findings of Fact

Supporting/Denying a Conditional Use Permit Request

*Findings shall be made in either recommending approval or denial of a Conditional Use Permit application, and should reference Chapter 26, Article 7 of the City of Crosslake Ordinance. The following questions are to be considered, but are not limited to:*

- (1) Will the proposed use impact the health, safety, and general welfare of the occupants in the surrounding neighborhood?

YES ☐ NO ☐

Why?

- (2) Does the proposed use meet the standards of this Chapter?

YES ☐ NO ☐

Why?

- (3) Will the proposed use meet goals and policies adopted within the Crosslake Comprehensive Plan?

YES ☐ NO ☐

Why?

- (4) Will the proposed use adversely affect property values and future development of the land in the surrounding neighborhood?

YES ☐ NO ☐

Why?

- (5) Will the proposed negatively impact public utility, public services, roads and schools?

YES ☐ NO ☐

Why?

- (6) Will the proposed use impact the environment adversely, considering its impact on groundwater, surface water and air quality?

YES ☐ NO ☐

Why?

- (7) Are the water supply, public sewer or subsurface sewage treatment system facilities, erosion control and stormwater management provided for pursuant to applicable standards of the Ordinance?

YES ☐ NO ☐

Why?