



8319 County Road 11
Breezy Point, MN 56472
Phone: (218) 562-4441
Fax: (218) 656-1326
www.cityofbreezypointmn.us

Received by City:

12/13/24

Application Number:

624-OT C-25-001

Non-refundable Fee Paid:

350

Receipt #:

23889

Conditional Use Application

Name of Applicant Breezy Point International
Address 9252 Breezy Point Dr Email: dlandecker@breezyPointResort.com
City, State, Zip Breezy Point, MN 56472
Phone 218-831-1706 Alternate Phone 218-820-4038
(Bob Spizzzo cell phone) (DAVID'S cell phone)
Physical Address / Location of Property No Current Address
Property Known As "High Village" adjacent to Channel
Legal Description of Property LOTS 1 through 26 inclusive and vacated
Channel Boulevard, Twenty First Addition to Breezy Point
Estates, Plat of record, Crow Wing County Minnesota
Parcel ID Number 10160921 through 10160940 Zoning District RL Resort Commercial

Applicant is:

☒ Legal Owner of Property

☐ Contract Buyer

☐ Option Holder

☐ Agent

☐ Other

Title Holder of Property (if different than applicant):

Name

Address

City, State, ZIP

Phone

State the nature of your request in detail. What are you proposing for your property?

Proposing the use of the approved High Village Harbor to
be defined as a Harbor and allow commercial
ancillary services for rental of mooring spaces.

Signature of Owner, authorizing application

(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner)

(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

By signing above, I acknowledge that I understand that I am responsible for all fees incurred by the City as a result of professional services provided by the City Engineer, City Attorney, and other contracted agencies in reviewing my application.

CONDITIONAL USE: A land use or land development, as defined by the Ordinance, that is allowed, but would not be appropriate without restrictions or conditions as determined by the Planning Commission. The proposed use must meeting the following standards: (a) the use or development is an appropriate conditional use in the land use zone, (b) the use or development with conditions conforms to the comprehensive land use plan, (c) The use with conditions is compatible with the existing neighborhood, and (d) the use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, or prosperity of residents in the City.

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: NA USE FROM HARBOUR TO MARINA

Landscaping: NA

Parking/Signs: PARKING/DRIVE BUILT AND APPROVED BY CITY PERMIT 2024

2. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why. NO IMPACT, HIGH VILLAGE PUD WHICH INCLUDED A HARBOUR WITH 30 MOORING SPACES WAS APPROVED BY THE MNDNR AND CITY IN 1984 AND 1985. IN 2021 THE MNDNR AUTHORIZED ACTION TO MAINTAIN THE HARBOUR BASED ON THE 1985 PERMIT. THE CHANGE FROM HARBOUR TO MARINA IS TO PROVIDE CLARITY OF THE INTENDED USE OF RENTAL SPACES FOR MOORING OF WATER CRAFT.

3. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses?

A MARINA IS CONSISTANT WITH THE RESORTS BUSINESS AND PLANS FOR THIS FACILITY. IT IS CONSISTANT WITH THE 1984 HIGH VILLAGE PUD APPROVAL AND IS AN ALLOWED USE IN RESORT COMMERCIAL ZONING DISTRICT. NO ADDITIONAL MOORING SPACES ARE BEING OR WILL BE REQUESTED.

4. Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Explain if additional facilities will be required.

NO COMMUNITY SERVICES OF SEWER DRAINAGE OR STREETS IS BEING REQUESTED IN THIS APPLICATION

5. Describe the impact on the character of the neighborhood in which the property is located.

THE MARINA IS SURROUNDED BY BREEZY POINT RESORT PROPERTY REFERRED TO AS THE "HIGH VILLAGE" PUD. THIS LAND IS LOCATED TO THE WEST, NORTH AND EAST OF THE SUBJECT MARINA. THE AREA TO THE SOUTH IS THE BREEZY CHANNEL AND BREEZY POINT BOULEVARD. NO CHANGES TO THE PLANS FROM THE ORIGINAL 1984 AND 1985 APPROVES IS BEING REQUESTED OTHER THAN THE USE AS A MARINA

6. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?

A DRIVEWAY AND ADEQUATE PARKING WAS CONSTRUCTED IN THE SPRING OF 2024 WITH CITY OF BREEZY POINT PERMIT

7. Discuss any environmental limitations of the area that would limit or constrain construction on this property.

NO CONSTRUCTION IS PLANNED
LIMITATIONS ARE BASED ON ALL APPROVED PLANS AND EXISTING PERMITS

8. Please include any other comments pertinent to this request.

The Reason This CUP Application is before the City Planning Commission is to distinguish the difference in definition and wording between "Harbor" and "Marina" and clarify the use as a "Marina" which allows commercial ancillary services to include rental of mooring spaces

INSTRUCTIONS TO THE APPLICANT

Completed applications, with *all* submittal requirements, must be submitted to the Planning & Zoning Department no fewer than **25 days** prior to the meeting date. In order for your application to be accepted as complete, and to have a public hearing scheduled, the following information **must** be submitted:

- ☒ 1. This application must be completed, including responses to all parts of this application.
- ☒ 2. The required fee must be paid. See fee schedule for details.
- ☒ 3. Legal description of the site.
- ☒ 4. Site plan, drawn to scale, showing parcel and existing structure dimensions, water features, and 10 foot contour lines (smaller contour lines may be required if deemed necessary by the Planning Department, Planning Commission, or City Council).
- _____ 5. The site plan or should also show the location of all structures and their square footage.
- _____ 6. Existing and proposed curb cuts, driveways, access roads, turn-arounds, parking including RV, boat and additional vehicle storage, off-street loading, and sidewalks. Size and type of surface should also be included.
- _____ 7. Proposed landscaping and screening plans: garbage dumpsters, areas preserved in natural state including buffer areas, areas to be developed into lawn (grass), areas to be covered by woodchips or mulch, garden areas, shrubbery, types, size, age, and number of proposed trees and their locations, exterior lighting to be proposed including location and type, any other items deemed appropriate.
- _____ 8. Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
- _____ 9. Proposed drainage plan.
- _____ 10. Proposed and existing sanitary sewer and water supply plans with estimated usages on peak day.
- _____ 11. Soils data showing capability for building and on-site sewage treatment.
- _____ 12. Existing iron pipe boundary monuments marked with proof of survey.
- _____ 13. Approximate location of any proposed signs (if applicable).
- _____ 14. Color scheme for all existing and proposed structures.
- _____ 15. Outside storage proposal.
- _____ 16. Elevation plans for all existing and proposed structures.

1984 High Village PUD site plan with harbor

1984 High Village boundary from CWC GIS mapping

1985 + 2021 MN DNR excavation and 30 mooring spaces permits

2021 Dock and mooring plan submission to MN DNR from Resort

2024 Resort site plan concept for service drive + parking

2024 City of BP grading permit for service drive and parking

2024 Current Docking and mooring plan under construction

MN DNR 2020 permitting mooring facilities document

MN RULES part definitions 611S.0170

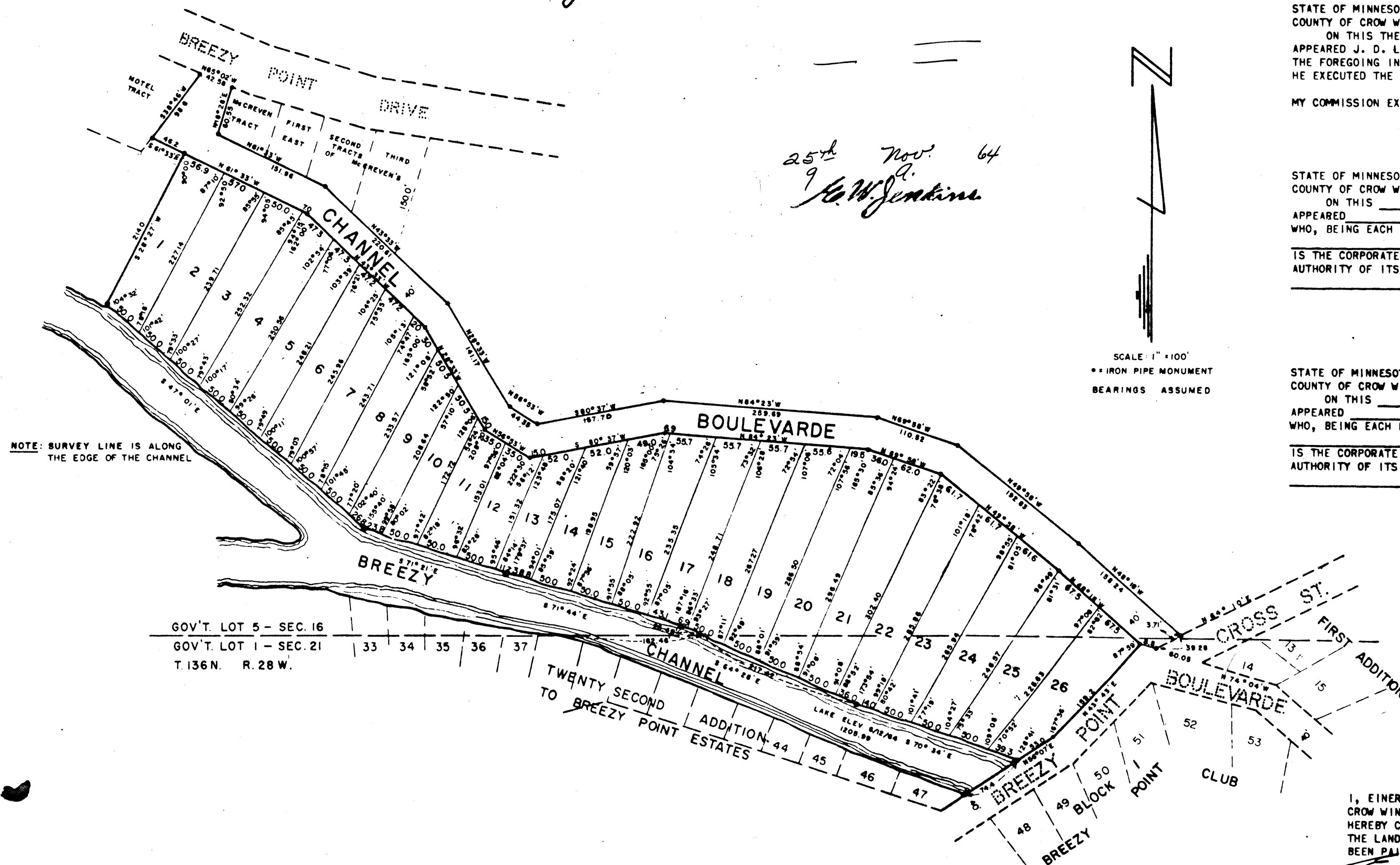
1964 plat of Twenty-First Addition to Breezy Point Estates

TWENTY-FIRST TO BREEZY POINT ESTATES

OFFICE OF REGISTRAR OF TITLES

Twenty-First Addition to Breezy Point Estates
Nov. 9 1964
E. W. Jenkins

Cert.	Vol.	Page
23256	78	156
23384	78	284
23607	79	207
23628	79	228
23729	80	29
23746	80	46
23747	80	47



KNOW ALL MEN BY THESE PRESENTS THAT WE, BREEZY POINT ESTATES, A PARTNERSHIP, BEING THE OWNER AND PROPRIETOR OF PART OF GOVERNMENT LOT 5 SECTION 16 T 136 N R 28 W AND GOVERNMENT LOT 1 SECTION 21 T 136 N R 28 W DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 14 OF THE FIRST ADDITION TO BREEZY POINT ESTATES THENCE N 74°04' W FOR 60.05' TO THE POINT OF BEGINNING OF THIS SUBDIVISION, THENCE N 64°10' E FOR 39.28 FEET, THENCE N 48°18' W FOR 158.24 FEET, THENCE N 49°58' W FOR 192.63 FEET, THENCE N 69°58' W FOR 110.52 FEET, THENCE N 84°23' W FOR 259.69 FEET, THENCE S 80°37' W FOR 157.70 FEET, THENCE N 56°53' W FOR 44.35 FEET, THENCE N 28°33' W FOR 141.17 FEET, THENCE N 43°33' W FOR 220.61 FEET, THENCE N 61°33' W FOR 151.96 FEET, THENCE N 18°28' E FOR 60.55 FEET, THENCE N 65°02' W FOR 42.58 FEET, THENCE S 38°46' W FOR 98.60 FEET, THENCE S 61°33' E FOR 46.20 FEET, THENCE S 28°27' W FOR 214.00 FEET, TO A POINT ON THE NORTH EDGE OF BREEZY CHANNEL AS SHOWN ON THIS PLAT, THENCE ALONG SAID CHANNEL S 47°01' E FOR 426.80 FEET, THENCE S 71°21' E FOR 185.00 FEET, THENCE S 71°44' E FOR 231.90 FEET, THENCE S 64°28' E FOR 242.90 FEET, THENCE S 70°34' E FOR 203.30 FEET, THENCE N 56°07' E FOR 53.00 FEET, THENCE N 43°43' E FOR 159.20 FEET, THENCE S 74°04' E FOR 8.50 FEET TO THE POINT OF BEGINNING HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AND HEREBY DESIGNATE THE SAME AS THE TWENTY FIRST ADDITION TO BREEZY POINT ESTATES. CHANNEL BOULEVARDE IS DEDICATED TO THE PUBLIC. LOTS NUMBERED 1 THROUGH 26 INCLUSIVE EXTEND TO THE WATERS EDGE OF BREEZY CHANNEL, SUBJECT TO RESTRICTIONS OR RESERVATIONS OF RECORD IF ANY.

WITNESSES
J. D. Lenz
L. E. Styles

BREEZY POINT ESTATES, A PARTNERSHIP
BY J. D. Lenz
PARTNER

STATE OF MINNESOTA
COUNTY OF CROW WING
ON THIS 30 DAY OF Sept, 1964, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED J. D. LENZ, A PARTNER OF BREEZY POINT ESTATES, PERSONALLY KNOWN TO ME TO BE THE PERSON NAMED ABOVE AND WHO EXECUTED THE FOREGOING INSTRUMENT IN BEHALF OF AND BY THE AUTHORITY OF THE PARTNERSHIP OF BREEZY POINT ESTATES, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS A FREE ACT AND DEED OF THE SAID PARTNERSHIP.

MY COMMISSION EXPIRES: 3-2-67

J. D. Lenz
NOTARY PUBLIC
CROW WING COUNTY, MINNESOTA

STATE OF MINNESOTA } ss.
COUNTY OF CROW WING } ss.
ON THIS DAY OF 1964, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED AND TO ME PERSONALLY KNOWN, WHO, BEING EACH BY ME DULY SWORN DID SAY THAT THEY ARE RESPECTIVELY THE PRESIDENT AND THE OF THE CORPORATION NAMED IN THE FOREGOING INSTRUMENT, AND THAT THE SEAL AFFIXED TO SAID INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF, AND SAID ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

NOTARY PUBLIC COUNTY, MINN.
MY COMMISSION EXPIRES 19

STATE OF MINNESOTA } ss.
COUNTY OF CROW WING } ss.
ON THIS DAY OF 1964, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED AND TO ME PERSONALLY KNOWN, WHO, BEING EACH BY ME DULY SWORN DID SAY THAT THEY ARE RESPECTIVELY THE PRESIDENT AND THE OF THE CORPORATION NAMED IN THE FOREGOING INSTRUMENT, AND THAT THE SEAL AFFIXED TO SAID INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF, AND SAID ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

NOTARY PUBLIC COUNTY, MINN.
MY COMMISSION EXPIRES 19

I DELBERT RIEKE, A REGISTERED LAND SURVEYOR FOR THE STATE OF MINNESOTA, HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE TRACT DESCRIBED ABOVE AND FROM SAID SURVEY HAVE MADE THE ADJACENT PLAT, THAT THE OUTSIDE BOUNDARIES ARE CORRECTLY SHOWN, THAT THE DISTANCES ARE CORRECTLY SHOWN IN FEET, AND THAT THERE ARE NO WETLANDS OR PUBLIC ROADS EXCEPT AS SHOWN, THAT THE TOPOGRAPHY IS CORRECTLY SHOWN, THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND, AND THAT THE ABOVE PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY.

DATED 9/28/64 DAY OF September, 1964 REG. NO. 5094 SUBSCRIBED AND SWORN TO BEFORE ME THIS 28th

Delbert Rieke
NOTARY PUBLIC SIBLEY CO., MINNESOTA
MY COMMISSION EXPIRES: JULY 26, 1966

I, EINER R. ANDERSON, AUDITOR FOR CROW WING COUNTY, MINNESOTA, DO HEREBY CERTIFY THAT THE TAXES ON THE LANDS DESCRIBED HEREON HAVE BEEN PAID FOR THE YEARS PRIOR TO 1964
Einer R. Anderson
AUDITOR
CROW WING COUNTY, MINNESOTA

I, DOUG M. ANDERSON, TREASURER FOR CROW WING COUNTY, MINNESOTA, DO HEREBY CERTIFY THAT THE TAXES ON THE LANDS DESCRIBED HEREON HAVE BEEN PAID FOR THE YEAR 1964.
Doug M. Anderson
TREASURER
CROW WING COUNTY, MINNESOTA

THIS PLAT OF "TWENTY-FIRST ADDITION TO BREEZY POINT ESTATES" WAS APPROVED BY THE COUNCIL FOR THE VILLAGE OF PELICAN LAKE THIS 30th DAY OF SEPTEMBER, 1964.
Attest:
Robert C. Bingham
MAYOR
H. Vernon Binkman
VILLAGE CLERK

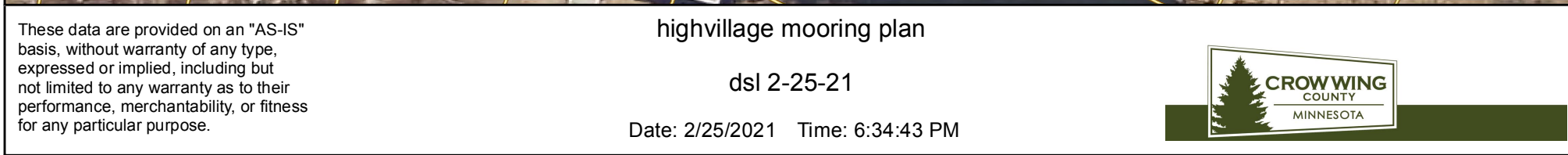


High Village PUD 1983

dsI 11/04/24

Date: 11/4/2024 Time: 10:13 AM

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.



CROW WING
COUNTY
MINNESOTA

Breezy Point International

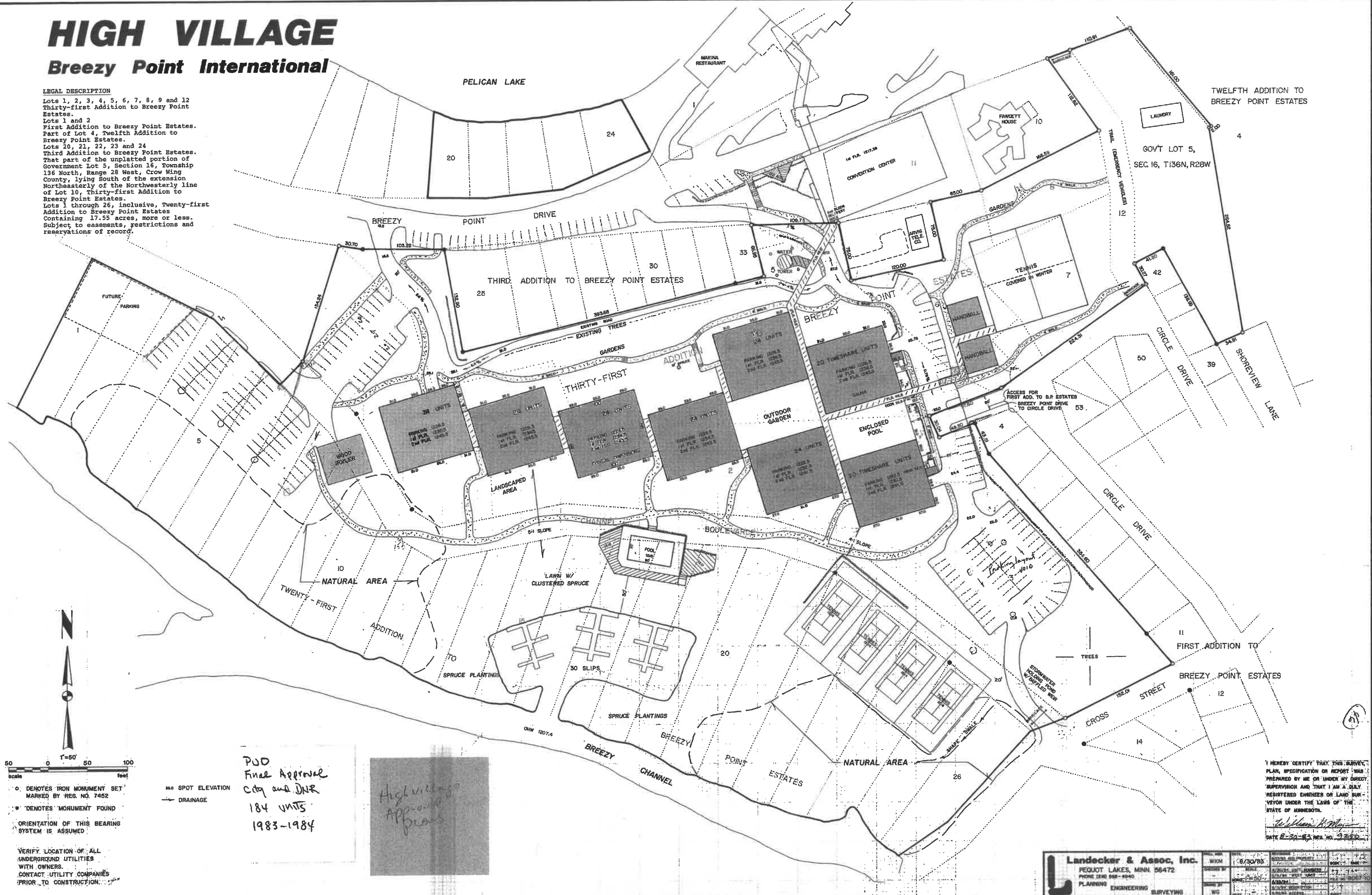
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 12
Thirty-first Addition to Breezy Point
Estates.

Lots 1 and 2
First Addition to Breezy Point Estates.
Part of Lot 4, Twelfth Addition to
Breezy Point Estates.

Breezy Point Estates.
Lots 20, 21, 22, 23 and 24
Third Addition to Breezy Point Estates.
That part of the unplatted portion of

Government Lot 5, Section 16, Township 136 North, Range 28 West, Crow Wing County, lying South of the extension Northeasterly of the Northwestern line of Lot 10, Thirty-first Addition to Breezy Point Estates.

Lots 1 through 26, inclusive, Twenty-first Addition to Breezy Point Estates
Containing 17.55 acres, more or less.
Subject to easements, restrictions and
reservations of record.



Permitting Mooring Facilities & Determining the Number of Mooring Spaces in Shorelands

Purpose

The purpose of this document is to help local governments understand applicable permitting requirements and standards for mooring facilities, including marinas, consistent with local shoreland ordinances and state laws aimed at minimizing impacts to Minnesota's public waters. This includes determining the number of mooring spaces for residential and commercial uses as regulated under Minnesota's Shoreland Rules and Public Waters Rules. This document cites relevant rule provisions and assumes that local shoreland ordinances are consistent with the state shoreland rules.

Resource Concerns with Mooring Facilities & Too Many Moorings Spaces

Intensive shoreland development negatively affects lake and river ecosystems. Large docks and platforms with many mooring spaces shade out aquatic plants and eliminate habitat critical for fish spawning, feeding, and refuge from predators. Propellers in shallow areas also disturb sediment, increase turbidity, release phosphorous, and destroy critical fish habitat. Additionally, large docks and platforms privatize public space. The surfaces of Minnesota's waters are available to any member of the public with legal access to the water body.



Large docks, platforms and mooring facilities can have significant negative impacts on fish habitat.

Overview

Determining when permits are required and what standards apply for mooring facilities and marinas can be complex and confusing. Several different state and local requirements apply, and what applies depends on the type of land use that is generating the demand for mooring spaces. This table can help:

If the demand is generated by:	Then:
Residential subdivisions, residential shoreland PUDs, or commercial shoreland PUDs (campgrounds, resorts or other lodging facilities)	# of mooring spaces is regulated by the local shoreland ordinance; DNR permit generally not required
Restaurants, bars, other non-lodging commercial uses, or other non-residential uses	# of mooring spaces is regulated by local ordinances, unless mooring facility requires a DNR permit (situations requiring a DNR permit are described below)
A marina	# of mooring spaces is regulated through the DNR and local zoning permitting process; DNR permit and local permit required

DNR Permits for Mooring Facilities

A DNR public waters permit is generally not required for the construction, reconstruction or installation of docks, floating or temporary structures, lifts, or **mooring facilities** under Minnesota Rules 6115.0210 Subp. 4, provided the facility:

- is not a hazard to navigation, public health, safety and welfare (local governments should contact the DNR if they are unsure about this standard);
- allows the free flow of water beneath it;
- is not intended to be used as a marina (marinas DO require a DNR permit as explained below);
- is consistent with local regulations, if any;
- length is limited to that necessary to accomplish its intended use, including reaching navigable waters;
- width, other than lifts, is not more than eight feet, and is not combined with other similar structures so as to create a larger structure; and
- is only placed on rock filled cribs if located on waters where the bed is predominantly bedrock and incapable of accepting pilings.

A **mooring facility** is a concentrated area intended solely for the mooring or containment of seven or more watercraft or seaplanes by docks, mooring buoys, or other means.

If the above standards are not met, a DNR permit is required. More specific local standards are often helpful to minimize neighbor conflicts. Local governments have the authority under Minnesota statutes, Sections 86B.205 and 459.20 to regulate the construction of these facilities.

DNR Permits for Marinas

A DNR permit is required for **marinas**, and the permit requires consistency with local zoning. The area must be zoned to allow marinas, or the local government must grant a land use permit for the marina. Also, as part of permitting, DNR must find that the marina is sized consistent with the demand for mooring spaces in the area and the watercraft to be served.

Standards for Marinas & DNR-Permitted Mooring Facilities

For marinas and in situations where a DNR permit is required for a mooring facility, the following standards and criteria must be met:

- Be the minimal impact design solution for the need, as compared to all reasonable alternatives.
- Minimize encroachment, change, or damage to the environment, particularly the ecology of the waters.
- Be consistent with floodplain, **shoreland**, and wild and scenic rivers management standards and ordinances (see text box below addressing shoreland standards).



A marina is a commercial mooring facility that provides spaces for seven or more watercraft or seaplanes, **AND** at least one additional ancillary service such as fuel/bait/concession sales, boat repairs, boat rental, sewage pump out, or mooring space rental.

Under Minnesota Public Water Rules 6115.0210, Subp. 5, facilities must meet the following general criteria:

- Mitigate adverse effects on the physical or biological character of the waters through feasible and practical measures.
- Be consistent with water and related land management plans and programs of local and regional governments, provided they are consistent with state plans and programs.

Under Minnesota Rules 6115.0211, Subp. 4a, facilities must meet the following specific criteria:

- Be designed in a compact fashion so as to blend with the surrounding shoreline and so that all mooring and maneuvering activities can be normally confined to an area bounded by the property lines as extended into public waters while minimizing the surface area occupied in relation to the number of watercraft to be served.
- Minimize encroachment waterward of the OHWL.
- For facilities more than eight feet in width, justification that the proposal is the minimal impact solution for the need, considering all alternatives.
- And, for public mooring facilities that are NOT marinas:
 - they must be available for use by the general public,
 - the local government must approve with a resolution stating the public interests in providing the facility, and
 - they must be appropriately sized, for public mooring, consistent with the demand for mooring facilities in the area and the number of watercraft to be served.

A DNR permit is also needed when dock platforms exceed square footage size limits. See [DNR's docks and access in public waters fact sheet](#) for information on dock and platform size limits. A permit is also needed for excavation in public waters. In these cases, permits are only approved if the community is covered by a DNR-approved shoreland ordinance (Minnesota Statutes, Section 103G.245 Subd. 8 (1)).

Demand for mooring spaces and consistency with shoreland rules. When permitting mooring facilities (including marinas) associated with new or expansions to residential and commercial shoreland PUDs, the DNR will evaluate the number of proposed new and existing (if applicable) mooring spaces for consistency with the number of mooring spaces allowed by residential and commercial shoreland PUD provisions in the local shoreland ordinance (or state rules if the local shoreland ordinance does not contain PUD provisions). Project proposers will need to demonstrate a realistic and plausible demand for all (existing and new) mooring spaces over and above that allowed by the residential and commercial shoreland PUD provisions.

Shoreland Ordinance Administration

Regardless of whether a DNR permit is needed for a mooring facility, local governments must administer applications for mooring facilities and determine the number of spaces consistent with their shoreland ordinance. The local shoreland ordinance provides two methods for regulating mooring spaces: 1) controlled access lots, and 2) through shoreland PUDs/CUPs.

Controlled Access Lots

Mooring spaces for the non-riparian lots of a subdivision are regulated through the controlled access lot provisions in the shoreland rules (Minnesota Rules 6120.3300 Subp. 2. E.). A controlled access lot can only be created during the subdivision process and must meet the minimum lot size for a riparian lot. Six

mooring spaces are allowed with a standard controlled access lot, however, additional mooring spaces may be added with a proportionate increase in the width of the controlled access lot, based on a formula in the rules.

Shoreland PUDs

The number of mooring spaces for residential PUDs and for campgrounds, resorts and other lodging facilities (commercial PUDs) is limited to the number of dwelling units, camp sites or lodging rooms allowed in the first or riparian tier. The shoreland rules (Minnesota Rules 6120.3800) describe how to define the first tier and determine the number of dwelling units, camp sites or lodging rooms allowed in the first tier. If local governments do not have DNR-approved shoreland PUD standards in their shoreland ordinance, the DNR must approve shoreland PUDs for consistency with the shoreland rules (Minnesota Rules 6120.3800 Subp. 1).

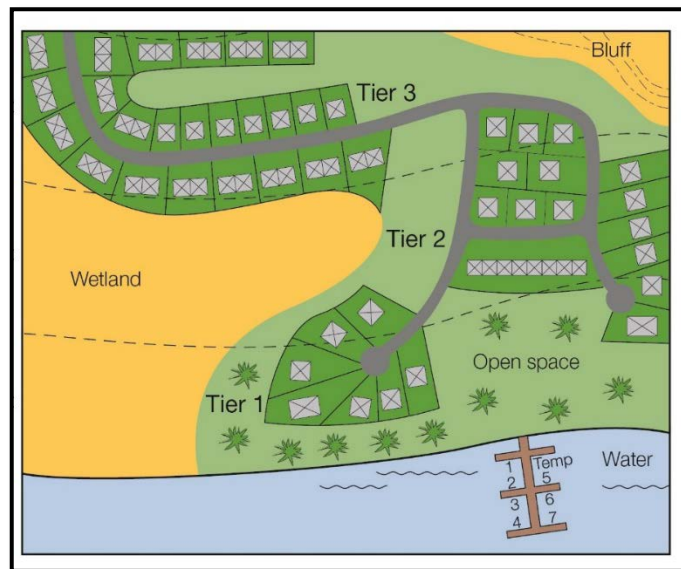
Shoreland PUDs must be processed as a Conditional Use Permit (CUP). Challenges often occur when developers request more mooring spaces than allowed in these situations:

1. New residential or commercial shoreland PUDs/CUPs
2. Expansions to existing residential or commercial shoreland PUDs/CUPs, including existing mooring spaces. In some cases, the previously approved CUP allowed more mooring spaces than allowed by the current shoreland ordinance.
3. Expansions to existing residential developments, campgrounds, resorts or hotels that were not approved with a CUP. These usually existed before the local shoreland was adopted and are considered legal nonconformities. In many cases, these developments were approved with more mooring spaces than allowed by the current shoreland ordinance.

In all of these cases, the total number of mooring spaces cannot exceed that allowed by the shoreland PUD provisions in the ordinance, except for spaces determined to be legal nonconformities. Existing mooring spaces must be included in the assessment of expansions to existing residential and commercial PUDs. All expansions to residential or commercial PUDs, including the number of mooring facilities, must be approved through a CUP, whether or not the existing development was initially approved with a CUP. The number of allowed mooring spaces should always be documented as a condition of approval in the approved CUP.

Developers seeking more mooring spaces than allowed by the shoreland PUD provisions generally have these options:

- Seek a variance to deviate from the number of mooring spaces allowed in the ordinance. The DNR discourages this approach and will often comment on the variance application. The DNR has successfully appealed variances to shoreland mooring space ordinance regulations.



The number of mooring spaces is limited to the number dwelling units, camp sites or lodging rooms allowed in the first tier.

- Seek a DNR permit for a marina. DNR discourages this approach unless the application is for a bona fide marina and a marina is a clearly allowed use in the local zoning ordinance. The DNR will evaluate the number of mooring spaces proposed under a marina application starting with the number of spaces allowed under the shoreland PUD provisions. The developer should provide realistic and plausible documentation of demand from non-residential, campground, resort or hotel uses.

Riparian Residential Lots

There are no state rules limiting the number of mooring spaces available to individual riparian residential lots platted as part of a conventional lot and block subdivision, as long as docks and mooring spaces do not obstruct navigation or cause a safety hazard.

Innovative Solutions

Local governments can improve shoreline protection by adopting specific boat parking and mooring facility standards, such as:

- Require a local permit for mooring facilities and adopt general and specific standards and criteria similar to those in Minnesota Rules described above including a mooring facility plan.
- Establish a maximum boat parking/mooring space limit. Considerations could include the ecological sensitivity of the aquatic near shore area where mooring facilities would be located and limiting boat parking as a small percentage of the minimum vehicle parking requirement.
- Prohibit or limit access easements and private dock rental to address lake crowding, traffic, and noise.
- Prohibit or limit controlled access lots to address lake crowding, traffic and noise concerns

Floodplain Requirements

Marinas and mooring facilities must meet all applicable local floodplain ordinance requirements. This includes ensuring any permanent docks and other navigational-related structures in a mapped floodway provide a “No Rise Certification.” In Zone As and Zone AEs with no designated floodway, especially on rivers and river-like portions of lakes, ensure they don’t cause more of a rise in flood levels than allowed by the local floodplain ordinance.

The statements in this document do not have the force and effect of law. This document is informational only and should not be interpreted as creating new criteria or requirements beyond what is already established in the relevant statutes and rules. Whether a local shoreland ordinance complies with the relevant statutes and rules will be determined on a case-by-case basis. Nothing in this document should be considered legal advice. Local governments should consult their attorney for specific advice in adopting, amending, and administering ordinances.

6115.0170 DEFINITIONS.

Subpart 1. **Certain terms.** For the purposes of parts 6115.0150 to 6115.0280, certain terms or words used are interpreted as follows: the word "shall" is mandatory, not permissive. All distances unless otherwise specified are measured horizontally.

Subp. 2. **Alteration.** "Alteration" means any activity that will change or diminish the course, current, or cross-section of public waters.

Subp. 3. **Beds of public waters.** "Beds of public waters" means all portions of public waters located below the ordinary high water level.

Subp. 3a. **Boat storage structure.** "Boat storage structure" means a structure that is supported on the bed of a public water and has walls, a roof, and either an open well for boats or a floor from wall to wall.

Subp. 3b. **Boathouse.** "Boathouse" means a floating structure that is moored by spuds, cables, ropes, anchors, or chains; may be intended for habitation; and has walls, a roof, and either an open well for boats or a floor from wall to wall. Boathouse does not include a houseboat or boat storage structure.

Subp. 4. **Breakwater.** "Breakwater" means an offshore structure intended to protect a shore area, harbor, or marina from wave and current action, erosion, or sedimentation.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 6. **Department.** "Department" means the Department of Natural Resources.

Subp. 7. **Dock.** "Dock" means a narrow platform or structure extending waterward from the shoreline intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

Subp. 8. **Drainage.** "Drainage" means any method for removing or diverting waters from public waterbasins or public water wetlands. The methods include, but are not limited to, excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.

Subp. 9. **Drawdown.** "Drawdown" means a temporary lowering of water levels, for a maximum duration of two years.

Subp. 9a. **Ecology of the waters.** "Ecology of the waters" means the natural aquatic environment, including organisms, physical characteristics, and interactions between and among the organisms and their surroundings.

Subp. 9b. **Energy exchanger.** "Energy exchanger" means a structure designed for placement on the bed or excavated into the bed of public waters for the purpose

of exchanging energy for heating or cooling and includes accompanying hoses or lines connecting the energy exchange components.

Subp. 10. **Excavation.** "Excavation" means the displacement or removal of the sediment or other materials from the beds of public waters by means of hydraulic suction or mechanical operations.

Subp. 11. **Fill.** "Fill" means any material placed or intended to be placed on the bed or bank of any public water.

Subp. 12. **Filter.** "Filter" means a transitional layer of gravel, small stone, or fabric between the fine material of an embankment and riprap shore protection materials.

Subp. 13. **Floating structure.** "Floating structure" means any structure, except for boathouses, watercraft, and seaplanes, that is supported entirely by its own buoyancy and can be removed from public waters before winter freeze-up by skidding intact or by disassembly with hand tools.

Subp. 14. **Floodplain.** "Floodplain" means the areas adjoining a watercourse which has been or hereafter may be covered by the regional flood.

Subp. 15. **Floodway.** "Floodway" means the channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

Subp. 16. **Harbor.** "Harbor" means either an inland or offshore area protected from waves which is intended for the mooring of watercraft.

Subp. 16a. **Houseboat.** "Houseboat" means a motorboat that has either a pontoon or a flat-bottomed hull configuration and a permanent enclosed superstructure that houses, at a minimum, built-in sleeping, cooking, and toilet facilities.

Subp. 16b. **Ice ridge.** "Ice ridge" means a linear mound of lakebed materials pushed up onto the lakeshore by the action of ice.

Subp. 17. **Inland boat slip.** "Inland boat slip" means an inland excavation generally having a uniform width which serves as a protective area for launching and mooring of a single watercraft.

Subp. 18. **Inland excavation.** "Inland excavation" means any excavation intended to extend the cross-section of public waters landward of the natural or preexisting shoreline.

Subp. 18a. **Local government unit.** "Local government unit" has the meaning given in part 8420.0111, subpart 38.

Subp. 18b. **Local origin.** "Local origin" means a source for live plant materials and their propagules that is limited to areas of the same region where the plant materials are

proposed to be planted, not to exceed 200 miles from where the plant materials are proposed to be planted.

Subp. 19. **Low-water ford type crossing.** "Low-water ford type crossing" means a stream crossing which conforms to the natural cross-section of the stream and utilizes the placement of a suitable substrate to allow vehicular passage without confining the stream flow within culverts or other hydraulic enclosures.

Subp. 20. **Marina.** "Marina" means either an inland or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes wherein commercial ancillary services common to marinas are provided.

Subp. 21. **Maximum.** "Maximum," with respect to storage capacity, refers to the most severe design condition, including surcharge (floodwater storage).

Subp. 22. **Mining activity.** "Mining activity" means the construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of metallic or nonmetallic minerals. Facilities include all mine pits, quarries, stockpiles, tailings basins, and any structures which drain or divert public waters to allow mining. Ancillary facilities such as access roads, bridges, culverts, and water level control structures are not mining activities.

Subp. 23. **Mooring.** "Mooring" means any containment of free-floating watercraft that provides a fixed fastening for the craft.

Subp. 23a. **Mooring facility.** "Mooring facility" means a concentrated area intended solely for the mooring or containment of seven or more watercraft or seaplanes by docks, mooring buoys, or other means.

Subp. 23b. **Native plants.** "Native plants" means indigenous plant species growing in an ecological classification system province or a major watershed in Minnesota prior to European settlement.

Subp. 24. **Offshore.** "Offshore" means the area waterward of the ordinary high water level of a public water.

Subp. 25. **Ordinary high water level.** "Ordinary high water level" means the boundary of public waters as defined in Minnesota Statutes, section 103G.005, subdivision 14.

Subp. 26. [Repealed, 27 SR 529]

Subp. 26a. **Permit.** "Permit" means a public waters work permit required under Minnesota Statutes, section 103G.245.

Subp. 27. **Port.** "Port" means a water transportation complex established and operated under the jurisdiction of a port authority pursuant to Minnesota Statutes, chapter 458.

Subp. 28. **Port facility.** "Port facility" means any facility useful in the maintenance and operation of a port. Facilities include, but are not limited to, transportation facilities, terminal and storage facilities, floating and handling equipment, power stations, and other facilities necessary for the maintenance and operation of a port.

Subp. 29. **Principal spillway.** "Principal spillway" means a spillway designed to convey water from an impoundment at release rates established for the structure.

Subp. 30. **Professional engineer.** "Professional engineer" means an engineer registered to practice in Minnesota.

Subp. 30a. **Project.** "Project" means a specific plan, contiguous activity, proposal, or design necessary to accomplish a goal. As used in parts 6115.0150 to 6115.0280, a project may not be split into components or phases for the sole purpose of gaining an exemption from permit requirements.

Subp. 31. **Public water or public waters.** "Public water" or "public waters" means those waters of the state identified under Minnesota Statutes, section 103G.005, subdivision 15 or 15a, or 103G.201.

Subp. 31a. **Public water wetlands.** "Public water wetlands" means those public waters of the state identified as public water wetlands under Minnesota Statutes, section 103G.005, subdivision 15a, or 103G.201, as shown on the public water inventory maps.

Subp. 31b. **Public waterbasins.** "Public waterbasins" means those public waters of the state identified as public waterbasins under Minnesota Statutes, section 103G.005, subdivision 15, clauses (1) to (8), or 103G.201, as shown on the public water inventory maps. Public waterbasins includes public water wetlands reclassified as public waters according to the procedures in Minnesota Statutes, section 103G.201.

Subp. 31c. **Public watercourse.** "Public watercourse" means those public waters of the state identified as natural and altered natural watercourses under Minnesota Statutes, section 103G.005, subdivision 15, clauses (9) and (10), or 103G.201, as shown on the public water inventory maps.

Subp. 31d. **Public waters inventory or protected waters inventory.** "Public waters inventory" or "protected waters inventory" means the map prepared by the commissioner on file with the auditor of a county under Minnesota Statutes, section 103G.201.

Subp. 31e. **Public waters work permit.** "Public waters work permit" means a permit issued by the commissioner under Minnesota Statutes, section 103G.245.

Subp. 32. **Reconstruction.** "Reconstruction" means the rebuilding or renovation of an existing structure, where the cost of such work will exceed 50 percent of the replacement cost.

Subp. 33. **Regional flood.** "Regional flood" means the flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

Subp. 34. **Retaining walls.** "Retaining walls" means vertical or nearly vertical structures constructed of mortar-rubble masonry, handlaid rock or stone, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials and constructed approximately parallel to the shoreline.

Subp. 35. **Riprap shore protection.** "Riprap shore protection" means coarse stones, boulders, cobbles, artificially broken rock or concrete, or brick materials laid loosely or within gabion baskets against the slope of the existing bank of a public water.

Subp. 36. [Repealed, 27 SR 529]

Subp. 36a. **Shoreline zone.** "Shoreline zone" means an area immediately waterward of the ordinary high water level that may include the littoral area of a water body.

Subp. 37. **Structure.** "Structure" means any building, footing, foundation, slab, roof, boathouse, deck, wall, dock, bridge, culvert, or any other object extending over or under, anchored to, or attached to the bed or bank of a public water.

Subp. 38. **Structural height.** "Structural height" means the vertical distance from the natural bed of the stream or watercourse measured at the downstream toe of the control structure or from the lowest elevation of the outside limit of the control structure, if it is not across a stream channel or watercourse, to the maximum storage elevation.

Subp. 39. **Swellhead.** "Swellhead" means the difference between the headwater elevation necessary to pass the regional flood through the proposed structure and the tail water elevation below the structure.

Subp. 40. **Temporary structure.** "Temporary structure" means any dock, floating structure, watercraft lift, watercraft canopy, or other structure that can be removed from public waters by skidding intact or by disassembly with hand tools.

Subp. 41. **Watercourse.** "Watercourse" means any channel having definable beds and banks capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent.

Subp. 42. **Water level control structure.** "Water level control structure" means any structure which impounds or regulates the water surface elevation or flow of public waters, including dams regulated under the provisions of parts 6115.0300 to 6115.0520.

Subp. 42a. **Watercraft canopy.** "Watercraft canopy" means a structure or device with a fabric covered roof and without walls or a floor that is placed on the bed of a public water, is designed to shelter watercraft, and is designed and constructed so that all components may be removed from the lake or stream bed on a seasonal basis by skidding intact or by disassembly with hand tools.

Subp. 42b. **Watercraft lift.** "Watercraft lift" means a structure or device without walls that is placed on the bed of a public water, is designed to lift watercraft above the level of the public water when not in use, and is designed and constructed so that all components may be removed from the lake or stream bed on a seasonal basis by skidding intact or by disassembly with hand tools. A watercraft lift may be designed to include a fabric covered roof.

Subp. 43. **Wharf.** "Wharf" means a permanent structure constructed into navigable waters as a part of a port facility for berthing or mooring commercial watercraft, or for transferring cargo to and from watercraft in an industrial or commercial enterprise, or for loading or unloading passengers from commercial watercraft, or for the operation of a port facility.

Statutory Authority: *MS s 103G.315; 105.415*

History: *8 SR 533; 25 SR 143; 27 SR 529; 34 SR 145*

Published Electronically: *August 27, 2009*

Amended

Public Waters Work & Prohibited Invasive Species Permit

Expiration Date: 05/11/2026

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below. This permit supersedes the original permit and all previous amendments.

Project Name: Highvillage Harbor	County: Crow Wing	Watershed: Pine River	Resource: Lake: Pelican (18030800)
Purpose of Permit: Harbor Excavation		Authorized Action: Maintenance excavation of an existing harbor to approximately 85 feet by 240 feet, with 1.5:1 (horizontal:vertical) side slopes and a depth of six feet, as indicated in the original permit, for the mooring of 30 boats. Work is subject to all conditions of the original permit and all additional conditions listed herein.	
Permittee: BREEZY POINT INTERNATIONAL CONTACT: SPIZZO, DAVID, (218) 562-7180 9252 BREEZY POINT DRIVE BREEZY POINT, MN 56472 (218) 562-7970		Authorized Agent: DAVID LANDECKER 9252 BREEZY POINT DRIVE BREEZY POINT, MN 56472 (218) 820-4038 dlandecker@breezypointresort.com	
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 407310m east, 5160105m north, SWSE of Section 16, T136N, R28W			
Issued Date: 05/11/2021	Effective Date: 05/11/2021	Expiration Date: 05/11/2026	
Authorized Issuer: Danielle McNeil	Title: Area Hydrologist	Email Address: danielle.mcneil@state.mn.us	Phone Number: 218-203-4367

This permit is granted **subject to** the following **CONDITIONS**:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

CONDITIONS *(Continued from previous page)*

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland_WCA_Contractor_Responsibility_Form.doc

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/invasives/laws.html#prohibited.

EROSION AND SEDIMENT CONTROL: In all cases, methods that have been determined to be the most effective and practical means of preventing or reducing sediment from leaving the worksite shall be installed in areas that slope to the water and on worksite areas that have the potential for direct discharge due to pumping or draining of areas from within the worksite (e.g., coffer dams, temporary ponds, stormwater inlets). These methods, such as mulches, erosion control blankets, temporary coverings, silt fence, silt curtains or barriers, vegetation preservation, redundant methods, isolation of flow, or other engineering practices, shall be installed concurrently or within 24 hours after the start of the project, and will be maintained for the duration of the project in order to prevent sediment from leaving the worksite. DNR requirements may be waived in writing by the authorized DNR staff based on site conditions, expected weather conditions, or project completion timelines.

EROSION AND SEDIMENT CONTROL - SILT CURTAIN: Any work below the water level shall be encircled by a flotation sediment curtain to prevent sediment from being transported beyond the construction site. An example of an appropriately constructed silt curtain is illustrated in Chapter 6.32 Treatment Measures: Flotation Silt Curtains, found in the document Protecting Water Quality in Urban Areas (2000), at www.pca.state.mn.us/index.php/view-document.html?gid=7157. Curtain should be held close to shoreline, encircling the work area, and not interfere with main flows in channels. The

CONDITIONS *(Continued from previous page)*

barrier shall be removed upon completion of the work after the silt has settled.

EXCAVATED MATERIALS - FLOODPLAIN CONCERN: Excavated material shall not be permanently placed within community designated floodplain areas or shoreland areas, unless all necessary local permits and approvals have been obtained.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between April 1 and June 30, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at: http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf. Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

MAINTENANCE: Maintenance of this project to originally authorized conditions may be authorized by amendment to this permit.

EXCAVATED MATERIALS - RUNOFF CONCERN: Excavated materials must be deposited or stored in an upland area, in a manner where the materials will not be redeposited into the public water by reasonably expected high water or runoff. Departure from any previously approved spoil disposal plans may be allowed only through permit amendment.

TRANSPORTING AND DISPOSING OF INFESTED MATERIALS: Infested material must be transported in a closed container or in covered trailers or trucks, and disposed of at an upland site at least 300 feet from another water body, including wetlands, ditches and seasonally flooded lands. This includes all materials removed from waters with any known aquatic invasive species. Before leaving the project site, and again before leaving the disposal area, the beds and tires of trucks used to haul the material, and equipment used to load the material, shall be cleaned to avoid potential transport of invasive species.

cc: Seth Goreham, EWR District Manager
Seth Goreham, DNR EWR
Jim Guida, Conservation Officers, Brainerd #2
Tim Plude, DNR EWR
Cade Steffenson, BWSR Wetland Specialists, Crow Wing
Andrew Herberg, DNR Regional Nongame Specialists, Region 2
Margi Coyle, DNR Regional Environmental Assessment Ecologist, Region 2
Christine Reisz, DNR Wildlife, Brainerd
Marc Bacigalupi, DNR Fisheries, Brainerd Area
Jake Frie, County, Crow Wing
Corps of Engineers, Corps of Engineers, Crow Wing
Melissa Barrick, SWCD, Crow Wing SWCD
Jerry Bohnssack, City, Breezy Point

PROTECTED WATERS

PERMIT

1985-3143

P.A. Number

85-3143

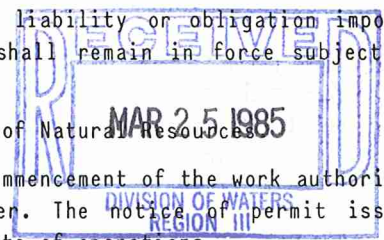
Pursuant to Minnesota Statutes, Chapter 105, and on the basis of statements and information contained in the permit application, letters, maps and plans submitted by the applicant and others supporting data, all of which are made a part hereof by reference, PERMISSION IS HEREBY GRANTED to the applicant named below to change the course, current, or cross section of the following:

Protected Water Pelican Lake (18-308)	County Crow Wing
Name of Applicant Breezy Point International	Telephone Number (include Area Code) (218) 568-4940
Address (No. & Street, RFD, Box No., City, State, Zip Code) c/o William K. Meyer, Landecker & Associates, Box 120, Pequot Lakes, MN 56472	
Authorized to: Excavate in a wetland area below the ordinary high water level, located adjacent to Breezy Channel. Said excavated area to measure about 85 feet by 240 feet, with 1.5:1 side slopes and a depth of six feet, as indicated on plans submitted with the permit application.	
Purpose of Permit: Mooring space for 30 boats to serve "High Village" development	Expiration Date of Permit November 30, 1985
Property Described as: Lots 14-19, 21st Add'n to Breezy Point Estates, SE 1/4 Section 16, T. 136N, R. 28W	County Crow Wing
As Indicated: (8) Below ordinary high water level (1207.4 MSLD)	As Indicated: (11) The ordinary high water level (1207.4 MSLD)

This permit is granted subject to the following GENERAL and SPECIAL PROVISIONS:

GENERAL PROVISIONS

1. This permit is permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Statutes, Federal Law or local ordinances relating thereto and shall remain in force subject to all conditions and limitations now or hereafter imposed by law.
2. This permit is not assignable except with the written consent of the Commissioner of Natural Resources.
3. The Regional Hydrologist shall be notified at least five days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five days thereafter. The notice of permit issued by the Commissioner shall be kept securely posted in a conspicuous place at the site of operations.
4. No change shall be made, without written permission previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.
5. The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.
6. This Permit may be terminated by the Commissioner of Natural Resources at any time he deems it necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the provisions of this permit, unless otherwise provided in the Special Provisions.
7. Construction work authorized under this permit shall be completed on or before date specified above. Upon written request to the Commissioner by the Permittee, stating the reason therefore, an extension of time may be obtained.
8. The excavation of soil authorized herein shall not be construed to include the removal of organic matter (as indicated above) unless the area from which such organic matter is removed, is impervious, or is sealed by the application of bentonite after excavation.
9. In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights and interests necessary therefore.




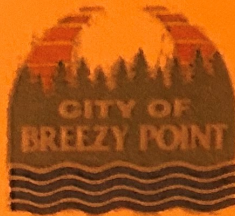
10. This permit is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors, for violation of or failure to comply with the permit or applicable provisions of law.
11. No material excavated by authority of this permit nor material from any other source, except as specified herein, shall be placed on any portion of the bed of said waters which lies below (as indicated above).
12. Any extension of the surface of said waters resulting from work authorized by this permit shall become protected waters and left open and unobstructed for use by the public.
13. This permit does not obviate any requirement for federal assent from the U.S. Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minnesota 55101.

SPECIAL PROVISIONS

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency and other applicable federal, state, or local agencies.
2. Spoil material shall not be placed on the beds of protected waters, and, wherever possible, such material should not be placed anywhere within areas subject to flooding. In the event spoil must be placed within flood plain areas because areas free from flooding are not readily available, the spoil should be placed parallel to the direction of flood flow and/or spread over a large area so as to minimize any possible obstruction to the passage of flood waters.
3. The permittee shall cover or protect all exposed soil resulting from the construction authorized by placing riprap, sod, and/or seed on banks and slopes of said construction for the prevention of soil erosion, sedimentation and lake/stream discoloration.
4. The permittee is authorized to maintain the approved work to the dimensions herein described. Prior to commencing any maintenance work, permittee shall advise the Department of Natural Resources of the extent and method of maintenance. Maintenance work shall not be commenced until permittee's receipt of the Department's approval.
5. Excavated materials shall not be deposited or stored along side the protected water in a manner where the materials can be redeposited into the protected water by reasonably expected high water or storm runoff.

cc: City of Breezy Point
 Crow Wing County SWCD
 U.S. Corps of Engineers
 30 Lakes Watershed District
 C.O. Woody Schermann
 Joe Fraune, Area Fisheries
 Dennis Hanson, Area Wildlife
 Regional Hydrologist
 Area Hydrologist

Authorized Signature  JAMES F. COOPER	Title Administrator, Water Development Section	Date 3/22/85
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8319 County Road 11
Breezy Point, MN 56472
Phone: (218) 562-4441
www.cityofbreezypointmn.us

Permit #: SA-24-001
Issued On: 4-11-24
Fee Paid: 50
Receipt #: 22834

Zoning Permit Application

Name of Applicant White Birch INC & Breezy Point International INC
Address 9252 Breezy Point Drive Email: dlandecker@breezypointresort.com
City, State, Zip Breezy Point, MN 56472
Phone 218-831-1706 (Bob Spizzzo) Alternate Phone DAVID CELL 218-820-4038

Physical Address / Location of Property NO CURRENT ADDRESS PROPERTY KNOWN AS
"High Village"

Legal Description of Property SEE EXHIBIT

Parcel ID Number SEE EXHIBIT

Zoning District Resort Commercial

Applicant is:

☒ Legal Owner of Property

☐ Contract Buyer

☐ Option Holder

☒ Agent

☐ Other

Title Holder of Property (if different than applicant):

Name

Address

City, State, ZIP

Phone

State the nature of your request in detail. What are you proposing for your property?

Based on EXHIBIT A Attached CLEAN UP previous excavated
SITES AND RETURN TO SPECIFIED USES.

Based on EXHIBIT B Attached Create onway drive AND PARKING
FOR HARBOUR ACCESS

Signature of Owner, authorizing application

(By signing, the owner is certifying that he/she has read and understands the instructions accompanying this application.)

Signature of Applicant (if different than owner)

(By signing, the applicant is certifying that he/she has read and understands the instructions accompanying this application.)

Approved by the Planning
& Zoning Department:

Date: 4/11/24

INSTRUCTION TO THE APPLICANT: This permit must be approved and a signed copy received from the Planning & Zoning Department before any type of work can begin. Failure to complete the application will be subject to fines as detailed in the fee schedule.

The following items must be submitted for your application to be complete:

1. Completed application, including the signature of the property owner.

City of Breezy Point - Zoning Permit Application

HIGH VILLAGE

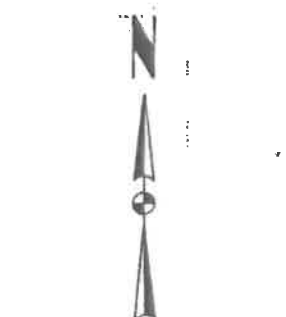
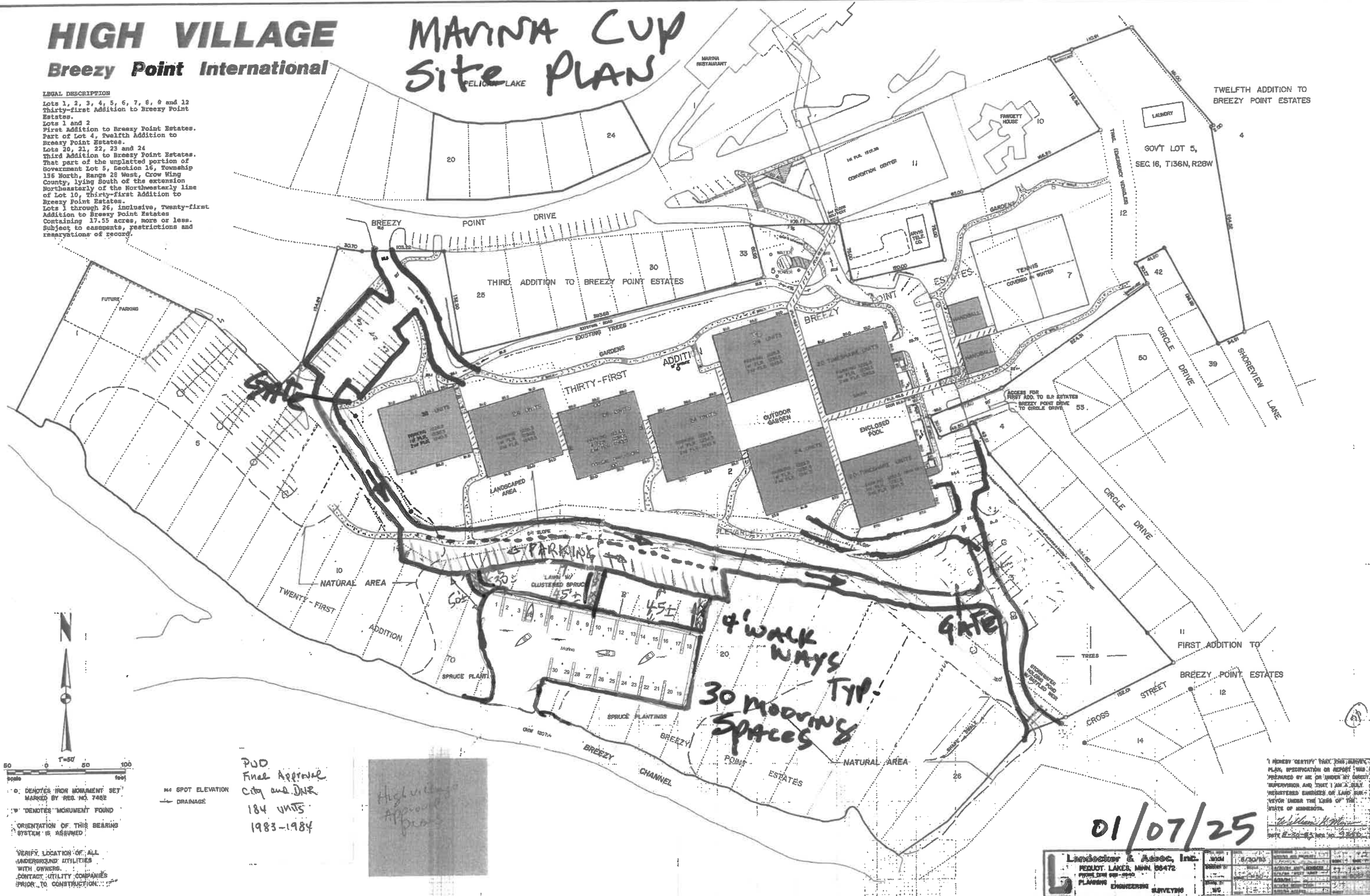
Breezy Point International

MARINA CUP

Site PLAN

LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 12
Thirty-first Addition to Breezy Point
Estates.
Lots 1 and 2
First Addition to Breezy Point Estates.
Part of Lot 4, Twelfth Addition to
Breezy Point Estates.
Lots 20, 21, 22, 23 and 24
Third Addition to Breezy Point Estates.
That part of the unplatted portion of
Government Lot 5, Section 16, Township
136 North, Range 28 West, Crow Wing
County, lying South of the extension
Northeastly of the Northwestly line
of Lot 10, Thirty-first Addition to
Breezy Point Estates.
Lots 1 through 26, inclusive, Twenty-first
Addition to Breezy Point Estates
Containing 17.55 acres, more or less.
Subject to easements, restrictions and
reservations of record.



Scale 0 50 100
1"=50'
o DENOTES IRON MONUMENT SET
MARKED BY REG. NO. 7482
w DENOTES MONUMENT FOUND
ORIENTATION OF THIS BEARING
SYSTEM IS ASSUMED
VERIFY LOCATION OF ALL
UNDERGROUND UTILITIES
WITH OWNERS
CONTACT UTILITY COMPANIES
PRIOR TO CONSTRUCTION

NO SPOT ELEVATION
DRAINAGE

PUD
Final Approval
City and DNR
184 UNITS
1983-1984



I HEREBY CERTIFY THAT THIS SURVEY
PLAN, SPECIFICATION OR REPORT WAS
PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A duly
REGISTERED ENGINEER OR LAND SURVEYOR
UNDER THE LAWS OF THE
STATE OF MINNESOTA.
01/07/25
Landscape & Assoc. Inc.
REDUOT LAKES, MINN. 56472
PLANNING ENGINEERING SURVEYING



Blind piling



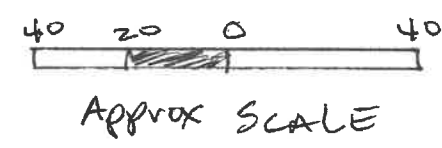
Landscaping BETWEEN MARINA AND PARKING

- Natural Grass Area
- No Mow zone
- PROVIDING Seasonal Cleaning
- tree plantings to include Native Low Land tree Species Birch, tamarack Dog wood

- Pelican Lake OHW 1207.4
- Current elevation 8/23/24 ()
- Dredge elevation 1201.4

⊗ = Security Light AND electrical outlets AND Security Cameras

N



High Village MARINA CUP Site Plan

01/07/25



Revision #:	Landscape Plan:
Date: 11/21/2024	
Scale:	Landscape Design by: Austen Adriaens
1" = 40'	MT Carpenter Landscape

NSWATERWAYS.COM

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