



**HUBBARD COUNTY COLA
P.O. BOX 746
PARK RAPIDS, MN 56470**



**STOP AQUATIC
HITCHHIKERS!™**

www.minnesotawaters.org/group/hccola/welcome

March 30, 2012

Dear Lake Associations and Members:

Fostering the appropriate and legal use of lakes and watersheds is paramount to the mission of Hubbard County Coalition of Lake Associations (“COLA”). In February 2011 COLA won its lawsuit to uphold its County’s shoreland ordinance to protect our water quality, shoreland, fisheries and lake habitat. We need your financial support for our fight to defend the lakes that we love.

The District Court decision has been appealed and your contribution will help with this legal battle. Enclosed is a summary of the lawsuit, appeal, and implications of the decision. We incurred substantial legal expense in pursuing our case through the District Court decision and the Court of Appeals. COLA’s attorneys, Fredrikson & Byron, have made a significant contribution to us by not charging us for more than \$50,000 of their legal fees. In addition, Chuck Diessner has provided all of his services at no cost. Even after this generosity and our payments to date, we have a balance due of \$22,500.

The counties granting of illegal variances must be stopped, otherwise (i) we will end up with no standard rules and regulations regarding shoreland maintenance and development and (ii) the water quality, shoreland, fisheries and habitat of our lakes and rivers will be severely threatened throughout our state.

To help, please make a contribution to NMF—**Hubbard COLA Fund** and **note in the memo line that your donation is for “Hubbard COLA General Project Fund.”** Send checks to **Northwest Minnesota Foundation, 4225 Technology Drive NW, Bemidji, MN 56601. Individual contributions are tax deductible.**

Thank you for considering our request.

Hubbard County COLA
By the Executive Committee

Dan Kittilson, President

Julie Kingsley, Secretary

John Weber, Treasurer

Chuck Diessner

Mary Ann Erpelding

Lynn Goodrich

Steve Hall

John Hastings

Larry Roberts

Peter Tuomisto

Janine Weideman

LAWSUIT & APPEAL SUMMARY

In February, 2011, Hubbard County COLA, Middle Crow Wing Lake Association and Ed Mutch won their District Court lawsuit against Hubbard County (“County”) and Daniel and Donna Rehkamp (“Rehkamps”). The Rehkamps are resort owners who obtained a Conditional Use Permit (“CUP”) converting their resort to a residential Planned Unit Development (“PUD”), together with a County Board of Adjustment (“BOA”) variance allowing more boat slips than permitted by the County Shoreland Management Ordinance (“SMO”) and the state Shoreland Rules (“Variance”). Judge Rasmussen ordered that the Variance be vacated and reversed.

The County and the Rehkamps have appealed the decision to the Court of Appeals. All parties have filed their briefs with the Court of Appeals. Additionally, the Minnesota Center for Environmental Advocacy filed an *amicus* (friend of the court) brief supporting our case. The case was argued before the Court of Appeals on February 1, 2012.

Our case is a wake-up call for all counties that lakeshore owners and impacted organizations are not going to sit idly by and allow counties to grant illegal variances that threaten the water quality, shoreland, fisheries and habitat of our lakes and rivers throughout our state. We believe the Court of Appeals will affirm our decision and confirm that counties need to understand that:

1. People and organizations, such as in our case, can assume that the actions of a governmental body, such as the BOA in our case, will be legal, and if such action is illegal, they have the right to challenge the action even if they did not present the issues to the governmental body, such as the BOA, at public meetings and hearings relating to the action.
2. Resort owners who take advantage of not having to comply with a number of the provisions of a county’s shoreland management ordinance when they obtain a CUP to convert their resorts to a residential PUD cannot be excused from the PUD requirements under the Shoreland Management Ordinance, including the limitation on the number of boat slips.

The DNR also recognizes the importance of our decision and the appeal. It recently filed appeals of two Crow Wing County variances, both of which variances were for more boat slips than permitted for a PUD under the state Shoreland Rules and county shoreland ordinance.

**Hubbard County COLA
Executive Committee**