



HUBBARD COUNTY COLA
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PARK RAPIDS, MN 56470

www.minnesotawaters.org/group/hccola/welcome



May 4, 2012

Dear Lake Association Presidents and COLA Representatives:

On April 30, 2012 the Minnesota Court of Appeals affirmed Judge Rasmussen's decision in part, reversed it in part and remanded it in part to the Board of Adjustment for further proceedings. Our attorneys are reviewing the decision.

The Court of Appeals agreed with Judge Rasmussen that the Board of Adjustment did not sufficiently articulate its reasons for ruling that the Section 1104 factors of the Shoreland Management Ordinance were satisfied. However, the Court of Appeals concluded that the "Board of Adjustment's decision is premature, not necessarily arbitrary and capricious" and sent the matter back to the Board of Adjustment (remand) for further proceedings, rather than affirm the District Court decision that the Board of Adjustment's determination was arbitrary and capricious.

There is a more detailed summary of the decision in the May 2nd issue of the Enterprise.

We look forward to continuing our work with the County "to preserve and enhance the quality of our lakes and rivers, conserve the economic and natural environmental values of Shorelands and to provide for the wise use of waters and related land resources" consistent with the Shoreland Management Ordinance.

HUBBARD COUNTY COLA

By: 

Dan Kittilson, President