

HUBBARD COUNTY COLA, MIDDLE CROW WING LAKES ASSOCIATION & ED MUTSCH

v.

HUBBARD COUNTY & REHKAMPS

DECISION

On February 23rd, Judge Rasmussen issued his decision that the Variance is vacated and reversed and that the CUP for the PUD only allows the Rehkamps to install and use three permanent boat slips. In reaching his decision, Judge Rasmussen concluded that the Board of Adjustment grant of the Variance was arbitrary and capricious and not according to law because the Board of Adjustment did not consider all of the factors for granting a Variance under Section 1104 of the Hubbard County Shoreline Management Ordinance and not all of the findings of the Board of Adjustment regarding the Variance Application are supported by the record.

We are very pleased that Judge Rasmussen agreed with us that the Variance was granted improperly. It is unfortunate that we had to bring this lawsuit; however, it was necessary since the Board of Adjustments did not follow the law, the Shoreland Management Ordinance and the County's policy.

Whether we won or lost, what is most important is for COLA to work with the County to:

1. Help ensure that the County's actions regarding the Shoreland is consistent with the Shoreland Management Ordinance and the County's policy:

to "preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of Shorelands and to provide for the wise use of waters and related land resources through the enforcement of the Shoreland Management Ordinance", in order to prevent "contributing to pollution of public waters" and "impairing the local tax base".
2. Improve the variance process in order to ensure protection of the lakes, fairness, consistency, openness and minimizing the potential for conflict and lawsuits.

COLA looks forward to working with the County on these matters.

The decision is posted on COLA's website at www.minnesotawaters.org/group/hccola/welcome

HUBBARD COUNTY COLA

MIDDLE CROW WING LAKES ASSOCIATION

ED MUTSCH