

feet of the OHWM of Cross Lake has an upland area of approximately 3.7 acres. These totals yield the allowable density requirements of the total numbers of campers located within each tier, along with the design preference of multipliers that allow for more if the setbacks are increased. The maximum number of campers allowed in each tier when factoring the tier multipliers for meeting increased setbacks would be 16 camping units in tier 1; 32 camping units located in tier 2; and 10 camper units located in tier 3.

Snyder said State Statute 4410.4300 subp. 20a (A) Requires a mandatory Environmental Assessment Worksheet for campgrounds with 25 or more units on Natural Environment Lakes. Discretionary EAW's can be added to the CUP if 100 citizens petition or at the discretion of the County Board for any campground that has the potential to affect the environment negatively. Currently there is an existing house, a septic system connected to the home that was installed in June 2021 and a large agricultural accessory building. The property was used as a mink farm in the past and so there are several small lean-to structures on the site scattered around the property.

Snyder stated a wetland delineation was completed and submitted to the East Polk SWCD in the summer of 2022. The wetland delineation shows that the property contains 16.18 acres of wetland with areas identified as fringe or shoreline wetlands across the entire lake shore. The wetland delineation has been approved by the TEP panel and notice of decision has been received from East Polk SWCD. The preliminary operational plan has several rules that include no campers older than 10 years old, campers or park models must be insured, no use of generators for noise control, loud music and partying will not be tolerated, no fireworks, and no onsite washing of campers/vehicles. Pets would be allowed with several rules such as leashes required, no aggressive dog breeds, current vaccinations, cleaning up pet waste and common space rules.

Snyder said the campers on the proposed site are planned to be located 225 feet away from the OHWM of Cross Lake. Camper sites are located at least 50 feet from the property lines and road ROW of the roadway accessing additional property to the north. The roadways will be planned at 16 feet wide and be one way traffic. The proposed sites are planned to have septic, water and electric hook ups. The plan is to have 4 septic systems with alternative sites to serve the new campground sites. The applicant has not submitted soil evaluations for the planned septic systems. Full system designs and permit applications must be filed with P&Z if the campground is approved.

Snyder stated roads and access plans appear to follow ordinance standards. The roads will be private roads and not public roadways but must still follow PCZO width standards. It was discussed that the access road needs to be 24' in width as that is a two-way road that allows access to properties to the north. The Minnesota Department of Health/Minnesota Department of Labor & Industry permits campgrounds and have regulations which affect the design and layout of the lots, septic and water systems. MDH/MN Labor & Industry will not issue permits until Polk County has processed the CUP. Minnesota Pollution Control Agency issues permits for storm-water management during construction whenever more than an acre of property is disturbed for road building or development. NPDES/SWPPP permits will be applicable to this project for the campground construction.

Snyder said the following comments were received:

Stephanie Klamm, DNR area Hydrologist, sent a letter stating MN DNR EcoWaters received a copy of the conditional use permit (CUP) as submitted by Curt Olson to operate a 24-unit campground on a parcel of land located on Cross Lake. The parcel #57.00149.00 is located in the SE¹/₄ SW¹/₄ of Section 21, T148N, R39W, Polk County. Please submit my comments to the Polk County Planning Committee regarding this conditional use permit request. The application is to operate a 24-unit campground with onsite septic systems on a 34.75-acre riparian parcel on Cross Lake.

Section 7.5200 of the Polk County Zoning Ordinance lists criteria to follow when the property is located within the Shoreland Overlay District, as the portions of the proposed campground are. Please ensure that the campground construction is adhering to the ordinance. All proposed work must comply with the Polk County Shoreland Ordinance including open space, impervious coverage, setbacks from OHWL, roads, property lines, etc. All sanitary facilities must comply with MDH standards and other local and state codes. Vegetative screening requirements for a CUP must be adhered to as well.

A wetland delineation and report were completed by Widseth and approved by East Polk SWCD WCA TEP in 2023 and Ordinary High-Water Level (OHWL) was completed by DNR Area Hydrologists in 2022. Impacts to the shoreline and surrounding vegetation should be kept at a minimum and follow all DNR, County, and Wetland Conservation Act (WCA) rules and regulations. According to the wetland delineation there is a wetland fringe around the parcel of the proposed campground. Mr. Olson should also consider how and where he is planning on putting boat access, mooring facilities and any docks that he will have on the property. This area needs to be centralized in the least impactful portion of the property. Based on the first tier allowed camping spaces, 11 boat slips can be allowed. There needs to be a document and drawings showing the location of the boat access, mooring facilities and any other water-oriented structures provided to Polk County and the DNR for approval.

I have spoken with Mr. Olson in the past about what the DNR allows without a permit for docks, sand blankets and boat access/ramps. My recommendation for the Planning Committee would be to allow a Preliminary CUP with conditions that require a finalized plan for campground and accessories including sand beach, docks, and access to the lake. The work that is proposed may require a DNR Work in Public Waters permit or a DNR Aquatic Plant Management Permit (APM) and a Wetland Conservation Act approval and mitigation for wetland impacts. Please ensure that Mr. Olson has obtained all permits and permissions from all local, state, and federal agencies prior to commencing any work on the campground.

Mr. Olson should consult with the DNR regarding public water works permits, please have him contact my office if he has any questions regarding sand beach blankets, docks, or public access to the lake. Please remember to notify this office within ten (10) days following the Commission's decision on these matters. Thank you for the opportunity to comment on this conditional use permit request. If you have any questions, please feel free to reach out to me at 651-587-5448 or stephanie.klamm@state.mn.us.

Jesse & Janelle Penrose, neighboring landowner, contacted our office via phone conversation to voice concerns over the proposed campground and stating that they are opposed to the proposal for the following reasons: due to the size of the lake and stating that there is already an existing campground on the lake, can this lake support additional boats, traffic etc? Their main concerns are the roadway coming into the site is small as well is shared to access multiple properties to the north, people trespassing on private lands, 4-wheeler traffic on the private roadways, and noise. How will the campground be privately managed to have patrons follow the rules. They stated that the areas is great habitat for wildlife, the area is quiet and he did not think the campground would be managed to address all his concerns. Also, he stated that if this is allowed how many campers is too many for this little lake to handle? Lastly, they questioned how this would affect their property values?

Snyder then went over slides showing their application, draft operational plan, maps of location, tier map, aerial map of Cross Lake, wetland delineation map, campground proposed layout map, photos of the property and then Snyder read the Polk County Comprehensive Plan portion pertaining to this request.

Snyder stated that staff feels that the applicant has completed the steps that were laid out in the prior meetings to identify that the site has upland areas that can be developed via a wetland delineation. The vast amounts of wetlands located on the parcel have been delineated and have the potential to trap runoff from directly entering any surface waters that would directly impact water quality. The operational plan has been established to address some concerns with managing pets, campground guests, and common space uses.

Some questions still remain such as how campground management will be handled, who will regulate the rules of the campground, so they are addressed in a timely manner? Will the house be utilized for a campground manager to be located on site during the camping season. What is the seasonal use of the campground, specific open date/close date?

For these reasons staff feels the Planning Commission should recommend approval of the campground if the planning commission feels conditions can address any neighboring landowners' concerns with the following conditions:

1. The conditional use permit shall become void one year after it was granted unless used.
2. Alternative parking area should only allow 1 alternative parking spot per campground site that is the size of a standard pickup and boat trailer. The additional parking areas cannot be on the roadways around the campground as this would be a safety issue for emergency vehicles to get to sites.
3. Campground must not be in operations during deer rifle season to alleviate the safety hazards of hunting on adjacent lands. Seasonal dates are established for campground use?
4. Campers must always be road ready with current licenses, wheels inflated and tires on axels. Park Models??

5. Septic designs/ permits must be submitted for the planned septic systems and all sanitary facilities installations shall comply with the current standards of the Minnesota Department of Health, as well as any other applicable State and Local codes and standards.
6. NPDES storm-water permit (MPCA) & Minnesota Department of Health campground permit must be obtained prior to the campground and roadway construction.
7. The total maximum number of people on the campground site at any one time shall not exceed 150 people.
8. Operational plan to be finalized and approved by Planning & Zoning staff prior to construction of the campground. Campground management?
9. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
10. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
11. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
12. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
13. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
14. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota, and County of Polk rules and regulations.
15. The permit shall be subject to annual Administrative Review.
16. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. **This must not exceed 16 permanent spaces for beaching, mooring or docking of watercrafts.** Uncontrolled beaching of watercraft shall be prohibited.
17. Campers must not be located within 225 feet from the OHWM of Cross Lake as required to achieve the 50% density increase within tier 1 (within 400 feet of the OHWM).
18. Roadway from 380th ST SE into campground must be widened to 24 feet in width to allow two-way traffic in and out of the site as well as continue to provide neighboring properties to the north access to their property.

19. Vegetative alteration standards? No excessive tree removal in the shore-impact zone allowed. This is within 75' of the OWHM
20. No sand beach areas within fringe wetlands? Falls under local rules and Regulations, which are federally protected.

Powers asked if there were any questions from the applicant or board.

Olson stated that the plan is for the house to come down. The manager will either be him or another camper, so someone is there on the weekends.

Harold Gustafson – camper in Tilberg Park for 10-12 years. He feels that a manager needs to be there 24/7, meaning full-time. There is also only one access to the lake and that is in Tilberg Park, will there be others? He also said dogs can be an issue. He is also concerned that the lake is not big enough for more boat traffic.

Marc Rue, neighboring landowner, questioned that there are 50+ sites planned. Snyder said an EAW is required for 25 or more but the numbers discussed is the max number of sites allowed. We cannot look beyond the asked for 24 sites and if he plans to expand beyond those once he receives the state permits, he will need to come back before this board to have more than 24 units. Marc Rue also expressed concern with how management will regulate the proposed rules. Olson said he will be checking camper ages and vaccination of dogs as his insurance is requiring it.

Mike Brouse, neighboring landowner, stated he has lived on the lake since 1982 and the lake has a lot of vegetation on the south end and all along the shoreline is vegetation that restricts where boats can go, so there are not as many navigable acres as it seems. There is already a lot of boat traffic and there is really not enough room for boats to turn around especially when pulling tubes or skiers. He feels that if there are more than 2 boats on the lake it is a hazard and he has safety concerns. He also said he is unsure the impact on the values of neighboring properties. He feels the applicant is responsible for providing information on this concern and he has not seen or heard anything. He also asked where the public safety studies are? The applicant should have to provide those. This is a small lake and not amendable to 24 more sites.

Powers stated the sheriff's department is required to monitor the lake/boats. He also wanted to know if this lake was continuously fed. Randy Rue said it comes in from the South. There are three structures that were installed to control the water levels and we were just informed that there was a court order that the DNR/Watershed need to maintain those structures and get the lake levels up. He also said the DNR stocks this lake to make it a fishing lake.

Brouse stated that the Board is responsible to make sure safety is taken care of and they are woefully sort of the info needed to do that.

Vonasek asked how many people live on this lake? The consensus was approximately 10. He then asked if there was a lake association. Randy Roue, Queen Township, said no. Schulz asked how many acres are navigable? Snyder said approximately 165.

Gerald Illies, landowner, said the road that is coming in is a shared road with the north landowners. He would like to see a new private road for those north properties to help keep people off/out of their properties. People are too inquisitive and feel they can just adventure wherever. Snyder said there are lots of moving parts of this proposed new roadway by Illies and very complex. He feels that it would be better to have something restricting or indicating beyond this area is private, such as a gate or signage. Illies would like to establish something before more expansion. He believes right now it is 33' easement from township road to the Illies property.

Jody Illies stated that there is a billboard in Bagley about this campground. There is already people driving into the site to check things out. We want to continue to have our privacy. She also stated that the South part of the lake is way too low for boat traffic. Schulz asked how Polk County got 34 sites on their property? Snyder said Tilberg park has been there a long time and in 2014 they did an expansion from 28 to 34 sites and added in septic and brought the electrical up to code. He hasn't done any research on that park's history beyond that. Randy Rue said that before 2014 there were no hookups at Tilberg Park and there is a caretaker there 24/7 when open.

Jerde asked to clarify the roadway width. Snyder said that the road from the township into where the campers start would be a two-way road, requiring a 24' width, then the one-way traffic road within the campground can be 16' wide. She then asked about the comp plan, lake sustainability with more activity and if there were/are studies that have been done. Snyder said he doesn't know of any studies done or if DNR has a chart guide for the number of boats allowed based on acres on the lake. He said the comp plan is a double-edged sword as it talks about protecting and also encourages growth. The staff recommendations are a guide for the board, then we have these discussions and hear concerns and we are able to change/add conditions to help address those issues. Boats are a harder concern to deal with. He said Olson's plan is to have an access which is a DNR permit as well as sand blanket and Snyder is unsure if he can with all the wetlands.

Jerde said she heard a lot of concerns and not all of those are the Sheriff's responsibility to manage. She feels that a manager 24/7 is a better option. Several things need to be followed up on and expectations made clear. Olson said this is a seasonal campground, not weekly site rentals. So once they are established they are there for the season/year and know the rules. All info will then be on hand and submitted to his insurance. Jerde asked how he would address concerns during the week when no manager is on site? Olson said his business is close by and he could come when there is a concern. Cavalier said he is concerned with all the concerns about safety.

Olson said he isn't renting out boats and those on the lake could come from anywhere, not just his campground and he should not have to police those. He will have available, for no charge, kayaks, canoes, paddleboats, those items without motors for the campers to use. Randy Rue said the DNR needs to talk with other DNR offices so they know what is going on. Snyder said PCPZ will have an annual review to help hold Olson accountable, but boats are a sheriff's office call. Randy Rue said the sheriff's come through Tilberg often but it is county owned, where Olson's is private and he has never seen the sheriff's on the lake patrolling.

Gustafson said the sheriff's have never been on the water and there is zero ways to control traffic on a holiday. Powers said we could limit vehicles per campsite. Olson said he is only allowing 2 per site. Powers asked about limiting the number of boats? Olson said he is planning on 11 boats slips. Snyder said conditions can be amended as Polk County wants or needs. Management is a question mark and feels that one is needed 24/7 based on concerns. Olson asked about the Pierce campground? Snyder said there is someone 24/7. Powers asked about limiting the number of animals. Olson said he can, and that leashes are required per his insurance. Olson asked if Tilberg Park is full? Gustafson said all 34 sites are and there is a waiting list. Snyder said we need to address the max number of people allowed – he recommendation was 150, but that can change. Maybe we look at 4 per site which would be 96. This is a requirement in the PCZO that we set a max number.

Snyder said Olson is only planning on 11 boat slips and that he doesn't feel that he will get an access permit from the DNR so they would need to use the public access. Gustafson said the lake is a quiet little lake for relaxing. Randy Rue said there is sometimes chaos on the lake with the boats from Tilberg and now you want to allow more on the lake.

Jerde said she is uncomfortable voting now as she feels more information is needed such as: conversations with the DNR, management 24/7, fencing to secure campers from wandering north to the private residences as well as signage. Snyder said he can reach out to DNR and the sheriff's office as well as gather other information to help answer some concerns.

Olson asked if Tilberg Park had a manager on site? Yes, Glen Halvorson is the manager and has a camper on site. Olson said he can go with a manager on site 24/7 if that will help ease concerns.

Snyder suggested tabling this hearing till he can gather more information regarding the concerns expressed today. He will work with Olson to get things figured out.

Olson then addressed the neighbors and their concerns.

A motion was made by Cavalier to table the CUP for time to gather more information. Second by Jerde.

Ayes – All

Nays – none

Motion carries.

Next meeting is set for April 28, 2023. Meeting adjourned.