

Polk County
Planning Commission
April 28, 2023

Call to Order: 9:03 A.M.

Members in Attendance - Mike Powers, Paul Jore, Mike Schulz, Richard Kuzel, Warren Strandell, Don Cavalier, Len Vonasek, Tom Noah, Rolland Gagner and Kristie Jerde

Members Absent: Arlet Phillips

Also Present: Polk County Environmental Services' staff: Jacob Snyder and Michelle Erdmann.

Minutes: A motion was made to approve the Planning Commission minutes from March 24, 2023 meeting by Cavalier. Second by Kuzel. All in favor.

Public Hearing: CUP – Viking Gas Transmission Company Parcel #67.00063.00

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated the applicant is requesting a Conditional Use Permit (CUP) for the construction of a new 2,500 hp compressor building located in the floodplain on parcel #67.00063.00 in section 12 of Tabor Township.

Ordinance requirements for this request are found in PCZO Sections 17.5200, 12.6200, 12.6300, and 12.6400.

Snyder said the applicant is requesting a conditional use permit for the construction of a new 2,500 hp compressor building located in the 100-year floodplain on parcel #67.00063.00 in section 12 of Tabor Township. The compressor unit project consists of adding a 2,500 hp natural gas unit that would support an additional load for mainline transportation of natural gas across the County from an existing tie in located in Keystone Township section 13 then routed to a meter station located north of East Grand Forks. The building is 46' x 26' (1196 sq ft) in size and will be elevated above the Regulatory Flood Protection Elevation of 851.5' above sea level. Viking Gas Transmission has submitted a preliminary certificate of elevation required to build in the 100-year floodplain that has the construction drawings with an elevated lowest building floor at 851.6 feet above sea level.

Snyder stated that Viking Gas Transmission Company is also proposing a new 12-inch natural gas pipeline that runs parallel to the existing line for approximately 13.2 miles from existing tie

in structures. The applicant is requesting that the local permitting process be waived as they need to acquire Federal Energy Regulatory Commission (FERC) approval prior to a comprehensive review process with oversight from US DOT, US Army Corps of Engineers, MPCA, MN DNR, Red Lake Watershed District, West Polk SWCD and Polk County Highway Department. The FERC regulatory oversight includes environmental studies as construction of the pipeline occurs across wetlands and waterways. They note significant vegetation is not anticipated as the pipeline area is not heavily treed/vegetated. For these reasons VGT company's proposed 12-inch pipeline project meets or exceeds the PCZO through the FERC regulatory process and they respectfully wish the Board would waive the local CUP process for the pipeline project.

Snyder said the conditional use application indicated that the added compressor unit would support an additional 30,000 dekatherms of natural gas per day to services. The new compressor is needed to meet an existing non-affiliated customer's request for transportation services on Viking Gas system. The new construction will occur entirely within the existing limits of the Angus Compressor station site. The supplemental data that was submitted with the CUP application indicated that the project would meet all applicable standards in the Polk County Zoning Ordinance. Specifically setbacks will be greater than 50 feet from lot lines, the installation of the new compressor station will not create a public safety hazard, the site is secured via restricted access and fencing, the new building will match the appeal of the existing buildings on the site, access will be adequately provided to use the site and that the site will be routinely maintained with proper O&M protocols for pipeline safety. The existing sites ring-dike limits the potential flooding impacts on materials-equipment being swept downstream of the site. Staff does not anticipate impacts to adjacent lands, bridges, culverts or site access after flood events and no increase to the flood stage in the immediate area.

Snyder said Rich Sanders, Polk County Highway Engineer stated that the PC Highway Department has permitted the road and ditch crossings for the pipeline project from EGF to Angus. He added that he has no issues with the proposed CUP request.

Snyder then went over slides showing their application, supplemental data info, site location maps, floodplain maps, site photos, CAD drawings of building/plans, photos of compressor, and 12-inch pipeline map.

Snyder stated staff feels that Viking Gas Transmission Company provides reliable services to residents and businesses in the immediate area. This is very important to the economic development for our residents and surrounding communities. As the comprehensive plan states that it is a major goal to support a high level of management, and maintenance of a safe, efficient, and high-quality pipeline transportation and electrical transmission systems throughout Polk County. For these reasons staff recommend approval of the CUP request with the following conditions:

1. So not to duplicate the Federal Energy Regulatory Commission (FERC) permitting process the local Polk County CUP requirements should be waived for the 12-inch pipeline project if all (FERC) requirements are satisfied.

2. Polk County Zoning Office must receive a final certificate of elevation that indicates based on post construction the building floor was elevated to 851.5 feet above sea level.
3. 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.
4. 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.
5. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
6. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
7. 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.
8. 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.
9. The conditional use permit shall become void one year after it was granted unless used.

Powers opened the meeting for questions. Jerde asked about flooding and the ring dike? Snyder said the only water is what melts within the dike that they historically have been able to just pump out. Vonasek asked why would we waive the other CUP process when we could create a fee large enough to cover our expenses and that way we keep a thumb on the process. Snyder said in 1997 we waived the CUP process and we have zero expertise on this issue to answer any questions or concerns that would arise. He also checked with the County Attorney and he suggested we follow what we did in 1997 and let the Federal agency process the request as they are more capable than the County with regards to such a large project. The FERC process does require notifications to landowners around ½ mile proximity, we require ¼ mile but would need to send 1000's of notices for a 13 mile project.

Jerde asked if the conditions need to state that they need to show they have the FERC permit. Snyder said he is not sure if an actual permit is issued or if a letter is sent. This way we are covered by working all FERC requirements are satisfied for the 12 inch pipeline project.

A motion was made by Schulz to recommend approval of the CUP request with staff conditions to the County Board. Second by Cavalier.

Ayes: all
Nays: none

Motion carries.

Snyder stated that they will go before the County Board for final approval on Tuesday, May 2, 2023 at 8:50 a.m.

Public Hearing: LGP – River Bottom LLC

Parcel #32.00234.00

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated the applicant is requesting a Large Gathering Permit (LGP) for the Johnny Holms Band concert on May 28, 2023 at the Maple Lake Pavilion.

Ordinance requirements for this request are found in PCZO Section 20.0000.

Snyder said the applicant owns a riparian lot on Maple Lake. The lot is approximately 3.4 acres. The applicant is proposing to have a concert that will trigger the large gathering requirements of the PCZO section 20.0000 on May 28, 2023. The Johnny Holms Band event will run from 8:30 p.m. to midnight. The Maple Lake Pavilion building is approximately 4,700 square feet in size and has been in operation since 1928. The property was purchased by “River Bottom LLC” in 2022. The main event that has been held annually, minus COVID years, has been the Johnny Holms Band concert that takes place over Memorial Day weekend.

Snyder stated that the applicant has satisfied several requirements of the Polk County Zoning Ordinance including:

1. Certificate of Insurance for the Maple Lake Pavilion including the event.
2. Sanitary facilities including bringing in 18 portable toilets provided by a licensed business will be set on site for the event.
3. Solid waste disposal is collected and disposed of by the owner.
4. Operational plan and supplement information received.
5. Clean-up bond of \$25,000 coverage in place for the event.
6. Property perimeter will be fenced to control unauthorized entry into the event.

Snyder said the applicant has vendors that have the appropriate licensing from the Minnesota Department of Health for food served at the Maple Lake Pavilion, including the May 28th event. The applicant has coordinated with the Sheriff’s Office and County Highway Department to address other parking and traffic concerns so that no roadways around the site are hazardous to even goers or block traffic around the event site. The applicant is expecting 1,000 to 1,200 people for the May 28th, 2023 event only. Any future events that exceed 1,000 people would require an additional LGP.

Snyder stated that concessions and alcohol will be provided for the May 28th event. Lakeview Resort is licensed to provide food and alcohol for the May 28th event. No gambling activities

will be allowed as part of the May 28th event. A Large Gathering Review Panel reviewed the request as required by the PCZO. The panel proposes conditions and safeguards for permits for Large Gatherings. The Large Gathering Review Panel considers the location of the proposed Large Gathering, the duration, available road accesses, whether or not alcohol may be present, the intended audience, surrounding land uses, the types of activities being proposed, the distance for available medical, fire and safety facilities, the availability and type of sanitation facilities and any other factors determined by the Panel to be an issue of concern to the health, safety and welfare of Polk County and the attendants at a Large Gathering. It was determined by the Large Gathering Review Panel that the applicant should be allowed to host this event as the event last year ran smoothly, and the applicant has acted in good faith with the County to make sure that past events are safe to all event attendees.

Snyder said that the applicant will have the property perimeter fenced so as not to have unauthorized entry into the event. There will be private security from ASP of Moorhead INC. They will provide 8 people from 7pm to 1am to work the event. No parking will be allowed along any roadways around the event. Parking will be provided by Kurt Larson to utilize an area located one block north of the pavilion and lighting will be setup for safety. Polk County Sheriff's Office will provide 2 to 4 deputies to work the May 28th event and the PCSO intends to continue to work with the applicant with maintaining public safety at the large dance event.

Snyder stated that Mentor Fire and Rescue will be covering any fire or first responder calls during the May 28th event. The applicant reached out to Mentor Fire Chief, Jay Anderson, that confirmed they will be available on the night of the event should anything be needed from their department.

- a. All exits will be required to have locking hardware installed to secure the doors open during the May 28th event.
- b. Emergency lighting is required at all exits.
- c. The maximum allowed occupancy of the building for the May 28th event is 511 people, which is based on the standing room square footage of the pavilion event area.

Snyder said the following comments were received:

1. The City of Mentor Municipal liquor store commented they are unable to provide liquor services to this event as they don't carry that licensure.
2. The Maple Lake Improvement District had no concerns with the request.
3. Rich Sanders commented that the County Highway Department will place no parking signs where needed.
4. Jay Anderson, Mentor Fire Chief, stated that they will provide emergency services along with Polk County should emergency services be required at this event.

Snyder then went through slides showing: application, operational plan, site location map, and site photos. LGP Review Panel and staff recommends approval of the LGP for the Johnny Holms Band concert on May 28, 2023 with the following conditions:

1. The maximum number of people allowed to assemble on the permitted premises

for the event shall be 1,250. The applicant shall not sell tickets to, nor allow to assemble on the permitted premises, more than the maximum permissible number of persons stated in the permit.

2. The event hours shall be from 7:30 p.m. to midnight. Event staff and security shall ensure the event ends and the event crowd leaves at midnight.
3. The maximum occupancy of the Maple Lake Pavilion during this event shall be 511 persons. It shall be the responsibility of the applicant or their employees to ensure the max occupancy of the structure is not exceeded at any time during the event. The applicant shall have at least 2 crowd managers during the event to ensure the max occupancy is not exceeded.
4. All exits in the Maple Lake Pavilion shall remain free of obstruction during the event.
5. As required by the PCZO the applicant shall obtain necessary insurance and bonding prior to the event.
6. The applicant shall fence the perimeter of the event grounds with fencing not less than 4 feet in height and of sufficient strength to prevent persons from gaining unauthorized access to the assembly area.
7. The applicant shall provide 18 portable toilets to be used during the event. The property, including parking grounds, shall be picked up of all solid waste, which shall be removed within forty-eight hours after the event.
8. Noise from the event shall not exceed Minnesota Rules establishing noise standards, Minnesota Rules, Chapter 7030.
9. Security shall be provided as applied for and listed in the approved operation plan.
10. Under-aged drinking shall be prohibited during the event and all persons shall be ID checked and banded before being served alcohol. Security and event staff shall roam the crowd to ensure those persons consuming alcohol have been ID checked and banded, and to identify those who are intoxicated. No re-entry to the event shall be permitted.
11. Limited parking shall be provided on site and additional parking shall be provided one block north of the Maple Lake Pavilion on parcel #32.00232.00. Parking areas shall be marked and monitored by security and/or the Sheriff's Office.

Powers then opened the meeting for questions.

The applicants in attendance, Sherry Pederson, stated they have no problems with the conditions suggested by staff. Schulz said it is a well run event. Vonasek asked who ran it in 2022? This same group and they had about 740 attendees at last years event. Noah asked if anyone under 18 is allowed into the event. Pederson stated no minors under 18 years old are allowed into the event. The number of attendees is always weather dependent.

Schulz made a motion to recommend approval with staff conditions to the County Board.

Second by Vonasek.

Ayes: All

Nays: None

Motion carried.

Snyder said that this will go before the County Board for final approval on Tuesday May 16, 2023.

Public Hearing: CUP – Curtis Olson Parcel #57.00149.00

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder said that this was a tabled hearing from last month, so he will not be reading the entire staff report, but go over new information and/or any changes and highlights. He then stated the applicant is requesting a Conditional Use Permit (CUP) for construction and operation of a 24-unit campground on a riparian parcel on Cross Lake. The proposed campground is located on a parcel of land that is 34.75 acres in size and in Section 21 of Queen Township.

Ordinance requirements for this request are found in PCZO Sections 18.2760, 13.7000, 13.7024, 18.4000, 18.4520, 18.4530, 18.4643 and 18.4644.

Snyder stated that Tier 1, located within 400 feet of the OHWM of Cross Lake, has an upland area of approximately 7.25 acres. Tier 2, located outside of 400 feet but within 800 feet of the OHWM of Cross Lake has an upland area of approximately 11.5 acres. Tier 3 or outside of 800 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. These are the max numbers of campers allowed on the parcel.

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 condition 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 said that Marc Sundrud, neighboring landowner, contacted our office to state that he believes the undefined land to the north of the proposed campground is his property. He added that a few years ago property was purchased by Marc Rue and now on the County GIS the property in Sundrud's hay field has shifted. His only concern with the campground is that people do not trespass onto the private property to the north.

Snyder then talked about a boat carrying capacity study he was able to locate. It came from a department within the MN DNR but it is a study that was done in January 2017 on Beaver Lake in Arkansas. It references 12 studies done with various types of boats. He took the table and did the conversion of acre/boat and it shows 14.095 acres/boat. So taking the 165 navigable acres of Cross Lake divided by 14.095 you get a suggested 11.7 boat carrying capacity.

Snyder stated he attended a watershed meeting on April 22, 2023 regarding dam structures on three lakes, Cross Lake being one of them. The court ordered that the lakes be kept at a certain level and keep them stable at that level. Randy Rue, Queen Township, said that the levels are close to where they are right now, but there will be a slight adjustment. He also said that the navigable area of Cross Lake is $\frac{3}{4}$ of a mile long and at its widest it is 660 yards.

Snyder then went over slides showing the application, amended 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 the applicant has completed the steps that were laid out in the prior meetings and the public hearing to address neighboring landowners' concerns and change the operational plan to ensure that the campground would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish property values of the immediate vicinity. The applicant has completed a wetland delineation that shows the site has upland areas that can be developed. The vast amounts of wetlands located on the parcel have the potential to trap runoff from the site use and not allowing runoff to directly enter any surface waters which would directly impact water quality. Septic system soils have been evaluated by Polk County staff to ensure that the soils are suitable for standard septic systems. The operational plan has been established to address some concerns with managing pets, campground guests, docking/mooring of watercrafts, campground management, and common space uses.

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. No parking on roadways. The roadways shall be maintained so that they are always passable for campers and private property owners.
3. Campground must not be in operations during deer rifle season to alleviate the safety hazards of hunting on adjacent lands. The camping season shall be limited to April 1- October 31.
4. Signs must be established on the private roadway limiting camper access to the neighboring properties.
5. Camping units must always be road ready with current licenses, wheels inflated and tires on axels.

6. 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.
7. SWPPP/NPDES storm-water permit through the MPCA & Minnesota Department of Health campground permit must be obtained prior to the campground and roadway construction.
8. The total maximum number of people on the campground site at any one time shall not exceed 150 people.
9. Operational plan to be finalized and approved by Planning & Zoning staff prior to construction of the campground. The rules in the operational plan must be enforced by the owner or owner's representative. The campground shall be adequately managed to satisfy the CUP conditions and rules set forth in the operational plan.
10. 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.
11. 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.
12. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
13. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
14. 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.
15. 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.
16. The permit shall be subject to annual Administrative Review.
17. 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. To protect the public safety on this small natural environment lake there shall only be 6 permanent boat spaces for beaching, mooring, or docking of watercrafts. Uncontrolled beaching of watercraft shall be prohibited. No wake boats or ski boats shall be allowed to be permanently moored at the campground.
18. 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).

19. 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 neighboring properties to the north need reliable access to their property.
20. No excessive tree removal in the shore-impact zone allowed. This is within 75' of the OHWM

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

Jerde asked about the signage on the roadway and what about the trail to the north that neighbors expressed concerns with at the previous meeting? Olson showed on the aerial maps/photos where he intends to put them. Snyder stated the conditions regarding this stated signs must be established to limit camper access. It was decided to se the language effectively placed to prevent use of private roadway.

Schulz asked where he came up with this “will not adversely affecting neighboring property values”? Snyder said that condition is kind of a double-edged sword. To me, thinking about it logically the applicant is proposing to have rules that they will have current campers, not older dumpy styles and that property values should not decrease as long as it is well maintained. Also some people that camp don't want to use the lake. Schulz stated that these people bought rural setting and on a private lake, now how can it not affect the property value. Snyder then said when they want to sell they want high values to get the money. They have 24 new potential buyers with a campground. Hence, the double standard of property values.

Michael Browse, neighboring landowner, said that the CUP paperwork states that the applicant should be submitting information regarding the effects on the neighboring land. The Zoning Administrator should be making sure that information is provided. You can speculate all you want, but I want to see a professional's reasonable calculation on this issue. Will property values increase the same rate over time as if the campground wasn't there. You can speculate all you want because you don't have property there, we do. He then expressed concern on the boat study. I know other studies have commentary and I would like to be able to read those. Has anyone had the opportunity to review that study? I think the mistake this board will make is to think that with only 6 docks you will only have 6 boats. We know nothing about the boat traffic this campground will generate nor the types of boats. It doesn't take a lot of time or effort to go out to Cross Lake in the spring and see what kind of boat activity is occurring and how 2 speed boats on this lake can cause problems. There needs to be a study done about the boat traffic on this lake. He would also like to know how the 150-maximum number of people in the campground will be enforced? It's one thing to establish all kinds of rules and conditions, but how and who is going to enforce that. He doesn't see any realistic way to enforce that. He feels that the staff recommendation is based on a gut level response or speculation and not on hard evidence.

Snyder said that your questions are quite comprehensive. I have been out to Cross Lake and Tilberg Park for septic designs and installs, permits and AIS inspectors are also placed there in

the summer. The conditions we place do need to be enforceable, but we cannot control others, such as the public access at Tilberg Park, anyone can launch a boat there. And that's why on a public lake the only control we have is what can dock and park on this property. The boat study is the only resource Snyder could find. The boat carrying capacity is not gospel. This is just the only resource he could find. The property values is a tough issue that we can try to impose conditions that we feel are necessary to not negatively impact lands nearby. Our only resource would be the Polk County Assessor's office regarding property values. Brouse said this is a CUP and up to the applicant to provide this information, which is required by this Ordinance. He suggests direct observation or study be done by this Commission.

Cavalier asked Brouse and Rue if they are looking for more police/DNR control on the water? Brouse said he wants it not crowded. Is there no self-policing done by boat owners? Not really. Snyder then asked Olson to open the conversation about what your thoughts are on how we would effectively manage watercrafts? Snyder said he feels the best way would be to limit the docking. We cannot tell them they cannot use the public access, this is a public lake. We need something that is enforceable and makes sense. We worked with Olson after the last meeting and he stated day use docking and that is where the 6 spaces came into play. We can change the wording from permanent spots to day use spots if agreed on. We need to be effective in our conditions. Olson said that he will have a full-time manager and 6 boats is what it is. We will have 3 docks not 6 as mentioned. One dock for fishing and two for boats. All guests will be required to check in upon arrival just like I assume you would at Tilberg Park.

Jerde asked about boat restrictions to limit ski boats or other types of limitations? Randy Rue asked about jet skis? Olson said that would be one of the six. Snyder said he checked with the Sheriff's Office about complaints. They told him that the largest issue on all lakes is the use of jet skis. Rue asked to see if we could get the SO boat out to Cross Lake. The SO does drive thru the park, but they have never launched their boat. Snyder said he can have a conversation with them about this issue. Brouse suggested restricting the type/size of boats the campers can have/use. Olson said that he could restrict the number but feels that going from being able to have 16 boats to allowing only 6 day use is his compromise otherwise he is tying his hands for less campers that would want to stay there. Jore asked how it is controlled now? Brouse said there is zero self-control. Randy Rue said it would be the character of the people. Snyder said not having full time docking and limits on parking spaces at the public access is also controlling the number. He also said that the wording in the conditional use recommendations could be polished to say 6-day use moorings.

Randy Rue asked about something in the contracts of each camper that says no parking their boat at Tilbrerg Park. Olson said he can do that as I have spots for vehicles with trailers.

Brouse asked about having the Assessor's office do a value study? Snyder said we could, but that would mean tabling the hearing. However we have a 60 day rule that we need to follow which means Olson would get another letter delaying the decision and that would be the last time and we would need to make a decision. Jerde asked if historically this has been done and if its had an impact on the decision to be made? Schulz said every lake is different, I live at Maple Lake and have a campground behind me, my property values have gone up over \$300,000 over the last two years. The campground doesn't seem to effect the value on Maple.

Powers stated that when have you ever seen or heard of lake properties going down in value, lake property never goes down in value. Olson asked Ilane Rue if she had any comments? She said her main concern would be traffic on the roadway. Snyder said his closing remark on property values would be that if it is well maintained the value will keep going up. This has been a run down mink farm, yard full of thistle and now it will be an upkept and maintained property if the applicant wants campers to fill the campground.

Randy Rue asked about permits for golf carts. Schulz said that the townships, 2 of them around Maple Lake, require permits for golf carts.

Jody Illies asked about side by sides being allowed in the campground? Olson said probably not. Each site would be able to have 2 cars, a golf cart and street bike. No side by side, 4 wheelers or dirt bikes. Gerald Illies stated that if the property was cleaned up the values would probably go up.

It was suggested that Olson add no tents with the campers be added to his operational plan. Discussion took place about restricting jet skis docking at the campground? By a show of hands jet skis will be allowed to dock, 6 spots is 6 spots.

Snyder said we are then looking at these changes to the conditions:

#17 - change it to read – 6 day use spots only

#21 – add this one in – no side by side, 4 wheelers or dirt bikes allowed to be used on property.

#4 – signs – change it to read effectively.

Snyder stated that Olson will need to make sure these conditions are followed as he is the holder of the CUP and it can be revoked and then you will have no campground.

A motion was made by Vonasek to recommend approval with staff conditions, with the changes noted above, to the County Board for final approval. Second by Cavalier.

Ayes: Powers, Gagner, Kuzel, Noah, Jerde, Strandell, Jore, Cavalier, Vonasek

Nays: Schulz

Motion carries

Snyder said this will go before the County Board for final approval on Tuesday May 2, 2023 at 9 a.m.

Next meeting is set for May 26, 2023. Meeting adjourned at 12:00 pm.