

Polk County
Planning Commission
July 24, 2015

Call to Order: 9:00 A.M.

Members in Attendance: Donovan Wright, Robert Franks, Rolland Gagner, Len Vonasek, Wayne Melbye, Dennis Yell, Mike Powers, Paul Jore, Arlet Phillips and Warren Strandell.

Members Absent: Courtney Pulkrabek

Also Present: Polk County Environmental Services' staff: Josh Holte & Jacob Snyder

Minutes: A motion was made to approve the Planning Commission minutes from June 26, 2015 by Gagner. Second by Wright. All in favor.

Public Hearing: CUP Nancy Gunderson and Tracy and Chris Sorvig

Parcels # 45.00486.00 and #45.00284.03

Powers read the notice of the hearing and he waived reading the full legal description and turned the hearing over to Holte to go through the power point slides.

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to construct an after-the-fact campground consisting of (4) private camp sites.

Holte went over the powerpoint slides starting with the zoning ordinance requirements. Holte stated that campgrounds shall comply PCZO 18.2760, PCZO 13.7024 and PCZO 18.4000, and Holte read those requirements.

Holte explained that the PUD standards in the ordinance adds the shoreland district rules to campgrounds. It is a long section of the ordinance and based on the multiplier tables in that section the density multiplier would allow for 4.2 campsites based on the property's size.

Holte then went over the pertinent facts of the property. He stated that the campground would be located on a 59,592.9 sq.ft. piece of land that encompasses two parcels in the Shoreland District of Lake Sarah. Holte added that based on the lot size and the PUD sizing standards the applicants would be allowed up to 4.2 campsites.

Holte stated that the site currently has four RVs on the site that have been placed there without

any permits. This application is being treated as an after the fact application with penalty fees. Holte added that the proposed use is to have 4 campsites with 4 RVs on the property used by family only. The total family consist of 18 people and will be for seasonal use only with RVs parked there year round.

Holte stated that the RVs on the proposed site would be located at least 150 feet from the ordinary high water mark and 50 feet from property lines. The proposed sites will have water, sewer, and electrical hookups.

Holte stated that the 4 campsites would each have a septic hook up, which would be hooked to a central septic system, and the septic system would be designed based on the size of the future house. The campground is small enough that it does not require a state permit from the Minnesota Department of Health. The plan is to utilize the campground for 4 years, then to construct a permanent cabin. PCPZ would require the campers to be removed from the property before any building permit would be issued for a house.

Holte stated that the applicants will need to work with the Minnesota Department of Labor & Industry on all permitting and inspections that they will require for the septic system. Holte added that MN Department of Labor & Industry have pressure test requirements for septic systems that are for campgrounds and other commercial uses.

Holte stated that the applicants would be limited to a maximum of four boat slips. Each campsite would be allotted one of the boat slips. The property also has a small storage cabin/lodge on the property that is used for cooking. No sleeping quarters will be allowed within that cabin.

Holte stated that the applicants currently share a one-way access road with their neighbor. Half of the road is on the neighbor's property, and half of the road is on the applicant's property. The applicants stated that all parties are in agreement to leave it this way. The property will not be open for rental space for any other campers and will be for private use only.

Holte then went over the comments received. Stephanie Klamm, DNR Area Hydrologist, commented that the DNR recommends approval of the CUP application, however, based on the applicant's statement that this is only a temporary use until they build a four bedroom home within four years, approval of this application should include the following conditions:

- a. The permit terminates after four years with a specific termination date.
- b. The campers, all hard surfaces installed to serve the campers, and septic system infrastructure to the four camp sites are removed by the date the permit terminates.
- c. The certificate of occupancy permit for the permanent home/cabin is not approved until condition #2 is met.
- d. Campers meet all shoreland setback requirements.
- e. Shoreland impervious surface requirements are met.

Holte stated that Richard Rock submitted a comment from the ULSID Board, and they are opposed to allowing 4 campers on a Lake Sarah lot. We do not want a precedent set on Union Lake or Lake Sarah that would allow multiple campers on lots.

Holte stated that David and Tracy Kloety, Landowners on Lake Sarah, submitted comments and are opposed to the applicants having 4 big campers on a lot that needs to have so many feet of frontage in order to even have one dwelling according to PCPZ rules.

Paul Jore asked Holte what designates a campground? Is it at one camper or multiple campers?

Holte replied landowners are allowed to park one camper or travel trailer on their lot as to be stored and not intended for routine occupancy. Can be setup on weekends and taken down when not in use. Cannot be hardwired or hooked to septic without proper permitting.

Jodi Bachand asked if we had received a letter from the Gunderson family? They were also opposed to the site being used as a campground. Holte said as of this morning he had not received any further comments regarding the campground.

Yell asked if the campers need to be currently licensed? Holte replied they must remain road ready and currently licensed. The campers out there did not have licenses displayed on them but is a recommended condition through the CUP process to have them all licensed and road ready.

Carol Longtin stated that the neighborhood is generally all lake homes that are valued at \$200,000 to \$300,000 and imagine if four campers were parked on one lot in your neighborhood. We welcome new people to our neighborhood but 4 campers is excessive. We just want our neighborhood to remain safe, peaceful, and valuable.

John Rakowski stated he is the neighbor right next to this lot and he turns 80 years old soon. He added that he put his home on the market to get some prospects in case something would happen to him. He received two very good offers until one of the prospected buyers brought his wife there. She stated that she did not realize they would be right next to a trailer court. Right there my value went down and no offers were received. Every other weekend an additional motor home drives in there and camps. These people go home to their homes and we are there having to look at those campers. He added the value of his property went down right there with what they have on their property.

Holte went over slides of the application received and also the applicants' operational plan.

Rakowski added that the reason they left the driveway that way is their lot has 30 or 40 feet of

frontage on the road. If they had to build a road they would ruin the woods behind them.

Holte continued on with slides of site pictures and aerial maps of the property location.

Rakowski added that when the road was built they built it with the curves so no motor homes would be able to go through there.

Tracy Sorvig, applicant, stated that the previous owner had two campers on the site with no complaints. Rakowski said his brother owned that lot previous and he had no campers on it.

Nancy Gunderson, applicant, stated their campers are not visible from the water or the road. This is just temporary and their plan is to build a four bedroom cabin in four years' time.

Tracy Sorvig added that not everyone has \$200,000 to \$300,000 to build a cabin right now.

Gunderson added that this lake lot is a family place to bring them all together in the summer. Her daughter and she bought this lot together with the notion they can have campers on it. She cannot have her grandchildren in tents. Their neighbors the Burghs had bear traps setup on the beach so I cannot have them in tents with bears in the area. If they cannot use the lot in this manner then they cannot utilize it as they thought when purchased.

Rick Sundet, neighboring landowner asked what is a promise? When you buy a property you escrow money, if this is going to be temporary you should need to escrow the funds through the County. He added that you are making a promise and it should be backed up by an escrow.

Gunderson stated she has never heard of having to escrow through the County and her escrow for the property is tied to her home in East Grand Forks.

Tracy Sorvig stated that after four years regardless if they build a cabin or not the campers can be conditioned to go. They need time to prepare for the cabin they want to build.

Sundet added in the meantime John's property values are decreased with the campers on that lot. Tracy Sorvig added that he is not selling anyway as his bride wants to die there. Sundet replied that is not what John has said right now.

Bachand stated that she has a cabin on the north side of Little Sarah. They have a lot next to them that had a FEMA trailer moved on to it for temporary occupancy and now it has been there for fifteen years. She stated temporary is a relative term. When she was young

and didn't understand values it wasn't an issue but they certainly don't want trailers parked next to them. There is also an issue with people driving way to fast down the road, there are 18 people out there and 8 dogs barking all the time. They don't want their kids to be playing on the other side of the roadway as the traffic comes by there too fast.

Sundet stated that bears are not a risk to the children out there. In all his years there he hasn't seen any bears. He added life is a risk and the real threat to the kids is traffic not bears or coyotes.

Gunderson stated that they do not drive fast on the road out there and asked Ms. Bachand what model of car is it that is driving fast? Bachand replied she wasn't sure.

Powers asked to let Holte finish his portion of the pertinent facts and applicants request. He also asked what the structures on the site to the east were? Powers added that everyone will have time to be speak.

Holte continued going over the pictures and sketches provided. He added they have received a new septic design for an update to the septic system from a licensed septic contractor. Holte also stated the structures to the east are Mr. Rakowski's house and garage.

Sundet asked where the well is located?

Gunderson replied they share a well with Mr. Rakowski on his property.

Rakowski stated that the shared well is on his property and said you can see where his house and the well is 50 or 60 feet from his septic system.

Ted Dvorak stated if it is designated as a campground then there will be three campgrounds on the lake. He asked, why can't they move some campers to one of the campgrounds already in operation?

Tracy Sorvig stated that the campgrounds have a waiting list a mile long. She added they moved the campers there from Ulland's bay after they shut down.

Dvorak added that if this is approved it will set a precedent for others to move in campers when the neighborhood is predominantly homes.

Gunderson replied that there has already been a precedent set with the lot across the lake from them with a three camper lot. Years ago they owned a lot right next to that lot and had no issues with them being neighbors.

Tracy Sorvig stated that it is a lake and this is what people do at the lake they bring campers to sleep in. She added they are rarely in the campers even when raining they go to the lake to enjoy themselves not to just sit in campers.

Dvorak added that as neighboring lots values go down they are increasing the value of their lot with having multiple campers on it. He feels that lots should only be allowed cabins and not campers.

Barry Peterson stated that he owns the lot with the campers across the lake and he came before this board ten years ago to go through the same process. He stated they were allowed 4 campers on that lot at the time and they all kept current licensing and road readiness. They paid taxes on the campers and had little issues with having the campers on the lot. The board needs to look at all the lots out there as many have cabins and campers on them. He added that the property values going down on Lake Sarah has more to do with the lack of water than it does with campers on lake lots.

Holte continued with the pictures of the lake property.

Powers asked how far away the neighbor's house was to the campers? Rakowski stated the campers currently sit about fifteen feet from the property line.

Powers asked if they are currently licensed? Gunderson replied that they are licensed but the plates and tabs are in her pickup. She added that they are licensed and insured.

Tracy Sorvig added that the campers are not currently hooked up to the sewer system.

Gunderson added that they use a honey wagon and dump sewage into the sewer that is existing on their lot.

Holte stated that all the campers need to be licensed and road ready. They also need to be moved to meet setbacks of 50 feet from the property lines and 150 feet off the lake if the staff conditions are followed.

Sundet stated that the cabin on the property has sewer and water hooked to it as Jack, the former owner, lived out of that structure. How did the sewer fail? Gunderson replied that it was not properly installed before they bought it.

Rakowski stated that the sewer is pumped to a drain field from the cabin to a different area.

Gagner asked where they put the sewage waste currently.

Gunderson stated that they have a honey wagon and put it into the current septic system that was there when they bought the property, but it is not up to code.

Holte then went over the staff recommendations;

Holte stated that staff recommends approval of the 4 unit Campground with the following conditions:

- 1) An updated operational plan is submitted to the county and must include:
 - a. A sanitation receptacle will be provided for the campground and maintained.
 - b. The property will be kept up and maintained to ensure all garbage/trash/litter is properly disposed of.
- 2) All RVs must be 150' from the ordinary high water mark of Lake Sarah and 50' from all property lines.
- 3) All RVs placed on the new campsites must be located 10' away from all other RVs.
- 4) The applicant must carry all appropriate insurances needed to operate a campground and submit proof of insurance to the county.
- 5) The cabin/lodge may not contain any sleeping quarters.
- 6) All RVs must remain licensed and road ready (wheels inflated, axels attached, tow/coupling systems intact, no decks/platforms attached to campers, etc.)
- 7) The operation shall comply with all requirements in 13.7024 and 18.4000.
- 8) The operation shall at all times be in compliance with all federal, State of Minnesota, and County of Polk rules and regulations.
- 9) The applicants must relocate the RVs to meet all setbacks and conditions within 60 days of issuance of the CUP.
- 10) The CUP shall be valid for a period of five (5) years. The CUP shall expire on December 31, 2020, unless renewed and brought back in front of the Planning Commission before the expiration date.
- 11) All RVs, electric, water, and sewer lines must be disconnected and removed before the CUP expiration date.
- 12) No building permit for a residential dwelling shall be issued until all RVs are removed and the CUP is discontinued.
- 13) The septic system must be sized large enough to handle a future 4 bedroom house.

14) If the property is sold the CUP shall become void and all RVs must be removed.

15) The permit shall be subject to bi-annual Administrative Review.

Sundet asked why they would size the septic system for a four bedroom house? Gunderson replied for their future accommodations they plan on building a 4 bedroom cabin there in four years.

Holte explained the staff recommendations. He stated campgrounds are an allowed use through a conditional use permit in the shoreland district. There have been similar situations in which the County has permitted smaller campgrounds in the past, such as in 2012 there was a four unit campground permitted on Sandhill Lake. These conditions will be to meet codes and allow them to keep the four campers on the site. Their plan is to construct a 4 bedroom house in four years. Planning and Zoning staff recommended the CUP to be valid for a period of 5 years until the cabin can be built or come back in front of the board for re-approval.

Ron Bergh stated that the property was never advertised during the sale as a campground and he could see them thinking this was allowed only if it had been advertised and sold that way. If they refer to the junked campers parked on the lot when they bought it too bad. They bought a lot with a cabin with running water and sewer but I don't think you should allow these campers there.

Gunderson replied that she never saw any advertisement on this property before they purchased it. She had got to know Jack, the former owner, through work and bought it from him directly. The lot had a one room cabin with a bathroom that was formerly a garage. Had she known a permit was needed she would have come in to get the permit beforehand. She added they had no idea that it was a violation and since they found out they have done everything they can to correct it.

Longtin stated that her and her husband bought a lot from Ron Bergh. She added they lived in a camper parked on the lot while their home was being built but couldn't imagine three more campers on their lot during that time. She also stated that she feels the traffic is a concern too.

Gunderson replied that once they build a cabin there will still be the same amount of traffic to and from the lot.

Powers stated he feels that the septic system needs to be fixed now and not years from now.

Bachand stated that there is an empty lot between her and their neighbor. She added that someone could buy it and put a campground on it?

Holte replied that through the conditional use process it is an allowable use. Gunderson added that you cannot base if these things can happen elsewhere to our situation.

Powers stated that the property values going up and down can be from a number of different reasons. He added there is the assessor's office downstairs if you want to talk about property values.

Rakowski stated he wanted to clarify something about the cabin. He said it was never for storage it was a cabin. If this campground is only to be used for family then why the 5th wheel coming in on weekends or her friends' camper being allowed.

Tracy Sorvig added that her mother's friend was her longtime friend from grade school so she is considered family.

Bachand asked who the 5th wheel belonged to? Gunderson replied that the 5th wheel is her sons and they know it cannot be there anymore on weekends.

Holte stated that the cabin cannot be used anymore as sleeping quarters and must be used for only storage and cooking.

Daryl Halvorson stated he was against the request for a campground on this property.

Sundet asked who is the staff that is recommending approval? Holte replied it is the Planning and Zoning staff, himself and two technicians for Planning and Zoning.

Sundet asked what penalty fees got put on this request? Holte replied that the after-the-fact fees were applied to this request as it was applied for after they moved in the campers. The after-the-fact fees are three times the normal fee and \$150.00 penalty fee. The total fee was originally \$300 and this request is \$1050 with the penalty fees.

Vonasek asked what the rule is for pets in the ordinance? Holte replied pets are allowed but there can be a condition for pets placed on the CUP.

Gunderson stated they have an invisible fence to keep the dogs on their property. Vonasek asked if there was a number of allowed pets?

Holte replied that it can be set through this process if the board wishes.

Dvorak stated that they don't want the campground by them either. He added they could see this dragging on for years and they don't feel that it will be temporary.

Holte explained if approved the CUP shall expire in 5 years and then it would have to come back in before the Planning Commission and County Board.

Bachand asked if they can reapply after the CUP expires?

Powers stated it is temporary for a period of five years after that it needs to come back before the board.

Bachand stated that they had a temporary trailer that was setup next to them and it has been there for 15 years. Powers stated that you can't compare apples to oranges.

Dvorak stated that his concern is the temporary status and in the winter the snow blows in the driveway. It can be difficult for the Rakowski's to even get the snow out of there. He added they welcome new people but we are concerned about this setting a precedent.

Gunderson stated they can put in a new roadway if need be but they would need to remove a lot of trees to do that.

Tracy Sorvig added that the Rakowski's would also have to cut many trees to build a new roadway as the roadway goes on their property too.

Rakowski stated that he would love to have his own road and their own road too, but that would ruin the woods behind them. He added that he disapproves of the staff recommendations.

Mary-Ann Olson stated they live on Lake Sarah and wonder how many campers they could have on their property. We object to having campers all around our homes at the lake.

Sundet stated that he has worked in Alaska for many environmental boards and setup meetings similar to this one. He urges the board to use their discretion and to listen to community concerns very carefully. He added that he just wants the board to use their discretion when making a decision.

Ryan Gast stated that he disagrees with the recommendation and added that four years is a long time. The board says it is the tax assessors' job to look at property values and he disagrees with that.

Tracy Sorvig stated that campers were made for lakes. She added that when you buy a camper

you expect to take it to the lake.

Gagner asked how long the campers have been there? Gunderson replied they have been there for a year.

Wright asked how long ago they bought the property? Gunderson replied it has been a little over a year.

Rakowski asked for the names of all the board members, so all the Planning Commission members stated their names and representation.

Strandell stated that he thought it was important to set a date for the septic to be upgraded.

Powers stated that he agreed the board should set a date. He asked if the applicants can live with that?

Gunderson replied that she can live with that. Whatever the board wants they can live with.

Philips asked if the applicant's plan was to all use one home on the site in 4 years? Rakowki stated that it is not going to be their home it will be their cabin.

Gunderson stated that it is their plan to build in four years but she added that it can be decided later if she plans to live there full time or just have it be their seasonal cabin.

Philips replied, it is a lot of people in one space, the family could grow in that time too. She added that she knows what it's like to be in a large family all in one space, if it were her she would go crazy.

Tracy Sorvig replied that they go to the lake to be outdoors and enjoy time together as a family. They go inside to sleep and don't just sit in the cabin or campers even at times when it rains outside.

Powers stated that he would like to set a date on when the septic system must be updated.

Holte stated that he wanted to read a section of the ordinance that pertains to conditional use permits and the job of the Planning Commission in the hearing process. He proceeded to read section 7.5100 to the Board and to the landowners in attendance. He stressed that other peoples comments and opinions do hold weight in this process.

Vonasek stated that he would like to make a motion to approve the request with staff

recommendations. Second by Melbye.

Powers asked if there was any more discussion on the matter?

Strandell stated he would like to amend the motion to include an October 31, 2015 deadline for the septic system to be upgraded.

Gagner asked that the board consider before the permit is issued the campers must be licensed. He added that nothing was done with permits and ignorance of the law is not an excuse.

Gunderson stated that they were unaware of the permitting requirements but were trying to right the wrong now. She said they will get every permit in the future before any building would happen on the property.

Powers asked if the October 31st deadline for the septic would be acceptable to the applicants?

Gunderson replied yes she will get in touch with the septic contractor who designed the system as soon as she can to confirm that.

Gagner asked to amend the motion to change the deadline to a four year timeframe for the CUP to expire instead of the five year time frame in the staff recommendations.

Holte asked if the two members that made the original motion will accept the two amendments?

Vonasek and Melbye both answered that they accept the amendments to the motion.

Melbye asked how long they have to move the campers to meet the staff recommendations.

Holte replied they will have 60 days after issuance to move the campers to meet the conditions if the CUP is approved.

Melbye stated that right now they are not in compliance, so would the campers need to be moved off the site and put back in the area to meet setbacks?

Holte stated that PCPZ will not require them to move the campers off the site and reposition them unless it is an added condition. They must move the campers to meet all conditions within 60 days of issuance of the CUP if approved.

Rakowski stated that they have cords running on the top of the ground everywhere. Gunderson stated that the plan is to have hookups for all four campers and not have any

extension cords on the ground.

Bachand stated that she would like to have more information and if approved the applicants have had two years to be out of compliance already so it is not just 4 years.

Holte stated that the applicants have been fined through the after-the-fact permit process.

Sundet stated he feels they should be fined for having a noncompliant septic system and the power cords running all over the ground are an issue.

Gunderson replied that they cannot be fined for buying an out of date septic system that they were unaware was failing until an inspection was done recently because of this process.

Powers stated the board has a motion and they need to vote.

A vote was taken; In favor of the motion: Vonasek, Franks, Powers, Melbye, Philips, and Jore.
Opposed: Strandell, Gagner, Yell, and Wright. Motion carried on a 6 to 4 vote and will be heard at County Board on August 4, 2015.

Strandell stated that the County Board typically follows the recommendation of this board but it is an open meeting. Attendees will be heard at the meeting, he added that everyone will have a chance to talk.

Holte stated that he has board time at 8:50 am located right below this meeting room on Tuesday August 4th 2015.

Miscellaneous discussions were held regarding old/new business.

Melbye stated that he was in favor of approval but would like to see this CUP be a non-renewable CUP permit. He added no matter what this permit shall expire in the time frame set forth in this hearing.

Powers asked if Strandell can mention that at the County Board meeting. Strandell replied he would bring it to the boards' attention. Holte stated the CUP expiration would then be 12-31-2019.

Meeting Adjourned: 10:55 A.M.