

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, September 24, 2018

Chairman Tom Krueger opened the meeting with the following additional members present: Ken Grob, Ted VanKempen, Tim Johnson and Mark Petersen. Also present were Environmental Services Director Eric Buitenwerf and ex-officio Planning Commission member and County Board Vice-Chair Dan Stacey.

Krueger started the meeting by reading the procedure by which the meeting of the Planning Commission/Board of Adjustment will be conducted to the audience.

Board of Adjustment:

Approval of Minutes: August 27, 2018

VanKempen made a motion to approve the minutes as presented.

Grob seconded the motion that carried unanimously 5 – 0.

Old Business: None.

New Business:

[Variance Application 31-V-18 by Chris Bolton](#): Part of Outlot 5, Long Lake Park, Section 20, Township 140, Range 34, Henrietta Township on Long Lake, a recreational development lake. Parcel 13.42.05000. Applicant is requesting the following variances: Part 1. After-the-fact request from Section 502.2 of the Shoreland Management Ordinance (SMO) for a platform that does not meet the 100' ordinary high water mark (OHW) structure setback. Part 2: Section 901 of the SMO for a proposed access path greater than 6' in width. Part 3: Section 402.8.C of the SMO for proposed RV site sizes to be smaller than the required 3,000 square foot minimum. Part 4: Section 502.2 of the SMO for a proposed platform that will not comply with the 100' OHW structure setback. ~~Part 5: Section 1012 of the SMO to exceed the maximum allowed rental unit density on this lot for a proposed RV camping area use.~~

Chris Bolton, 18080 Emerald Island Circle, Park Rapids, MN 56470, presented the application.

Krueger explained we are going to go through each part separately and then we will make a decision on each part. We will also have an open public comment period for each part separately. For Part 1, you constructed a platform that is 33' from the lake. What was your reason for building it there and not at the 100'?

Bolton answered I designed and built a trapezoid shaped paver stone platform with pillars on both ends. At the time I didn't realize I needed a variance to proceed with this small paver stone project on my property. Now with the knowledge that a variance and permit

were required, I am applying for the after-the-fact variance. The front edge of the platform is situated approximately 33' from the water's edge. It is 9' across on the edge closest to the water and 16' across the back and 8' in width. The platform holds a very special place in my heart because my son Cameron and I planned and created the project together. Cameron passed away this summer on July 2, 2018. I failed to apply for a variance and obtain a permit because I had no idea these were required for a small platform project. It wasn't until July 26, 2018 that I was made aware of the fact that I violated a Shoreland Ordinance. The work was 100% complete prior to me being informed of the violation. There are no other platforms on the property.

Krueger asked what would you consider to be your practical difficulty in not moving it to the 100' setback?

Bolton replied just because I wanted it closer to the water for visibility. There is a slope right there and the only way I could have a table there without your drink tipping over was that little flat surface and that was my idea behind it.

Grob said I know you have indicated that you were not aware and yet clearly the record has shown that you were cited in the past for shore impact zone violations. I would have assumed you would have known that you would have needed a permit to build this site.

Bolton explained the violation I had prior was different in nature, where it wasn't just me creating a flat surface.

Grob responded it was in the shore impact zone, which is pretty much invalid in terms of any kind of construction.

Krueger added it doesn't look like there would be much of a cost to move that to the 100' setback, any thoughts on that?

Bolton answered if that is what you would like to have done, I can do that. It is just that I don't have Cameron here now to help me with the project.

VanKempen commented if you would have come to us before you constructed it and asked for a variance to have it put there, I don't think I myself could have voted in favor of allowing you to do that.

Krueger opened for public comment.

Jim Peters, attorney from Glenwood, MN, said I was called up here, I represented some folks up here eight years ago on a project so they asked me to come back on this one. I represent the neighborhood. The thing that I would add on the zoning ordinance violation is that the property owners are presumed to know the ordinance. It's not a defense to say that you didn't know what the shore impact zone rules are. Property owners are deemed to know those, it is just one of the things about owning property. There have been some

other violations too with the township as well as the other issues that you have heard about.

Krueger closed public comment.

VanKempen made a motion to deny the applicant's request for Part 1 and adopt the staff report findings of fact.

Krueger seconded the motion that passed unanimously 5-0.

Part 1 Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes () No (X)

Why or why not? The lot is 475' wide x ~630' deep and gently slopes up from the lake. There are no obstructions on the lot that prevent the platform from being placed at a 100' ordinary high water mark setback. The applicant has also submitted a conditional use permit to place 14 RV campsites on the property which shows there is ample room on the property to be able to meet setbacks. When a permissible option exists, it would be against the ordinance's intent to grant a variance.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No (X)

Why or why not? Placing a platform in the shore impact zone at a 33' OHW setback when the lot is 4.25 ac. in size, all upland, slopes up from the lake such that a good view is available at a conforming setback would not be reasonable. There is ample room on the lot to place the platform at a conforming setback.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes () No (X)

Why or why not? As mentioned in our responses to the first two findings of fact questions, the lot is 4.25 ac. in size, 475' wide, ~630' deep, and all upland free of obstructions that has a consistent gentle slope up away from the lake. The applicant has also submitted a conditional use permit application to place a 14 RV campground on the property so there is plenty of room on the lot to place the platform at a conforming location with a permit.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes () No (X)

Why or why not? The platform is very visible from the lake in its current location at a 33' OHW setback. The property fronts a shallow bay of Long Lake that is largely undeveloped. An artificial paver platform this close to the shoreline would harm the bay's and adjacent 1000' + of undeveloped shoreline's aesthetic and feel.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as a difficulty. No difficulty in complying with the 100' OHW setback was stated in the application. There is no practical difficulty as there is ample room on the lot where the platform can be placed in a conforming location with a permit.

Krueger said we will move on to Part 2. You are asking for a 20' access path versus 6'. You do have a 2013 violation on that I do believe.

Bolton explained I propose my re-vegetation border to follow along a path approximately 50' out from the lakeshore with a 20' path to access the lakeshore. It is within this border I will continue to transplant native SIZ plants common to this area. Given the request I have made for an RV park, I feel it necessary to have this area open more than the ordinance allows. The ordinance states that a 6' path for 100' is the path size to access the lake. It will be nearly impossible to support my RV guest traffic to and from the lake on such a narrow path. The violation you are speaking of, I did receive a restoration complete on September 30, 2016. That violation took place in 2014.

Krueger asked is that correct Buitenwerf.

Buitenwerf replied no, he is referring to, I believe, a separate Wetland Conservation violation that was on the shoreline of the property. The vegetative alteration of the shore impact zone violation that our department notified the prior land owner on, as well as Mr. Bolton, that originated in the fall of 2013, is not fully completed as of yet.

Krueger asked why would you need a 20' access path through the shore impact zone, versus the 6'?

Bolton answered if I have people accessing the lake; 6' wide really isn't that wide. If you look at other yards and neighborhoods, they have much larger access to it. I could stand to have more people coming and going through that area and it just seems natural that more than 6' would be necessary.

Petersen asked it is my understanding that would just be foot traffic through there, to the RV park and back to the lake. You have eight slips proposed to dock and you think that you need more than 6' for the amount of traffic going to and from just to that dock area?

Bolton said I was just thinking for the aesthetics, the look of it. Keep in mind it is the 50' border so all of the SIZ area along the whole shorefront would be non-maintained. So we are just talking from 50' back. The whole other area where Buitenwerf and I were working on the re-vegetation screening plan, that would be not maintained, from the 50' back and then 20' right up to the shoreline.

Petersen asked so you are saying, from the lakeshore back 50'?

Bolton added that is all going to be a no mow.

Petersen clarified you said the path you are requesting is 20' only in that area?

Bolton answered 20' up to there and then after 50' it is mowed and maintained is what I was asking for.

Grob commented I know you are proposing to provide that 50' with no mow area, but isn't that already part of the violation restoration project that you are already required to make that a no mow area? So you are really not giving anything back. You would have to do that anyway. The other comment I would make is, I think you may be aware that you are allowed a 15' wide, 20' back area next to the lake where that path would end. If you were restricted to the 6' which is typical of a residential area, you would have an area that could be used, cleared, maintained that is 15' wide and 20' away from the lake. So you would have that opportunity while not disturbing the rest of the property by maintaining the 6'. I don't know if you are aware of that or not.

Buitenwerf responded you are correct other than the dimensions are 20'x15', 20' is parallel to the shoreline and 15' deep.

Krueger opened for public comment.

Betty Larson, 17166 Dream Catcher Drive, Park Rapids, MN, said I think for foot traffic, understanding that he can go the 15' back, I don't really think a person needs more than 6' wide for foot traffic.

Mary Walker, 17459 Enchanted Drive, Park Rapids, MN, said my only question was a comment that Bolton said there is a number of neighbors that have paths the size that he is asking, and my question would be, where? Because I walk that route a lot, so I am just curious if he is stating that our neighborhood has paths that big? Where are they and why would we need a variance when I don't see it, a 6' path is adequate. That is my only question I guess.

Jim Peters, attorney, said I think your ordinance is pretty consistent with other county ordinances in terms of the path issues and access to the lake. A path of that width would be out of character with the neighborhood as well as any kind of standard lake development. There is really no need for it, I think this also highlights that the application that came in on this project is kind of incomplete. Things have changed and been modified. It is hard to track; it's hard for the people to track what the status is. The lack of a good set of drawings is another reason to be concerned about this application and to deny it. Lakes obviously in Minnesota are really valuable and people are concerned about people following the rules in the lake area to keep the property values up and keep them nice. They are a big asset to our county and our state.

Steve Peloquin, attorney, said when you talk about the need for the 20' width, Mr. Bolton, the question that is raised is, why? The information that is necessary for you to determine

whether to grant these sorts of variances are "What kind of foot traffic?", "How many people?", and this relates to the CUP and I am segueing there, but that would be a question that I have which is, do we have all the information we need for the traffic that would be generated by the proposed business that these variances relate to? And the answer is, I don't think we have that answer. So I would suggest that a denial is appropriate, if nothing else, at least until you have that information so that you can intelligently decide whether or not to go beyond the parameters of the Shoreland Management Ordinance. We just don't have that information here, we need it.

Krueger closed public comment.

Krueger commented having 14 RV sites, 20' wide is big enough to accommodate a lot of people going down to the lake at one time. Why wouldn't 6' be enough?

Johnson added remembering that you said you wanted it for the look of it, and I believe you because you want your yard, down to the lake. I can't see varying from the ordinance for "the look of it".

Grob made a motion to deny Part 2 of the variance request and adopt the staff report findings of fact.

Petersen seconded the motion that passed 5-0.

Part 2 Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes () No (X)

Why or why not? The ordinance allows a 6' wide access to be cleared of shrubs/trees in order to get to the lake. The application lists no reason(s) why a 20' wide access is needed other than to say 6' is too narrow for the proposed RV campground guests to get to and from the lake. Granting a variance to allow an access path to be 3.3 times wider than the standard 6' allowance would not be in harmony with the ordinance's intent – especially when no compelling practical difficulty due to the property's characteristics has been presented in the application.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No (X)

Why or why not? The application gives no reason why an additional 14' of access path width is needed for his proposed RV campground customers to be able to access the lake other than to say it will be nearly impossible to support his RV guest traffic to and from the lake on a 6' wide path. A 20' wide path for people to walk to the lake with lake-related equipment is not reasonable.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes () No (X)

Why or why not? The variance is needed because the owner proposes to use the property as an RV campground and wants a wider access path to the lake for customers (without stating "why" in the application), not because of any characteristics of the property.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? A 20' wide rather than 6' wide cleared path for accessing the dock and shoreline of this property will not harm the locality's character. While there is 1000' of natural shoreline on the properties to the west of this lot, there are small, developed lots to the east of this lot that have wider, more open lawn areas between their homes and the lake than the 20' path width requested here.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as a difficulty.

Krueger said we move on to Part 3. This part has to do with reducing the size of each RV site from 3,000 sq. ft to 2,400 sq. ft. I read every letter that was there and it seemed like a common thread of the letters was that they thought reducing from 3,000 sq. ft. to 2,400 sq. ft. was increasing the number of units. Is that correct Buitenwerf?

Buitenwerf replied no, it will not have any effect on the number of units that are allowed, what it is a requirement for is a spacing requirement. So there is one unit allowed for every 3,000 sq. ft. of space and not more than one within that area. The Department of Health for the State allows a 2,000 per sq. ft. per unit threshold. That is the background to this request.

Krueger clarified so no change in the density would come from reducing to 2,400 sq. ft. I am still going to ask why you want to reduce it down?

Bolton responded I am requesting my RV sites to be 2,400 sq. ft. as opposed to 3,000 sq. ft. as the ordinance is written. The Minnesota Department of Health requires the lot size to be at least 2,000 sq. ft., which I exceed by 400 sq. ft. My goal is to preserve as many trees as possible while still providing a large space for my guests. At 2,400 sq. ft. allows for this. It also pulls my RV lot in from the North and East borders of my property which will give my neighbors more privacy. At 2,400 sq. ft. each lot can easily accommodate an RV, vehicle, boat, picnic table and fire ring. Many local RV parks in our community have sites with square footage much less than 2,400 sq. ft.

Krueger said from the map it shows that all of them are going to be in the second tier.

Bolton replied correct.

Krueger continued which would be at least 267 ft. or greater from the lake.

Bolton replied correct.

Krueger stated when we were on site, I was up there where they would be and looked down at the lake and you couldn't even see the lake. That is a plus to me. Here is a map of where they would be. And this also shows in the orange, which would be if they were 3,000 sq. ft. and the blue is 2,400 sq. ft.

Bolton responded that would put it right up to Enchanted Drive and I was trying to keep it off of that, just for the neighbors along that road. Right now it is 450' from the Johnson's home and 100' from the home on the northwest corner.

Grob asked you are comfortable with the 2,400 sq. ft. that would allow a boat trailer at least, if not the boat, and you have measured that out. Do you have any overflow parking area? Where like trailers or cars, visitors can park in your plot? I know it shows a little sliver here.

Bolton answered I do have another spot for overflow parking that would be towards the right side, in that green grass area. But I don't foresee needing that very often since the sites are a lot larger and trees will have been removed so there is access to park alongside the camper. If you tour other campgrounds at all that also say they have 2,000 or 2,400 sq. ft., they have trees in their site where you can put the camper on one side, but the tree would prevent any parking on the other. I am trying to create a top notch RV park that would have ample room to have your parking alongside of it. The need of overflow parking would be minimal.

Johnson asked Buitenwerf if this was to be approved, could he come back to expand and put camp sites in the Tier 1? Or is that part of this conditional use for this property?

Buitenwerf replied the accompanying conditional use permit application that will be taken up later this evening has a proposal for 14 RV sites, that is based on the Ordinance's density allowance for 8 RV sites in the first Tier, which is located from the ordinary high water mark to 267' away from the lake and then in Tier 2 which is from 267' to 534' from the water, 6 RV sites are allowed there. They have the option of placing allowed sites further away from the lake in subsequent Tiers; they are not able to do the opposite of putting sites allowed in Tier 2 into Tier 1. If this variance is approved, it would allow the site to be that size in any Tier unless you were to entertain and place a condition that would specify in which tiers those sizes were allowed and then obviously later this evening with the CUP being acted upon, that may lead to conditions being considered that would address where the sites are allowed and whether there could be any placed in the first tier or not. But the Ordinance would allow for 8 units to be in Tier 1 if Mr. Bolton desired and he is not proposing that.

Johnson continued the second question, hypothetically speaking, if this was to go forward, a condition could be placed that the down side of this, those nearly three sites,

could be deleted from Tier 1? By reducing the size, it is like 8,000 sq. ft. I am wondering if he could have that deleted in Tier 1. Could that be a condition?

Buitenwerf said I am not following.

Johnson said I may be confused on this yet.

Grob clarified I think what Buitenwerf said, when you do the calculations per the Ordinance, he is allowed 14 sites. He has chosen to put them in the second Tier. We could maybe put that as a condition in the conditional use permit if we approve it, but if he were to come back at some point in time and say I want to put three of them down by the lake, he would have to take three of them away, he could not add more than a total of 14.

Krueger asked Buitenwerf on the parcel information sheet, it says 4.25 acres, we aren't talking about 5.08 acres for this parcel?

Buitenwerf replied the size of the property is slightly over 5 acres according to our GIS calculation. The 4.25 acres was a residual from data from long ago that was inaccurate so that field was corrected when that was brought to the County's attention recently.

Krueger said I just wanted to point that out in case anyone in the audience went ahead and made calculations on the density based on that 4.25. I came up with less and found out it was actually over 5 acres.

Krueger opened for public comment.

Dawn Hammerschmidt, 4671 10th St. N Fargo, ND, stated I have a property on Enchanted Trail. We have two properties right next door to each other so I am speaking on behalf of both of those. When you are talking about the density and square foot and how this will be spaced, it brings up the question of traffic flow. We are off of Enchanted Trail and that road is windy, hilly, what is the flow going to look like here. As far as parking, there is not a lot of room for excess cars there, so how do you control the amount of cars per site. We heard that there is room for an RV, picnic table, car, bonfire ring, but who is to say that one RV isn't going to have three or four cars along with that? Because along Enchanted Trail we have seen an uptick of parking along that road and also anecdotally, we didn't even know this was on the table until the end of August. I wish we would have because I could have had some documented data, the number of people who have driven down our driveway. I am concerned about traffic, I am concerned about cars and I am concerned about parking.

Krueger reminded anyone who is going to comment on this Part 3 is that we do have the conditional use permit coming up in the Planning Commission phase and right now we are dealing only with reducing the size of each site from 3,000 sq. ft to 2,400 sq. ft.

Todd Paulouski, 17555 Cty. 107, Park Rapids, MN, stated I just want to clarify, this 14 RV sites, 6 tent sites, can that ever expand?

Krueger corrected the 6 tent sites are not on there, there are only 14 sites.

Paulouski continued 14 RV sites, at some point in the future, could that become 15?

Krueger replied no.

Paulouski said it will always be 14.

Krueger answered the density calculations have been made and this parcel, by Ordinance which is the law, is allowed 14 sites.

Paulouski continued so will there be access to these RV sites off both Emerald Island Road and Enchanted Drive?

Krueger responded we will get to that in the CUP.

Jim Peters, attorney, said I am speaking for some folks that couldn't get here. I echo the concerns about the traffic. The width of the access roads there is pretty small. I think MnDOT allows RVs up to almost 10', 9' 8" width. I think that path in there is only 9', so that is number one. Number two, I didn't hear practical difficulties. That is your legal standard. Have they shown practical difficulties? I think all I have heard is convenience. I don't think that meets it. Final point is, we are here today, talking about your ordinance standards. They are asking for a variance from those standards. They can come back and apply for another variance. They get this one, correct me if I am wrong, they could come back and apply for another variance. And ask for sites to be placed in Tier 1. It would be a variance, but they would be back here and it would be a hearing just like this.

Chuck Johnson, Echo Lane, Nevis, MN, said it would be a much friendlier park, if it does get the approval, with the bigger lots. It seems like they would attract better clientele. The clientele would be happier; they wouldn't be squeezed into that smaller area. They would have more space of their own to feel as if it's their own. It doesn't seem like he is working to his own advantage to cram these people in there. They should be given enough space to really enjoy the area that they have.

Bolton added with expanding the lot sizes, like I had mentioned before, I would have to get closer to the borders and that was one of my first goals, because I had guests at the very conception of this idea, I would want some kind of buffering between the side of the Johnson's, Gustafson's and my north border. The other problem arises if you would make the lots wider, as shown in the diagram on the screen, then both sides bump into the areas where the septic would be. That would mean moving the septic to a different spot and therefore also increasing the number of trees that would have to be removed. It would be really difficult to move to a 3,000 sq. ft size when the MN Department of Health only requires 2,000. Just this summer, the last two summers I have went out to Wisconsin Dells and the campsites that we stay at out there have not only a fire ring, a picnic table, but their sizes are 22' wide x 45' deep. That is just under 1,000 sq. ft. and yes that is tight

and there is not much room for parking anything alongside, but they get by. And that is Wisconsin Dells, I understand it is another state and it is a long ways away from here, but that is the reason why I am requesting this 2,400 sq. ft. size site. It would be best for the neighbors and it will create a natural buffer.

Mary Walker, 17459 Enchanted Drive, Park Rapids, MN, stated again, I have to ask a rebuttal question of Mr. Bolton. He keeps referring to the trees and the vegetation, which a lot of trees and vegetation have been taken down, being an immediate neighbor on Enchanted Drive, is he required to put a buffer of trees back up on the county line that he has taken the trees down from? If he wants to make the neighbors happy, is that a condition, if you allow this variance, that he would have to increase vegetation on Enchanted Drive to buffer the noise from the RV park to the neighbors on Enchanted Drive?

Krueger closed public comment.

Krueger asked Buitenwerf do you have any history at all as to why Hubbard County decided to go with 3,000 sq. ft.?

Buitenwerf replied no, I do not. I would just be speculating at whomever, at the time that was placed under the Ordinance, felt that that was a proper buffer.

Krueger said when I am looking at the orange, which would be 3,000 sq. ft. and then looking at the blue which would be 2,400 sq. ft., you get more buffer space with the 2,400 sq. ft. But at the same time I agree that 3,000 sq. ft. is what the ordinance says, where is the hardship? I am looking at the practical difficulties. Other than it would be an improvement for the neighbors because he would have more buffer space.

Bolton added Mary Walker commented about screenage on Enchanted Drive, right now as it sits, there are a lot of trees and shrubs and native plants right along that. The way it is, with the 2,400 sq. ft. sites, none of that would be changed. From that spot on the road, you wouldn't even see any campers in the park. But if I would switch it to 3,000 sq. ft., as you can see by the diagram on the screen, it would go right up next to the property line. The hardship is I am not exactly sure where we would put our septic, because this plan does require two septics, one on the south end and one on the east side. The way that diagram shows there, it is covering up the septic on both sides. The sites that I am requesting are very similar to other sizes of campsites even on the lake, at Spruce Hills, Cedar Shores, Shady Point. They are either 2,400 sq. ft. or smaller. It's not that I am asking for something, they obviously have gotten variances to push their sites through at one time. The 2,400 sq. ft. isn't so unreasonable I don't think.

Krueger added it sounds like what you are saying with the septic systems, if you went 3,000 sq. ft. you would almost be forced to put a few sites in the first tier then.

Bolton continued that opens up a whole new string of things where there is actually a berm that goes all the way across my property that creates a natural protective barrier from any pollutants to get into the lake. I have been working with the MN Department and

that is to my benefit that is there. Putting anything on the first tier just wasn't my plans because I would like to at some point, build a new home on the first tier.

Krueger added I think what you just said for number three, "Is the need for a variance due to circumstances unique to the property and not created by the current owner?" That berm does kind of separate and limit your space. It would be more desirable to have everything on the second tier side of that berm.

Johnson said I agree with that. Our questions don't specifically ask for practical difficulty anywhere.

Krueger stated I know. That is why I was trying to come up with an answer for number three and I think Mr. Bolton has pretty well answered that for me.

Johnson added he did for me too.

Johnson made a motion to approve Part 3 of the variance application to allow 2,400 sq. ft. RV sites with the following conditions:

1. All 14 RV units must be located on the landward side of the natural berm as proposed in the application.
2. This variance is void if the accompanying conditional use permit application 2-CU-18 is not approved.

Krueger seconded the motion that passed 4-1 with VanKempen voting nay.

The Board adopted the staff report findings of fact except for question 3 for which Johnson provided an answer.

Part 3 Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes (X) No ()

Why or why not? The State Shoreland Rules do not regulate RV site size. The Minnesota Department of Health requires 2,000 sq. ft. per RV site. Allowing a 2,400 sq. ft. RV site size rather than a 3,000 sq. ft. RV site size is in harmony with the Shoreland Ordinance's intent because this will not result in any additional RV sites being placed on the lot than what the ordinance's rental unit density calculation process allows.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? The owner is proposing a 14 unit RV campground use for the property which complies with the rental unit density allowed to be placed on the

property by the Shoreland Management Ordinance. All 14 units would be located in Tier 2 and in the rear of the lot – as far away from the lake as is physically possible. Allowing a 2,400 sq. ft. site size still provides sufficient buffering between campsites while not having the sites spread out over as much of an area of the property and thereby allows reducing the proximity of sites to neighboring properties.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes (X) No ()

Why or why not? The circumstances are unique to the property. By condensing it, we are keeping a buffer from the boundary lines with the smaller sites. Keeping the septic and sites on the landward side of a natural berm, that separates it from the lake.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The ordinance allows an RV campground on the property as a conditional use. The ordinance also allows 14 RV sites to be located on the property based on its size. Reducing the required RV site size from 3000 to 2400 sq. ft. will not negatively alter the locality's character. If anything, doing so will allow the use to be less spread out on the property and thus be able to maintain greater buffers between the sites and neighboring properties.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economic considerations were not cited as a practical difficulty in the application.

Krueger continued with Part 4, a proposed platform that will not comply with the 100' setback.

Bolton explained I am requesting to install a 4'x8' concrete platform to accommodate a memorial bench to remember my son, Cameron Bolton. Cameron was a passenger in a car that was in a tragic car accident three months ago on June 28. He passed away on July 2 at the age of 22. Cameron loved my property and he loved Long Lake. I really want a memorial for Cameron that overlooks the beautiful Bolton Bay. The platform will be approximately 55' from the water's edge. It is out of the shore impact zone, but yet within the 100' high water mark. Having it outside of the 100' water mark doesn't put him up close and with the trees and other screen that I have, in time I think is going to be hard to be visible and to sit and enjoy the beautiful lake.

Krueger asked having the existing platform variance denied, that doesn't change your thoughts on number four and where to place it?

Bolton replied I still would like the bench as close to the lake as possible. I understand it is just the platform that doesn't comply here with the Ordinance. If I just had the bench there, but it falls under the same problem as with the platform that I constructed, that it's not level there. To have the bench sitting level, I would have to dig it into the ground. Cameron was worth it to me to put a little bit more into it so it would be a nice level area, clean of weeds and grass. Obviously it is in an area where I am not able to maintain and keep it mowed so that is the reason I wanted the nice flat surface. You can sit on the bench and remember him.

Krueger opened for public comment.

Krueger closed public comment.

Grob asked why do you need a 4'x8' concrete platform? It seems fairly large to place a bench. 32 sq. ft., 4'x8' in the setback zone seems a little bit excessive.

Bolton replied my church has put a lot of money together for this bench and we haven't even put the details together. I am imagining the bench being 3'x6' in size so it would comfortable sit on this flat surface area that I would create. That is why I came up with 4'x8'. Maybe it would be a little smaller. The way I am imagining it is, I would want it flat so that my feet could rest on the flat part and then the bench would be level and it wouldn't rock. It would have to be adjusted over time. The bench is going to be out of granite or rock. It is going to have words; it's going to have a picture of Cameron on it. It is going to be really nice.

VanKempen added my thought is, when the 50' shore impact zone has become re-vegetated and grows, you may have a better view from the lake at the 100' setback versus where you would like to place the bench. In this picture that is up, you can see a bench to the right hand side of the photo. There again, it makes me wonder if the platform for the bench is really necessary.

Krueger stated I am agreeing with VanKempen. I stood at the 100' mark and I see the bay very easily from there even when you are going to have the 50' no mow area. I can appreciate you wanting to have a memorial for your son, I can definitely see that, but there is no reason it can't be 100' back.

VanKempen asked do you have an idea of where the 100' setback is in relation to that existing bench that is there in the picture? Does anybody?

Bolton replied the benches you see there on the right side are approximately 65' or so from the water's edge.

Discussion ensued about where the 100' setback was on the property and the visibility from that point.

Petersen said it seems like you are looking for closer but when we look at this picture, at least my opinion is if you were to place it back at that 100', I think the view would still be there for you and maybe somewhat to what VanKempen said as vegetation grows up there, it might actually enhance it maybe, I don't know how that will look after it's grown up. It seems like there is plenty of open space to see the bay there in my opinion, going back to the 100' line.

VanKempen made a motion to deny Part 4 of the variance and adopt the staff report findings of fact.

Petersen seconded the motion that passed 5-0.

Part 4 Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes () No (X)

Why or why not? The lot is 475' wide x ~630' deep and gently slopes up from the lake. There are no obstructions on the lot that prevent the proposed platform from being placed at a 100' ordinary high water mark setback. The applicant has also submitted a conditional use permit to place 14 RV campsites on the property which shows there is ample room on the property to be able to meet setbacks. When a permissible option exists, it would be against the ordinance's intent to grant a variance.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No (X)

Why or why not? Placing a platform in the shore impact zone at a 50' OHW setback when the lot is 4.25 ac. in size, all upland, slopes up from the lake such that a good view is available at a conforming setback would not be reasonable. There is ample room on the lot to place the platform at a conforming setback.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes () No (X)

Why or why not? As mentioned in our responses to the first two findings of fact questions, the lot is 4.25 ac. in size, 475' wide, ~630' deep, and all upland free of obstructions that has a consistent gentle slope up away from the lake. The applicant has also submitted a conditional use permit application to place a 14 RV campground on the property so there is plenty of room on the lot to place the platform at a conforming location with a permit.

4. Will the issuance of the variance maintain the essential character of the locality?
Yes () No (X)

Why or why not? The platform would be very visible from the lake at a 50' OHW setback because of how the lot slopes up away from the lake. The property fronts a shallow bay of Long Lake that is largely undeveloped. A platform this close to the shoreline would harm the bay's and adjacent 1000' + of undeveloped shoreline.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as a difficulty. No difficulty in complying with the 100' OHW setback was stated in the application. There is no practical difficulty as there is ample room on the lot where the platform can be placed in a conforming location with a permit.

Variance Application 32-V-18 by Dan Carey: Lots 13-16 and part of Lot 12, Ojibway Beach, Section 1, Township 140, Range 35, Todd Township on Fish Hook Lake, a recreational development lake. Parcel 27.42.00800. Applicant is requesting a variance from Sections 502.2, 503 and 902 of the Shoreland Management Ordinance for a proposed structure that will not comply with the 100' ordinary high water mark structure setback, will be located in a bluff impact zone, and involve grading/filling in a bluff impact zone.

Dan Carey, 15897 Fishhook Drive, Park Rapids, MN, presented the application. I am looking to stop the erosion of the hill where it meets the first flat section approximately 44' back from the ordinary high water mark. There is significant erosion there as depicted in the pictures. My intent is to build a block wall and make sure that I tuck that right up against the hill to prevent any further erosion. Additionally along that path, there is continued erosion and roots are exposed and I just want to stop that. Even with the heavy rains recently you can see that bank continues to slide down.

Krueger said for myself I can see the rock wall there controlling the erosion, what does the firebox have to do with controlling erosion?

Carey responded nothing; it is just aesthetically from the front side to the lake side I would construct an outdoor fireplace into that wall.

VanKempen asked so this driveway down to the lake was there when you purchased the property?

Carey answered it was.

Krueger asked when we walked down it looked like a 4'-5' additional pathway. We didn't actually go on the one that was already in there. Did you put that one in?

Carey replied no, I did not. That was existing when I purchased the property four years ago.

Krueger opened for public comment.

No public comment was given.

Krueger closed public comment.

VanKempen asked currently on your shoreline there you have a platform, looks like a rock retaining walls that people can see from the water. I was wondering if it wouldn't appear to match if you were to do something with stones versus pavers or retaining wall type rocks. My thought was if you used stone like in this picture here, it would match what you have already got down by the lakeshore.

Carey said that picture you just went by would be the landscape rocks that I would bring down along the pathway. I would probably in the front of the block wall with the fireplace, hang some rock just like a masonry fireplace type of look, to match the rock on the lake side of the existing structure that is there.

Petersen asked what are your feelings about just running that boulder look right up to the cut that you are talking about?

Carey replied the only difference would be that the size of the rocks that I would have to have up against that portion of the hill. That is the sharpest angle of the hill, they would be massive compared to the rest of it. Yes, it could be an alternative, but I prefer to have the block wall so I can make it look a lot more aesthetic.

VanKempen added you are asking for a retaining wall that is 52" wide, 4' 6" approximately. That would be the footing. I would assume that you could use smaller rocks with some kind of rip rap fabric underneath it that would hold it in place and not have to use massive boulders. But I am not a landscaping expert either.

Petersen asked have you consulted with a boulder wall type person? I guess I have had some experience with walls and the size or the height of that cut doesn't seem to me that it would require massive boulders there to do the job of retaining that area. I think even rocks the size of a bowling ball as opposed to big boulders would do the job there.

Carey said I think you would have to have a number of them. Bowling ball size rocks are not going to get the job done. You are going to have a lot of them.

Grob added the picture I am looking at looks like some very recent or current movement of dirt in that area. Have you just re-graded that because of some erosion, it looks pretty current.

Carey replied no.

Grob continued the question I would have is, it obviously appears that someone in the past, if you didn't, literally bulldozed away the toe of the hill at that point. You just look at the contour. Seems to me that one option would be in fact to replace that earth and continue the slope of the hill as it originally was, vegetate it and that would take care of your erosion problem. You are trying to fix up an issue that obviously someone in the past violated the rules with regards to moving earth or altering a bluff.

Carey responded I haven't thought about that just because it was existing and I could continue to see some erosion there so I didn't think trying to rehab that property would be successful, it is just blocking any continued erosion.

Petersen asked Buitenwerf if he were to simply do that in a retaining wall, whatever size boulders were required, would that still require the variance that we are here talking about?

Buitenwerf answered yes, the ordinance requires a variance whenever you are doing fill placement in a bluff impact zone.

Krueger added when we were on site there I looked up the road and you could see where heavy rains came right down that road straight to the lake. Looks like some things need to be done here.

Petersen asked Buitenwerf how about the re-vegetation of the road itself since it was there prior to Mr. Carey owning the property. Is there a variance needed to do the work that we seem to think needs to be done there to stop the erosion? I am talking just about the road that is there not the cut that needs fill and vegetation or a retaining wall, just the drive itself to re-establish vegetation there of some sort, is a variance required for that?

Buitenwerf responded to just get that back into vegetation, that would be allowed without any special permit if there was fill that was required to bring in suitable soil to be conducive to getting that vegetation established, there are thresholds that allow a certain amount of fill to be brought into the shore impact zone per year without a permit which would be five cubic yards and then you are allowed to move up to ten cubic yards with a permit and then if you are over that amount it would need a variance. It would depend on the way that might be proposed to be re-vegetated.

Petersen said I know when we were out there, you had suggested a product, or mentioned one, I am not familiar with the name of it, I thought we were talking about that area that it could be used. Would that require variance work to work on that?

Buitenwerf replied it would depend. I would have to see the proposal and what amount of material is used. That determines if a variance is needed or if it can be done by permit.

Krueger asked Buitenwerf you were out there too and you have seen the erosion problem, how would your office best see that resolved?

Buitenwerf answered the department, in viewing the site would say that this is one that would be very well suited to bringing in fill to re-establish the toe of the slope and re-vegetate it.

Krueger asked would restoring the toe of the slope, would that still give him a walking path down there or would that be eliminating that?

Buitenwerf replied we don't have a way of accurately saying when that access path came to be. As far as just simply addressing the erosion issue, with that cut in the toe? That

would be my recommendation, to bring fill material and re-establish the slope and vegetate it. That would be the most effective means of stabilizing that.

Krueger said that is kind of where I would be leaning because there is an erosion problem there, something needs to be done. Would that imply that Carey's request would be denied and he would have to re-submit?

Buitenwerf said if he were to ask, what are other options for resolving the erosion issue? We aren't able to make him do that.

Krueger asked if this were denied, he can leave it the way it is?

Carey added I would rather to have at least the option of fabricing that at least where the erosion is taking place and putting the landscape rocks in against that toe.

Krueger responded I would rather see that than just see it denied and then you can leave it the way it is and nothing would be done.

Carey replied that is not going to solve the problem.

Grob said I don't think he is going to want to leave it the way it is, number one. Number two, it looks to me like a lot of shorelines that I have seen and there are a lot of shoreline restoration or erosion prevention type things that are out there that don't even need rocks to be able to do it that you could explore. But clearly a 4 ½' wide wall and a fire pit is not the solution. I think Buitenwerf has the right one, but if you wouldn't want to do that, there are a lot of options that you could do to stabilize that.

Carey added it is 52" wide, not 4 ½'.

Grob said two inches short of 4 ½. The point is that what you are proposing, I don't agree with and there are a lot of options that you could use to stabilize that. There are a lot of organizations, companies that stabilize shorelines that could do that. You could use coconut rolls and stake them in and vegetate them. You could do the rocks. There are a lot of solutions that don't involve building a whole big new structure down there into something that is very nonconforming to begin with.

Krueger asked Carey are you up for more time to look at more options.

Carey answered versus a "no" - absolutely.

Krueger added it is possible to table this, but we would need to have your permission to extend this for an indefinite amount of time. We would need signed permission for that.

Buitenwerf added that would depend. The application was made August 24, so with the 60-Day Rule, we have 60 days from that date to make a decision and then the County also has the ability to extend its review for an additional 60 days for a maximum of 120 days from this August 24th date. So unless there is something very significant that I am not seeing from the discussion that we would request for information, I think we can accommodate it within our ability to give notice of that extension if we need to.

Krueger said it is possible to be denied and then you would have to go back and do the corrections that Buitenwerf is talking about or some other idea from a landscaper, but you would have to pay your variance fee all over again and go through the same process. But if we tabled it, you would be able to come back within the 120 days.

Carey replied that is fine.

Krueger made a motion to table the variance application in order to allow the applicant time to submit a revised application proposing a simple rock retaining wall or a request to restore the bluff's toe.

Petersen seconded the motion that passed 5-0.

Variance Application 33-V-18 by John and Linda Livers: Lot 11, Block F, Pine Haven Beach, Section 17, Township 139, Range 34, Hubbard Township on Long Lake, a recreational development lake. Parcel 14.38.06200. Applicants are requesting an after-the-fact variance from Section 502.2 of the Shoreland Management Ordinance for a platform to be located at less than the required 100' ordinary high water mark structure setback.

John Livers, 13320 Beach Haven Road, presented the application. The goal of our project was to prevent erosion into the lake. The previous owners had tried to grow grass in the area where we placed the pavers. The grass had not grown sufficiently or with foot traffic it did not hold. We were seeing erosion going into the lake. So in 2015, we installed a 15 foot paver. The 15 foot circular paver is level and the slope has been reduced so that it isn't washing into the lake any longer. We also created a berm along the top of the bank to mimic that of an ice ridge so that as water does flow towards the lake just with the natural angle or slope of the property, it is gathered in that area and it does not flow into the lake. One of the things we also are looking to do, we have received bids and we are going ahead with the project is to divert water from the main cabin to be away from the lake. We see the biggest concern with our property to be erosion and runoff into the lake. To maintain that we are going to gather as much water from the cabin, funnel it back towards the back of the property, have it go into a French drain collection area and reduce the amount of runoff going towards the lake. We also realized that the amount of impervious surface on our property is larger than what is acceptable and what we would like to do is to redesign our driveway so it is smaller and more direct going to our cabin directly from the road. Over the years I anticipate with previous owners that driveway just kind of sprawled into the back area of the property and so we want to minimize that. By minimizing the erosion into the lake, diverting the water from the house away from the lake and by reducing the impervious surface area of the lot we anticipate that we are doing the right thing. The request is for the approval of the 15' circular paver in the front of the property. If that circular paver was removed, it would go back to sand and we would still have the erosion problem going into the lake.

Krueger asked you gave what in your mind was a justification for it, the paver was to control erosion and yet you did not do all the other things that you said you would do. The gutters, the place to drain the water from the gutters away from the lake to the back of the property. Why didn't that come instead of the 50' diameter paver?

Livers answered budget, the cost of the gutters is about \$2,000. I have contracted now with the gutter company, they will be coming in mid October to have the gutters and the French drain installed.

Petersen said on your application file I see a picture showing the patio paver from the side. As I look at it, I can see the neighbors. I am not sure which direction that is. They appear to have the same slope as you do to the lake and I am struggling a bit. It doesn't look like erosion is a real problem for those yards. I imagine by looking at yours before the paver, may of even had one here that shows your yard before. The grade was about the same so I am struggling with the idea that grass couldn't have been maintained there. I am also wondering, the lot exceeds the 25% impervious surface area. It is around 40% it is noted. Is that with or without the paver surface that he installed, Buitenwerf do you know?

Buitenwerf answered my calculation was done with what he was proposing in the application which was to have the platform in question remain and then remove two small sheds in the rear of the property and also do the work to the driveway that was proposed.

Petersen said with what you just mentioned, that would get us to 40%?

Buitenwerf replied to the 40.6%; yes.

Livers added the 40.6% is showing the 1,600 sq. ft. for the driveway. My calculations are going to be less than that. It is still high, I can't deny that. The largest impervious part of our lot is the driveway. The amount of the circle pavers is only 175 sq. ft. and although it is 175 sq. ft. it is less than 10% of what the driveway is. So if the intention is to reduce the impervious surface, we're trying to do that with re-routing the driveway. We also with the removal of buildings will be saving about 143 sq. ft. so there will be less impervious surface once we are done with our building project.

Krueger said a very important place to have impervious surface is right in the shore impact zone, right where you have your round 15' diameter paver. In this picture of April of 2015, this picture alone I don't see any erosion on that.

Livers responded my view of erosion isn't that it's a six inch trench that is eaten away into the property. When I was looking at the property in the last rain and actually the day that the Board reviewed the property, if a half an inch of rain hits the neighbor's lawn, it pretty much runs right straight through. There isn't an awful lot of absorption. We're slowing down the water as it goes towards the lake. And that is what we were seeing in 2015 with pictures. What is happening now is that pavers are actually causing the property to be level and although it isn't sinking in where the pavers are, when it does go off it is caught by the ice ridge, berm area and puddles underneath the deck and prevents it from going in. So it is a combination of us being able to use the property, but still be mindful of runoff and not having runoff go into the lake.

Krueger said I still think if you were mindful of runoff you would put those gutters on and direct the water flow away, towards the back of the property.

Krueger opened for public comment.

No public comment was given.

Krueger closed for public comment.

Grob asked these are solid pavers? They do make permeable ones. Did you consider those when you did it?

Livers responded one of the concerns we had was with lawn chairs. We often use this area for fires and having it in a fire pit in the main smaller circle. By having the honeycomb type block, we found that our chairs would be going down into the sand and having the same type of issue we had before.

Grob added since this is an after-the-fact, why did you not apply for a variance? Since it is a construction in the shore impact zone.

Livers answered it was a concern of cost and also the time it involved with the process of going through the process of receiving a variance.

Krueger mentioned you said about your chairs going into the sand, when we were out there I saw you have a very large deck on your home and you also have a platform right in front, you have plenty of space to put chairs.

Livers responded I have not felt comfortable having a fire in a fire pit that close to the either the cabin or to the lake so it was there in the middle part of the property with no trees for the flames and smoke to be hitting. That is where we decided to put it.

VanKempen added in 2015 it looks like you applied for a land use permit to do this paver platform and at what is up on the screen is a letter from April 23, 2015 states that you would need to have a variance at that time. Your check and everything was returned to you to reapply for a variance and basically what it looks like to me was that you just did it anyhow.

Livers replied the answer is yes, however the amount of space was tremendously reduced from what we initially were seeking to have in the building permit in 2015.

VanKempen made a motion to deny the variance and adopt the staff report findings of fact.

Petersen seconded the motion that passed unanimously 5-0.

Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes () No (X)

Why or why not? There is an existing 10' x 16' deck atop the boathouse by the water and a 10' x 28' lakeside deck on the house that is 40' from the OHW. Adding a third outdoor impervious surface seating area surface within the shore impact

zone on a lot that has 40% impervious surface area already would not be in line with the ordinance's intent.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No (X)

Why or why not? There is an existing deck on the boathouse and an existing lakeside deck on the house that is 40' from the lake. An additional 15' diameter platform between these two existing outdoor seating areas is not reasonable on a lot that is at 40% impervious surface area already.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes () No (X)

Why or why not? There is a boathouse with a deck on its upper level along with a lakeside deck on the home that lies within the shore impact zone (SIZ) so there is not a need for an additional platform to be located within the SIZ on this property. The lot is 50' wide x ~230' long. The application photos show the platform replaced an existing sidewalk between the house and lake that did serve the alleged intended purpose of the platform – i.e. to protect a well-traveled area from eroding. The platform clearly is a “want” rather than a “need” and the applicant was informed in 2015 in response to a permit application he submitted that this location for the desired platform would require a variance. So the applicant knew both a permit and a variance would be needed to place the platform in this location.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? The platform is not visible from the lake and there are other lots in the neighborhood that have platforms within the 100' OHW setback because this plat was developed long before the ordinance came into being and thus most of the residences and their improvements do not meet the 100' OHW setback and instead are usually located within the shore impact zone.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes (X) No ()

Why or why not? Economics were not cited in the application as a difficulty.

Planning Commission:

Approval of Minutes: August 27, 2018.

VanKempen made a motion to approve the minutes with one correction that the meeting date be changed from May 21, 2018 to August 27, 2018.

Krueger seconded the motion that carried unanimously 5-0.

Old Business: None.

New Business:

Conditional Use Application 2-CU-18 by Chris Bolton: Part of Outlot 5, Long Lake Park, Section 20, Township 140, Range 34, Henrietta Township on Long Lake, a recreational development lake. Parcel 13.42.05000. Applicant is requesting a conditional use permit per Section 401, Table 1 of the Shoreland Management Ordinance to operate a recreational vehicle camping area/campground use.

Chris Bolton presented the application. I am proposing a 14 site RV park. My property has everything needed to make a beautiful, unique, small RV park near Park Rapids. Each one of my high end RV sites will offer full hookups including 20, 30, and 50 amp electrical services, water, sewer, cable, a fire pit, and a picnic table. Each site will be cleverly set in and amongst the beautiful Norway pines and oak trees. Each site will be at least 40'x60' to allow ample room for parking a vehicle and a boat trailer along side of each camper. My RV park will have a bathhouse which will contain two unisex bathrooms, each with a shower as well as an area for laundry and storage. To accommodate eight boat slips, my dock will be lengthened, keeping the boats out in deeper water so lake vegetation is not disturbed.

Krueger said I think I asked you on site, but the bathhouse, a lot of RV people do use the bathhouse when they're there.

Bolton responded there is a large number that would prefer to shower in the bathhouse. We would also like to be able to have tent sites and they would tent within the RV sites and those folks wouldn't have the luxury of having a shower in their camper. Because of that it would be needed, it's a bathhouse, not a boathouse.

Krueger asked what is your setback for the bathhouse?

Bolton responded it is 24' off the property line. I am required by Hubbard County Ordinance to be 10' and the bathhouse would be 24'.

Grob clarified there are 14 units, there are potentially 8 units that would be allowed in the first tier, which then allows you to have 8 mooring spots for your dock. Your septic systems will be compliant. There is an approved dock configuration that you have accepted from the DNR. You do have township input. You do have still an open compliance issue for your shore impact zone. A bathhouse design and you have committed to at least 50% of your shore impact zone area would remain natural. These are the conditions that I am understanding your current application. Buitenwerf is there anything you would add to that to make sure we are all talking about the same thing?

Buitenwerf added I would specify for clarity that the proposal Mr. Bolton submitted, as far as a revision to his dock layout is not exactly what the DNR is asking or recommending what he would consider for a dock layout so I am sure Mr. Hoverson will comment on that during the public comment period.

Grob said the only thing I had was the one that was attached to the DNR report. It looks different than that?

Buitenwerf replied yes.

Krueger added I think the township wanted you to make use of Emerald Island Circle drive? Is that what your intent will be?

Bolton replied that is correct and that would be the advertized and recommended entrance and exit to the RV park. I do have road that would go out to the other side, the Enchanted Drive, but I will advertise on the website and through cards and all other publications it would bring them to Emerald Island Circle and then we would recommend them leaving the same way. It's nice and convenient that way because it's not a curvy road. We wouldn't be impacting any of the neighbors with traffic as I am the very first turn and I wouldn't be adding any dust or anything on the drive because that road is already sprayed with the chemical to prevent dust.

Krueger stated another common thread I got from all the the letters was some clearing you did in the bay itself. Can you explain that a little bit?

Bolton said it was a violation back in 2013, I believe. I paid the fine and I had gotten the satisfactory completion of any of the violation I had back in September 30, 2016.

Krueger continued I am going to want to hear when the public comment comes, what the DNR has to say about the width of an opening you can have from your dock to the open water of the lake. I think it's 10', but I would like to have that clarified.

Grob asked have we done the impervious surface calculation on the property? Your campsites are going to take up at least an acre's worth. You have got about five acres. Has there been a calculation? Buitenwerf, do you know, on the impervious surface, does he meet the 25%?

Buitenwerf replied yes the department did that review and the property is compliant with the 25% as proposed.

Bolton added I made the calculation myself and it's under. That was with the lot being 4.25 acres and it's news to me that it is actually 5.08. I am pleased to hear that and it makes it even less than 7% of impervious surface.

Grob said you are assuming, you consider each RV site as impervious because it is grass but with all the traffic and packing down it probably would not qualify as impervious. There would probably be runoff so I think it's probably larger than that, but that question is answered for me. What is your thought or estimate on how many of the sites will be seasonal, permanently there without traffic coming in and out versus transient?

Bolton answered that would be a tough guess. I would say half. If you take into consideration my research of Spruce Hills campground which is just across the lake from me, they are 100% seasonal. So I am guessing it would go towards that, but it's just a guess at this point.

Grob said I ask that question in the context because people are concerned about traffic and how much there might be. When I look at the property and the size of it and pretty much a small shoreline, what kinds of recreational opportunities are available to your guests on the property. Clearly there is no swimming beach, or any shoreline activity. Everything would have to be off the dock when it is water related. How about the rest of it? You could have 40-50 people there, what are they going to be doing? They can't swim or take advantage of your shoreline?

Bolton responded that is certainly true, you wouldn't be swimming in my beach. What it offers is an access to beautiful Long Lake. I have pictures of a number of boats, dozens of boats that come in there because it is a noted area for the largemouth bass, so we get a lot of boats in there for that. There is a large crowd of RV camping customers that are interested in that, they just want access to the lake, they bring their fishing boat and want to fish. They bring their pontoons because they want to access the lake. I don't see it as a big show stopper that I don't have a sandy beach.

Grob stated and of course only 8 of your 14 sites are going to be able to have a watercraft.

Bolton replied correct.

Krueger added are they held on a first come, first serve basis?

Bolton replied correct.

Grob asked what are your thoughts on how much vegetation, trees, are going to have to be removed when you put your 2,400 sq. ft. sites?

Bolton responded I know you weren't able to attend the tour on Thursday, but I did mark the trees with a pink mark showing which ones would have to be taken out. For instance in Lot 1 there weren't any trees that were going to be required to be taken out. The other ones, 2, 3 and 4, there was about 22-25 trees. I am trying to preserve, and I have shifted some of the lots around so I wouldn't have to cut down any of the Norway pines because I want to leave the look and the feel of the tall beautiful trees as much as I can. When you talk to people who are RV enthusiasts, the first thing they ask is are there any trees? Because they are familiar with campsites in North Dakota where there might not be the beautiful trees that we have here in Minnesota.

Grob stated I did drive out and look closely at things. It seemed to me, when I tried to envision where your sites were going to be, there seemed to be an awful lot of trees that would be in the way. You said you marked them and you figured 25?

Bolton replied that is in Lots 2, 3 and 4. Now 5, 6, 7, 8, 9, 10 and 11, I didn't mark those trees. I wanted to proceed with the conditional use and get that. I did on the left hand side, the ones right off of Emerald Island Circle.

Grob said I guess my observation is that it is going to be a lot bare-er than it is today in order for you to have all those sites in there.

Bolton responded where I am leaving the trees is on the border so, like Buitenwerf had mentioned, that the 2,400 sq. ft., that is the area that you can't have another camper, but you can have a tree in those. So I have some birch clumps. There wouldn't be a single Norway pine cut out of it. Those would all be on the edge, on the back or on the sides in-between the different sites.

Grob added there is a lot of concern about boat traffic in the bay and in the channel. How would you propose to educate, or to control, no wakes or to make sure that people are sticking to a channel no wakes and minimal disturbance of the vegetation?

Bolton replied I am going to do the best I can and be really strong with it. It is going to be in my contract and I have a draft of the contract if you folks would like to see. It is going to be in my contract saying no wake for all watercraft, whether it is jet ski or boats in the first 200'. And that gets you out of the lily pad area so you are out on the main part of Long Lake. Plus I will also have it indicated on the dock with signs saying no wake in the first 200'.

Grob said so a condition to the conditional use permit that would specify that, that is an action you would be ok with?

Bolton replied I will do everything I can to make people, it can be posted hoping that everybody follows those rules.

Grob mentioned what about noise control? I know you have under conditions potentially to be added, no activities after 10:00 at night?

Bolton said quiet time in between 10 p.m. and 8 a.m.

Grob asked does that include fires put out?

Bolton responded fires haven't been a problem. They aren't going to be making any noise.

Grob added they do become a safety issue and the smoke is still there.

Bolton replied I have done a lot of research and I did quite a bit of this research after my tour and I did visit with a number of different RV parks including Big Pines, Breeze, Vagabond, those folks they all do have campfires at every one of their sites and they don't have any rules about it. If it's windy or if there are days where fire is not allowed, things like that. But they don't require them to be put out at any certain time.

Krueger stated I have read every one of the letters and another common thread was the campfires. I was just wondering why you need so many. I used to have a resort and only two campfire pits. They were established rings in the ground and that was suitable. I was wondering why you need 14 of them. Wouldn't maybe two or three going to be enough?

Bolton answered I actually contemplated that myself too, but when you take that campers are kind of an individual group where people coming to perhaps maybe your resort Tom, they had said this weekend we are going to rent four cabins and let's go enjoy that. In that situation one fire ring for those four cabins would probably work, but with campers, they are going to be traveling 100, 200, 300 miles a day and a lot of them look to the evening

where they can sit and crack a beverage and have a private bon fire. When I went and did my research on campgrounds in just the Park Rapids area, every one of them has their own campfire. And I did speak with some other avid campers and they weren't able to come here tonight, one of them said that if there wasn't a campfire at his campsite, he wouldn't even go there. That would create such a hardship that I don't think it would be reasonable.

Johnson asked on your contract, does that outline your campground rules?

Bolton replied yes. I have got six copies.

Johnson said I would like to see one.

Johnson stated on your rules, your seasonal people, what would you say if a couple wanted to have sheds and platforms since they are going to be leaving their campers there?

Bolton replied again we're in Henrietta Township there so we would have to follow any rules. A deck or anything, you would have to apply for the permit and then it would have to ultimately fit into the impervious calculations.

VanKempen asked Buitenwerf to put up a copy of the provided draft of Bolton's customer contract.

Petersen said I am wondering on the no wake zone and the 200', how are you planning on enforcing that?

Bolton replied I guess I am going to enforce it just as well as I possibly can, understanding that I am not going to be in a boat the entire time so I am not going to be able to, but I am sure that I am going to get comments or emails or calls if people aren't following that and I will address them as they come in if that should happen. I will be really strong with the people who are renting that have boats, a lot of RV campers would have boats, but I will very strongly let them know that it is a very contested no wake area and we need to keep it that way. I will do the best I can to police it.

Petersen continued I think what we are wondering, some of what you are describing would be after-the-fact, trying to preempt some of that boat traffic if they were to create wakes or disrupt, we were wondering about cameras? Or no wake zone buoys that I have seen on bodies of water and I don't know if the DNR has any comments on that, but perhaps that would be something to consider there as a way to try to remind your customers on how to use that bay.

Bolton replied that is a good idea and I would be totally open to that too.

Petersen stated your earlier variance for the 20', I remember when we were out there that day you talked about not intending to cut any trees in that area and we have denied that variance, we are restricting it to 6', do you still feel the same about the trees in the area?

Bolton agreed I like the look and the feel that I have right there.

Krueger opened for public comment reminding the audience not to repeat comments already made by previous speakers.

Clifford Sweeney, 17517 Cty. Rd 107, Park Rapids, MN, added just to clear up a few things that I have observed as this has been going on. The 6' width is what I understand is allowable through wetlands. This area now is somewhere as an off road guess, probably 30'-40' and I understand it has been blown out with a high pressure operation to kill the vegetation so I can hardly believe the fact that somebody wants to preserve the vegetation. As far as the boats and all that it is only half a mile from there to the mouth of Long Lake where everybody has good access to get their boats in and out. It would be easier to do that than to haul it down to Mr. Bolton's. As far as most of the trees, most of them have been taken out. Three years ago that was completely wooded and underbrush. It was logged out and to my understanding from the logger that logged it that they also wanted all the Norways taken out. The logger told me if you are going to want the Norways out, you are going to have to get a different logger. Also into this controlling boat traffic, I hate to use a third person because I know that third person isn't here, but I have been told the manner in which Chris Bolton operates his boat, he shows no regard for other people and kayaks and paddleboards. I don't and I don't think anybody else would want a campground in their backyard. You could say 20', I don't know what it is, but the smoke, my wife loves her flowers and basically the whole summer she would have to give that up just for the smoke coming into our yard. It was coming in from the south direction and it's prevailing to come into our yard. That is why I am opposed to it. With her allergies to the smoke, she couldn't handle it.

VanKempen asked Mr. Sweeney I would like to clarify, you are the neighbor.

Sweeney replied I am directly to the north; my property line abuts Mr. Bolton's.

VanKempen said I believe your house is the yellow house.

Sweeney answered yes it is.

VanKempen continued and you have a deck out the back.

Sweeney said yes we do and that is the next point I want to mention. We can't even use our deck. We are in plain sight view of the campers. You wouldn't feel comfortable out there. Personally, and I think you are going to find a lot of other people in this room, that right now to kill this project, eliminate it, and save a lot of people time and money including Mr. Bolton's money.

Todd Paulouski said we live next door to Cliff and Dee, we are to the east, and I am going to add one word to the smoke story. Three or four times this summer I got up in the night to shut the air off and open a window. I couldn't do it those times. Smoke was coming into the house. One time we left our window open while we were out for the evening, we came home and the house was filled with smoke. I have discussed this with Mr. Bolton and he said it was probably my campfire. Well I can't stop Mr. Bolton from having a campfire because he lives there, it's his property. But could you imagine 20 more campfires? I already can't open the windows on some evenings, now you are going to put 20 more campfires in there. This is a residential neighborhood. He makes reference to other

campgrounds. How many of these other campgrounds are in residential neighborhoods? I don't know, but Breeze campground is not in a residential neighborhood. Is Spruce Hill in a residential neighborhood, I don't believe it is in a residential neighborhood.

John Hansell, 13999 Chippewa Loop, Park Rapids, MN, stated my family and I have been coming to the lake for nearly 70 years. We are here to speak in opposition to Mr. Bolton's CUP request. As long-term members of the Long Lake Area Association, we have worked closely with Hubbard County over many years to address significant potential threats to Mow Lake. In particular we have been concerned with AIS and with shoreline erosion and we have been greatly encouraged with the Shoreland Ordinance that has been put into place to protect Long Lake. We know that the Shoreland Ordinance was adopted after countless hours of analysis by numerous qualified people and we have supported and complied with its regulations. If you approve this significant variances and CUP which set a dangerous precedent for an extremely questionable project. This particular applicant's failure to comply with the Shoreland Ordinance in the past is a reliable indicator of his expected noncompliance in the future. Now is not the time to vary from the Shoreland Ordinance. If these variances are approved, it will make it difficult, if not legally impossible to require compliance with the Shoreland Ordinance in the future. I attended the site visit last week and came away particularly concerned about the number of boats that will be at the dock. It is reasonable and responsible for you as a board to expect that every vehicle will come with at least one boat and possible one or more jet skis as well. There is no way that many boats and jet skis will fit into the eight slips that Mr. Bolton proposes. And no way that those campers will be satisfied with or comply with the first come, first serve policy that Mr. Bolton says he will put into place for lake access. They will quickly find ways to expand their access. The jet skis from this development will single handedly destroy those wetlands in one season. Likewise with an average of three to four people per camping vehicle, there is potential for at least 50 people living there at any given time. There is no way that the private sewage system that is proposed can handle that load. That many people using showers, toilets and washing machines will contaminate the soil, groundwater and the lake that we are all striving to protect.

Krueger added just as a reminder, as far as the 14 units, we are not talking about any variances at all. The only variances were we reduced it in size from 3,000 sq. ft. to 2,400 sq. ft.

Sharon Natzel, 13623 Cty. 20, Park Rapids, MN, stated I am concerned that the proposed RV park will be a park with primarily private vacation rentals for rent via VRBO and Airbnb for example. Does our county have the necessary guidelines in place? I thought about this as I was recently reading a 2016 report by the University of Minnesota, Morris Center for small town. This report is called business climate for resorts in Ottertail County. And I think the resorts and campgrounds here in Hubbard County would be very similar. The suggestions for Ottertail County in the report include one suggestion to enforce policies related to the licensing and inspection of vacation rentals. Private properties for rent via VRBO and Airbnb. The report explains further that the resort and campground industry stressed the importance of consistent and fair licensing and enforcement. The report also contains this bullet point from a local health inspector who says it's important that Ottertail County enforce such ordinances as a matter of public safety, to ensure appropriate

zoning, environmental protection and to create a fair and level playing field with the resort and campground industry. I am hopeful that you will deny the conditional use permit application and or amend them to protect Long Lake and existing commercial businesses, plus prevent the duplication of (unintelligible) precedence.

Butch DeLaHunt, 17487 Driftwood Lane, Park Rapids, MN, said I am the president of the Park Rapids Lakes Area Chamber of Commerce. I do have a home that is right next to Spruce Hill campground, so I do have a home that lives right next to a campground and they have been great neighbors to me for many years. I would like to address a couple things; I am not necessarily here to speak about specific pros or cons about the program or the layout other than I would like to speak directly about the economic impact. Each and every day at the Park Rapids Lakes Area Chamber of Commerce we have RV people who come to our community that do not have access to RV campgrounds. Most of our campgrounds have turned into seasonal campgrounds which commit them to one site for the entire year. There are very few sites that are available for the individual recreator that wants to come over for a weekend, rent for one week, because they are unavailable. They are very limited in our area. I understand why that is because most resorts have converted to PUDs, most of the campgrounds that used to be weekly, it was very daunting for them and they went to a seasonal campground because the demand was there, people wanted access to the property and the lakes because we have a beautiful area. So therefore they could come and rent their piece of the world for the season, forget about it, go home to Fargo, ND and start over. I would also like to talk about RVs for example. It is changing significantly, and this is information from the RV industry association, there were 539,000 units sold in 2018. They anticipate there will be over 550,000 RVs sold in 2019. Also from the RV industry association, research shows that RVers spend more time enjoying campgrounds and less time on the roads. They want to go to multiple locations and not necessarily stay at one location. More than 90% of RVers take three or more mini vacations a year. If we want people to come to our area, we have to offer mini vacations. We have to create that experience for them to come to our area. Also RV owners overwhelmingly said in recent surveys that their RV makes it easier for them to take frequent trip with their family, frequent trips in short distances for their family to enjoy the area. We have to start creating experiences for new families to come to this area. It can't be a seasonal campground or a resort that has been made a PUD and the access to the lake is taken. We have to open up new avenues for people to come to the area. If we don't create this experience, they will stop coming here and I have to send them somewhere else. That is the bottom line, from an economic standpoint; I think we have to consider it.

Dan Lent, 11847 Arlene Drive, Park Rapids, MN, said I am a friend of Chris's and I know there is a lot of negative feedback about what he wants to do here. I feel like he is going about the right avenues to do the right thing. The reason I came is because I wanted to give some feedback, I am now a resident of Hubbard County. We had a resort, went to a resort and enjoyed the experience of coming to Minnesota from Fargo. There has to be some good in it and the good is the community. People will come to the community and spend the money and I know there has to be some rules to make it happen. I just wanted to say it can be a good thing, it can't always be bad. I was in a resort with 80 campers, each having their own fire ring and we had a couple rules and one of them was that it had to be extinguished at 11:00. Quiet time 10:00, extinguish at 11:00. Everybody had their

own water hose and as long as everybody complied with that because we enjoyed our camper when it was open. You didn't want to listen to the air all night if it was cool outside. I didn't think that would be a problem and as long as everybody was provided with a ring and complies with what they are supposed to be doing.

Mike Sharkey, 16127 Dakota Shores Drive, said I am here because I am concerned in a number of areas about this project. Talking about the 14 RV sites and 6 tent sites that are shown on this drawing there, that is a total of 20 sites.

Krueger stated the tent sites are gone; it is only 14 RV sites. I want to make sure everyone understand that. With an RV site, you can have a camper in there or you can have a tent site, but it is just 14 total sites.

Sharkey continued with 4 people at each site, that is 56 people there. I just want to make sure the septic systems are set up for 56 people because that is 4x14. My biggest concern is the marshland there, which is not Bolton Bay, it is marshland there. It was all marshland until recently when it was dug up and trenched out. I really think that the state environmental study needs to be done on the effects of boats going in and out from there before this committee or the commissioners make any final ruling on the approval or not approving of this site. I think it really should be done on the state environmental study. Also, there have been a lot of comparisons to Spruce Hill by Chris here, saying that their sites are smaller than what his is, Spruce Hill has over 35 acres. There is a total of 54 sites total and some of those are camp sites. So, per site, there is about 7/10 of an acre per site, including the tent sites, so if you apply that towards the 5 acres that we have here, you don't even come up to 8 sites versus the 14 that we have here. Just to get that straight. Showing the road going out on that map to Enchanted Drive, which you say you are encouraging people not to use that, but if there is a road going out to Enchanted Drive you know people are going to use that, unless it's closed off. If you only had the road going into Emerald Drive, they will all come and go that way. But if you allow a road on Enchanted Drive, people will come and go on Enchanted Drive.

Kirk Scholz, 12616 Beachview Road, Park Rapids, MN, said I just have a question for clarification. The argument was raised about how we need the non seasonal sites and yet if I am not mistaken, we were told earlier that at least 50% of them would be seasonal. So my question is if that is true. Is there anything that would keep these from all becoming seasonal because it kind of defeats the argument that we need this. That there is not enough of these non seasonal properties.

Linda Johnson, 17419 Enchanted Drive, Park Rapids, MN, said we have had this property for 50 years. I have three concerns. The dock slips, if there are a total of 8, Chris has a speed boat and two jet skis and another vehicle, are his own personal craft counted in the 8. Think about that. Also, since he has to go parallel to our property, the boats come out right alongside of ours. He had three rentals; he had a small campground this summer with three campers he rented out. And he's got an Airbnb right next to our driveway so we have experienced the renters who are looking for the lake. They can't see the lake there. They want to know "how do we go swimming." The answer is you can't. There is no shoreline for swimming. You can't wade along his shoreline. All of the rest of it is private

property. We had one renter with a pontoon and they brought the pontoon out and they parked it right at the entrance to the swamp and spent every day for a week swimming right in front of everybody's private shoreline. The third one, my husband and I were woken up at midnight one night this summer with our fire alarm, we sleep with our windows open and we got up and smelled and it was from the campfire at the Airbnb, there was a large bachelor party that night with lots of people on the road and a huge fire. It is the first time in 50 years that we have been woken up with smoke. Think about the impact of the smoke. We are retired, full time residents. We sit and observe. Chris and his boats come out. He has never observed the no wake zone so for him to police his campers, I personally am home 24/7 and I sit on my deck and I can watch every vehicle come out of the swamp. Do I have to police the boat traffic?

Krueger clarified with Buitenwerf when something like this is authorized for 8 boat slips. That means a grand total of 8 boats no matter what kind of boat or who they belong to?

Buitenwerf replied the Ordinance says for a campground proposed such as this, there is allowed one permanent slip for each allowed Tier 1 rental unit. In addition to that, assuming a site would be conducive to it, they can also have a separate dock for use for day launch only for sites located in Tiers 2-4. As to the question raised, it's a good question and I don't know the answer. We would probably have to run that by legal to know how best to interpret that part of the Ordinance in regard to whether personal watercraft of the owner could be in addition to those eight slips or need to be included with them.

Krueger continued but you believe you can answer if an RV camper has a fishing boat and a jet ski, that you can only have one of them out there?

Buitenwerf replied they are allowed eight slips, who uses those eight is up to the owner to determine.

Dave Neal, 17747 Enchanted Drive, Park Rapids, MN, said I am not generally opposed to any sort of commercial development except when it doesn't make sense. We are talking a neighborhood here, residential neighborhood is basically what borders Emerald Circle Drive and Enchanted Drive. You are adding a project of this density just doesn't make sense. Increasing traffic both vehicle and boats. Potential problems with the water, it's an environmentally sensitive area, that bay and adjoining wetlands. I respectfully ask that you deny the application.

Ellie Barnett-Cashman, 17683 Emerald Island Circle, Park Rapids, MN, said we are neighbors to Mr. Bolton's proposed campground and I would like to agree with all previous statements opposing the passing of the conditional use permit and add that the effects of the boat traffic will negatively impact one of the only four wetlands on Long Lake. I think I speak on behalf of all the next generation when I say that the decisions made now are regarding the CUP, the motor effects and changes in marsh will not just affect the people on Long Lake now, but it will affect all future generations. The effect of this pollution is permanent and once we approve these things, there is no going back. I hope you will oppose the CUP or postpone giving the permit until Mr. Bolton deals with previous

violations and clearly establishes a plan for the property as it has been changing frequently recently.

Megan Sebold, member of the Cashman family, 17624 Emerald Island Circle, Park Rapids, MN, said our family has owned property on Long Lake for over 50 years. As an entrepreneur myself I can certainly understand and respect pursuing a new venture, however from the plans I have seen, this marshland property does not have the capacity to accommodate this RV park as it is proposed and would cause irreparable harm to the ecology of the lake. I am also very concerned about the disregard of current regulations as evident in the request for after-the-fact permits. I am concerned about how this disregard would play out in the future in respecting regulations and the community and the environment. I oppose the granting of this CUP.

Chiara Bolton, 521 1st Street NW, Menahga, MN, said I am here to be in support of Chris Bolton and the plan that he is trying to push forward. Someone mentioned earlier Airbnb guests that he had there. I just wanted to state that he has had 21 reviews, all five stars. When I look at them and read people's descriptions, they talk about how they had a fun time in his backyard, great for games. They had a fun time grilling. They talk about how they went to Foxy's, a local establishment nearby. They talk about how great it was that it was close to Park Rapids. I just want to give testimony to how quick Chris was to answer any questions they had. He was really warm and really accommodating. I think that shows that Chris will continue to do that throughout his whole time with this RV park. When I talk with Chris, I am his sister-in-law, and when I talk with him and I ask him questions about say someone violates his contract, what is your plan? He answers; there is a two strike rule. The first one I will go and give them a really hard warning. Tell them you can't do that. Second, he is going to call the police and they are out of there. I think it was failed to mention earlier, I think he has a really good plan in place and I think that is true for everything with noise, the wake. When I speak with him, he just wants to do it right. Everything that he is doing there, he has had errors made in the past and he has learned from them. He is trying to take the right steps. He wants to have less space for the RVs to protect the trees. He wants to protect the swamp. He has made errors but give him a chance to do things right.

Bryan Benda, 17585 Enchanted Drive, Park Rapids, MN, said I am a third generation cabin owner. I just want to make a few comments in regards to Mr. Bolton's proposal. We strongly object to this, myself and my family. We support local businesses. Mr. Bolton's proposal, I can think of many reasons for this not to proceed. My primary concern is this marsh wetland. This is one of few critical habitats left on this lake and I do not wish to see it destroyed. Before Mr. Bolton ventured into this neighborhood and cleaned out what we called the swamp, nobody went in there. There was no fishing in there. This was a quiet, serene part of the lake. I wish to see that stay. Secondly my concern is with Enchanted Drive. Mr. Bolton noted that his mailing address they are using is going to be off Emerald, however this summer there was an access to Enchanted. I don't understand why that access was granted or that approach on Enchanted, but the fact being the access is there and people will use it. Enchanted is a very narrow, curvy road and let me add to that, very erosive. Any time there is a heavy rain, that road washes badly. There is no way to support

the traffic of 14 campsites and what will be generated from that amount of people. I just want to see this lake preserved in its natural state and not destroyed any further.

Darrin Hoverson, Minnesota DNR Hydrologist, said you should have received a letter that I sent to Buitenwerf September 14th regarding the variances and the conditional use application. Generally he followed nearly directly my guidance to Mr. Bolton as well as Buitenwerf. The project that is proposed, particularly the new project, should be conforming to the ordinance. This project is new and in a proposed area, and understanding a development that is allowed under the ordinance, should conform to that ordinance. That has been the DNR's position on all of the activities that are potentially new in this area. Some of the questions, I have received dozens of phone calls from the community regarding the boat traffic, the use, the road, the erosion, a number of things. The DNR's stance in these matters is normally to provide comments and recommendations that are objective to what the ordinance is and leaving the decision on these up to the board and the community. The DNR in these matters tries to provide recommendations to mitigate or minimize impacts, particularly in cases with a direct impact to the lake. The Hubbard County ordinance also is much more restrictive than the state wide standards on a lot of conditions. That is a benefit that the DNR has working with this county and commends the County for doing so and following the Ordinance. We can even see that in a couple variance applications that you approved today. A couple of items I did want to touch base on that you spoke about was the docking and mooring plan. If recommended for approval, Chris, myself and Doug Kinsley met on site to determine what would be the least impact alternative for the site. Knowing that there is eight sites, normally when the DNR reviews those we consider those to include the resident's property. If that was the case, this is the eight sites. There are two maps provided and one was the DNR sketch that I put together. I had underlain what Mr. Bolton proposed as part of the conditional use permit. There were some slight differences with what we proposed. Following up with Chris is an email it sounds like he is immutable with the changes we have discussed if it is to be recommended. One being the length of the access dock would be retained at 88' and not the 48' as supplied in his proposed plan. The DNR was recommending that the dock used the existing dock and take a southeasterly direction as this red underlay would be. With an east/west direction of the slips so that boats go directly in and back out. There is no maneuvering to the north or the south. Also the areas that were previously disturbed with hydro jetting and aquatic plant vegetation, those areas are left to be re-naturalized. The benefit of deeper water there shouldn't be utilized essentially. Chris and I spoke about that, there was a violation there and it has been essentially rectified in the matter that a fine was paid and that area was to have nothing happen. I have identified a no mooring area around that, that is absolutely no mooring in those areas and let the vegetation come back. Again, you can kind of see where these slips line up, so there are some small modifications to the plan that the DNR would recommend, essentially a longer access dock, a slight tilt to the southeast a little more and then a direct east/west direction for his docking. Again this is if you go with the eight slips, this is what Doug Kingsley and I recommended as our least impact alternative, primarily because that is the deepest part of the bay right now. You also spoke about an access channel. The DNR has a no permit option for a 15 ft wide channel through the lily pads. That is no permit needed to be able to cut lily pads out to open water. It doesn't matter if it is 10 feet, 200 ft or 500 ft, which is on any lake to get to open water. If there are additional aquatic

plant management permits expanding beyond that 15 feet, it is determined based upon need. Meaning, do you need more area to maneuver your boats, there may be a need to do it, but right now the boat activity is essentially doing some of that management itself, which is not technically a violation if your boat is cutting through lily pads. What we expect is that if approved, that would be minimized and focused again to that specific area so that area isn't expanded upon what it is right now. Chris has essentially agreed to that with our conversations. Additional use in that channel, we understand that this is a sensitive area of the lake. We expect that boats no wake through this area out to 200' past the vegetation line. That has been agreed upon by Mr. Bolton as I understand it. The placement of no wake buoys, rules in his contract, signage, those are great conditions to add on and a one and two warning rule is pretty common. These RV parks have not been real common occurrence for review in this area, but I can tell you in Cass County, Crow Wing County and other adjacent counties it is becoming very common because of what Mr. Butch DeLaHunt spoke on earlier. The reality on these cases is, the DNR's recommendations again are to minimize that impact as much as possible if approved. One gentleman spoke about an environmental study; there are requirements for an environmental review in cases for RV parks. In this case I have spoken to a number of folks in the community, that threshold for mandatory environmental assessment worksheets or environmental impact statements has not been surpassed. Based upon the number of determined units in this case, so that is something to consider as a comment. The width of the dock and the access channel we spoke about a little bit for 15' through the lily pads, a dock can't be wider than 8'. The dock on Mr. Bolton's proposal is 4'-5' in width. Again, we do believe that Mr. Bolton should use his boats are part of that 8 slip calculation. When we review this, that is our consideration. It can be conditional, you can consider that a condition of the permit.

Grob asked Hoverson no mooring, in terms of definition, that purple outlined area. No mooring to me means, and I am getting your confirmation, no boats can be brought into that area and moored. A swimming dock can't be put out there. You confirmed that the eight includes the owner's watercraft.

Hoverson replied those specifications would be in line with what my recommendation is, yes. Again, that area was heavily disturbed and there are areas where there is an inch of water and then there are areas adjacent to it that are 3 ½ feet of water. It was a violation; the DNR is not going to give him credit for it being deeper water. Mr. Bolton understands that, we have had that conversation.

Grob asked Buitenwerf this is now the proposed watercraft mooring and usage of that bay area. Does this need to be in the conditional use permit, what we are looking at?

Buitenwerf replied this is the DNR's supplied drawing of their recommendation compared to Mr. Bolton's. As of now, what we have is a separate submittal from Mr. Bolton. This is the official dock proposal for the application.

Grob stated that was his original one, but I thought there was a letter that said he agreed with what the DNR had proposed.

Buitenwerf responded this is the revised layout. I can pull up what the original one was for comparison if you would like.

Hoverson added part of the discrepancy between Mr. Bolton's and our plan essentially came together the same day. We spoke the last couple of days about combining that to a full 88' width access dock. What is proposed versus the 48' that he submitted as well as this little bit slightly southeastern direction and the east/west directions of the slips and not that northeasterly direction. So there is a little difference between the two plans. That is what Mr. Bolton submitted; we never got full confirmation if he is going to take that.

Grob said if I have to make a decision, I would like to know what I am approving if I am. What is the dock configuration?

Bolton said if I might step in here, I am in total compliance with what Hoverson is saying and it was only economics involved when we were going to have it 48' out and then turn at that direction because I was trying to utilize the docks I already had in place because it's going to be about a \$20,000 purchase to add the extra docking, the floating dock, to have all that. Hoverson knows his stuff and I totally support that and that is my plan.

Grob clarified so the previous drawing is what you are agreeing to, the DNR drawing?

Bolton agreed.

Grob asked the 88' is the current on plus the additional angled arm. It is a total of 88'?

Bolton said this actually makes the dock a little bit longer, now it would be 166'.

Grob said it is 88 additional feet to your previous dock.

Bolton replied my dock right now, as it is right this second is 88' so the very end of my dock is 88' and what Hoverson and Kingsley would like is that my turn on the dock starts at 88'.

Hoverson added it would be a longer dock and again, that is going to take advantage of that more natural depth in the middle of the bay. We don't want to see him back in that shallow area where we would expect that area to be fully restored as we expected upon the violation. That is what the violation was, let it go back to the way it was.

Mary Walker, 17459 Enchanted Drive, Park Rapids, MN, gave two comments. One I appreciate the Airbnb comments brought up, but you have to understand that was for two campers and for a cabin at the end of the lake. Most of the comments were on the cabin at the end of the lake. That is not part of this whole thing. The other concern on that cabin, which is right next to Mr. Bolton's property at the end of Enchanted Trail, it is a dead end, I want to make sure that a dock cannot be utilized for the RV park with this Airbnb that he is advertising, seeking more boat slips for his RV people. Because that is not on the plan.

Grob asked explain to me again.

Walker continued he has a cabin at the very end of Enchanted Drive that he rents out as an Airbnb.

Grob said he owns that.

Walker affirmed he owns that.

Grob continued and there is a dock?

Walker said there is a dock. And I just want to make sure that is the dock for that cabin alone and not for the RV people. And also, just so you know, I know it was taken off the docket about the shooting range. If you go on Airbnb or VRBO, he is still advertising he has a shooting range that his clients can partake in. We want that gone too.

Krueger asked Bolton I know I first read that about the shooting range, that would have shot my vote down from the very beginning, so you did take that off, did you not?

Bolton replied yes. Like she mentions, it is still in there.

Krueger said you need to get it off.

Bolton said I will, if this gets approved, I definitely will.

Jim Peters, representing property owners, said I think the reason you are seeing the lack of public confidence here is a couple things. Number one, how many applications have we had? How many amendments? What are you looking at now? What am I voting on? You don't know. How about these folks? The process hasn't been followed. You have got to deny it, send it back and have him come in with a complete application that covers all the terms. We have heard the DNR guy, it's not a mandatory EAW, but it is discretionary. It is not exempt so you could order one to get some more clarification since this is a sensitive area. I think with the back and forth, the public hasn't had the details. Not only is some of it just coming out now, but it has happened with discussions with the DNR last week, a few days ago. Here you have got a neighborhood of folks that have been good taxpayers for decades and you want to ram this through so fast on incomplete information on stuff that is changing up to the last minute. When you work with an applicant you kind of develop a relationship and you make these adjustments, but you are leaving the public out of the process. And that is not the way, they are supposed to have a complete application under the 60-Day Rule within 10 days or you have to kick it out for incompleteness. There is supposed to be a complete application from the front. I think what you do is you say come back with a complete application, number one. And number two, come back with your violations cleaned up. Clean up your violations; prove that you can do that so the public has confidence in your plans and your contracts and your agreements and your follow through. Prove it by cleaning up the violations that you already have. You heard these are not little violations. We saw the paver deck where the guy obviously didn't listen. Cutting down vegetation and taking down a whole bunch of trees with logging, I think that is a lot more significant than one little circle paver deck. I think you should have some sort of engineered plans. How much dirt is being moved? How much, where? If this was in the shore impact zone you would have to have a licensed professional engineering drawing

for that. I think back in this area, you might think about requiring that. People have a lot at stake here. The project is out of character with the neighborhood and it's out of character with the features of the lake. They have to put this massive dock structure out there and it raised a lot of questions. Are they going to require a MN Dept. of Health permit or not? Licensed or not? What about these campsites that have been out there? I thought you were supposed to have a permit to have campsites. You've got campsites going in the summer. Where is the permit? There is another violation. If you have to ask now what is it - I think we have a problem. So it is a short delay, the project is not out of his pocket. They can get their plans together, come in compliance, and demonstrate. If they are so good on their Airbnb reviews, how about being good with your neighbors? Maybe get good reviews with your neighbors and explain to them, this is my project. This is how I am going to do it and these are the rules of the contract, this is the dock plan, this is the layout plan, this is the engineering, and lay that out in front of the process instead of having it dribble in on five different modifications to an application that nobody gets to see.

Krueger reminded this meeting is part of that application process and hearing the testimony and us drawing conclusions and I am sure there are going to be conditions added to it, even more so than Buitenwerf has proposed. Remember we don't want a repeat of what has been said, do you have something new?

Bruce Johnson, 17413 Enchanted Drive, Park Rapids, MN, said the proposal is very vague, one of the things that hasn't been addressed that was in the conditional use permit involves an outside business bringing in boat lifts to the dock. That was in the conditional use permit. It's impossible if you set a boat lift in that area, I am quite sure it will sink. There is another point I would like to make about vegetation on the upper tier of the campsites, sites 5-11, that from the road slopes uphill. If you stand at the edge of the road and go back 60', you are approximately 4-5 feet higher than the road, the proposed RV access road. Right on these campsites near the fence line. How is it possible to level those off and not clear cut the area? 24' times 7. You go back into that, level it off and make a little bit of a terrace going back to the fence and you would have no room between the proposed sites. These sites were not flagged during the site visitation and I see no way that they possible could be installed with any trees left there. Considering the terrace area and the dirt work necessary on the sites parallel to Emerald Island. Chris said in the review of the site that there would be terraced like a ditch. So they would be stepped down. In doing so, the 24' width site would be reduced significantly. You can't have trees left and have a site here and terraced down, you can't move that dirt away from the tree roots, they won't be there. He is concerned with having a lot of vegetation and no tree removal; I don't think that's been considered. Also, I'm not going to go through all the violations and fines since 2013, some of those are still in violation, 2014 the DNR and the Park Rapids Fire Department responded to fire on the property. A verbal warning was given and Mr. Bolton was told to be careful with fires on the property. Move ahead to today and we have similar issues. September 13, 2018, Township letter to Mr. Bolton part of which I quote "in no manner shall you do any cutting, clearing or mowing on Township property." This is a violation I think or at least a strict warning that hasn't been talked about.

Steve Peloquin, 602 Pleasant Ave. Park Rapids, MN, said you have an ordinance and it's been violated repeatedly, you need to enforce it and you need to make sure it's fixed

before you grant a conditional use permit, even if it's contingent upon fixing it. Once you grant this, the horse is out of the barn. You make Mr. Bolton fix what he has already undone and then you come back. Point two, following Mr. Peters comments, I get this is part of the process, I also know you are a bunch of smart guys with a lot of experience here and have already thought about other conditions here. There is a lot of moving pieces here and that includes a very thorough review by Mr. Buitenwerf which still doesn't cover a whole host of questions at least concerning the slips, the boats, the docks, the grading, etc. That needs to be in front of you before you can complete your recommendations. All I am saying is, go back, get that additional information so you can make an informed decision. You won't cover all the conditions.

Krueger stated one of the conditions that I am starting to form in my own mind is to require these violations to be corrected even before construction is allowed. I am technically thinking on that line myself.

Peloquin replied otherwise it is just going to be the back of the pack again, just like it has been before.

Krueger closed public comment.

Johnson added I would like to tell the board that somewhere in his application when he signs, there is a statement that he must follow all state rules. So Department of Labor and Industry and Department of Health rules would be followed. Somebody within the State will find out if something is not being done according to the rules.

Krueger said let's do some discussion, say we do get three out of the five of us to approve this, what conditions to put on it. Let's go over some of what Buitenwerf has. Does someone want to help me read these? I would like to make sure the audience knows what we are doing to, I think that is pretty important that they know too, right here and right now. If you put them on the screen, that would help. These are proposed conditions if this gets approved and I know I have got some additions for it myself.

Discussion ensued about developing the proposed conditions to the CUP.

Bolton asked Buitenwerf isn't it true that after the screening was added, I was required to plant 34 more native shrubs and screenage plantings in that area. I have gone ahead and done that this summer. What other violation is still outstanding?

Buitenwerf replied the platform and the shore impact zone has continually been mown and that needs to cease.

Petersen asked Buitenwerf on the vegetative plantings that he has made, are you satisfied with where we are at on those?

Buitenwerf answered no. They were just recently installed in the last few weeks and their survivorship is not able to be determined at this time so we want to see what those look like in the spring and then also see if there is an indication that the area is not being mown.

Petersen said to me that is something that I would be concerned about. If that is a correction that needs to be made, I would like to make sure that it has been done before we proceed with further work here.

Discussion continued about developing proposed conditions to the CUP.

Grob commented the issue of VRBO either should be a separate one or added on here that none of these seasonal RVs can be used as VRBO units.

Discussion continued about developing proposed conditions to the CUP.

Petersen asked Buitenwerf just to review again, on the 2013 violation, what you are concerned with is the no mow and the viability of that planting that he did? Whether it's going to make it or not, but that is it on your end for violations that you are concerned with?

Buitenwerf responded that and the after-the-fact platform being removed and that area restored.

Petersen asked if I may direct my question to Hoverson, surface water violations that were in the past that he had, he has cleared up with you? You are good going forward.

Hoverson replied public water violations was one. The second was an aquatic plant management violation from this past spring. One was the use of a hydro jet that can be used without a permit if operated at just the surface to blow water around, but it was directed down and ended up blowing material. A fine was initiated and paid as I understand it, as well as for the aquatic plant management with the understanding that that area was not to be used and allowed to revegetate and again that leads to additional recommendation on a plan.

Petersen clarified with those that you just reminded me of, you are good with where we are at on those now?

Hoverson answered the DNR isn't asking for any additional compliance as long as he doesn't further destruct or use that area.

Stacey asked Hoverson how long does it take for that to revegetate?

Hoverson replied it can take many years for that to come back, particularly when you excavate to the depth that was excavated and the fill that was placed on top. Sometimes it can come back right away though. These areas if they are left not disturbed there is a seed bank there. The submerged plants, those ones that are down in that area things like chara or some of our pond weeds can come back relatively quickly, the lily pads take more time. They have a little more difficulty, same with bulrushes to come back into those areas. It's a variation and it's going to be uncertain how long it would take for that area to be revegetated.

Krueger said we have sixteen proposed conditions, I think we are ready for a motion.

Bolton asked by the very nature of an RV park, people are coming and going all the time and I am already restricted to 14 RVs and in question of the VRBO, I do have a camper that I plan on using sometimes when I'm not staying and my kids aren't staying in it, it might be a VRBO, I don't understand what impact that would have because I am already restricted to 14. It doesn't make sense to me that you would say I couldn't do any VRBO activity in the RV park since that VRBO is taking up one of my spots. It wouldn't be adding or subtracting any activity whether I am using it, my kids are using it, or I am using it as a VRBO. I don't understand why you had to put that restriction.

Grob answered VRBOs are becoming an issue. You are applying for a campground, not a VRBO conditional use permit. What I am trying to say is that I don't want to see six or seven campers sitting there that you are renting like a resort as opposed to a transient or seasonal RV park. Without that condition you could expand to 14 units sitting there that you are renting like a resort. All together a different set of conditions and requirements. It is putting a stop on that.

Bolton asked so I can't rent my camper at any time as a VRBO, or if it is not seasonal? If it comes in and leaves?

Krueger added if it occupies one of the 14 sites?

Bolton replied earlier it said seasonal campers can't be rented out as VRBO.

Grob said the point is to put a stop on the potential for your campground to grow into a permanent VRBO resort. When you say, can I do it with one, would one make a bit deal, probably not. But without the requirement, you have the potential for expanding it and our ground rules are that we need to be very specific about conditions because if we don't specify them, it leaves you the option to do anything that is not conditioned.

Krueger made a motion to recommend approval of Conditional Use Permit Application 2-CU-18 to the Hubbard County Board of Commissioners with the following conditions and adopt the staff report findings of fact:

1. This conditional use permit (CUP) is for the operation of the entire premises as one recreational vehicle camping area/campground use venture. As such, any land, that through subdivision or addition to the property to which the CUP is granted, is added or subtracted, is/are not granted or allowed the right to operate in accordance with the CUP without first applying for and obtaining the necessary CUP from the County.
2. Fifty percent of the shore impact zone on the property must be preserved in its natural state. This preserved area will consist of the west half of SIZ on the property measured from its west boundary line shared with parcel 13.29.02000 and running 101.5' northeasterly toward the eastern side lot line of parcel 13.42.05000 as depicted on attached Exhibit A. This area cannot be mown or otherwise manipulated. It must be allowed to remain natural and self-manage.
3. The applicant cannot begin construction until all current violations have been corrected. After the violations are corrected, the applicant can apply for the operating permit.

4. The use shall only operate from May 1 to October 31 of each calendar year.
5. A maximum of fourteen recreational vehicle campsites are allowed to be located on this property in the locations shown on the application site plan sketch attached as Exhibit B. These campsites may be made available for rent on a daily, weekly, or seasonal basis. Seasonal customer RVs may be left onsite outside of the May 1 to October 31 operating window. No seasonal RVs shall be used as vacation rentals by owner (VRBOs).
6. Quiet hours where customers shall not generate noise that disrupts surrounding property owners shall run from 10:00 p.m. to 8:00 a.m. daily during the May 1 to October 31 operating window.
7. The use shall have a full-time onsite manager or employee present on the property or available by common means of communication who is able to be onsite to respond to an incident, need, or complaint within four hours of being contacted about such during the May 1 to October 31 operating window.
8. The existing residential house on the property shall only be used as an owner's/manager's residence. It shall not be used as a rental unit. No other non-rental dwelling shall be allowed on the property.
9. RVs shall only enter and exit the property from Emerald Island Circle via the approach shown on attached Exhibit B. Vehicular traffic that is not an RV may enter and exit the property from either Emerald Island Circle or Enchanted Drive via the approaches shown on attached Exhibit B. No other access roads or approaches onto these two township roads are allowed. The access roads shall be no wider than 25' with a maximum 9' wide graveled surface therein. The rest of the roadway width shall be kept in a dense, permanent grass cover vegetated state.
10. All RV site surfaces shall be kept in permanent dense, grass vegetated cover.
11. All RV sites shall be provided with electrical service and water and sewer hook-ups.
12. The two septic systems proposed to service the RV campsites must be installed and issued certificates of compliance before this conditional use permit's operating permit shall be issued and the use can thus commence.
13. The use shall have only one dock with eight permanent watercraft mooring slips and said dock shall be installed exactly according to the dock layout and dimensions plan submitted by the Minnesota Department of Natural Resources. Any owner or manager watercraft are included in the maximum eight allowed slips.
14. All fireplaces must be extinguished by 11:00 p.m.
15. The applicant must obtain a permit from the Minnesota Department of Natural Resources for a lake access path.

16. Over 50% vegetative screening during summer leaf-on conditions must be maintained along the north property line and along Emerald Island Circle and Enchanted Drive.

Grob seconded the motion which passed by a vote of 3-2 with VanKempen and Grob voting nay.

Findings of Fact

1. Is the requested use consistent with public health, safety, and welfare?

YES (X) NO ()

Why or why not? The Shoreland Management Ordinance allows the proposed use to occur on this property on a recreational development classified lake such as Long Lake as a conditional use. Thus, the County determined during the ordinance development and/or amendment process that such a use is consistent with public health, safety, and welfare and compatible with the default permitted residential use of shoreland property. The proposed use complies with the rental unit density allowed by the ordinance and while allowed 8 Tier 1 rental units, has these units moved further away from the lake into Tier 2 and as far toward the north end of the lot which is as far away from the lake as it is physically possible to locate the units. There is 48 ac. of undeveloped land to the west and southwest of this property. There are two residential lots adjoining the subject property's north boundary line and public roads abutting its west and east lot lines. Four residential lots are on the other side of the public road that runs along the property's east side. The property is ½ mile from the City of Park Rapids limits and a bit more than one-quarter mile south of State Highway 34 and a commercial use corridor that runs along the highway in this area. There is ample room to locate the needed septic systems and well for the campground and the property has very good road access and traffic flow for cycling campground guests efficiently into and out of the property on existing township roads that lead to a paved County road that is 300' from the property.

2. Is the requested use consistent with the goal of preventing and controlling water pollution, including sedimentation and nutrient loading?

YES (X) NO ()

Why or why not? The Ordinance allows 8 of the proposed 14 RV sites to be located in Tier 1, but the applicant is proposing to locate these 8 units in Tier 2 instead. All RV sites will be at least 267' from the lake. The property is covered in deciduous and coniferous tree cover and the existing driveway to the house runs along the contour at a higher elevation than the up gradient area such that it serves as a great, built-in stormwater catchment berm. The RV sites will be situated within the existing tree cover and the owner's desire is to save as many trees as possible to maintain a Northwoods feel for campground guests. Terracing will be used, as needed, to stabilize the RV sites and prevent erosion. With Tier 1 area being left alone and it being covered in dense tree cover and possessing dense ground

vegetation, it is very unlikely the project will result in any stormwater or nutrient loading that could affect the lake.

3. Will the requested use not adversely affect the site's existing topography, drainage features, and vegetative cover?

YES (X) NO ()

Why or why not? The RV sites will be fit in amongst the existing mature tree cover. The ordinance does not regulate vegetation removal beyond the 100' OHW setback as there is no bluff or steep slope on the property. Terracing will be used as needed to level the sites given the property's consistent ~8% grade down to the lake. The existing driveway to the existing house runs along the contour below the proposed campground sites and is slightly higher than the adjacent up gradient land such that it serves as a good berm to catch any stormwater that might make it to that point. Aside from constructing the access roads and RV pads in the far northern portion of the lot away from the lake, the property's topography will be left in its current state.

4. Is the requested use's site location reasonable in relation to any floodplain and/or floodway of rivers or tributaries?

YES (X) NO ()

Why or why not? Hubbard County does not have any FEMA designated floodplains. The property has 50' of elevation rise over its ~630' of lot depth with the proposed RV sites being at the upper point on the property. Thus, flooding of the proposed use is not a concern.

5. Has the erosion potential of the site based upon the degree and direction of slope, soil type, and existing vegetative cover been adequately addressed for the requested use?

YES (X) NO ()

Why or why not? The site is predominantly covered by permanent deciduous and coniferous tree cover. The proposed RV sites and access roads will be located in the north portion of the lot which is 300-600' from the shoreline of the lake. The application states that the proposed RV pads will be terraced with retaining walls if/as needed. The existing driveway to the existing house on the property is built up above the surrounding land and lies along the contour which makes it a good berm to catch any stormwater runoff that may come from the campground area and intercept it before it could go further toward the lake.

6. Is the site in harmony with existing and proposed access roads?

YES (X) NO ()

Why or why not? Emerald Island Circle runs along the west side of the property and Enchanted Drive runs along the property's east side. Both of these roads are township roads. County 107, a paved two-lane road, is ~300' from the north

boundary of the lot. County 107 then ties into State Highway 34 at two points which is a main travel corridor running east-west. County 107 also ties into County 4 and 169th Avenue roughly ½ mile west of Emerald Island Circle and provides good north-south access. The property is well situated for ease of RVs coming and going to and from the property.

7. Is the requested use compatible with adjacent land uses?

YES (X) NO ()

Why or why not? The Shoreland Management Ordinance allows the proposed use as a conditional use and thus implies that it is compatible with the default permitted residential use that is seen in the lots to the north and east of this property. The property to the west and southwest of this lot (~48 ac.) is undeveloped natural land. The lot is bordered on the south by the lake. There is a peninsula located across a small bay to the south of the lot on which there are several residential lots. The proposed use complies with the rental unit density allowed for the property's size along with all other applicable ordinance regulations. The RV traffic into and out of the campground will be able to effectively follow a circular route down Emerald Island Circle, through the property, and then out on Enchanted Drive. The RV campsites will be located in the second tier and thus not visible to parties recreating on the lake.

8. Does the requested use have a reasonable need to be in a shoreland location?

YES (X) NO ()

Why or why not? The Shoreland Management Ordinance allows the proposed recreational vehicle camping area/campground use on a recreational development classified lake like Long Lake as a conditional use. There is a valid reason for an RV campground use to be on a riparian lot – similar to a stick-built structure resort model – so that customers may access and enjoy the lake.

9. Is the amount of liquid waste to be generated reasonable and the proposed sewage disposal system adequate to accommodate such?

YES (X) NO ()

Why or why not? The existing SSTS servicing the existing house on the property is compliant and sized for a three bedroom home with a 450 gallons per day (gpd) design flow. Two SSTS designs are on file with the Env. Services Department for installing two septic systems to service the proposed campsites. These two systems have design flows of 880 and 700 gpd. These two systems are well below the 2500 gpd threshold trigger in the State SSTS Rules that requires a higher level of design standards and licensure in order to be constructed and designed. The soils on the property are sandy in nature and suitable for treating the waste that the RVs and bath house will generate.

10. Will the visibility of structures and other facilities as viewed from public waters comply with Section 901 of the Ordinance?

YES (X) NO ()

Why or why not? The RV sites will be at least 250' from the lake and at least 25' in elevation above the lake. There is extensive mature tree cover on the lot between the sites and lake such that they will not be visible to anyone on the lake.

11. Is the site adequate for water supply and on-site sewage treatment systems?

YES (X) NO ()

Why or why not? There is an existing well servicing the house on the property. A new well is proposed to be drilled in the NW corner of the property to service the RV sites. As mentioned in the answer to question 9 above, the site is more than adequate to handle the additional two SSTS proposed to service the RV sites and have alternative drainfield sites available.

12. Are the affected public waters suited to and able to safely accommodate the types, uses, and numbers of watercraft that the use will generate?

YES (X) NO ()

Why or why not? Long Lake is ~6 miles long and has an average width of ½ mile. It is nearly 2000 ac. in size. The proposed use is allowed 8 permanent watercraft slips per the ordinance's rental unit density provisions. Standard residential lots on Long Lake are not regulated as to the number of watercraft a landowner is allowed to have on the lake. Long Lake also has several public accesses that allow anyone of the public to recreate on the lake with a watercraft.

Miscellaneous:

Communications: Buitenwerf stated we will have an October meeting agenda. Planning Commission Business as well as Board of Adjustment. Roughly four variance applications and possibly three conditional use related items - two amendments and one new.

Adjournment:

Grob made the motion to adjourn.

VanKempen seconded the motion.

The motion carried unanimously 5 – 0.

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Staci Harvey

Recording Secretary