

OTTER TAIL COUNTY PLANNING COMMISSION

Otter Tail County Government Services Center, 540 West Fir, Fergus Falls, MN 56537 218-998-8095

July 10, 2019

Meeting of the Otter Tail County Planning Commission was held on July 10, 2019 at 6:30 P.M. in the Commissioner's Room, Government Services Center, Fergus Falls, Minnesota.

Roll Call:

Members Present: Rod Boyer, Judd Fischer, Brent E. Frazier, Richard Gabe, Bert Olson, David Trites, David Wass and Rick Wilson.

Members Absent: Jack Rosenthal and Bruce Stone.

Michelle Eldien represented the County Attorney's Office and Chis LeClair represented the Land & Resource Management Office.

Minutes of June 12, 2019: A motion by Wilson, second by Frazier to approve the June 12, 2019 Minutes as presented. Voting: All members in favor.

Star Lake Resort & RV Park / Marty Hanson – Table to August 14, 2019:

A Conditional Use Permit Application (*as stated by the Applicant on the Application*): Proposed to Add 13 RV Sites to Tier 1 for a grand total of 20 Units in Tier 1 (this includes existing units). Add 19 Tier 2 RV Sites for a grand total of 20 Units in Tier 2 (this includes 1 existing unit). Add 14 boat slips for a grand total of 33 total slips (11 slips are allowed under existing CUP 2028 and 8 slips for existing resort houses and cabins). Also requesting that the proposed gravel roads allowed to be re-aligned. Proposed As: Star Lake Resort and RV Park. The proposal is located at 39927 Co Hwy 41, Section 4, Star Lake Township; Star Lake (56-385), General Development (GD).

Planning Commission Motion – May 8, 2019: A motion by Trites, second by Wass to deny the request for the following reason(s): The increased density and location of the development will exacerbate the existing safety hazards on land and water (i.e. lakeside parking for boat slip access, hazards of crossing the highway, the proposed boat slips exceed Ordinance requirements, traffic control and safety associated with traffic crossing the highway, the run-off potential due to existing terrain (bluff) has not been adequately addressed, lack of a drainage plan).

County Board Motion – May 21, 2019: A motion to remand the Conditional Use Permit Application back to the Planning Commission to be reconsidered at their July 10, 2019 Meeting.

On behalf of the Applicant an email from Jack Rosenthal, dated June 21, 2019, requesting to be tabled to August 14, 2019 was read into the record.

There was not any correspondence received on this request.

Motion: A motion by Trites, second by Gabe to honor the request and table the Application until August 14, 2019. Voting: All Members in favor.

Christopher & Danielle Elliott – Approve As Presented:

A Conditional Use Permit Application (*as stated by the Applicant on the Application*): Request Conditional Use Permit to run the commercial business Revive Massage located at 20047 Co. Hwy 114, Fergus Falls MN 56537. The proposal is located in Section 12, Orwell Township, Rush Lake (56-968), NE.

Danielle and Chris Elliot represented the Application.

There was not any written correspondence received on this request.

Motion: A motion by Wilson, second by Wass to approve as presented. **Voting:** All Members in favor.

Joseph Johnson & Bruce Johnson – Approve As Presented:

An Interim Use Permit Application (*as stated by the Applicant on the Application*): Old house has no water/sewer, only electricity. We only want to use the existing house as cold storage as we have been for the past 10+ years. We are proposing to construct a new dwelling which was approve by Variance on June 13, 2019. We want to continue to use the old house as storage during preparation for new dwelling. The old house will be removed within 1 year of the issuance of the Interim Use Permit. The proposal is located at 25877 Co Hwy 111 in Section 13 , Fergus Falls Township; Unnamed Lake (56-858), NE.

Bruce Johnson and Joseph Johnson represented the Application.

There was not any written correspondence received on this request.

Motion: A motion by Boyer, second by Gabe to approve as presented. **Voting:** All Members in favor.

Barky's Resort / Ryan & Alicia Draeger – Approve As Presented:

A Conditional Use Permit Application (*as stated by the Applicant on the Application*): Requesting a Conditional Use Permit to perform the following: Remove a Rental Unit in Tier 1 Zone and construction a 69' x 36' Single Story Duplex in the Tier 2 Zone on Parcel #02000320254003. The proposal is located at 28484 County Hwy 145 in Section 32 of Amor Township; Otter Tail (56-242) GD.

Dave Erwin, Micah Radach and Ryan Draeger represented the Application.

There was not any written correspondence received on this request.

Motion: A motion by Wass, second by Frazier to approve as presented. **Voting:** All Members in favor.

Break: At 6:50 the Commission took a ten-minute break.

Anna & Michael Hilleren – Deny As Presented:

An After-the-Fact Conditional Use Permit Application (*as stated by the Applicant on the Application*): This is an After-the-Fact request. In preparation of our upcoming building project, we (Anna & Michael Hilleren), recently began the process of cleaning up our property: removal of deadfall, removal of stumps, tilling of various areas and redistributing existing fill. Work that was initiated: Existing driveway was widened, approx. 100 yds of material redistributed, areas were leveled and cut within the shoreland impact zone, approx. 150 yds of material redistributed. No fill was brought on to the property, existing fill was redistributed on site. Additional work to be done: Bring in class 5 for road, approx. 500 yds, place black dirt in road ditch and seed area, approx. 300 yds and seed other areas that were disturbed. Our intent was to both enhance the

appearance of the property and prevent potential fire hazard. Unfortunately, we were not clear of the processes & permits required by Otter Tail County and made an error in judgement. We would like to extend our sincere apologies and make ourselves available for a site visit or be willing to answer any questions you may have. In addition, if there is any remedial work to be done, you will have our full cooperation, and will wholeheartedly comply with the direction of Otter Tail County. The proposal is located at 36058 Big Rock Rd in Section 30 of Dead Lake Township; Dead Lake (56-383), NE.

Michael & Anna Hilleren represented the Application.

There was not any written correspondence received on this request.

Christine Parsins spoke in favor of natural vegetation. Craig Lund recommended the Applicants work with the East Otter Tail SWCD.

Motion: A motion by Trites, second by Wilson to deny and have the Applicant work with Land & Resource Management for restoration, reason for denial is that the changes that were made without permits, greatly exceed minimal change in the existing topography necessary to allow for the proposed use. **Voting:** All Members in favor.

Chairman Olson moved the Rick Bleichner Application to be heard in front of Firefly Dead Lake (both are scheduled for 7:30 pm).

Break: At 7:15 the Commission took a 15-minute break.

Rick Bleichner – Approve With Conditions:

A Conditional Use Permit Application (*as stated by the Applicant on the Application*): 1. Commercial Use: We are looking at putting up one commercial storage unit located on the lot listed above. The storage unit will be 150x40, tan and blue metal building, and will house 30 rental units, (26) – 10x20 units and (4) – 10x10 units. There is a total area of 61,695 s.f. We will be using 14,536 s. f. which is 23.56% and will fall under the impervious surface allowance of 25%. We will be installing a 4x8 sign that will be lighted and landscaped to have a nice curb appeal. The facility will be lighted by outdoor security lights for safety purposes along with security cameras. We will also be planting trees to replace trees that will need to be removed. 2. Topographical Alterations: We will need to do some earth work to get a flat area/pad to erect the building and allow for suitable room to move around the units. We will be putting in a 24' wide approach off of County Hwy 1 that will turn into a 14'x60 foot driveway that will follow the specifications put forth by the County Highway Department. It is believed that no fill will need to be brought in as there is a borrow area that will be used to level the lot and provide enough fill for the driveway and pad area. A total of 77 cubic yards will be used to make the 14x60 driveway at an average depth of 2.5 feet. Two drainage swails will be created on both sides of the property to have water drain to the north of the property to help in erosion control. One area that will need to be cut will be 40 feet in length by 130 feet in width at an average depth of 3.5 feet for total cubic yards of 674. This will provide fill and level off an area for the pad. Affected area in which borrow is taken will be covered and seeded for appropriate erosion control. We are aware that there is some wetland on the far north end of the property, and we will make sure that we are far enough away not to disturb any of the wetland. The building has been proposed to be on the south half of the property. The proposal is located on Lot 2 Blk 3 of Otter Tail River Estates in Section 4 of Otter Tail Township; Otter Tail Lake (56-242), GD.

Rick Bleichner and Brock Bleichner represented the Application.

Written correspondence was read into the record.

Terry Elkins submitted written correspondence and discussed it with the Commission. Darcy Jones expressed concerns regarding lighting, compatibility, wetland impact, additional traffic, drainage, outside storage, stating an approval would encourage similar proposals. Darrel Rotvold expressed concerns on water run-off and spoke against commercial use in a residential area.

Motion: A motion by Gabe, second by Frazier to approve with the following conditions minimizing the impact and allowing for compatibility: 1. Require the building to be moved north to allow for additional vegetative screening to CSAH1, impervious surface must be compliant; 2. A drainage plan is submitted to and approved by Land & Resource Management; 3. No outside storage is allowed; 4. An erosion control plan is submitted to and approved by Land & Resource Management; 5. The well is properly abandoned by a licensed well driller; 6. Establish preferred hours to address noise and traffic, and 7. Install dark sky lighting to minimize light pollution. **Voting:** All Members in favor.

Firefly Dead Lake / Jade Neilson Properties, LLC – Table To August 14, 2019 :

A Conditional Use Permit Application (*as stated by the Applicant on the Application*): On July 11, 2018 a CUP and Preliminary Plat of Common Interest Community No. 84 Firefly Dead Lake, proposing to convert White Haven Resort into a Common Interest Community plat of 16 residential dwelling units was approved by the Planning Commission with subsequent approval by the Otter Tail County Commissioners. We are requesting the following with regards to the previous CUP conversion granted and that a new CUP be approved and issued: Replace each of the existing Cabins 1-3 and Cabins 5-7 with a one level prefabricated modular 14 x 50 foot Cabin. Modular Cabins No. 1-3 will be located 20 feet further back from the lake then existing Cabins No. 1-3. Cabin No. 4 will continue with the permitted remodel within the existing footprint. Modular Cabin No. 5 will be located 37 feet further back from the lake then existing Cabin No. 5. Modular Cabin No. 6 will be located 31 feet further back from the lake then existing Cabin No. 6. Modular Cabin No. 7 will be located 61 feet further back from the lake then existing Cabin No. 7. Modular Cabin No. 8 will be located no closer to the lake then what was previously approved. Modular Cabins No. 9-16 will be located behind the 200 foot setback line as previously approved with a second living level and deck above, all within a 14 x 50 foot footprint. Earthwork and estimated tree removals are shown on the attached 8-1/2 x11 sheet labeled Trees/Earthwork Impact. The proposal is located at 38045 White Haven Rd in Sections 9 & 16 of Dead Lake Township; Dead Lake (56-383), NE.

Glenn Howe (Anderson Land Surveying) and Lee Schwartz represented the Application.

Written correspondence was read into the record.

Craig Lund (Dead Lake Association Board Member) expressed concerns with the application process, the lake setback, the septic system, noise, lighting, number of boat slips and proposed landscape changes / vegetation removal. Loranda Kimple expressed concerns on the existing condition of the cabins and requested Firefly be accountable to the Ordinance. John Kimple expressed concerns on lake setback requirements and septic requirements. Diane Matejak-Lund expressed concerns on the need to follow Ordinances, opposing buildings less than 200' from the lake. Mike Herzog requested an EIS, expressed concerns on traffic, lighting, run-off and erosion. Lu Ann Kluch expressed concerns on parking (vehicles & trailers), need for covenants, visual impact, removal of trees, requesting rules to be followed for new construction. Terry Janes requested Ordinances be followed.

Break: At 11:08, the Commission took a 4-minute break.

Motion: A motion by Trites, second by Wilson to table to August 14, 2019, as requested by the Applicant, to provide the Applicant the opportunity to provide an alternate plan that meets the Shoreland Management Ordinance requirements and addresses additional concerns that have been expressed. Voting: All Members in favor.

Lakeside RV Park / Russel & Maxine Swenson – Table to August 14, 2019:

A Conditional Use Permit Application (*as stated by the Applicant on the Application*): Development of a Commercial RV Park and driveways as shown on the drawing named Proposed Commercial PUD of Lakeside RV Park dated June 18th, 2019. Proposal includes 13 tier 1 units, 13 tier 2 units and 25 tier 3 units. Request includes 13 boat slips. The proposal is located in Pt GL 3 in Section 32 of Rush Lake Township; Long Lake (56-3210), RD.

Orlyn Meyer, Jeff Lavigne, Maverick Larson (Compass Consultants, Inc.) and Randy Thune represented the Application.

Written correspondence was read into the record.

Allen Damlo spoke against the request, expressing concerns on the road, ATV traffic, effect on wildlife, had questions on the filing of an EIS, lighting, traffic, elevations, erosion, runoff and noise. Fay Damlo expressed concerns on the road (traffic & safety) and the environmental impact. Melanie Burham Cave expressed concerns on the effect on water quality. Dorie Larson stated she is a dairy farmer and that there is a lack of understanding of farming, expressed concerns on the road (safety & traffic). Sally Nyberg indicated that the proposal meets the Shoreland Management Ordinance, expressed concerns regarding the users being seasonal without having ties to the area. Dennis Nyberg expressed concerns on traffic (safety), noise, stating the lake is not a recreational lake (mucky bottom). Bev Wilson expressed concerns on lighting from the traffic and noise. Jim Wherley (resort owner) indicated that change is hard, stating there is a need for resorts / campgrounds as there has been a significant decline, resorts bring business to the area, well managed resorts have positive contributions to the neighboring towns. Greg Swanberg (campground owner) stated he lives onsite and the noise and effects from light is minimal, a campground owner wants the best for their users, campgrounds fulfill a need. Bob Brock indicated that Long Lake is not the appropriate lake for this use.

Motion Failed / Tie Vote: A motion by Wass, second by Frazier to approve as presented. Voting Yes: Fischer, Frazier, Gabe & Wass. Voting No: Boyer, Olson, Trites & Wilson. A tie vote is considered a “failed Motion”.

Motion: A motion by Trites, second by Wass to table to August 14, 2019, as requested by the Applicant, to allow the Applicant time to provide additional evidence insuring there is safe access and to have the DNR assess the potential impact on Long Lake. The Applicant must provide their information to Land & Resource Management by July 26, 2019. Voting: All Members in favor.

Adjourn: At 11:35 P.M., Chairman Olson set the Meeting. The next Meeting is scheduled for 6:30 P.M. on August 14, 2019.

Respectfully submitted,



Marsha Bowman
Recording Secretary