

MORRISON COUNTY PLANNING COMMISSION

April 27, 2020 – 7:00 P.M.

MINUTES

The Morrison County Planning Commission held a public hearing and regular monthly meeting via Web Ex.

Regular Members Present: Dave Stish, Frances Brisk, Brent Lindgren, Clint Kathrein and Earl Fuechtmann

Regular Members Absent:

Commissioners Present: Randy Winscher, Mike Wilson, Mike LeMieur, Greg Blaine and Jeff Jelinski

Commissioners Absent:

Ex-Officio Members Present: Amy Kowalzek, Steve Backowski and Sharon Peterson

Chairman Dave Stish called the meeting to order at 7:00p.m.

1. Keith & Monica Funt / Harvey & Jean Schoon – 6831 355th Ave; Hillman, MN 56338 – Application for an Interim Use Permit to establish a Limited Rural Business through the construction of a retail store with living quarters; located in S ½ of NW ¼ less N 28ft of E 440ft, Section 23, Township 39, Range 29, Morrill Township.

Amy Kowalzek entered into record Sections 604.8 and 1211.4 of the Morrison County Land Use Control Ordinance, a plat map with parcel location, the Interim Use Permit Request, Interim Use Criteria Questions, explanation of the request, site plan, an aerial photo showing the parcel, an oblique image of the parcel, staff report and aerial photo of property. There were 18 notices mailed out to neighboring property owners. There were two phone calls received prior to the hearing. Amy entered the Interim Use Criteria Questions.

Harvey & Jean Schoon were present.

Dave Stish stated that Keith & Monica Funt's name appears on the application and now the ownership has changed hands. Dave asked if the Funts would be involved in the business. Harvey Schoon stated they would not.

Dave Stish asked the applicant to explain the business. Harvey Schoon stated it would be a small rural farm business. Dave asked if the applicant has ever done this before. Harvey stated they have. This is a very low-key small business. Brent Lindgren asked the applicant about the traffic volume. Harvey stated some would be on-line. We are planning on four to five people per day to visit the store. Home school groups is a possibility. Schedule appointments accordingly with the schedule. Frances Brisk asked if the milk would be sold in the store that is being milked from the dairy. Harvey stated they would not be putting the milk in the store. This is more for the display purpose. Frances asked about the meat that is proposed to be sold. Harvey stated McDonald's meats is their supplier. The meat will come to us frozen and we will have some freezer storage available. We could also have another place with freezer storage for our use.

Clint Kathrein asked if there would be about the same amount of education as selling. Harvey Schoon stated that is correct. We would like to help people learn where their food comes from. Open to small groups to help educate them.

Brent Lindgren asked if hours would be 10 am to 5 pm Monday through Friday. Harvey Schoon stated we would probably be two weekdays and 2 weekend days. We don't want to limit things until we find out how things will go. We could also have appointments.

Earl Fuechtmann asked who over sees the operation. Harvey Schoon stated the USDA would be included would be for the meat side of things. We are following through the Cottage Laws. There will not be a lot to inspect due to us being so small and the meat being packaged someplace else. Dave Stish asked about the MN Department of Agriculture for things like the petting zoo. Harvey stated there will be a facility with bathrooms. We will be following any rules the MN Department of Agriculture may have. We would only be having a few animals for the petting zoo. Harvey also stated that he has had the Clean Water Certification people out to the site since he has submitted his application. They are waiting for our grazing plan and we should be getting this certification.

Audience Comment:

Brad Steiner stated he wishes them the best of luck.

Leah Drury stated she is in support of the application.

Dave Stish closed public comment.

Dave Stish stated that an Interim Use Permit must have a condition of an end date. Harvey Schoon stated they would prefer an end date of when they no longer own the property. Harvey asked if the Interim Use Permit could be given to a new owner. Amy Kowalzek stated that any new owner would need to re-apply for the Interim Use Permit. All Planning Commission members agreed with this condition.

The voting sheets were polled.

A motion was made by Brent Lindgren to recommend approval of this request with the suggested condition. The motion was seconded by Earl Fuechtmann. The vote was all in favor.

The application will go in front of the Morrison County Board of Commissioners on May 12, 2020.

2. Hardy LLC (Jeff Hardy) – 1664 330th St; Motley, MN 56466 – Application for a Conditional Use Permit to construct a 160-site campground; located in W1/2 of SE1/4 & pt of lot 9, Section 18, Township 132, Range 31, Scandia Valley Township.

Amy Kowalzek entered into record Sections 604.6, 704.5 and 800 of the Morrison County Land Use Control Ordinance, a plat map with parcel location, the Conditional Use Permit Request, Conditional Use Criteria Questions, a survey plan of the proposed request, an aerial photo showing the parcel, staff report, aerial photo showing surrounding zoning districts, an oblique image of the parcel, aerial photo of the parcel, a survey showing the Tiers within the parcel, Steve Backowski discussed the County Highway map of roads, Highway crash summary, road standards, Amy entered the Stormwater pollution prevention plan (SWPPP) and Tier calculation sheet. There were 188 notices sent to neighboring property owners. There were multiple phone calls and e-mails received prior to the hearing. Amy entered the Conditional Use Permit Questions.

Jeff Hardy, Colton Hardy and Alex Hardy were present.

Jeff Hardy stated he understands the concern for the high water. I am a member of the town board and we are actively trying to find solutions to this issue. Some rules we will have would be that ATV's and things of this nature would not be allowed. People wanting to use kayaks and canoes will only be allowed and provided by the resort.

Clint Kathrein stated he would like to know how this campground would make the flooding worse. The Soil and Water have been on site and don't see an issue and we have not heard from the DNR that this would create a bigger issue. Clint stated that the people with boats could already be going to the area lakes without have a camp site near them. Jeff Hardy stated that no storm water from this property will affect any surrounding lakes. All the water from this property will remain on this property through the storm water plan. There are several lakes within the surrounding area that people can go to for boating, some outside of Morrison County.

Dave Stish asked Jeff Hardy to explain how his existing camp ground is set up and works. Jeff stated they plan to mirror the existing camp ground with this one. They have been running a resort for 19 years. They plan to address many things including noise and wood that people use. Average occupancy is about 60%. Not all the people are there at the same time. If something happens to where the Sheriff needs to be called the tenants are evicted immediately.

Earl Fuechtmann asked if ATV's would be allowed. Jeff Hardy stated no. We do allow golf carts, they are not allowed to use the public roads. Earl asked if all water craft would be unmotorized and supplied by the resort. Jeff stated that is correct. Jeff stated that in the future we may add a small pontoon with a small motor to be rented by us. Earl asked if the resorts would monitor any trespassing. Jeff stated they would show people the boundaries and state that they are not allowed to trespass. If they do, they will be penalized by the law.

Frances Brisk asked how big will the sites be. Jeff Hardy stated 5000 square feet. Frances asked if there is a storm shelter. Jeff stated that the bathhouse would be used as such. Dave Stish asked what the size of the sites at the current camp ground is. Jeff stated they vary some were developed in 1971 and the ones that were added in 2015 and 2017 are all 5000 square feet. Dave asked about the occupancy of the current campground. Jeff stated that the current campground is full, and they have a substantial waiting list. Dave stated this would indicate the need for more campsites. Jeff stated that is what drove this site. With my growing family there was interest in this business from them.

Brent Lindgren asked about the business plan. Jeff Hardy stated it is May 1 through September 30. Hours of operation are 8 a.m. to 10 p.m. with no noise after 10. If there is an issue, they are given a verbal warning, a written warning then invited to leave the camp ground. Our rules are pretty strict. Brent asked if there was any input from the Sheriffs' office. Amy Kowalzek stated there was none.

Audience Comment:

Alex Hardy stated he is fully onboard with the project. Believe it will allow people the enjoyment of the outdoors. We respect the lake like everyone else. If there is invasive species in the lake it is going to impact our business. We have been here for 19 years this is priority number one for all of us.

Adolf Rabe stated he thinks this will help the business aspect of the neighborhood. We have many businesses in the area, and we hope the applicants get over crowded. The prospective with all the boats and such, I think that overtime the infrastructure will catch up to what the activity it is. The activity on some of the lakes is tuned to what kind of fish people are catching. I know Jeff and this will just add to the businesses.

Brad Steiner stated he would like to have a dream home on Lake Lena, I have a summer place here. It is really peaceful. This is a very small lake. We already had to fight to keep Shamineau waters out of Lena. Now have 12 neighbors this will go to 172 neighbors. This could rise the numbers to about 700 people. I understand not everyone will be here at one time. I think this will cause the lake to get polluted. I am against this request.

Amy Kowalzek stated this is the public hearing with a recommendation from the Planning Commission to the County Board on May 12th. This is also the time for any conditions. The final decision will be made by the County Board. Ground rules for public comment are state your name for the record, keep

comments to the point, speak clearly and keep all comments pointed to the Chair not to the applicant. All questions will be written down and we will answer them once all have had the opportunity to speak. Dave Stish stated he will give a two-minute warning to anyone with comments.

Elizabeth Busch stated she is speaking for the Rolling Oaks neighborhood. We have a lot of concerns. The noise level, trespassing and pollution. We already have many issues in this area, and this will just add to it.

Donna Kuehn stated she has concerns about the traffic on the road. The area is nice and quiet right now. Sometimes the area seems like a racetrack. We are also directly across from the campground. There are positive things and negative things. We are against this.

Eric Koser stated he is a neighbor to the Hardy's facility on Fish Trap and would speak positively that they have been great neighbors and the noise has not been issue. To speak of the sheer volume and AIS I would say that I appreciate the Hardy's and the neighbors that they are.

Jerry Lukonic stated that to the traffic volume. If this was done in 2018 it probably does not reflect what is going on right now. West Shamineau Dr is currently blocked and now I have to use County Road 203. The west access is flooded. Also, of the homes now are not usable due to the flooding. The people are coming here to fish and cannot on Lena. One more boat on Shamineau is too many. People do not abide by the lake laws.

Jessica Jensen stated they purchased there home two years ago and like the serenity. With the increased activity we will need to be more aware of who or what is coming on your property. This is going to impede on the people around the lake. When people purchased their property on this lake it was quite due to the size of the lake.

Leah Drury stated she is a seasonal property owner on Crookneck. One extra boat could do a lot of damage to our lake due to the high water. The applicant had mentioned that not all the sites would be used, and the other campground is fully inhabited. I would question on why they would need 160 sites if they don't need them. We need to recognize the impact on the area.

Leah Jensen stated she is opposed to this request. The amount of traffic is ridiculous. Concerned with the noise and wildlife. Where is the wildlife going to go? I am fighting the deer already. The bar is right down the road the weekends cause more traffic and speeding. This is enough.

Lori and Adam Nienow stated they are permanent residence on Lake Lena on the Shamineau side, we are opposed to the addition of a campground. Lake Lena is considered an Environmental Lake with zoning purposes. The Minnesota Pollution Control Agency stated that even though the area may be suitable for seasonals the area may not be suitable for all of the allowed uses within the Shoreland Commercial zoning district and careful consideration of a rezone must occur. We are very wildlife orientated people and that is the reason we are on this lake. Us and the other 12 neighbors we have take very good care of this lake. The 2017 five-year focus plan and local Water Plan has a list of waters that are not impaired. Lake Lena is on this list that has no invasive species and the more traffic you add the more likely you have the chance of getting this. This lake is very shallow. If invasive species comes into this lake it will eliminate this lake and we will end up with a swamp. Adam Nienow stated this proposed campground is bigger than the lake itself. Any mistake from anything from a dock, a boat or even a water toy would destroy our lake. This is a very large campground and a very small lake.

Mike Luconic stated he is not in favor of this plan. Concerns with the vehicle traffic and foot traffic. Heard some great things about the Hardy's. How will the monitoring of the campground be handled? Nice to hear there will be no ATV's. This is a lot of sites with a lot of additional traffic.

John Fink stated he talked to Hardy and understood there would be no lake side camping. We have six children, and this will create a lot of traffic. We are opposed to this request.

Patrick Shaver stated this is a small a lake and any additional traffic will be detrimental. Growing up on Shamineau I have spent a little time on Lena. Any sportsmen that like to fish will not do so on Lena they will be going to Shamineau, Fish Trap or Crookneck. How much excavation will need to be done on this site to accomplish the sites that they want. Have any studies been done. Will there be any negative effects on how the water is going to run? We don't need anything else going against us.

Cindy Shaver stated she would like to echo all the complaints regarding this development. I think this should be on a much larger lake. Very concerned with the traffic, noise and invasive species. We have enough traffic on the lake already. Very much opposed.

Rich Hunter stated his biggest concerns are with the boat traffic and high water. We have spent a lot of money to try and help this situation. Too many homes that people are now unable to use. Heard there are 40+ homes that have been abandoned due to the high water. If people don't have ownership on the lake don't have anything to lose, they will just move to another lake. We cannot do that. We must pay fees to keep out the invasive species they do not. If there is going to be a campground reduce the number.

Steve East stated they have a cabin on the east side of Lena. We picked that place due to the peace and quiet. This proposal seems completely out of scale. Concerned with noise, boat traffic, invasive species and wildlife. I could not possibly vote for the proposal. Does the permit allow or not allow motorized boat traffic, or is this left up to the resort owner? Because we already heard that perhaps there would be a pontoon with a small motor on it.

Thomas Motzke stated he will not say that he is opposed to this but does have concerns like everyone else. The residence around this lake are the most important.

Chat: Leah Drury asked will there be a caretaker on the property to take care of issues during the quiet hours or any other time.

Annette Fulthroad asked if the campers can go back and fourth between campgrounds. Traffic is an issue already. I think this is way too big. Pollution of the lakes are concerns.

Chat: Was the DNR contacted about this project.

Chat: An environmental impact statement should be required if this request is considered.

Brad Steiner stated this meeting would have many more comments if it was in person. Some people do not know how to use computers.

Adolf Rabe stated we are a resort community. The business really needs the business. I cannot think of better people to complete this project than the Hardy's. The boats will be owned by Mr. Hardy.

Mike Luconic asked he would like to know how the day to day policing is done. Will there be someone there 24/7.

Brad Steiner stated that it will only take one mistake to ruin something good.

Dave Stish closed public comment.

Amy Kowalzek ran through the questions that the public expressed.

1. What is the lease amount vs the people on site?
 - Jeff Hardy stated that I may have all the sites leased out but never have I had all sites occupied at the same time. On a busy weekend we may be 75 to 80 percent on site.

Average on site is about 65 to 70 percent. Typically, there are not many people on site until Thursday or Friday.

2. Quiet hours, policing of the site and how will the site be managed.
 - Jeff Hardy stated Alex and Colton currently live onsite and they do rounds of the site. Starting at around 10 p.m. until midnight or sometimes later. This happens on Fridays and Saturdays. If something happens at any other time people can call and I will address the issues at that time. There will always be someone onsite.
3. How much excavation will need to be done on the site to complete the project. Will there be any water runoff from the site?
 - Jeff Hardy stated they do not plan on doing any excavating except for the septic systems. Use the natural topography. There will be some tree removal, but this will be minimized. The stormwater plan shows that there will be no water leaving the property.
4. Does the permit allow or disallow the use of motorized lake traffic.
 - Amy Kowalzek stated the permit itself does not regulate this, unless the Planning Commission or the County Board add this as a condition.
5. Will campers be allowed to move back and forth between the resorts.
 - Jeff Hardy stated this is something he really cannot regulate. If people want to go visit someone someplace else, they have the right to do this. Amy Kowalzek asked if the amenities that are at the Fish Trap resort be open to the people from the Lake Lena resort. Jeff stated they will not.
6. How many sites are at the Fish Trap resort.
 - Amy Kowalzek stated there are 160 sites.
7. Was the DNR contacted regarding this request.
 - Amy Kowalzek stated they were and were also a part of the Development Review Team meeting, provided with the EAW and invited to attend this meeting. We have no correspondence from them.

Dave Stish asked if 160 sites is needed or could there be less sites. Jeff Hardy stated this is a business plan that works. The demand is there. MPCA allows 168 sites before additional permitting is required. We are under that amount.

The voting sheets were polled.

Chat: It was stated that the campground has a waiting list, now it is stated that the campground is never full. Amy Kowalzek stated that this means that all the sites are leased but not all the people are onsite at the same time. There is a list of people waiting to lease a site.

9:55 p.m. the chat option is now closed.

A motion was made by Brent Lindgren to recommend approval of this request with the suggested conditions. The motion was seconded by Dave Stish. The vote was all in favor.

The application will go in front of the Morrison County Board of Commissioners on May 12, 2020.

The public hearing was closed at 10:43 p.m.

A motion was made by Dave Stish to approve the April 7, 2020 minutes. The motion was seconded by Clint Katherine. The vote was all in favor.

Correspondence – None

Old Business – None

New Business – Sharon Peterson stated that all the board members were sent via us mail their per diem. Please fill this out and mail or e-mail it to the office to be processed. Amy Kowalzek stated that Sections 700 and 800 of the Land Use Control Ordinance were mailed to the board members, please replace them in your ordinance.

A motion was made by Earl Fuechtmann to adjourn the meeting. The motion was seconded by Clint Kathrein. The vote was all in favor.

With no further business at hand, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Amy Kowalzek, Secretary
Morrison County Planning Commission