



ITASCA COUNTY PLANNING COMMISSION/BOARD OF ADJUSTMENT

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Grand Rapids, MN 55744
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Wednesday, 1/12/2022

9:00 A.M.

Itasca County Boardroom

The regular meeting of the Itasca County Planning Commission/Board of Adjustment (PC/BoA) was held on 1/12/2022 at 9:00 a.m. in the County Board Room of the Courthouse with the following in attendance:

MEMBERS PRESENT: Lisa Maasch, Richard Kortekaas, Dan Butterfield, Mike Bellomy, Mike Oja;

ABSENT: None;

EXOFFICIO: Environmental Services Coordinator Greg Stoltz; Josh Falck;

GUESTS: Rodney & Caity Ernhart; Andrew Shaw; Bryan Lindsay.

Chair Maasch called the Planning Commission/Board of Adjustment meeting to order, opening with the Pledge of Allegiance. Copies of the agenda and opening statement were available for the audience.

Agenda. Mr. Stoltz added to the agenda: the election of 2022 officers and additional old business (Gus David update) which was moved to the end of meeting.

Election of Officers. 2022 Officers elected as follows:

Chair:	Mike Bellomy
Vice-Chair:	Mike Oja
Secretary:	Diane Nelson
WPIC:	Dan Butterfield
Hwy. 38:	Mike Bellomy

Minutes. Upon the motion of Kortekaas/Butterfield, which carried unanimously, the minutes of the 12/8/2021 hearing were approved as distributed.

CALL BACK TO TABLE- Rodney Ernhart/Dream Life LLC/CUP— Part of Lot 1, Section 28, Marcell Township 59-26, Parcel #26-028-2203, submitted a conditional use permit (CUP) application for resort expansion to add five camping cabins and 15 additional RV sites (11 RV sites were previously approved). This application was tabled at the 12/8/2021 meeting until the January meeting since the PCBA members were unable to inspect the site in December because of weather. Mr. Stoltz displayed an aerial photo/GIS map of the parcel on the overhead screen, reviewed the staff report and added PCBA 31 to the record (information distributed to the members at the site inspection on 1/10/22). He clarified that this is a separate application from the previously approved 11 RV sites. Rodney Ernhart was present and his discussion included that he scaled back his original 2019 CUP application from 25 to 11 RV sites because of neighbors' concerns and the need to address environmental concerns before they could begin the RV park. He contacted four of his neighbors regarding his current application and was able to work with one of them to address his concerns. He further explained he has not yet developed the previously approved 11 RV sites because of economic reasons (would be more economical to put in all the sites at the same time) and environmental reasons (needed to upgrade the existing septic/s). He noted that other resorts in the area have expanded without opposition (Cedar Point Resort and Owen's). Mr. Ernhart reviewed the GIS map on the overhead screen with members and discussed various details (including distance from other properties, etc.). He commented that all sites will have full hookups—some sites will be seasonal and some transient; the five cabins will only have electricity. Josh Falck, Itasca Cty. Trans. Dept., was present and discussed road jurisdiction; North Star Rd.

and North Star Lake Trail were not maintained/claimed by Itasca County or the Forest Service. The eastern portion of North Star Rd. is considered a township road (township plows/maintains to dumpster) which would require a 68' setback (for anything not just structures per Mr. Stoltz) and applicant would need to comply with township requirements. Mr. Stoltz suggested the applicant check on easement details before proceeding. North Star Lake Trail is a private road; there is an easement with a dedicated width of 25' for the north-south portion (which should have been located on the lakeshore parcels so is now a prescriptive easement); the east-west portion is also a prescriptive easement (utilized for over 15 yrs.) and would have a 5' setback. There was no representative from the township present and Mr. Ernhart commented that the township was advised by the township attorney to not comment on these issues. He further explained that he would like the campground/resort to be as natural as possible with grass sites; no concrete pads and Class 5 used only where needed. At 9:50 a.m., the meeting was recessed for 5 min. and called back to order at 9:57 a.m.

Andrew Shaw was present in opposition (representing the Macumbers) and concerns included that there has been no change since the first 11 RV sites were approved in 2019 and requested the application be denied until the first 11 sites were developed and used for a period of time so effects are known before considering an expansion since the neighbors are in close proximity and there could be potential negative effects on the neighborhood. He commented that primary considerations should be compatibility with the existing neighborhood and for the environment, not the financial consideration for the applicant. All safeguards/conditions put in place in the 2019 CUP to protect property owners have been abandoned in the new application. The private road will now be part of the campground and there was discussion that some roads will now be located within 100' commercial setback which was a condition of the 2019 CUP. Bryan Lindsay/Trenti Law, representing Ms. Davis, was also present in opposition with the same concerns as Mr. Shaw mentioned and additional concerns which included that North Star Lake Trail (partially located on the Davis property) is a prescriptive easement and prescriptive easements are for an established existing use, not to expand the use, and there was no previous commercial use. Also, the prior (2019) CUP included a condition for a 100' setback (no commercial use) from North Star Lake Trail and 138' setback for campers; he considers this to be an appeal of the 2019 CUP although there have been no changes/more information and applicants are requesting a significant expansion. There was discussion regarding the septic and Mr. Lindsay was concerned there was no design provided with the application. Mr. Stoltz commented he has been in contact with the designer/installer and a final design had not been submitted yet since more trees needed to be removed but, when it is, it will be reviewed and need to meet MPCA requirements. Mr. Ernhart commented that the road was used periodically by prior resort owners; the conditions/setbacks of the 2019 CUP were only for those 11 sites and the setbacks ended at the mound and he is requesting different setbacks for the current CUP. There was considerable discussion and opinions regarding the 2019 CUP condition for the 100' buffer and where on the property it was to apply since it was never defined on a map. Mr. Ernhart explained that there were two alternative sites if the sites in the northwest portion of the parcel were in question (the proposed plan indicates a 30'/60' setback) and commented the 138' setback (structure) condition from the 2019 CUP was due to the location of the septic mound (at 138'). The conditions of the 2019 CUP findings/resolution were reviewed which were:

- 1) Comply with Best Management Practices during construction;
- 2) Maintain a 100' buffer with no commercial use (as per Andy Shaw's 8/9/2019 letter); 138' buffer from any travel trailers/RVs/buildings (except for emergency egress) and no commercial use of North Star Lake Trail (north-south portion).

The 100' buffer condition mentioned in Mr. Shaw's 8/9/2019 letter was also reviewed which read: "There should be an internal 100' buffer from the resort property lines for the RV sites to preserve the privacy and quiet enjoyment of the neighboring residential properties." Kortekaas/Oja motioned to close the public portion of the meeting which carried unanimously. The members further reviewed the property on the GIS map on the overhead screen; there were concerns with the two RV sites located in the northwest corner which would not meet a 100' buffer setback. There was considerable discussion and it was suggested the County Attorney may need to define the location of the 100' setback condition of 2019 CUP. The meeting was recessed again for 5 min. at 11:15 am. and called back to order, then the members completed their criteria forms and conditions were discussed.

Motion: Bellomy/Kortekaas motioned to approve the CUP application submitted by Rodney Ernhart/Dream Life LLC for resort expansion to add five camping cabins and 15 additional RV sites as set forth in the 1/7/2022 staff report with the following conditions:

Condition/s: 1) County Attorney to define/give opinion on the 100' buffer location (2019 CUP condition) and how far it extends north along the property line and this CUP would comply with that buffer condition (otherwise setbacks as requested by applicant);
2) Identify where ownership of township road ends (if not defined then consider the township portion to end at the dumpster);
3) Comply with Best Management Practices during construction.

Motioned failed 2 to 3 (Aye - Kortekaas/Bellomy; Nay - Butterfield/Oja/Maasch (would like the previously approved 11 RV sites to be constructed first: Maasch also wanted the 100' buffer maintained).

Mr. Stoltz explained the appeal process to the applicants.

David CUP Review (for Salvage Yard) Update—S ½ of SE NE and NE SE, Section 31, Bigfork Township 61-26 (Bigfork River) Gustave & Marilyn David. (This review was tabled at the 10/13/2021 meeting until May 2022 and the Board requested monthly updates—last update was at the 10/13/2021 meeting). Mr. Stoltz distributed an update received from Robert Sjostrand, IEDC, to the members.

At 11:58 a.m. the meeting was adjourned.

By: _____
Diane Nelson, Recording Secretary