



Land Services Office

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**MINUTES
MILLE LACS COUNTY PLANNING COMMISSION
MILLE LACS COUNTY COURTHOUSE
MONDAY, MAY 9TH, 2022
7:00 P.M.**

MEMBERS PRESENT: John Weiers, Ross Habeck, Steve Johnson, Loren Lueck, Bob Hoefert

MEMBERS ABSENT:

EX-OFFICIO MEMBERS PRESENT: Brandon Reinking, Deputy Zoning Administrator & Keenan Hayes, Zoning Administrator

OTHERS PRESENT: None.

I. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting of the Mille Lacs County Planning Commission was called to order at 7:00 p.m. by John Weiers, Chair.

II. PLEDGE OF ALLEGIANCE

Chair Weiers led those present in the Pledge of Allegiance.

III. CONSIDER MARCH 28TH, 2022 PLANNING COMMISSION MINUTES

MOVED BY COMMISSIONER HABECK AND SECONDED BY COMMISSIONER LUECK TO APPROVE THE MARCH 28TH, 2022 MINUTES AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

IV. ADDITIONS TO THE AGENDA

None.

V. COUNTY BOARD UPDATES

None

VI. OLD BUSINESS:

None.

VII. NEW BUSINESS:

Consideration of a Request by Dotseth Brothers, LLC (Jeff & Gary Dotseth) to:

- Re-Zone a parcel of land from A-R Agricultural Residential to C-2 Highway Commercial

on property legally described as That part of the West 486 feet of the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼), except the South 213 feet and except parcel 21 to Highway 169, Section 13, Township 38, Range 27, lying South and East of CSAH #36, Mille Lacs County, Minnesota. **Generally located at 16326 Central Ave, Milaca, MN 56353.** PIN 11-013-1701.

Chair Weiers begins by stating the request and general location and asks if the applicant is here – applicant is in attendance. Bart Dover – 35296 125th Ave Onamia, MN 56359 is the applicant. The current owner of the property Jeff Dotseth – 4160 Silver Rd, Kettle River, MN 55757 is in attendance.

Mr. Dover states that they plan to purchase the both adjacent parcels (11-013-1701 & 11-013-1300) only if they were zoned commercial. He states the plan is to move their tongue and grove supply yard business to this location. The applicant reached out to surrounding business and he states they were in favor of having their business moved there.

Chair Weiers asks if they are producing the tongue and grove on site. Mr. Dover states they are just reselling the product and elaborates on the potential business hours 8-4 Monday thru Friday, 8-11:30 on Saturdays. Only noise would possibly be skid steers from time to time.

There was no written correspondence received for the matter at hand.

Chair Weiers then opens the floor for public hearing.

No public comments were heard and Chair Weiers closed the public hearing.

The staff report was summarized and highlighted by Keenan Hayes.

Commissioner Johnson confirms that the request is just for the re-zoning of the parcel.

Commissioner Johnson asks if the board is looking at these together. Chair Weiers confirms they are being reviewed together.

Commissioner Johnson asks for clarification on the flag lot portion of parcel 11-013-1300 and if the GIS property lines are accurate as there is some encroachment on the property line by adjacent structures. Staff confirms that the parcel lines on the GIS map are accurate but not perfect.

Mr. Dotseth spoke on the potential encroachment on the flag of parcel and the main entrance is located on the other side of the property and don't envision it being an issue.

Chair Weiers asks if they plan on combining the parcels and Mr. Dotseth states the plan for now is to keep them separate.

No further questions or comments from the Commissioners.

MOVED BY COMMISSIONER JOHNSON, SECONDED BY COMMISSIONER HABECK TO RECOMMEND APPROVAL OF THE REQUEST BY DOTSETH BROTHERS, LLC TO RE-ZONE PARCEL 17-013-1701 FROM A-R TO C-1.

MOTION CARRIED UNANIMOUSLY.

Consideration of a Request by Bendot, LLC (Gary Dotseth), to:

- Re-Zone a parcel of land from A-R Agricultural Residential to C-2 Highway Commercial

on property legally described as That part of the Northeast Quarter of the Southwest Quarter of Section 13, Township 38, Range 27, Mille Lacs County, Minnesota, described as follows, to-wit: Commencing at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 13, Township 38, Range 27, thence due East 1320 feet, mor or less, to the Northeast corner of said forty; thence due South 1287 feet; thence West 834 feet, thence North 1254 feet; thence West 486 feet; thence North 33 feet to point of beginning. Excepting the North 33 feet thereof lying westerly of Highway No. 169 right of way. All lines running parallel with Section lines. LESS AND EXCEPTING that part identified as Parcel 23 on MN DOT Plat 48-29, and LESS AND EXCEPTING that part identified as Parcel 223 on MN DOT Plat 48-40, and LESS AND EXCEPTING that part thereof lying Easterly of the Easterly right of way of Highway No. 169, except the South 33 feet, Section 13, Township 38, Range 27, Mille Lacs County, Minnesota. AND That part of the South 33 feet of the Northeast Quarter of the Southwest Quarter (NE ¼ of SW ¼) of Section Thirteen (13), Township Thirty-eight (38), Range Twenty-seven (27), lying west of Highway No. 169, Mille Lacs County, Minnesota. **Generally located at 16xxx Central Ave, Milaca, MN 56353.** PIN 11-013-1300.

Discussion and review took place alongside parcel 11-013-1701.

MOVED BY COMMISSIONER JOHNSON, SECONDED BY COMMISSIONER LUECK TO RECOMMEND APPROVAL OF THE REQUEST BY BENDOT, LLC TO RE-ZONE PARCEL 17-013-1300 FROM A-R TO C-1.

MOTION CARRIED UNANIMOUSLY.

Consideration of a Request by Travel Resorts at Soo Line Trail LLC, to:

- Amend an existing Conditional Use Order to expand the number of RV sites allowed from 35 to 44

on property legally described as PARCEL A: The East 408 feet of the West 474 feet of the North 600 feet of the West Half of the Northwest Quarter, Section 33, Township 42, Range 26, Mille Lacs County, Minnesota. PARCEL B: The South 440 feet of the North 1040 feet of the West 474 feet of the West Half of the Northwest Quarter, and the West 66 feet of the West Half of the Northwest Quarter, all in Section 33, Township 42, Range 26, Mille Lacs County, Minnesota. PARCEL C: That part of the West Half of the Northwest Quarter which lies southerly of the south right of way of railroad; part of the

West 540 feet of the West Half of the Northwest Quarter lying southerly of the North 1040 feet and northerly of the northern line of the railroad right of way; and the East 66 feet of the West 540 feet of the North 1040 feet of the West Half of the Northwest Quarter, all in Section 33, Township 42, Range 26, Mille Lacs County, Minnesota. **Generally located at 10889 Stevens Rd, Onamia, MN 56359.** PIN 17-033-0203, 17-033-0204, 17-033-0205.

Mr. Michael Klemm – 8050 W 78th St, Edina, MN explains the nature of the request. That the interim use permit to expand to 49 camping sites expired upon the transfer of ownership. The request is to amend the current CUP to utilize the existing, already constructed camping site. There is no additional expansion of the campground.

There was no written correspondence received for the matter at hand.

Chair Weiers then opens the floor for public hearing.

Josephine Rapatz – 37052 US Hwy 169. Ms. Rapatz describes how she believes the tree buffer zone, as indicated in the original CUP, was never completed. She describes how there is a safety issue from ATV traffic from the campground using the road to access other trails. She states there should be better signage and control of the traffic. Claims that the smoke from the campfires negatively impacts her property and suggests the campground to install smokeless camp site rings.

Chair Weiers closes the public hearing.

The staff report was summarized and highlighted by Keenan Hayes.

The board deliberates amongst themselves.

Robert Bowes – 7916 Middler Dr, Austin, TX

Mr. Bowes speaks on the status of the trees on the property and that there is a tree buffer present and that the lilac's have not bloomed yet and will create a better barrier once they have bloomed.

Commissioner Lueck states the board does not really have any control over the ATV traffic.

Commissioner Johnson confirms that the CUP is still valid and only the IUP has expired.

Chair Weiers asks Mr. Klemm if there is any information given to the guests about ATV regulations in the campground and in the area. Mr. Klemm states he is unaware that there is any.

Ms. Rapatz – enlightens the board about the suggested route by the DNR to go to the Soo Line then to Hwy 169 instead of County Road 23.

Commissioner Johnson states it is not campgrounds responsibility to monitor the ATV's once they leave the premises.

No other questions or discussion.

MOVED BY COMMISSIONER LUECK, SECONDED BY COMMISSIONER HABECK TO RECOMMEND APPROVAL OF THE REQUEST BY TRAVEL RESORTS AT SOO LINE TRAIL, LLC TO AMEND THE CURRENT CUP TO ALLOW THE TOTAL CAMPSITES TO INCREASE FROM 35 TO 44.

MOTION CARRIED UNANIMOUSLY.

Consideration of a Request by TCP Holdings, LLP, for a:

- Conditional Use Permit for Commercial Recreation (concert event)

on property legally described as The North 1,600 feet of that part of Government Lots Four and Five (4 & 5), Section 27, Township 43, Range 25, that lies east of Minnesota State Highway #47, except the North 33 feet thereof; AND All of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) and the North 1,326 feet of Lots Two (2) and Three (3), all in Section 27, Township 43, Range 25, LESS AND EXCEPT 5.83 acres to public highway; LESS AND EXCEPT all that part thereof lying West of State Highway No. 47, Mille Lacs County, Minnesota. ALSO LESS AND EXCEPT the North 400.00 feet of the East 575.00 feet of the Northeast Quarter of the Northeast Quarter, Section 27, Township 43, Range 25, Mille Lacs County, Minnesota. **Generally located at 43694 Hwy 47, Isle, MN 56342.** PIN 05-027-0101, 05-027-0102, 05-027-0103.

Tim Potoczny – 1325 State Hwy 47 N, Isle, MN. The plan is to host a 4-day concert/festival on the old ball fields at the location provided in the request. Also, would like to hold special event camping at said location.

Commissioner Johnson asks if the main building is part of the CUP or not. Applicant states it will not be used for much.

Mr. Hayes relays information that the main building should not be used as part of this request due to the fact it is actually located in a shoreland district where this type of event is not an allowed or conditional use.

Commissioner Johnson confirms that there are no activities related to the event in the parking lot due to the area being in the shoreland district.

Chair Weiers asks for more information on the camping.

Mr. Hayes confirms that the campground is an allowed use and technically should not be part of the Conditional Use Permit and should be issued in a separate administrative action by the zoning office.

The applicant confirms that the stage will be set on the softball fields.

Written Correspondence –

Kimball & Linda Paulsen - 43234 Hwy 47

Linda and I have many concerns about this because of "lack of information" such as

1. Number of events per year
2. Length/hours per event
3. Type of music
4. Estimated crowd size per event
5. Crowd and noise control policing

We have lived her on this property for 47 years not because of the peace and quiet along with other factors that this area gives us. We would strongly oppose multiple yearly events!

Cindy Haak - 43529 Vista Rd

Happy someone is using it, not too worried.

Joe & Tessa Horstmann - 7690 165th St W, Lakeville, MN 55044

I am writing to provide comments regarding a notice from the county received 5/1/2022 for a Conditional Use Permit hearing scheduled for 5/9/2022 requested by TCP Holdings for a Commercial Recreation (concert event) near my property.

It is unclear from the notice if this permit is for a single event or continued use as a concert venue. I would like to better understand the intended future use and development plans associated with this request.

I'm concerned these types of changes will have a negative impact on the use and enjoyment of my property and neighboring residents without proper consideration.

If this is for a single event, should this be changed to an interim use permit instead of conditional use permit? How will you limit future events without changing the type of permit?

Please describe the standards in the permit addressing event capacity limits, duration, time restrictions for noise, barriers/screening, vehicle traffic, and policing. How will proposed standards be enforced?

Loud concerts and additional late night bar activity is not something that will have a positive impact on the area. I am not in support of permitting a concert venue for ongoing use. I am in support of improvements that are positive for the community, however I want to make sure that as adjacent property owners we are respecting each other.

We use our land for camping, hiking, hunting and various outdoor activities. Quiet time in the evenings around a campfire watching the stars is an important part of how we enjoy our land, and we would like to ensure this is respected.

Chris & Steve Wallis - 43236 Hwy 47

Chris and I have concerns, is this a one time event or a ongoing series of events? If it is a one time event we would be open for discussion . What is the genre?

Different genre bring different crowds. What would the hours be , for instance over at 10pm?

We are adamantly against ongoing events. One of the reasons we live here is for the peace and quiet!

Since we cannot attend the meeting, we as tax payers would like a response to our questions, and be notified of the decision the zoning board makes

Mr. Hayes also states there were multiple phone calls received with concerns regarding event frequency, traffic, parking, security, noise and lights.

Chair Weiers then opens the floor for public hearing.

Carol Kuelbs - 3309 Vista Rd

Ms. Kuelbs states they are concerned about the noise level and there have been indoor concerts at the bar previously that would go until 2am. They were advised that there is no noise ordinance for Mille Lacs County. Encourages doing an Interim Use Permit for a one-time event. Suggests using this as a pilot project to see how it goes the first time before approving additional events.

Penny Menke - 43549 Vista Rd

Menke's been up there for a long time. Has 7 grandchildren and the biggest concern is the traffic from Mac's to the concert venue because we have seen it in the past historically. Also is concerned about the potential noise level. Also is excited about bringing a positive atmosphere to the area compared to what it has been. Thinks that a Christian music concert is an awesome idea.

John Keding - 43257 Vista Rd

Some of the concerns they have is if this will set a precedent in the future. Understands that it will be Christian bands but what about next time? What if it's a rave party or something like that? Is there liquor being sold on premise? Has concerns about the security and noise levels. Also states the concern about traffic due to the location being on a curve on Hwy 47. They are in favor of promoting business in the are and hopes the applicant can make it work.

Chair Weiers closed the public hearing.

The staff report was summarized and highlighted by Keenan Hayes.

Staff recommends approving this request. Possible conditions to be placed upon approval:

1. Due to increased noise, traffic, and lights, it is recommended that any concerts or activities generating nuisance-level noise cease at 11:00 pm.
2. Food vendors should obtain applicable licenses from the Minnesota Department of Agriculture.

3. A Liquor license should be obtained if necessary.
4. Prohibit parking on MN State Highway 47.
5. Notify local law enforcement of event.

Commissioner Habeck asks the applicant how he might police this.

The applicant states he has spoke with a few security companies. It is a Christian music festival and there will be no alcohol at the event. The plan is to have music end at 10pm. The applicant states he wants to bring people up to the area to help local business.

Commissioner Johnson asks if they have checked with the sheriff's office for a permit. The applicant has not. Commission Johnson states the sheriff's office will require one.

The applicant states the concert is free to attend.

The board further deliberates.

Commission Johnson reviews the conditions recommended by staff.

1. Yes, this looks good.
2. Over reach by the county to suggest that. There are state laws in effect.
3. Liquor license is a non-issue
4. Nothing stopping parking in the future, should be state issue because it's a state hwy
5. Sheriff's permit should be issued for this.

Commissioner Johnson recommends a one-time CUP with conditions 1 and 4 as laid out in the staff report.

No further questions for discussion.

MOVED BY COMMISSIONER LUECK, SECONDED BY COMMISSIONER HOEFERT TO RECOMMEND APPROVAL OF THE REQUEST BY TCP HOLDINGS, LLP FOR A ONE-TIME CONCERT EVENT CUP WITH CONDITIONS 1, 4 & 5 AS STATED IN THE STAFF REPORT.

MOTION CARRIED UNANIMOUSLY.

Consideration of a Request by Next Shift Enterprises, LLC, for a:

- Preliminary Plat of "Mille Lacs Dockside" containing 11 new lots

on property legally described as Outlot B of Last Cast on Mille Lacs CIC 47, Section 27, Township 43, Range 27, Mille Lacs County, Minnesota. **Generally located 18xxx Badger Dr, Garrison, MN 56450.** PIN 09-521-0080.

Kevin McCormick - 11821 Lake Trl, Crosslake, MN

Mr. McCormick gives a description and summary of the request and property.

They are proposing 11 new lots for the plat that all meet the minimum lot size.

The 11 lots will have access to Mille Lacs Lake through Lot 4 Block 1 of Mille Lacs Channel View.

Chair Weiers asks for confirmation on lake access and how the residents will access. Mr. McCormick confirms that Lot 4 will be shared by the 11 lots.

All 11 lots will be hooking up to the Garrison Sewer system.

No written correspondence.

Chair Weiers then opens the floor for public hearing.

Ron Adolphson - 46495 Happy Hollow, Garrison, MN

Member of the Kathio town board. The town board was presented this packet at the last meeting. He questions how the 11 lots are being accessed and if he will need to issue driveway permits for each of the lots. Who will be paying for wear and tear on the roads?

The board and Mr. Adolphson confer about the road access and confirm that each of the lots will have driveway access to the public township roads.

Rick Olek - 47052 180th Ave, Garrison, MN

Curious if anyone has been up to the neighborhood. Claims that the intersection there is dangerous. This project will dump 11 new homes in the area. Mr. Olek claims Xavier Rd and Badger Rd are shot and there will be a lot of construction traffic that will destroy the roads further. Concerns with potential parking of car loads of people on lot 4 where the property owners will have lake access. Mr. Olek asks what the definition of Single-Family Home. Mr. Hayes reads the definition from the Mille Lacs County Development Ordinance. There is concern that all of the lots will have campers on them instead of Single-Family Dwellings. Not for this because it does not do the neighborhood any good.

Gary Piekarczyk - 47128 180th Ave, Garrison, MN

Concerned about the idea of putting dockside access to the channel that is more a wetland than a channel. The problem is all that area is significant Muskie spawning area and lots of other fish and wildlife use that area. Would like to see more information on how the docks will be placed next to a peat bog. The whole development is predicated on access to Mille Lacs Lake. The channel continues to get narrower with erosion issues, probably only two feet deep in some areas and may need to be dredged. Concerned about the safety of the Xavier Rd and Hwy 169 intersection, has heard the crashes. Encourages the board to delay the decision until there is more information.

Duane Jedlicki 18031 Marina Way

Has lived on Marina Way for more than 30 years. Marina Way is not built for what they want to do there. The channel is not made for additional access, it is washing in. It should be dug out, cleaned up and a wall put up. Many owners have put rock up along the channel because its closing in. Fed up with what's going on up there with houses going in. Concerned that the intersection is dangerous and will continue to be dangerous. The channel is shot, its closing in, you can't do this unless you dig it out and put a wall up. Been there for 33 years. Claims the additional access will ruin the channel.

Kevin McCormick

Mr. McCormick clarifies that the gravel drive on the NE portion of the plat in question is private road for the 5 lots along the lake. All 11 of the lots will have driveway access along the public township roads. The intention is for Single-Family homes. This is a high-density area and it has been this way for years. The previous recorded plat for a campground was for 46 units and this plat is proposing only 11 new lots. The 11 new lots will not be the end for the roads in this area. There is concern of the channel but that would be a DNR issue, and not part of the plat.

Gary Piekarczyk

Says there is two delineation areas on the plat. That was used after the Hardwoods debacle. There were many erosion problems coming off the hill and ending up in the lake.

Keenan Hayes

No official wetland delineations have been supplied to the county. The developer would be responsible for any delineations prior to construction.

Kevin McCormick

Confirms the existing wetland has been delineated and re-delineated and the area in question is the original dig site of a stormwater pond for Hardwoods Harbor, it has not been filled in and it will be filled in. It is not an actual wetland because it is incidental/man made.

Rick Olek

Shows the board where the he believes there to be cattails/wetlands on the parcel.

Gary Piekarczyk

Been here since 1991 and there has been a wetland up there since then.

Sherri Jedlicki 18031 Marina Way

If you go back many years, the lots to the south should have been an association and it did not work. Those lots ended up being sold for cheap and now it's full of campers and junk. Concerned that these lots will end up being an abandoned area with campers and

junk. Concerned with the potential noise level increase. Seeing the increase in theft in the area and is concerned it may increase with the new lots coming in. Has AirBnB's on each side of their house and the noise level is an issue.

Sandy Smith - 23590 Smiley Rd, Nisswa, MN

The original plat that was recorded allowed for 45 townhome units. We have never been motivated by maximizing density. They look at the highest and best use of the property in relation to the community. This area is inundated with undeveloped lots. The best way to protect the lots from becoming like the others is to ensure the lake access. Lot 4 is an approved lot. States that he could put as many docks along lot 4 as he wanted and then turn the parcel in question into as many camping lots as possible and maximize the density. The idea to protect the neighborhood is by creating valuable lots. He will list these at \$55,000 to \$70,000. No one is going to pay that kind of money and turn around and put a cheap camper on there. If he is not allowed to develop this the way he wants, his only other option would be to sell lot 4, turn around and develop the area in question to about 25 or more lots.

Chair Weiers asks if there will be an HOA agreement with the lots and if there will be restrictions on the types of buildings they can construct.

There will be an HOA associated with those lot. Right now, there are no plans to restrict the type of structure you can construct in the HOA document language.

Commissioner Johnson asks if Lot 4 will be shared ownership and if there will be any rules/regulations on parking and docks for this area.

Sandy Smith states that information is laid out in the declarations provided with the plat application.

Commissioner Johnson asks why Lot 5 of Dockside is so big.

Mr. Smith states that the 5 lots across the private drive along the lake will collectively purchase that as layer of protection between them and the plat in question.

Chair Weiers closed the public hearing.

The staff report was summarized and highlighted by Keenan Hayes.

Mr. Hayes highlights the comments by the offices of the Attorney, Engineer, Auditor, Surveyor and Zoning Administrator.

Sandy Smith clarifies what the plan is on Lot 4. They have one dock and one boat lift out there.

Mr. Hayes makes the board aware that the harbor is actually a tract of land that is owned by a taxpayer. This potentially could cause issues for dock/lift access. The current owner of the harbor channel is Lake Mille Lacs Investment. No further clarification was received from the DNR on this matter when it was requested.

Mr. McCormick clarifies that there may be private ownership underneath the water however the water that is the OHWL is part of the navigable waters of Mille Lacs Lake and therefore public. Unless there is no water, it is basically a non-factor.

The board discusses the implications of the private property that is underneath the public navigable water of the harbor/channel.

The board and staff deliberate.

Commissioner Johnson asks what the next steps in the approval process are. Mr. Hayes states that it will need to be approved by the County Board, comments on the preliminary plat will need to be addressed, then resubmitted to the planning commission for final plat approval.

Commissioner Lueck asks if the county can put any conditions on what types of homes the owners can build on the property. Mr. Hayes states he is unsure of the legality on adding that type of condition but he believes that they would own the land and as long as it fits within the development ordinance it should be allowed.

Sherri Jedlicki asks who would be responsible for dredging the channel. Chair Weiers states that whoever is the owner of the land under the parcel would be responsible for dredging the channel.

Commissioner Johnson states that the plat fits within the development ordinance and the essence of the ordinance is to let people do what they want on their property.

Commissioner Lueck asks about the roads and who will be responsible for the road replacement. Commissioner Johnson states that at some point the township will have to fix the road, no matter if the plat comes through or not. At some point regardless, it will have to be fixed.

Commissioner Johnson elaborates on how the plat fits with what we are here to do and recommends to send it up to the county board to see if they have any comments on it.

MOVED BY COMMISSIONER JOHNSON, SECONDED BY COMMISSIONER HOEFERT TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT BY NEXT SHIFT ENTERPRISES WITH THE CONDITIONS AND COMMENTS AS INDICATED IN THE STAFF REPORT.

MOTION CARRIED UNANIMOUSLY.

VIII. OTHER BUSINESS:

None.

IX. ADJOURNMENT:

There being no further business, **MOVED BY COMMISSIONER JOHNSON AND SECONDED BY COMMISSIONER LUECK TO ADJOURN THE MEETING.**

MOTION CARRIED UNANIMOUSLY.

The meeting of the Mille Lacs County Planning Commission adjourned at 9:23 p.m.

Respectfully submitted,

Brandon Reinking

Brandon Reinking
Deputy Zoning Administrator