



# COUNTY OF BECKER

## *Planning and Zoning*

915 Lake Ave, Detroit Lakes, MN 56501  
Phone: 218-846-7314 ~ Fax: 218-846-7266

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### PLANNING COMMISSION

#### NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

March 8<sup>th</sup>, 2021 @ 6:00 P.M.

**\*\* VIRTUAL HEARING CONDUCTED VIA MICROSOFT TEAMS MEETING\*\***

APPLICANT: Hanson Properties of Shoreham  
1462 East Shore Dr  
Detroit Lakes, MN 56501

Project Location: 24110 Co Hwy 22  
Detroit Lakes, MN 56501

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request a Conditional Use Permit to construct and replace a fence six (6) feet high within fifty (50) feet of the Pelican River.

LEGAL LAND DESCRIPTION: Tax ID number: **19.1869.000** Section 20 Township 138 Range 041; WESTS ADD – SHOREHAM BLOCK A LOT 1 EX NELY 235'. Tax ID number: **19.1870.000** Section 20 Township 138 Range 041; WESTS ADD – SHOREHAM BLOCK A A 95' STRIP LYING 140' W OF SLY LINE OF LOT 1.

#### REFER TO BECKER COUNTY ZONING ORDINANCE

**\*\* In response to the COVID-19 public health emergency declared by Governor Walz, the March Planning Commission Hearing will be conducted via Microsoft Teams Meeting as allowed under Minnesota Statutes, Section 13D.021. To join the Microsoft Teams Meeting by phone please dial +1 763-496-5929 and use conference ID: 627 867 981# or to access the meeting virtually please follow the link provided on the Becker County website under News & Announcements, "Planning Commission Public Hearing Link".**

#### Replies/Comments:

Public testimony regarding this application will only be received by email, in writing, or by participating in the remote public hearing. Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments, or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable.

Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**  
915 Lake Avenue  
Detroit Lakes, MN. 56501

**EMAIL: [nicole.hultin@co.becker.mn.us](mailto:nicole.hultin@co.becker.mn.us)**

**To view all application information on this project please visit:**

**[http://www.co.becker.mn.us/government/meetings/planning\\_zoning/planning\\_commission/](http://www.co.becker.mn.us/government/meetings/planning_zoning/planning_commission/)**

If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

## Conditional Use Application Review

Permit # CUP2021-26

### Property and Owner Review

Owner: <b>HANSON PROPERTIES OF SHOREHAM</b>	Parcel Number(s): <b>191869000 191870000</b>
Mailing Address: <b>HANSON PROPERTIES OF SHOREHAM 1462 EAST SHORE DR DETROIT LAKES MN 56501</b>	Site Address: <b>24110 Co Hwy 22 Detroit Lakes, MN</b>
	Township-S/T/R: <b>LAKE VIEW-20/138/041</b>
	Shoreland? <b>Yes</b> Name: <b>Sallie (Lake View) [GD] Pelican River</b>
Legal Descr: <b>WESTS ADD - SHOREHAM BLOCK A LOT 1 EX NELY 235'</b>	

### Conditional Use Details Review

Description of Conditional Use Request: **The Property Owner wants to replace and add some lineal footage to an existing fence that is within 50' of the Pelican River. In addition, the Owner wants to build the fence to a height of 6 feet**

*1. Describe how the conditional use permit, if granted, will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.*

**The majority of fencing is already in place. The purpose of the fence is to create privacy for the patrons of the restaurant, which is a benefit to both the restaurant and the neighbors.**

*2. Describe how establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.*

**The restaurant establishment has been in operation in the location for over 100 years. The new fences will only improve upon the existing surroundings.**

*3. Describe how adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

**Utilities and access roads are not affected by this fence. The new fences are part of a larger project, [new deck system, siding, and roofing] that will improve and enhance the overall appearance and stormwater management of the property.**

*4. Describe how adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*

**The fence project will not change or alter the existing parking of the establishment.**

*5. Describe how adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.*

**The new fences will actually improve upon the existing efforts to conceal the restaurant operation from bypassers.**

Additional shoreland questions below (if applicable)

*6a. Describe how adequate measures have been or will be taken to assure that soil erosion or other possible pollution of public waters will be prevented, both during and after construction.*

**The construction of the new fence will not have any effect on soil erosion. However, the proposed new deck system will greatly improve the stormwater management of the property as additional mitigation measures have been taken to control water run-off**

*6b. What measures have been taken to assure that the visibility of structures and other facilities as viewed from public waters will be limited.*

**This is the reason for the new fence replacement.**

*6c. What measures have been taken to assure that the site is adequate for water supply and on-site sewage treatment.*

**No changes are being made to the existing water supply or sewage treatment systems.**

*6d. Describe how the types, uses and number of watercrafts that the project will generate can be safely accommodated.*

**This project has no effect on watercraft usage.**

### Business Plan Review



Name of Business: <b>Hotel Shoreham</b>
Business Owners: <b>Lake Life Hospitality</b>
Business Type: <b>Service</b> If 'Other', explain: <b>Restaurant</b>
Type of Merchandise: <b>Food and drink along with some clothing. - No change to the existing operation.</b>
Type of Service: <b>See the above question.</b>
Hours and Days of Operation: <b>4:00 pm to 1:00 am</b>
Number of Employees: <b>45</b>
Off-Street Parking Plan: <b>Same as existing. The fence replacement does not affect the parking in any manner.</b>
Size of structure to be used for Business: <b>The existing structures do not change.</b>
New or Existing: <b>Existing Structure</b>
Signage Plan: <b>There are no changes to the existing signage.</b>
Exterior Lighting Plan: <b>Low voltage 'cafe' lighting may be added to the outdoor deck area.</b>
Known Environmental Hazards: <b>None.</b>
Additional Business Plan Information: <b>None - no change from existing operations.</b>

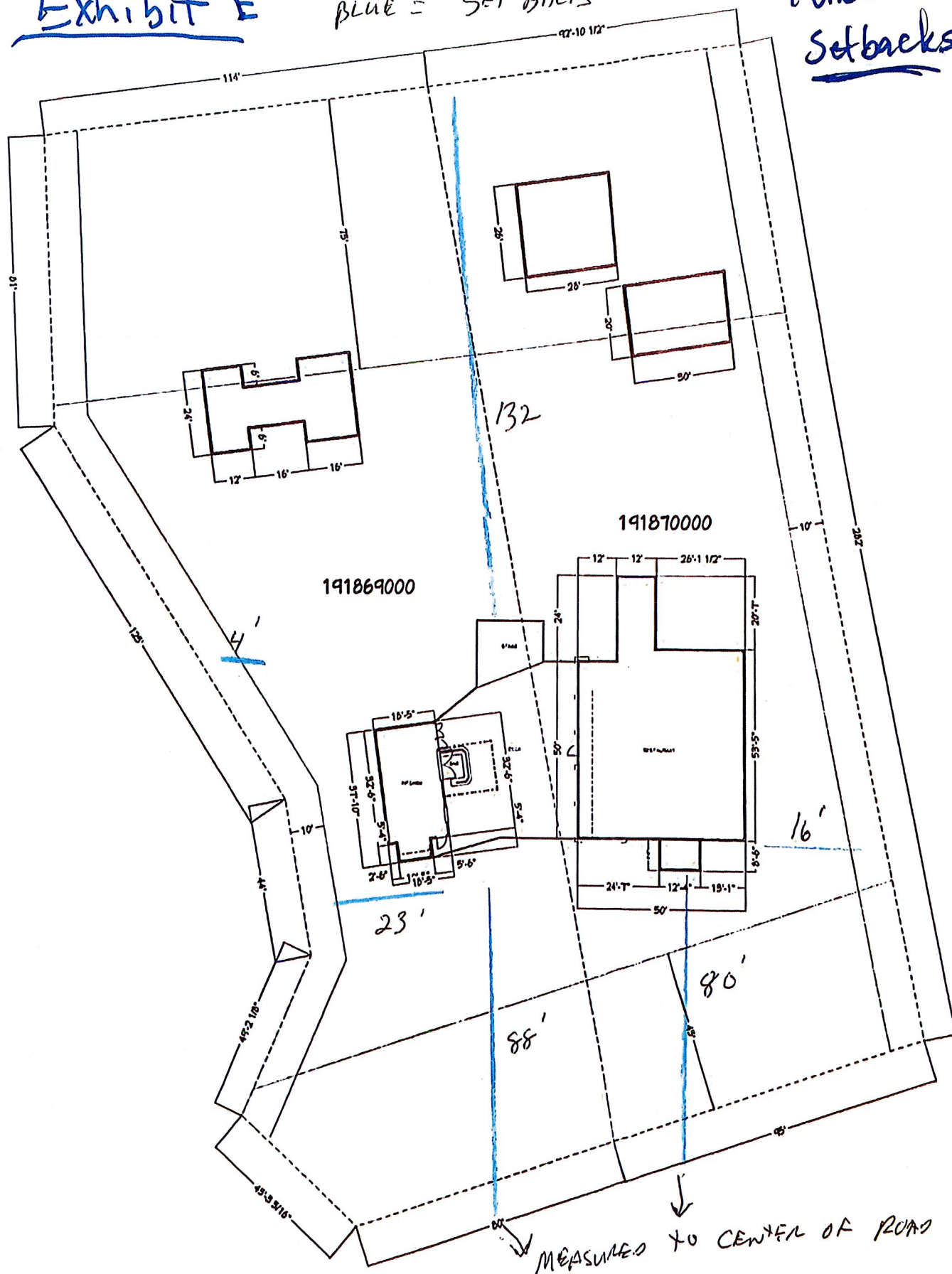




Exhibit E

BLUE = SET BACKS

## Fence Setbacks









## Authorized Agent Form

(If you are the owner completing & signing the site application no need to complete this form)

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Becker County Planning and Zoning receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), Hanson Properties & Shoreham hereby authorize Lighthouse Construction to act  
(landowner-print name) (agent-print name)  
as my (our) agent on the following item(s): appropriate box(es)

☒ permit application (write in permit "type" – e.g. site, septic, etc.): site

☐ plat application: \_\_\_\_\_

☒ conditional use application: Fence

☒ variance application: only if needed

☐ other: \_\_\_\_\_

on my (our) property located at:

Tax Parcel Number(s): 191869000; 19187000 Physical Site Address: 24110 Co Hwy 22; Detroit Lakes

Legal Description: Block A Lot 1 ex. WELY 235'; Block AA 95' Strip lying 140' W of SLY Line of Lot 1

Section: 20 Township: 138 Range: 041 Lot: 1 Block: AA Plat Name: West Adds - Shoreham

### Agent Contact Information

Agent address: 25096 Co. Hwy 6 Detroit Lakes MN 56501  
Street City State Zip Code

Agent phone #(s): 218.844.1900 Agent fax #: \_\_\_\_\_

Agent email address: jeffb@inspireawayholdings.com

Cole Hanson

12.08.20

Property Owner(s) Signature(s)

Date

State of Minnesota  
County of Becker

On this 9 day of December 2020 before me personally appeared Cole Hanson

to me known to be the person(s) described in and who executed the foregoing instrument; and acknowledged

that He/She executed the same as her/his free act and deed.

(Notary Stamp)



Paul Urbach  
Notary Public

Office Use Only:

Date received: \_\_\_\_\_ Expiration Date: 1/31/2025



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## Planning and Zoning

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Phone: 218-846-7314 ~ Fax: 218-846-7266

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### PLANNING COMMISSION

#### NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

March 8<sup>th</sup>, 2021 @ 6:00 P.M.

**\*\* VIRTUAL HEARING CONDUCTED VIA MICROSOFT TEAMS MEETING\*\***

APPLICANT: Sandra Orthmeyer Vetter  
19818 Co Hwy 32  
Rochert, MN 56578

Project Location: Co Hwy 32, Corner of 335<sup>th</sup>  
Rochert, MN 56578

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request to amend an existing Conditional Use Permit; Recorded document no. 658932 to increase crushing and hauling operations.

LEGAL LAND DESCRIPTION: Tax ID number: **10.0271.000** Section 14 Township 139 Range 040; E 122 RDS of N1/2 of NW1/4 Less 12.77 AC & E 2 RDS.

#### REFER TO BECKER COUNTY ZONING ORDINANCE

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#### Replies/Comments:

Public testimony regarding this application will only be received by email, in writing, or by participating in the remote public hearing. Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments, or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable.

Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**  
915 Lake Avenue  
Detroit Lakes, MN. 56501

**EMAIL: [nicole.hultin@co.becker.mn.us](mailto:nicole.hultin@co.becker.mn.us)**

**To view all application information on this project please visit:**

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If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.



## Conditional Use Application Review

Permit # CUP2021-28

### Property and Owner Review

Owner: SANDRA VETTER	Parcel Number(s): 100271000
Mailing Address: SANDRA VETTER 19818 CO HWY 32 ROCHERT MN 56578	Site Address: Co Hwy 32, Corner of 335th Rochert, MN 56578
	Township-S/T/R: ERIE-14/139/040
	Shoreland? No Name:
Legal Descr: E 122 RDS OF N1/2 OF NW1/4 LESS 12.77 AC & E 2 RDS	

### Conditional Use Details Review

Description of Conditional Use Request: **Request to amend an existing Conditional Use Permit; Recorded document no. 658932 to increase crushing and hauling operations.**

1. Describe how the conditional use permit, if granted, will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

**From previous CUP request: The project does not harm any properties in the area.**

2. Describe how establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

**From previous CUP request: The material taken does not affect surrounding land.**

3. Describe how adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

**From previous CUP request: There is an existing approach, and in previous request stated that a road would be made on the land to the pit.**

4. Describe how adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

**From previous CUP request: Parking will be in the field, on site.**

5. Describe how adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

**From previous CUP request: The operation is shielded by trees and operates in a low area.**

Additional shoreland questions below (if applicable)

6a. Describe how adequate measures have been or will be taken to assure that soil erosion or other possible pollution of public waters will be prevented, both during and after construction.

6b. What measures have been taken to assure that the visibility of structures and other facilities as viewed from public waters will be limited.

6c. What measures have been taken to assure that the site is adequate for water supply and on-site sewage treatment.

6d. Describe how the types, uses and number of watercrafts that the project will generate can be safely accommodated.

### Business Plan Review

Name of Business: D & B Septic & Excavation LLC

Business Owners: Dale Renner

Business Type: Other - Please describe below If 'Other', explain: Septic & Excavation

Type of Merchandise: Rock, Gravel, Sand, Black Dirt

Type of Service: Aggregate Mining

Hours and Days of Operation: Currently approved for 7am-530pm, Mon-Fri with crushing being 1-2 days per month, and hauling materials a few days per week. Requested to extend operating times.

Number of Employees: 1

Off-Street Parking Plan: <b>Parking on-site</b>
Size of structure to be used for Business: <b>n/a</b> New or Existing:
Signage Plan: <b>N/A</b>
Exterior Lighting Plan: <b>none</b>
Known Environmental Hazards: <b>no</b>
Additional Business Plan Information:



658932

BECKER COUNTY RECORDER  
STATE OF MINNESOTA  
Document No. 658932

May 22, 2019 at 1:32 PM  
I hereby certify that the within  
instrument was recorded in this office.  
Patricia Swenson, County Recorder  
By MN \_\_\_\_\_ Deputy

STATE OF MINNESOTA

BECKER COUNTY ZONING

COUNTY OF BECKER

PERMIT FOR USE

This is to Certify that under the Zoning Ordinance of Becker County, Property described  
as follows may be used as indicated:

ADDRESS OF PROPERTY: Co Hwy 32 Rochert, MN 56578; Section 14, Eric Township

CURRENT ZONE: Agricultural

LEGAL DESCRIPTION: PID Number 10.0271.000

Complete Legal Description on Attachment A.

OWNER: Sandra Ordmever-Vetter

OWNERS ADDRESS: 19818 Co Hwy 32 Rochert, MN 56578

chg  
paid  
well

EXACT DESCRIPTION OF USE PERMITTED AND CONDITIONS:

Approve a conditional use permit, as submitted, to mine and excavate for gravel, rock and  
black dirt. Hours of operation will be 7am-5:30pm Monday through Friday. Crushing would  
occur one to two days per month. Hauling would occur a few days per week. To occur on an  
Agricultural zoned property, due to the fact the request will not be detrimental to the area.

NOTICE: This Use CANNOT BE CHANGED to any other Use without a new Permit from the  
Zoning Administrator. The Conditional Use Permit shall become null and void on 5/20/2021 if  
the use granted has not been implemented by this date.

APPROVED by the Becker County Planning Commission: 5/13 2019

APPROVED by the Becker County Board of Commissioners: 5/20 2019

STATE OF MINNESOTA)

) SS

BECKER COUNTY PLANNING, ZONING

COUNTY OF BECKER )

AND LAND USE OFFICE

I, Kyle Vareberg, Becker County Planning & Zoning Administrator, certify that I have  
compared the foregoing copy of PERMIT FOR USE with the original Record preserved in the  
Zoning Office, and have found the same to be true and correct.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Detroit Lakes,  
Minnesota, in the County of Becker on the 22<sup>nd</sup> day of May 20 19.

101 Drafted By the Becker County  
Planning & Zoning Office

Kyle Vareberg  
Kyle Vareberg, Administrator  
Planning & Zoning

Attachment A

Complete Legal Description for FID Number 10.0271.000

The North Half (NH) of the Northwest Quarter (NW) of Section Fourteen (14), Township One Hundred Thirty-Nine (139), North of Range Forty (40) West of the Fifth (5<sup>th</sup>) Principal Meridian, excepting and reserving therefrom the following described tracts:

1. The East two (2) rods thereof.
2. The West thirty-eight (38) rods thereof.
3. A parcel of land eighteen (18) rods lying North and South and sixteen (16) rods lying East and West in the Northwest Corner of the West twenty (20) rods of the East thirty-two (32) rods.
4. The North twenty-nine (29) rods of the East twenty (20) rods of the West fifty-eight (58) rods of the Northwest Quarter of the Northwest Quarter (NW of NW) of Section Fourteen (14), Township One Hundred Thirty-Nine (139), Range Forty (40).
5. A tract of land described as follows: Commencing at the Northeast Corner of the North Half (NH) of the Northwest Quarter (NW) of said Section Fourteen (14), Township One Hundred Thirty-Nine (139), Range Forty (40), thence West on the North line of said North Half (NH) of Northwest Quarter (NW), fifty-two (52) rods to the point of beginning, thence South twenty-nine (29) rods parallel to the East line of said North Half (NH) of Northwest Quarter (NW), thence West thirty-five (35) rods parallel to the North line of said North Half (NH) of Northwest Quarter (NW), thence North twenty-nine (29) rods parallel to the East line of said North Half (NH) of Northwest Quarter (NW) to the North line thereof, thence East on said North line thirty-five rods (35) to the point of beginning.





# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501  
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### Authorized Agent Form

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Becker County Planning and Zoning receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), Sandra Orthmeyer Vetter hereby authorize Dale Renner to act  
 (landowner-print name) (agent-print name)  
 as my (our) agent on the following item(s): appropriate box(es)

☒ permit application (write in permit "type" – e.g. site, septic, etc.): Land Alteration Permit

☐ plat application: \_\_\_\_\_

☒ conditional use application: \_\_\_\_\_

☐ variance application: \_\_\_\_\_

☐ other: \_\_\_\_\_

on my (our) property located at:  
 Tax Parcel Number(s): 100271000 Physical Site Address: 19818 Co. Hwy. 32 Rochert

Legal Description: E 122 RDS of N 1/2 of NW 1/4 Less 12.77 acres and E 2 RDS

Section: 14 Township: 139 Range: 40 Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plat Name: \_\_\_\_\_

#### Agent Contact Information

Agent address: 31664 State Highway 34 Detroit Lakes MN 56501  
 Street City State Zip Code  
 Agent phone #(s): 218-841-5879 Agent fax #: \_\_\_\_\_

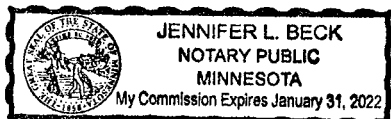
Agent email address: renner4@arvig.net

Sandra Orthmeyer Vetter  
 Property Owner(s) Signature(s)  
 State of Minnesota  
 County of Becker

4-7-19  
 Date

On this 7 day of April before me personally appeared Sandra Orthmeyer Vetter to me  
 known to be the person(s) described in and who executed the foregoing instrument; and acknowledged that  
She executed the same as her free act and deed.

(Notary Stamp)



Jennifer L Beck  
 Notary Public January 31, 2022

Office Use Only:  
 Date received:

Expiration Date:



# COUNTY OF BECKER

## Planning and Zoning

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**\*\* VIRTUAL HEARING CONDUCTED VIA MICROSOFT TEAMS MEETING\*\***

APPLICANT: Richard & Dana Laine  
20781 Co Rd 117  
Osage, MN 56570

Project Location: 20781 Co Rd 117  
Osage, MN 56570

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request a Conditional Use Permit for a Commercial Planned Unit Development (PUD) to have 8 RV sites and a 12 slip dock system.

LEGAL LAND DESCRIPTION: Tax ID number: **33.0118.000** Section 10 Township 139 Range 038; Lot 1 & SW1/4 of NW1/4.

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915 Lake Avenue  
Detroit Lakes, MN. 56501

**EMAIL: [nicole.hultin@co.becker.mn.us](mailto:nicole.hultin@co.becker.mn.us)**

**To view all application information on this project please visit:**

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**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

## Conditional Use Application Review

Permit # CUP2021-27

### Property and Owner Review

Owner: <b>RICHARD &amp; DANA LAINE</b>	Parcel Number(s): <b>330118000</b>
Mailing Address: <b>RICHARD &amp; DANA LAINE</b> <b>20781 CO RD 117</b> <b>OSAGE MN 56570</b>	Site Address: <b>20781 CO RD 117</b>
	Township-S/T/R: <b>TOAD LAKE-10/139/038</b>
	Shoreland? <b>Yes</b> Name: <b>Toad (Toad Lake) [RD]</b>
Legal Descr: <b>LOT 1 &amp; SW1/4 OF NW1/4</b>	

### Conditional Use Details Review

Description of Conditional Use Request: **8 unit RV park with road that runs behind the RV's. There will be room on the large lots for parking. Each site will be allowed two vehicles per family, near their RV and additional parking for visitors or for boat trailers; this will be out of site from the road further back from the RV's behind a row of trees.**

*1. Describe how the conditional use permit, if granted, will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.*

**There are no properties that are close enough to see the park except when they drive by it. There will be a detailed contract signed by all residents. The contract includes state and local ordinances concerning noise, trash, pets, and other nuisance type situations that might arise. I see no reason somebodies property value would be impacted negatively.**

*2. Describe how establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.*

**The only vacant property adjacent or surrounding the site is owned by us, including the property across County Road 117 that runs to the lake.**

*3. Describe how adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.*

**SWPPP was done by Jane and Stewart Hofland Survey was done Compas Consultants, Inc Wetland delineation was done by Aquatic Solutions Frazee Electric will do the electric installation for the RV's; Itasca Mantrap electrical company has been consulted Johnson's Well drilling will install the well Bergstrom Backhoe will put the septic system in with Wade's Plumbing will install the plumbing We will purchase a ready built shed 12X24 DNR has been consulted on about the docking**

*4. Describe how adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*

**Each large site will be allowed to park up to two vehicles by their RV. Short term guests will be allowed to park behind the RV's. There will be a separate parking area behind a row of trees for Boats and trailers and paddle boats and things of that nature. The road construction consultation was with Stewart Hofland. The road will come off of Co Rd 117 behind the row of RV's running through the part one way and exiting onto our existing driveway for exit. No one will be allowed to park on County Road 117.**

*5. Describe how adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.*

**Each site will have a covered trash can that must be emptied weekly. We will provide a large commercial trash container and post signs about recycling. The county currently treats the road so dust is not an issue, the contract details information about local, county, and state ordinances concerning garbage, water, pets, and the general well being of the neighbors. We live less that a quarter mile from the site and will be there every day. Each site will have a fire ring if they choose and will follow all ordinances concerning them. Firewood must be purchased locally or we will make it accessible.**

Additional shoreland questions below (if applicable)

*6a. Describe how adequate measures have been or will be taken to assure that soil erosion or other possible pollution of public waters will be prevented, both during and after construction.*

**A SWPPP has detailed information as to the necessary steps we will need to take to prevent soil erosion**

and other possible pollution of public waters. We've consulted many times with the DNR and they have given us the guidelines we need to have in order to have a docking unit. We will follow the recommendations of the DNR concerning the least invasive way to put the docking system into the lake.

6b. What measures have been taken to assure that the visibility of structures and other facilities as viewed from public waters will be limited.

This section gets confused by people because they can see the location from the road. Viewing the park, from the lake, there are trees and brush that line the lake side of the County Road. There are some gaps that can be seen through but mostly from every angle there's not much to see. People are not parking in a gap and staring at an RV park. Can they see some of it when they drive by? Yes. We are currently planting trees on the project side of the road across the front and will continue to add as the park fills so we can determine the best place to plant them for shade and for privacy. We will put a fence across the front and have an opening in the fence, adjacent from the dock, so people crossing the road go to the dock. There will not be a swimming area.

6c. What measures have been taken to assure that the site is adequate for water supply and on-site sewage treatment.

Johnson Well Drilling - Wades Plumbing will handle the water supply following the State and County laws. Bergstrom Backhoe will be contracted to put in the septic system; the State and county laws will be followed.

6d. Describe how the types, uses and number of watercrafts that the project will generate can be safely accommodated.

The North and South end of the lake have public accesses for people to get their boats into the water. Each of the eight sites will be allowed one boat or pontoon slip. There may be a canoe or a paddle boat. Those items will be parked in the additional parking area behind the trees out of site of the road.

## Business Plan Review

Name of Business: **Ly-Nee RV Sites**

Business Owners: **Richard and Dana Laine**

Business Type: **Service** If 'Other', explain:

Type of Merchandise: **Renting individual lots/sites for seasonal use for an RV. Eight sites, each with one dock slip.**

Type of Service: **Recreational Vehicle lots/sites for seasonal rent.**

Hours and Days of Operation: **May 1 of each year to September 30 of each year**

Number of Employees: **owner operators possibly 1 other part time family member**

Off-Street Parking Plan: **2 vehicles per RV site with some kind of buffer in front of the vehicles. Additional parking area behind a row of trees out of site of the road and lake view.**

Size of structure to be used for Business: **12X24 Well house Maybe a picnic shelter in the future. Each site will be responsible for a clean, mowed and orderly area. They may have a deck; they may have an awning, they may have a fence around their area.**

New or Existing: **New Structure**

Signage Plan: **Ly-Nee RV Site sign; size to be determined. Speed limit sign on park road Site number signs directional signs Stop sign at exit from driveway Aquatic species signs at the dock Recycle/Reuse signs at garbage bins. Boating and pedestrian safety signs**

Exterior Lighting Plan: **MN Statute overhead security light with soft hue bulb Solar lighting on any paths for night time movement.**

Known Environmental Hazards: **There are no known environmental hazards. Some questioned the safety of crossing the County Road to go to the dock. It is a public road and the pedestrian has the right of way. The road is currently posted on one end as a 35 mile per hour road. There are also yellow 35 mph signs to the north and south of our area because of the winding road around Bambi's resort and the few residential homes and seasonal homes to the south of this property**

Additional Business Plan Information: **This is a retirement project for us and we plan on improving the park on a regular basis and we learn what the needs are. We have the support of Bambi's Resort and they have been helpful in providing a copy of their annual contract; because of their experiences over the years, the contract is very detailed. They have offered continued support to us as we navigate into the future.**



392232

## WARRANTY DEED

Form No. 5-M

Individual(s) to Joint Tenants

No delinquent taxes and transfer entered;  
Certificate of Real Estate Value ( ☒ ) filed  
( ) not requiredCertificate of Real Estate Value No. 1190November 6 1992Keith H. Breckham

County Auditor

By MH  
32,018.000 DeputySTATE DEED TAX HEREON: \$ 165.00Date: November 6 19 92

BECKER COUNTY RECORDER STATE OF MINNESOTA	
Microfilm No. <u>392232</u>	Date <u>NOV. 06 1992</u> <u>2:30 PM</u>
I hereby certify that the within instrument was recorded in the office of Becker County Recorder.	
<u>M.M. Martinson</u>	Dply <u>Co. Recorder</u>
BECKER COUNTY RECORDER	
Well Certificate Received <u>NOV. 06 1992</u>	<u>M.M. Martinson</u>
Dply <u>Co. Recorder</u>	
Reserved for Recording Data	

FOR VALUABLE CONSIDERATION, Helen S. Laine, a widow and not remarried  
(marital status) Grantor,hereby conveys and warrants to Richard Laine and Dana Lainejoint tenants, real property in Becker County, Minnesota, as described as follows:

The Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and Lot One (1) or the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 10, Township 139 North of Range 38 West of the Fifth Principal Meridian in Becker County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements, restrictions and reservations of record, if any.

RITA FATHOMSON CO. STAMP HERE

1992  
RECEIPT # 6320  
BECKER COUNTY  
DEED TAX  
AMT. PD. \$ 165.00  
NOV 6 1992

Charge ☒  
Paid ☒  
Numerical ☒  
Tract ☒  
Grantor ☒  
Grantee ☒  
Compared ☒

Helen S. Laine  
Helen S. LaineHummel

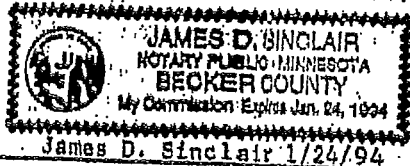
STATE OF MINNESOTA )

) ss.

COUNTY OF Becker )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of  
November, 19 92, by Helen S. Laine, a widow and not  
remarried Grantor.

Notarial Stamp or Seal  
(or other title or rank)



James D. Sinclair  
signature of person taking acknowledgment

Tax Statements for the real property  
described in this instrument should be  
sent to (Include name and address of  
Grantee):

THIS INSTRUMENT WAS DRAFTED BY:  
(Name and Address)

HUMMEL, SINCLAIR, PEARSON,  
EVANS, HUNT & HEISLER, P.A.  
910 Lincoln Avenue  
P.O. Box 743  
Detroit Lakes, MN 56501  
jds/cmo

Richard and Dana Laine  
Route 1, Box 336  
Osage, MN 56570



# COUNTY OF BECKER

## *Planning and Zoning*

915 Lake Ave, Detroit Lakes, MN 56501  
Phone: 218-846-7314 ~ Fax: 218-846-7266

---

February 17<sup>th</sup>, 2021

Richard & Dana Laine  
20781 Co Rd 117  
Osage MN, 56570

RE: Parcel ID 33.0118.000

Dear Mr. & Mrs. Laine:

On February 12<sup>th</sup>, 2021 the Environmental Technical Panel declared a discretionary Environmental Assessment Worksheet was not necessary for your proposed project. Most of the conversation pertained to docking. It will be recommended by our office to the Becker County Planning Commission that you work Department of Natural Resource staff to determine placement of your proposed docking structure. This letter serves as written authorization to proceed with your conditional use request for 8 RV sites and 12 dock slips.

If you have any question regarding this matter, please contact our office at 218-846-7314.

Thank you,

Kyle Vareberg

A handwritten signature in black ink, appearing to read "Kyle Vareberg".

Becker County Zoning Director

## LY-NEE RV SITES

20\_\_ RV SITE LEASE AGREEMENT

**OFFER OF LEASE:** LY-NEE's offers to lease to the Tenant a seasonal RV site on the terms and conditions set forth hereunder:

### LY-NEE'S MISSION

To provide a place for families to get away from their every day stressors, to enjoy rest, relaxation and recreation while appreciating the beauty of nature.

**PEACEFUL ENJOYMENT:** Tenants shall be respectful of their neighbor's idea of rest and relaxation, their guests and LY-NEE's RV SITES at all times. Conduct which disturbs others, such as excessive noise, loud parties, abusive language, vulgar behavior, or similar action is prohibited. All Tenants and their guests must conduct themselves in a respectful considerate manner. LY-NEE's tenants will have a quiet time from Midnight until 8 A.M. Tenants and guests will obey the laws of MN and Becker County.

This agreement is made between LY-NEE RV SITES, 20781 Co Rd 117, Osage, MN 56570 hereafter

referred to as "LY-NEE's", and \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_ hereinafter

referred to as "Tenant". *Tenant is defined as the person who signs the lease, their spouse and dependent children. Tenant's adult children and other family and friends, are considered guest. No loaning or sub leasing of RV or RV Site is permitted.*

**RESORT SEASON:** The term of this lease is for the 20\_\_ season beginning May 1, 20\_\_ and ending September 30, 20\_\_, unless terminated earlier for reasons listed below or extended for a short time depending on the weather. Water shut off will be September 30 unless otherwise stated.

**RENT & SITE DESIGNATION:** LY-NEE's agree to lease RV Site # \_\_\_\_\_ to Tenant(s), and Tenant(s) agree to pay to LY-NEE's a base rent of \$\_\_\_\_\_, for said site and access to amenities made available at the discretion of LY-NEE's, such as docks, boat slips, open areas, parking and common areas.

**Additional rent** in the amount of \$\_\_\_\_\_ for a seasonal boat slip shall be paid, if applicable.

**Rent shall be payable as follows: A non-refundable deposit of \$\_\_\_ is due at signing at the end of a current season October 1, along with a completed and signed lease agreement, to reserve a site for the next season. The balance will be paid prior to the new season or May 1. The payment due date is firm. Late fee \$\_\_\_\_.00**

**UTILITY SERVICE:** LY-NEE's will provide to the RV site: electric service, septic system, hook up charges and water. LY-NEE's will maintain the common areas and open areas, storm shelter, boat slips, and roads associated with LY-NEE's RV Sites. **Tenant is responsible for all fees, dues, subscriptions though Arvig Communication Systems or Dish Networks if they want internet or TV. Tenant is responsible for paying their RV Site's annual electric charge.**



**GUEST REGISTRATION:** MN State Statute 327.10.12, our insurance company and LY-NEE's require all guests to register, as soon as they arrive, no matter the length of stay. Tenant will provide LY-NEE's their guest's first and last names, address, age of minors and dates of stay. LY-NEE's will provide a journal for registration purposes.

**GUESTS:** LY-NEE's reserves the right to charge for guests and restrict the number. The legal Tenant must be present as host to their own guests. The Tenant shall inform their guests that they are required to abide by all the same rules listed herein. Prior approval for overnight guests is required.

**TERMINATION:** Tenants and guests may be ejected at any time or refused entrance to LY-NEE's if deemed undesirable by MN Statute 327.73.

**CHILDREN:** Are the responsibility of the parents and must be supervised by an adult at all times. Tenant will be held accountable for their child's or their guests' actions. THERE IS NO LIFEGUARD.

**STORM SHELTER AND WEATHER:**

**It is the tenant's responsibility to watch the weather. If tenants feel their lives are at risk, they may use the shelter provided by LY-NEE's. The storm shelter is for emergency use only. We cannot lock the shelter so please make sure your children do not use it for play house or hiding places.**

**PETS:** MN Statute 4630.0500 No domestic animals or house pets shall be allowed to run at large or commit any nuisances, including barking, whining crying or other noises. Pets must not be left unattended at any time. No kennels or cages are allowed as restraining devices. When outside, pets are to be on a leash at all times. Pets must be kept on Tenant's site, not to roam on any other site or common areas. The owner of a pet is responsible for immediate removal of pet waste. Nuisance barking, whining or crying noises will result in being asked to leave.

**ADDITIONAL TERMS AND CONDITIONS FOR LEASE - LY-NEE's RV SITES -RULES AND REGULATIONS:**

LY-NEE's shall provide the Tenant with a copy of LY-NEE's RV SITES rules and regulations, which are incorporated into and made part of this agreement by reference. The contract is renewed and reviewed annually.

**FIREWOOD AND CAMPFIRES:** The MN DNR occasionally restricts campfire use in extremely dry situations. All campfires must be enclosed in a 3 foot diameter fire ring (metal or rock barrier) provided by tenant. Tenant or other adult must be outside near the campfire at all times. The campfire must be completely extinguished before leaving your site or retiring for the night. With permission, downed trees may be cut at Ly-Nee's or purchase approved cord wood within a 40 mile radius of LY-NEE's. Wood should be stored neatly at least 6 inches above ground. Tenants may store no more than ½ cord of wood at a time on site. Transporting wood out of Ly-Nee's is prohibited.

**GARBAGE:** Tenant is responsible for garbage and refuse disposal. Tenant will provide a metal garbage container in good condition with a tight fitting lid; LY-NEE'S will provide a garbage dumpster for disposal of tied bagged household trash only; No furnishings, lawn furniture, including plastic or folding chairs, boat tarps, appliances, demolition/construction materials, carpeting, lead acid batteries, paint, hazardous materials, and fish guts are NOT permitted in cans or dumpsters. MN Administrative Rules

**Department of Health 4630.1100: DO NOT DISPOSE OF FISH CLEANINGS IN THE SEPTIC SYSTEM. DO NOT FLUSH FEMININE PRODUCTS.**

**LOT IMPROVEMENTS:** Any lot improvements, including, filling, grading, vegetation alterations, buildings, fences, decks, etc. Must have prior written approval of LY-NEE's and must comply with all applicable State and County laws, ordinances and regulations. Tenant is responsible for any permit and/or fees, and property taxes required by Becker County for decks and sheds. LY-NEE's requires decking to meet the specifications of Becker County ordinance, Chapter 3, page 18: Decks shall be considered pervious if all of the following conditions are met: Maximum board width is 8 inches; Minimum spacing between boards is ¼ inch; the area under the deck is pervious material.

**TRAILER AND RV SITE MAINTENANCE:** Tenant shall keep their lot, trailer/RV and shed well maintained. The RV and the yard must be kept neat and well groomed and free from clutter. Water and PVC septic system pipes must be in good condition with no holes, cracks, or leaks. No flexible hoses will be permitted for septic system use. All Trailer/ RV units must have working toilet and shower facilities. No salvage title RV's permitted. LY-NEE's will provide additional parking areas for golf carts, boat trailers and recreational watercraft (kayaks, canoes, paddle boats, etc.) Clutter is not permitted. Excess materials, from management approved lot projects, are to be removed as soon as the project is done or before the site's close for the season.

**USE OF PREMISES:** The Tenant shall use the premises for residential purposes only and shall not permit any condition which is reckless or dangerous, constitutes a nuisance or unreasonably disturbs the quiet enjoyment of other tenants and/or guests or LY-NEE's neighbors. The Tenants shall not damage or destroy the property of LY-NEE's or other tenants and shall not do anything to damage LY-NEE's good will or reputation. Motorized cars, scooters and children's carts are NOT allowed.

**Use of the boat slips/dock, trailer parking and overflow parking is at your own risk.**

1. **BOAT SLIPS/DOCKS:** If applicable, Tenant is responsible for his own watercraft tethering. The public access, including a boat ramp, is located at the south end of Toad Lake. The Tenant and all guests are responsible for complying with DNR Aquatic Invasive Species prevention rules including limiting boat activity to the outside of the area where aquatic emergent species are present. Be respectful of the ecosystem the plant life protects. Access to the dock/boat slips requires crossing County Road 117. All children under 12 must be accompanied by an adult when crossing the road at the designated signed area.
2. **MOTORIZED VEHICLES:** For the safety of all, any motorized vehicles must be operated by a licensed driver, no exceptions. Any individual that has gone through the proper training and certification for recreational vehicles must be able to provide proof. Tenants and guests must observe the posted speed limit's including the sign on the entrance/exit road that runs through the center of the sites; tenants must stay on the roads or designated areas, must obey the laws of the State of MN and Becker County. NO EXCEPTIONS. Proper headlights are mandatory after dusk. Recreational vehicles must be documented in your file. 10 MPH inside park.
3. **KAYAKS, BOATS, PADDLE BOATS, ETC:** All boats, including paddle boats, and boat trailers must be stored in the designated storage area, not at your RV site. Flotation toys, skis, tubes, etc. must be stored inside your RV or management approved sheds. Vehicles may not be left on park property or RV lots when tenants are not present.
4. **FIRE ARMS AND FIREWORKS:** Tenants are not allowed to operate firearms on any part of LY-NEE's RV Site's. Fireworks are not allowed in LY-NEE RV Site areas.

5. **WILDLIFE:** DO NOT FEED THE WILDLIFE. **IN NO WAY HARASS OR HARM THE WILDLIFE ON LAND OR IN THE WATER.** Keep garbage lids on tight. Fish cleanings are not permitted in cans or dumpsters or the sewer system. Use rodent traps, not poison bait.
6. **ASSIGNMENTS:** This agreement is personal between the Tenant and LY-NEE's and the right and obligations may not be assigned by the Tenant without the written consent of LY-NEE's which may be given or withheld at LY-NEE's sole discretion.
7. **TERMINATION:** This agreement may be terminated by LY-NEE's at its sole discretion at any time.

PARK AGENT: \_\_\_\_\_

TENANT: \_\_\_\_\_

Tenant will provide proof of Liability Insurance Coverage on their property

Property Insurance Company \_\_\_\_\_ Policy # \_\_\_\_\_ Phone # \_\_\_\_\_

Name and Certificate/License number of individuals who will be using recreational vehicles while at LY-NEE's RV Sites. \_\_\_\_\_ # \_\_\_\_\_

\_\_\_\_\_ # \_\_\_\_\_

Names of spouse, dependent children, adult children and pets

\_\_\_\_\_  
\_\_\_\_\_

Recreational Vehicles List:

Boat      Pontoon      4-wheeler      Side by Side

Paddle Boat

Other Information: Health Care Provider Phone Number in case of injury \_\_\_\_\_

## COVENANT

### Commercial Planned Development

#### LY-NEE RV SITES

Owner Operator  
Richard and Dana Laine  
20781 Co Rd 117  
Osage, MN 56570  
218-573-3415

Property Parcel #33.0118.00

Legal Description Lot 1 and SW1/4 of NW ¼

Documents: Deed restrictions, covenants, permanent easements or other enforceable instruments;

Covenant to be certified upon approval of project.

1. Properly address vegetative and topographic alterations and maintenance;

The property on which Ly-Nee RV Sites will be located was formerly a gravel pit and the area extends into some lower marsh land and also wetland. The ground the sites will be located on is hard sand and gravel. The area is mostly flat with the ground sloping East and North toward the marshy lowland that will act as a natural filter with the reed canary grass as a buffer. Before the decision was made to pursue developing the property into RV Site's, we acquired a permit to clean up the lot by removing old and dead trees and leveling and replanting the grass.

We have a SWPPP plan in place to identify the possibility/necessity of earth work for swales that would address the runoff that is a result of impervious surfaces. The impervious surface in the RV site plan is under ½ acre and we will follow the recommendations based on the smaller project size and scope. We have planted a number of trees across the front of the property already and our plan is to plant more trees throughout the park; possibly some bushes as borders. Tenants will be allowed to plant flower or vegetable gardens. We'll be able to make more definitive plans when we have the permit and we can see the placements of the RV's. We will mow and maintain the open areas and common areas; individual tenants will mow and maintain their lots. RV Site rules for maintenance and clutter is detailed in the contract.

2. Properly address the construction of additional buildings, if allowed;

Our plan includes purchasing a 12 ft by 24 ft building for use as a well house and for electrical boxes. We are looking at options for purchasing a unit for use as a storm shelter. (As approved by Becker County as per ordinance)



3. Properly address the regulation of shore recreation facilities and watercraft docking;

Based on the calculations, all 8 RV sites are in the appropriate tier to allow us the 1 ½ slips per unit. This is with the understanding that if a person uses a boat lift, the boatlift counts as ½. We anticipate, but can't know for sure, that tenants will want to use a boat lift so in the end, each site will have one place to put their boat lift with their boat on it. 12 ÷ 8 slips. We will have a fence across the front of the property with an opening that will funnel people to cross the road where the dock enters the lake, thus reducing the risk of people crossing the road in multiple places. There will be signage, including a flashing sign indicating pedestrian crossing. There is a public boat landing on the South end of the lake and a place to park their trailers at the RV site. At this time, we are not planning on providing a specific swimming area; however, the tenants can go to the swimming area at the South end by boat or car. We will include in the tenant contract, aquatic species information and verbally remind people to power down their motors when they come into aquatic plant life areas.

4. Properly address the construction of commercial buildings, if allowed;

We have no plans to add any commercial buildings.

5. Ensure the long-term preservation and maintenance of open space and shore impact zone;

We will do everything we can to preserve and maintain the integrity of the open space and shore impact zones that will be involved in the Ly-Nee RV Site project. We will consult with the DNR about rip rap around the docking area. We have incorporated, into the contract, rules and regulations concerning the use of watercraft for recreational purposes; the necessity of powering down the motors prior to entering the area around the dock so as not to disturb the natural vegetation in the lake or the wild life; invasive species information will also be provided along with general safety guidelines. Maintenance and cleanliness, of the grounds, is also detailed in the contract, including garbage disposal, etc.

6. Protect wetlands from any future draining or filling;

We had a wetland delineation completed and a SWPPP. The information provided in these reports will guide us in the correct measures to take in properly addressing the wetland areas. We will protect the areas as recommended and follow all guidelines involved in electrical, sewer, well and water installation. All contractors will be licensed according to the laws of MN. Every effort will be made to provide a clean and well maintained RV location and open areas for the benefit of the environment.

This document is duly signed by the LY-NEE RV SITE Conditional Use Permit applicants:

Richard Laine\_\_\_\_\_

DanaLaine\_\_\_\_\_

Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space.

The preceding Covenant instrument is inclusive of all the following protections: Please refer to #5 in the Covenant for details on open space preservation. The items a through d below mirror the 6 topics detailed in the Covenant. We referenced where to find the fuller explanations and provided additional information in the section below.

- a. Vegetation topographic alterations shall be prohibited in the shore impact zone and restoration area except as part of an approved vegetation restoration plan.

Please refer to the information provided in #1 of the Covenant. In addition to the information we provided there, we plan on consulting with the DNR on possibly placing rip rap along the shore in the docking area. We do not intend to remove bulrush under the dock.

- b. Construction of additional buildings or storage of vehicles and other materials is prohibited.

Please refer to the information provided in #2 of the Covenant. Additional information concerning construction and storage: We will provide an additional parking/storage area for boat trailers and recreational lake items. Page 3 of the tenant contract under Kayaks, Boats and Paddle Boats, etc. clearly details storage of extra items. The additional parking/storage area will be located where it is not visible from the road. In the tenant contract on page 3 under Trailer and RV Site Maintenance we detail the rules concerning clutter and storage.

- c. Uncontrolled beaching of watercraft is prohibited

Please refer to the information provided in #3 of the covenant. Additional information concerning beaching of watercraft: On page 3 of the tenant contract under Use of Premises 1. Boat Slips/Docks, we detail the responsibilities of the tenants to properly tether their boats and devices with rules for protecting the aquatic species and water life. They must use the dock, not shoreland.

- d. All wetlands in the parcel shall be identified with signs and protected against alterations of any type.

Please refer to #6 in the Covenant for details concerning the wetland preservation. A Wetland Delineation was done and the wetland areas were marked. The flags will be replaced with signage and the areas shall be protected against alterations.

This document is duly signed by the LY-NEE RV SITE Conditional Use Permit applicants:

Richard Laine \_\_\_\_\_ Dana Laine \_\_\_\_\_ Date: \_\_\_\_\_

# BECKER COUNTY ATTORNEY

COUNTY ATTORNEY:  
Brian W. McDonald

913 Lake Ave  
Detroit Lakes, MN 56501  
(218) 847-6590 • FAX (218) 844-6748

ASSISTANTS:  
Braden F. Sczepanski  
Kristal E. Kadrie  
Nathaniel D. Welte  
Rose A. Hanson  
Lisa M. Tufts

April 24, 2019

Kyle Vareberg  
Becker County Zoning Administrator

Re: Request for opinion

Dear Kyle:

You requested an opinion from this office regarding the right of way width on Co Hwy 117 for Gov't Lot 1, Section 10, Township 139 N, Range 38 in Toad Lake Twp., Becker County.

This road was established by Order of Toad Lake Township Supervisors on June 14, 1897 upon the petition of seven township residents proposing a road as follows:

Beginning the (SW corner Sec. 15, SE Sec. 16, NE Sec. 21, NW Sec. 22). Running North two (2) miles following the Sec. line partly, thence the Lake shore as near as possible up to the SW corner of (Sec. 3 and NW cor. Sec. 10) thence running East two (2) miles up to the SW cor. Sec. (1 SE cor. of Sec. 2, NE cor of Sec. 11 & the NW cor of Sec. 12).

The road was described by survey as:

Beginning at the SW cor sec 1 (Section 1, Twp 139 N, Range 38 thence running as follows: with a variation of 1. v. 11.00 - 80.00 ch, To NW cor sec. 11; 9.18 - 77.33 ch, 71.00 SE 7.87 ch, 5.3 SE 3.90 ch, 1.00 SE 7.15 ch, 21.00 SW 8.15 ch, 37.00 SW 9.25 ch, 47.45 SW 8.52 ch, 14.45 SW 2.96 ch, 28.45 SE 4.78 ch, 01.70 SE 10.28 ch, 45.00 SE 5.45 ch, 35.15 SE 8.56 ch, 47.30 SE 3.00 ch, 34.00 SE 1.60 ch, To Sec line, 34.00 SW 4.46 ch, 05.00 SE 5.62 ch, 18.00 SE 4.58 ch, 56.00 SE 3.23 ch, 40.30 SE 6.51 ch, 26.00 SE 5.36 ch, 35.00 SE 1.75 ch, 70.00 SE 2.00 ch, 40.00 SE 3.44 ch, 7.30 SE 2.94 ch, 6.00 SW 4.11 ch, 23.00 SW 5.48 ch, 32.00 SW 3.44 ch, 55.00 SW 5.42 ch, 40.00 SW 2.95 ch, 28.30 SW 4.61 ch, 36.00 SW 3.60 ch, 30.00 SW 2.86 ch, 36.90 SW 1.13 ch, SOUTH 20.00 ch, To a point on West line of sec. 15, 20 ch S of NW cor of Sec 15 thence South on sec. line v. 90.7 and closed 46.08 on the SE cor of Sec 16., 86.00 NE 4.17 ch, 50.00 NE 1.50 ch, 56.00 NE 5.50 ch, 66.00 NE 2.71 ch, 67.30 SW 3.85 ch, 16.30 SW 3.46 ch.



All public roads to be laid out by the supervisors or county commissioners shall not be less than four rods wide, MN Stat. § 1832 (1894). Four rods are 66 feet.

By resolution on July 1, 1951 the Becker County Board of Commissioners adopted the road as County Aid Road No. 41 with the following description:

Beginning at the southeast corner of the NE $\frac{1}{4}$  of Section 28, Twp. 139 North, Range 38 West of the 5<sup>th</sup> principal meridian at a junction of County Aid Road No. 11; thence continuing in a northerly direction to the northeast corner of the said Section 28, thence in a northeasterly, northerly and northwesterly direction through the W $\frac{1}{2}$  of Section 22; thence in a northerly direction between Sections 15 and 16 approximately 0.5 miles; thence in a northerly direction through the NW $\frac{1}{4}$  of Section 15, the W $\frac{1}{2}$  of Section 10, the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 3, and the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 3, thence continuing in a northwesterly and northeasterly direction in the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 4, and terminating at a junction with State Trunk Highway No. 34 to a point which is approximately 375 feet south and 425 feet east of the northwest corner of the NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 4, said town and range and including in all approximately 5.2 miles of road.

Becker County Board minutes indicate that the road was renamed County Road 117 on either July 8, 1957 or January 7, 1958. Although several other county roads were petitioned to increase the right of way from 66 feet to 100 feet in the 1950's, there is no indication in the Board minutes that a petition was filed to increase the road right of way for County Aid Road No. 41 or County Road 117.

A Notice of Lis Pendens was filed with the Becker County District Court regarding condemnation of certain lands for highway purposes on October 18, 1976. Parcel No. 1 (County Road 117) of that notice describes that land to be acquired as:

A parcel of land lying with in the Northwest Quarter of the Southwest Quarter ( NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  ), Lot One (1) and the South Half of the Northwest Quarter ( S  $\frac{1}{2}$  of NW  $\frac{1}{4}$  ), in Section 15, Township 139 North, Range 38 West and within the North Half of the Southwest Quarter ( N  $\frac{1}{2}$  of SW  $\frac{1}{4}$  ) and Lot two (2) of the Section 10, Township 139 North, Range 38 West, all in Becker County, Minnesota; said parcel of land being 100 feet in width and having as its centerline the following described land:

Beginning at a point on the west line of Section 15, Township 139 North, Range 38 West which is 28.2 feet south of the west quarter corner; thence northeasterly from the said west line by a 5°00' curve, intersection angle 36°27' a distance of 729 feet; thence N. 36°27' E. a distance of 151.9 feet; thence northeasterly by a 1°30' curve, intersection angle 8°11', a distance of 545.4 feet; thence northerly by a 8°00' curve, intersection angle 70°16'47" a distance of 878.5 feet; thence N. 25°38'47" W. a distance of 2510.6 feet to a point located on or near the center line of existing County Road 117 and there terminating, said point of termination being located 99.3 feet west and 719.4 feet south of the northeast corner of Government Lot 2, Section 9, Township 139 North, Range 38 West, excluding therefrom the presently existing road right of way and containing 6.91 acres, more or less.

Government Lot 1, Section 10, Township 139 North, Range 38 West is not included in the Notice of Lis Pendens and, therefore, the road right of way was not increased to 100 feet in that action.

Barring any further information that should come to our attention, it is the Becker County Attorney Office's opinion that the current right of way of Co Hwy 117 passing through Government Lot 1, Section 10, Township 139 North, Range 38 West is four (4) rods (66 feet) in width.

Very truly yours,

BECKER COUNTY ATTORNEY'S OFFICE

/s/ Lisa M. Tufts

Lisa M. Tufts  
Assistant Becker County Attorney

# BECKER COUNTY ATTORNEY

COUNTY ATTORNEY:  
Brian W. McDonald

913 Lake Ave  
Detroit Lakes, MN 56501  
(218) 847-6590 • FAX (218) 844-6748

ASSISTANTS:  
Braden F. Szczepanski  
Kristal E. Kadrie  
Nathaniel D. Welte  
Rose A. Hanson  
Lisa M. Tufts

April 24, 2019

Kyle Vareberg  
Becker County Zoning Administrator

Re: Request for opinion

Dear Kyle:

You requested an opinion from this office regarding the number of docking units allowed for the LY-NEE Commercial Planned Unit Development (PUD) on Toad Lake.

Chapter 8, Section 9, (J)(3) Becker County Zoning Ordinance states that:

**Docks.** The number of spaces provided for continuous docking of watercraft shall not exceed one and one-half for each allowable dwelling unit as established by the conservation subdivision development provisions in Chapter 8, Section 7, (I)(4) of this Ordinance.

Chapter 8, Section 7, (I)(4) Becker County Zoning Ordinance basically reiterates the same language restricting recreational development lakes to the above density. Toad Lakes is a recreational development lake.

Chapter 8, Section 10 does not directly apply to the proposed PUD because this is not a conversion of an Existing Licensed Resort into a PUD.

Zoning Ordinances are to be construed using plain language. The Ly-Nee proposal establishes 14 dwelling units with no more than 1 ½ continuous docking spaces per unit. This could be argued to mean 1 ½ docking spaces times 14 units for a total of 21 spaces or it could be argued to mean 14 docks with 1 ½ continuous spaces. Neither term of "docking space" or "½ docking space" is defined within the Ordinance.

Since the terms are not clearly defined, we look at the Ordinance as a whole and attempt to determine intent of the language. The only section of the Ordinance that shows intent of the language of 1 ½ spaces is in Chapter 8, Section 10 (6), where it states:



- (a) A maximum of one mooring space per allowable unit/site or twenty-five (25) feet of shoreline, whichever is most restrictive, may be provided for continuous mooring of watercraft...
- (b) Boatlifts may be allowed and will be equal to one and one-half times a mooring space.

This language is clearly restrictive in nature. For example, if an existing resort had 14 dwelling units, 14 mooring spaces would be allowed. However, a boatlift would be equal to 1.5 mooring spaces, which would restrict the mooring spaces to approximately 9 mooring spaces with boatlifts.

Applying similar logic to Ly-Nee, 14 docking spaces, each with a boat lift would be allowed; or 21 docking spaces with no boat lifts.

Assuming that Ly-Nee is a PUD that is semi-transient in nature and that the RVs will essentially be left in the same place for an entire season, along with their watercraft; it would be prudent to have 14 spaces with boatlifts, rather than 21 spaces with dock tie-ups only. Theoretically, a combination of slips with boatlifts and slips without boatlifts could be allowed, but under no circumstance would 21 spaces with boatlifts be allowed without variance.

The conditions of the conditional use permit should clearly state whichever configuration the applicant chooses.

Very truly yours,

BECKER COUNTY ATTORNEY'S OFFICE

/s/ Lisa M. Tufts

Lisa M. Tufts  
Assistant Becker County Attorney

## **Kyle P. Vareberg**

---

**From:** Brian D. Shepard  
**Sent:** Friday, February 15, 2019 12:44 PM  
**To:** Kyle P. Vareberg  
**Subject:** Re: ROW Co 117 Toad Lake

33' each from the centerline so 66' total

Sent from my iPhone

On Feb 15, 2019, at 12:39 PM, Kyle P. Vareberg <[kyle.vareberg@co.becker.mn.us](mailto:kyle.vareberg@co.becker.mn.us)> wrote:

**Brian,**

Could you tell me how much ROW the County has in the area in red on the map below.

Thanks,

Kyle Vareberg

<image001.png>

## Kyle P. Vareberg

---

**From:** Ed J. Clem  
**Sent:** Tuesday, October 22, 2019 10:24 AM  
**To:** Kyle P. Vareberg; Larry A. Knutson; Jen Thompson; Peter E. Mead; Brian D. Shepard; Jim Olson; rodger.hemphill@state.mn.us; mandy.erickson@state.mn.us  
**Cc:** Mike Brethorst  
**Subject:** RE: Ly-Nee RV Updated Drawing

I guess I should have clarified in my earlier email that our position would be that allowed trailer storage in the natural wetland buffer area should be limited to empty, unloaded roller or bunk style boat/pontoon trailers. Storing boats and pontoons on trailers in the buffer would have the same effect as covered or flat bed style trailers, creating impervious surface and destroying vegetation in the buffer. The applicant should provide parking areas other than the buffer area for those type of situations.

Ed Clem  
Becker SWCD

---

**From:** Kyle P. Vareberg  
**Sent:** Monday, October 21, 2019 2:02 PM  
**To:** Larry A. Knutson; Jen Thompson; Ed J. Clem; Peter E. Mead; Brian D. Shepard; Jim Olson; rodger.hemphill@state.mn.us; mandy.erickson@state.mn.us  
**Cc:** Mike Brethorst  
**Subject:** Ly-Nee RV Updated Drawing

Good afternoon,

Attached is an updated drawing Richard just dropped off in the Zoning Office. Does everyone want to sit down and discuss it or how would the group like to proceed. Let me know your thoughts.

Thanks,

Kyle

## Kyle P. Vareberg

---

**From:** Ed J. Clem  
**Sent:** Tuesday, October 22, 2019 8:38 AM  
**To:** Erickson, Mandy L (DNR); Kyle P. Vareberg; Larry A. Knutson; Jen Thompson; Peter E. Mead; Brian D. Shepard; Jim Olson; Hemphill, Rodger (DNR)  
**Cc:** Mike Brethorst  
**Subject:** RE: Ly-Nee RV Updated Drawing

Kyle,

The Stormwater Pollution Prevention Plan (SWPPP) that the applicant originally submitted included a 50' buffer along the wetland to reduce and filter runoff during construction and from impervious surfaces after completion. It appears this latest revision rightly retains this buffer as part of the SWPPP. However, handwritten notes on this drawing indicate that the buffer may be used for trailer parking. It should be noted that wetland buffers are intended to not be mowed, in order to be most effective in reducing and filtering runoff from the impervious surfaces (with the possible exception of controlling noxious weeds during establishment). Parking boat/pontoon trailers in the buffer would be ok, as long as the owners are aware that this area can't be mowed. Other trailers like covered trailers or flat bed type would result in more impervious surface runoff and could potentially kill the grass underneath them, reducing the buffer effectiveness. Becker SWCD would recommend prohibiting any trailers other than roller or bunk type boat and pontoon trailers from being stored in the wetland buffer area. Other than the trailer parking issue, this latest revision doesn't appear to present significant changes to the Stormwater Pollution Prevention Plan or impacts to the adjacent wetland, if the applicant follows the original plans.

Ed Clem  
Becker SWCD

---

**From:** Erickson, Mandy L (DNR) [mailto:mandy.erickson@state.mn.us]  
**Sent:** Monday, October 21, 2019 4:07 PM  
**To:** Kyle P. Vareberg; Larry A. Knutson; Jen Thompson; Ed J. Clem; Peter E. Mead; Brian D. Shepard; Jim Olson; Hemphill, Rodger (DNR)  
**Cc:** Mike Brethorst  
**Subject:** RE: Ly-Nee RV Updated Drawing

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Kyle: The updated drawing causes no new concerns from DNR Fisheries at this point. As I mentioned at our last gathering, if the new proposed location of the dock is going to be on the property line, and assumed to be shared between property owners, both properties should be allowed dock/lift space. Notification of this during the development of the commercial site may help avoid any issues potential landowners of the adjacent property may have in the future. In terms of aquatic vegetation near the proposed dock area, the landowners are aware of permit requirements from Fisheries for any aquatic vegetation alterations they may be interested in making.

If no ordinances are being violated, no variances are being requested, and all previously mentioned environmental concerns have been addressed, there should be limited need for additional discussion.



mle

~<\*)]]]]>-<~<\*)]]]]>-<~<\*)]]]]>-<~

**Mandy Erickson**

Assistant Area Manager | Detroit Lakes Area Fisheries

**Minnesota Department of Natural Resources**

14583 County Highway 19

Detroit Lakes, MN 56501

Phone: 218-846-8294

Email: [mandy.erickson@state.mn.us](mailto:mandy.erickson@state.mn.us)

[mndnr.gov](http://mndnr.gov)



**From:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>

**Sent:** Monday, October 21, 2019 2:02 PM

**To:** Larry A. Knutson <laknuts@co.becker.mn.us>; Jen Thompson <jennifer.heitman.thompson@gmail.com>; Ed J. Clem <ejclem@co.becker.mn.us>; Peter E. Mead <pemead@co.becker.mn.us>; Brian D. Shepard <brian.shepard@co.becker.mn.us>; Jim Olson <jim.olson@co.becker.mn.us>; Hemphill, Rodger (DNR) <rodger.hemphill@state.mn.us>; Erickson, Mandy L (DNR) <mandy.erickson@state.mn.us>

**Cc:** Mike Brethorst <mike.brethorst@co.becker.mn.us>

**Subject:** Ly-Nee RV Updated Drawing

Good afternoon,

Attached is an updated drawing Richard just dropped off in the Zoning Office. Does everyone want to sit down and discuss it or how would the group like to proceed. Let me know your thoughts.

Thanks,

Kyle

## 4

**From:** Bob Merritt <bob.merritt7160@gmail.com>  
**Sent:** Friday, November 8, 2019 8:53 AM  
**To:** Kyle P. Vareberg  
**Cc:** Brian Bestge; David Blomseth; Harry Johnston; James Bruflodt; James Kovala; Jeff Moritz; John Lien; John Skarie; Larry A. Knutson; Mary Seaberg; Ray Thorkildson  
**Subject:** Re: FW: Ly-Nee RV Park  
**Attachments:** image001.png

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After the Inspection meeting I talked with Mandy Erickson regarding the slip. These are her comments:

**Erickson, Mandy L (DNR)**

to me, Rodger, Kyle



Bob, Thanks for coming in today to discuss your concerns and ask for direction for the Planning Commission. After taking with Rodger this morning, and reviewing what was advised by the Tech Review Panel, and requested by the Planning Commission, Roger contacted the Mr. Laine, the Landowner. The Landowner understands the concern and the request to have the same type of dock arrangement that was previously discussed by the Tech Review panel (with the dock in the middle of the property, a T at the end of the bulrush, with slips on the lakeward side of the dock structure, limiting boat activity to the lakeward side of the dock) moved to the south location, as directed by the Planning Commission. If this is the Planning Commission's advice, I suggest discussing this option with the landowner in a clear and direct manner. The landowner is aware of state APM rules, and how they would apply to any docking structure. The bulrush stand in the south location appears to have already been compromised by an existing dock, so limiting boat traffic in an already compromised area may not be a strong argument at the south location.

me

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**Mandy Erickson**

Assistant Area Manager | Detroit Lakes Area Fisheries

**Minnesota Department of Natural Resources**

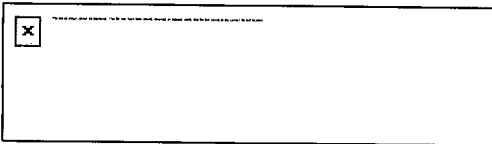
14583 County Highway 19

Detroit Lakes, MN 56501

Phone: 218-846-8294

Email: [mandy.erickson@state.mn.us](mailto:mandy.erickson@state.mn.us)

[mndnr.gov](http://mndnr.gov)



On Tue, Nov 5, 2019 at 10:28 AM Kyle P. Vareberg <[kyle.vareberg@co.becker.mn.us](mailto:kyle.vareberg@co.becker.mn.us)> wrote:

**From:** Lori Mitchell <[lamitch61@gmail.com](mailto:lamitch61@gmail.com)>

**Sent:** Tuesday, November 5, 2019 10:05 AM

**To:** [davidb@communitycoops.com](mailto:davidb@communitycoops.com); [brewboy80@gmail.com](mailto:brewboy80@gmail.com); [harryphyllis@arvig.net](mailto:harryphyllis@arvig.net); [jdkov58@arvig.net](mailto:jdkov58@arvig.net); [ilien@arvig.net](mailto:ilien@arvig.net); [bob.merritt7160@gmail.com](mailto:bob.merritt7160@gmail.com); [jmoritz@crystalsugar.com](mailto:jmoritz@crystalsugar.com); [seabergheatinginc@gmail.com](mailto:seabergheatinginc@gmail.com); [johnskarie@msn.com](mailto:johnskarie@msn.com); [rcthorkildson@gmail.com](mailto:rcthorkildson@gmail.com); [brian@s7p.net](mailto:brian@s7p.net); [larryknutson@arvig.net](mailto:larryknutson@arvig.net); Kyle P. Vareberg <[kyle.vareberg@co.becker.mn.us](mailto:kyle.vareberg@co.becker.mn.us)>

**Subject:** Ly-Nee RV Park

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## Kyle P. Vareberg

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**From:** Olson, Nathan W (DNR) <nathan.olson@state.mn.us>  
**Sent:** Wednesday, February 17, 2021 2:14 PM  
**To:** Kyle P. Vareberg  
**Subject:** RE: Tech Panel Meeting - Ly-Nee RV Sites  
**Attachments:** Letter regarding Toad Lake proposal\_final with pictures and map.pdf

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Kyle,

Sorry for not being able to attend the meeting last Friday. DNR Fisheries' comments remain similar to the attached letter that was sent by Mandy back in May 2019. Although a site visit by our Aquatic Plant Management (APM) Specialist will need to be done before an APM permit is issued, Mandy's letter does a good job of providing a general framework of what the applicants can expect to be granted in regards to aquatic vegetation control. With regards to placement of the dock structure, it is my understanding that the applicants have been willing to work with the DNR to minimize their impact to the existing bulrush bed and I hope that is still the case.

Nathan

#### Nathan Olson

Area Fisheries Supervisor | Division of Fish and Wildlife  
**Minnesota Department of Natural Resources**  
14583 County Highway 19  
Detroit Lakes, MN 56501  
Phone: 218-846-8292  
Fax: 218-846-8397  
Email: [nathan.olson@state.mn.us](mailto:nathan.olson@state.mn.us)  
[mndnr.gov](http://mndnr.gov)



**From:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>  
**Sent:** Tuesday, February 9, 2021 3:54 PM  
**To:** Hemphill, Rodger (DNR) <rodger.hemphill@state.mn.us>; Olson, Nathan W (DNR) <nathan.olson@state.mn.us>; jennifer.heitman.thompson@gmail.com; Jeff Moritz <jmmoritz@loretel.net>; Larry A. Knutson <laknuts@co.becker.mn.us>; King, Matthew (MPCA) <Matthew.King@state.mn.us>; Ed J. Clem <ejclem@co.becker.mn.us>; Brian D. Shepard <brian.shepard@co.becker.mn.us>; Bryan Malone <bryan.malone@co.becker.mn.us>; Jim Olson <jim.olson@co.becker.mn.us>; Lisa Tufts <lisa.tufts@co.becker.mn.us>; Brian W. McDonald <brian.mcdonald@co.becker.mn.us>; Todd D. Glander <todd.glander@co.becker.mn.us>  
**Cc:** Mike Brethorst <mike.brethorst@co.becker.mn.us>  
**Subject:** RE: Tech Panel Meeting - Ly-Nee RV Sites



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Good afternoon,

You should have just received a teams invite for a meeting scheduled for this Friday, 2/12 at 1:00 PM. I will also have the third floor meeting room reserved in the Courthouse for those that wish to attend in person. Attached is a site map (# of docks and location subject to change at tech panel direction), soils map, and GIS map. Documentation confirming the proposal has been presented at a Township meeting will also be provided, the meeting was held last night and I was told the clerk will be sending it. This is all the documentation required by the tech panel application. If the project is allowed to proceed then further information will be required for the conditional use application. If you have any questions, please let me know .

Thanks,

Kyle

**From:** Kyle P. Vareberg

**Sent:** Friday, January 29, 2021 2:26 PM

**To:** 'Hemphill, Rodger (DNR)' <[rodger.hemphill@state.mn.us](mailto:rodger.hemphill@state.mn.us)>; 'Erickson, Mandy L (DNR)' <[mandy.erickson@state.mn.us](mailto:mandy.erickson@state.mn.us)>; 'jennifer.heitman.thompson@gmail.com' <[jennifer.heitman.thompson@gmail.com](mailto:jennifer.heitman.thompson@gmail.com)>; 'Jeff Moritz' <[jmmoritz@loretel.net](mailto:jmmoritz@loretel.net)>; Larry A. Knutson <[laknuts@co.becker.mn.us](mailto:laknuts@co.becker.mn.us)>; 'King, Matthew (MPCA)' <[Matthew.King@state.mn.us](mailto:Matthew.King@state.mn.us)>; Ed J. Clem <[ejclem@co.becker.mn.us](mailto:ejclem@co.becker.mn.us)>; Brian D. Shepard <[brian.shepard@co.becker.mn.us](mailto:brian.shepard@co.becker.mn.us)>; Bryan Malone <[bryan.malone@co.becker.mn.us](mailto:bryan.malone@co.becker.mn.us)>; Jim Olson <[jim.olson@co.becker.mn.us](mailto:jim.olson@co.becker.mn.us)>; Lisa Tufts <[lisa.tufts@co.becker.mn.us](mailto:lisa.tufts@co.becker.mn.us)>; Brian W. McDonald <[brian.mcdonald@co.becker.mn.us](mailto:brian.mcdonald@co.becker.mn.us)>

**Cc:** Mike Brethorst <[mike.brethorst@co.becker.mn.us](mailto:mike.brethorst@co.becker.mn.us)>

**Subject:** RE: Tech Panel Meeting - Ly-Nee RV Sites

Friday is out of the question for a few folks. How does February 8<sup>th</sup> at the same time work? Also if the group concurs we can authorize the applicants to proceed with out meeting since we've discussed this in depth multiple times. I have no issue holding the meeting, just a thought. Hopefully they will have a drawing in to us early next week and I can get it out.

**From:** Kyle P. Vareberg

**Sent:** Thursday, January 28, 2021 2:00 PM

**To:** Hemphill, Rodger (DNR) <[rodger.hemphill@state.mn.us](mailto:rodger.hemphill@state.mn.us)>; Erickson, Mandy L (DNR) <[mandy.erickson@state.mn.us](mailto:mandy.erickson@state.mn.us)>; jennifer.heitman.thompson@gmail.com; Jeff Moritz <[jmmoritz@loretel.net](mailto:jmmoritz@loretel.net)>; Larry A. Knutson <[laknuts@co.becker.mn.us](mailto:laknuts@co.becker.mn.us)>; King, Matthew (MPCA) <[Matthew.King@state.mn.us](mailto:Matthew.King@state.mn.us)>; Ed J. Clem <[ejclem@co.becker.mn.us](mailto:ejclem@co.becker.mn.us)>; Brian D. Shepard <[brian.shepard@co.becker.mn.us](mailto:brian.shepard@co.becker.mn.us)>; Bryan Malone <[bryan.malone@co.becker.mn.us](mailto:bryan.malone@co.becker.mn.us)>; Jim Olson <[jim.olson@co.becker.mn.us](mailto:jim.olson@co.becker.mn.us)>; Lisa Tufts <[lisa.tufts@co.becker.mn.us](mailto:lisa.tufts@co.becker.mn.us)>; Brian W. McDonald <[brian.mcdonald@co.becker.mn.us](mailto:brian.mcdonald@co.becker.mn.us)>

**Cc:** Mike Brethorst <[mike.brethorst@co.becker.mn.us](mailto:mike.brethorst@co.becker.mn.us)>

**Subject:** Tech Panel Meeting - Ly-Nee RV Sites

Good afternoon,

Richard and Dana Laine have requested a preliminary app meeting to discuss their proposal for a Commercial Planned Unit Development with 8 RV sites. I believe all of you except Brian Malone are familiar with the previous applications.

Changes from the last application include a lower amount of RVs 8 vs 14 and they have asked for mooring spaces again as they did the first time. I will have more documents to distribute in the future however right now I would like to set the date for a meeting for next Friday February 5<sup>th</sup> at 2 pm. Please respond with a confirmation of attendance.

Thank you,

Kyle Vareberg  
Becker County Zoning Director  
915 Lake Ave  
Detroit Lakes, MN 56501  
Office Line: 218-846-7314  
[kyle.vareberg@co.becker.mn.us](mailto:kyle.vareberg@co.becker.mn.us)

**Kyle P. Vareberg**

**From:** Kyle P. Vareberg  
**Sent:** Wednesday, November 27, 2019 1:52 PM  
**To:** Jen Thompson  
**Cc:** Larry A. Knutson; Ed J. Clem; Peter E. Mead; Brian D. Shepard; Jim Olson; rodger.hemphill@state.mn.us; mandy.erickson@state.mn.us; Mike Brethorst  
**Subject:** RE: Ly-Nee RV Updated Application-No Docking/Boat Slips

Jen that is correct. The County Board may make that stipulation if they so choose.

**From:** Jen Thompson <jennifer.heitman.thompson@gmail.com>  
**Sent:** Wednesday, November 27, 2019 1:27 PM  
**To:** Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us>  
**Cc:** Larry A. Knutson <laknuts@co.becker.mn.us>; Ed J. Clem <ejclem@co.becker.mn.us>; Peter E. Mead <pemead@co.becker.mn.us>; Brian D. Shepard <brian.shepard@co.becker.mn.us>; Jim Olson <jim.olson@co.becker.mn.us>; rodger.hemphill@state.mn.us; mandy.erickson@state.mn.us; Mike Brethorst <mike.brethorst@co.becker.mn.us>  
**Subject:** Re: Ly-Nee RV Updated Application-No Docking/Boat Slips

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Kyle,

Can the PC recommend and the County Commissioners stipulate that there is be "no lake access" other than via the public access? My concern would be that they get this passed & later they add a recreational area & dockage.

Jen Thompson

Sent from my iPhone

On Nov 27, 2019, at 9:32 AM, Kyle P. Vareberg <kyle.vareberg@co.becker.mn.us> wrote:

Good morning,

As you are aware the Laine's application was tabled at the Nov. 12<sup>th</sup> PC hearing. I've attached an amended application we received from the Laine's following the tabling. The only change I am aware of is the removal of the docking area and boat slips. Let me know if you any questions or if any of you have comments you would like me to pass on to the PC members.

Thank you,

Kyle

<Ly-Nee Dec 19 CUP APP.pdf>



Division of Fish and Wildlife, Detroit Lakes Area Fisheries  
14583 County Highway 19  
Detroit Lakes, MN 56501

May 10, 2019

Kyle Vareberg  
Becker County Zoning Administrator  
915 Lake Avenue  
Detroit Lakes, MN 56501

Kyle,

The proposed campground development on Toad Lake is listed on the agenda for the upcoming Planning Commission meeting. Although my comments were provided during the Environmental Technical Review Panel (ETRP) discussion on April 11<sup>th</sup>, I have been encouraged to reiterate my comments to you prior to the Planning Commission meeting.

In regards to the development and the proposed dock and recreation area, the preferred way to avoid impacting fisheries habitat (hardstem bulrush), would be to relocate the proposed recreation area to the north end of the property, out of the bulrush stand. This location may provide some safety concerns due to the intersection and narrow right-of-way. If the recreation area cannot be relocated, and must remain within the bulrush, an Aquatic Plant Management permit would be required through the Department of Natural Resources before any clearing of bulrush could be done. The Landowners would be responsible for obtaining this permit, and working within the restrictions of the permit. I have consulted the Aquatic Plant Management staff regarding this situation, in order to provide the best advice for the County and the Landowners. If the Landowners were to proceed with a permit request, they should expect to be limited to a 50 foot opening in the emergent vegetation for the recreation area and dock structure. During the ETRP meeting, I briefly discussed how the DNR's Aquatic Plant Management rules are applied. The existing Rule says that the State MAY grant control of vegetation in an area of 100 feet or half of the shoreline frontage, whichever is LESS. This is the maximum that the state COULD allow, and for all practical purposes it guides submersed vegetation control. In the case of emergent vegetation, such as bulrush, the commonly applied standard is a 15 foot channel to open water and, for resorts/campgrounds, an additional 35 feet for a beach or recreational area if the substrate is conducive to aquatic recreation (hard sand, not muck). In this case, it would seem reasonable that if the landowners were to go through with an Aquatic Plant Management permit, they could expect to be granted the 15 foot channel and 35 feet for a recreation area (50 feet total) as the substrate is firm sand. This is general guidance on what could be expected through an Aquatic Plant Management Permit and would be subject to field review prior to issuing a permit.

During conversations with the Landowners at the ETRP meeting, it is my understanding that they have no intention of clearing the 200' recreation area that is shown on the plat as "Recreation Area," as they had no plans for a beach area. I advised them that clarification of this on their printed document may save them some

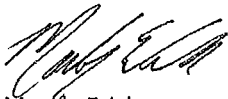


questions. The Landowners appeared to understand the concerns regarding the bulrush, and to consider the impact that their activities will have on the vegetation. I advised the Landowners that language should be added to their Campground Rules that would prohibit the random "beaching" of boats through the bulrush and along the shoreline, and to minimize boat traffic through the bulrush by restricting all dock slips to the lakeward side of the dock structure. This would have to be enforced by the County.

Included with this letter are a map and pictures that were provided by me at the ETRP meeting, and are included for your reference. The aerial photo shows the shoreline area in question, with labeled dots that correspond to pictures taken of the site in 2016 during DNR Fisheries' shoreline habitat survey. The pictures show the extent of the bulrush stand, the area on the north edge of the property that could be an alternate location, and some reference pictures of other clearings in the bulrush. The existing openings on the south side of the parcel in question do not appear to be part of the current proposal, from my understanding. They are 2 separate parcels, and should be continued to be managed as such.

If you have further questions, or would like additional assistance, please contact me at 218-846-8294 or [mandy.erickson@state.mn.us](mailto:mandy.erickson@state.mn.us).

Sincerely,



Mandy Erickson

Assistant Area Fisheries Supervisor

CC:

Bob Ekstrom, DNR Aquatic Habitat Specialist  
Rodger Hemphill, DNR Ecological and Water Resources  
Larry Knudson, Becker County Commissioner  
Bob Merritt, Becker County Planning Commission  
Patty Swenson, Toad Lake Association Member  
Clark Lee, Toad Lake Association Member

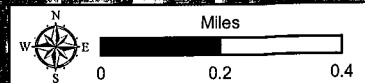
Toad Lake (03010700)  
Score the Shore Assessment  
2016

IMG\_0959.JPG

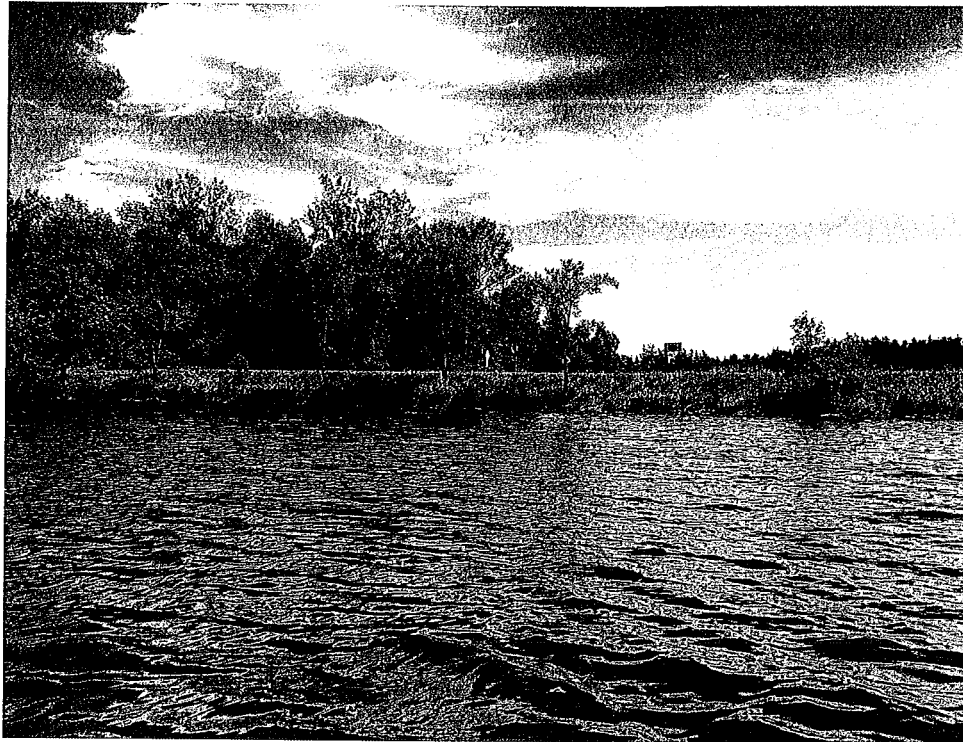
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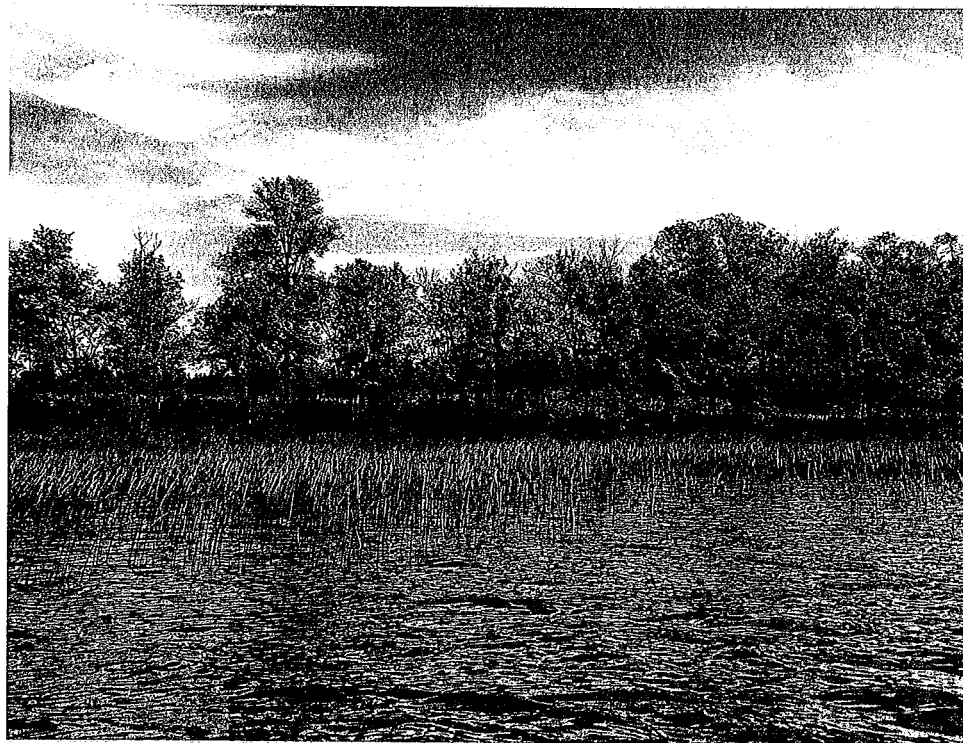
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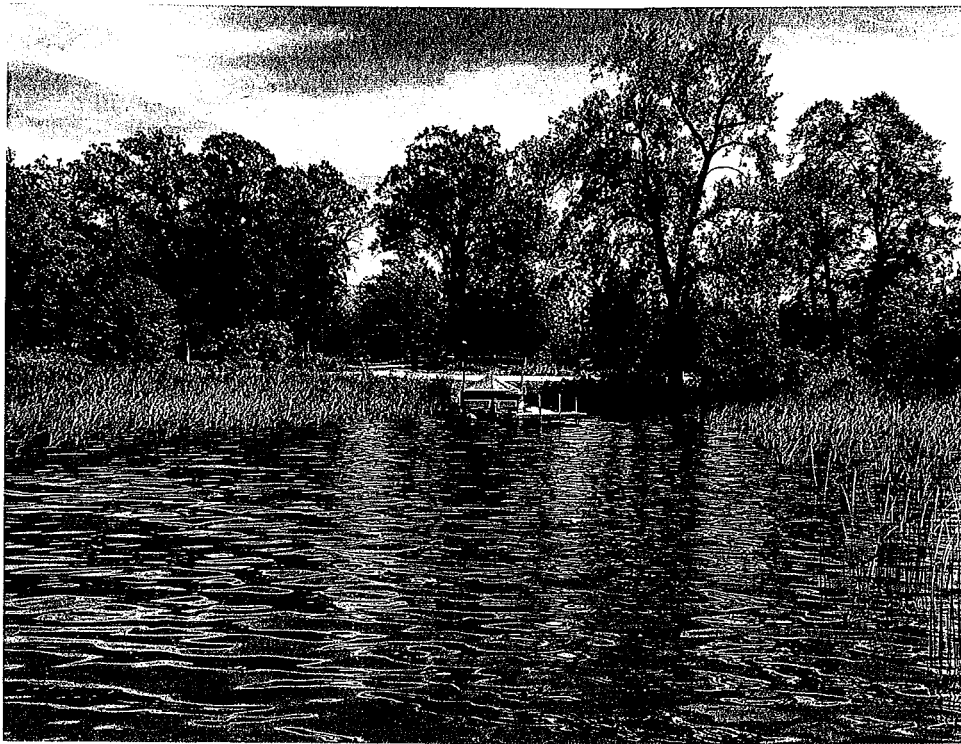
Toad Lake, 2016 photos



IMG\_0959.jpg: North end of parcel, with little to no emergent vegetation



IMG\_0960.jpg: Middle of parcel, near area of proposed recreation area and dock system. Dense emergent vegetation.



IMG\_0961.jpg: Southern end of parcel, current dock and beach area. Note spread of opening in emergent vegetation.



IMG\_0962.jpg: South end of parcel, with an assumed cleared recreation area. Emergent vegetation present.

# LY-NEE RV SITES

SWPPP Plan

03.01.2019

Richard and Dana Laine/Developer

Stewart Hofland/SWPPP Designer

Jane Hofland/SWPPP Designer



## Summary

The LY-NEE RV SITES project is located in Becker County on Toad Lake encompassing approximately 5 acres with limited elevation changes. Address: 20781 County Road 117, Osage, MN 56570.

Longitude -95.47843810465089

Latitude -46.87249772791427

The proposed RV Park is triangular in shape surrounded by Toad Lake on the west, the Laine farm to the south and a wetland to the east. Toad Lake is an impaired lake but not in respect to construction. Township road 117 runs between the project and Toad Lake.

At just over 1 acre of impervious surface after construction as currently proposed, over-sized swales were designed to retain 1" of rainfall onsite as required by MPCA. By over-sizing the swales multiple goals are accomplished: the need for additional grading is alleviated; greater infiltration is accomplished; and a twenty-foot swale will be less apparent than a ten-foot swale of the same depth with the finished swale will be nearly invisible; at more than quadruple the required surface area, the soil boring test requirement is avoided. Selecting swales versus an infiltration basin removes the need for long term maintenance of the basin and questions of who is responsible for maintenance of the basin after completion of the project. Finally, a 50-foot natural buffer is required along all waters of the State. This area is represented along the wetland edge.

The SWPPP is a "living" plan to be executed and updated during construction in order to maintain compliance with laws governing storm water discharge during the construction phase. By "living", it is amenable throughout construction as conditions warrant. Best Management Practices (BMPs) will be implemented, monitored and updated per the initial plan and any amendments to the SWPPP. The SWPPP is complete upon stabilization at the completion of construction.

## SWPPP for LY-NEE RV SITES

Richard &amp; Dana Laine

## 1. General Construction Activity

a. Project Name: LY-NEE RV SITES

b. Location:

Street Address	20781 County Road 117
Township	139 – Toad Lake
City	Osage
State	MN
Zip Code	56570

c. Latitude/Longitude of approximate centroid of project:

d. Type of Project

- ☐ Residential  
☐ Residential and Road Construction  
☐ Commercial and Industrial  
☐ Road Construction  
☒ RV Park  
☐ Other: \_\_\_\_\_

Number of Acres to be disturbed	Number of Acres
Pre-construction impervious surface	0
Post-construction impervious surface	.49
Total new area of impervious surface	.49

**Notes:** Property currently agricultural. Approximately 5 acres of a 79 acre parcel to be dedicated to project. Toad Lake is listed as an impaired lake but the impairments are considered non-construction related. No additional BMPs are required. Soil type is 776B Snellman –Sugarbush Complex per NRCS Soil Survey. For projects listed in Part II.B.1.a. permit coverage will become effective seven (7) calendar days after the electronic submittal date or the postmarked date of a complete application form. Permittee is responsible for \$400 SWPPP application fee. As this project will conclude in less than 1 acre of impervious surface after construction, it does not require a water quality volume of one inch of runoff from the cumulative new impervious surfaces be retained on site, or a Permanent Stormwater Management Plan.

#### Receiving waters

- a. List all waters within one mile (nearest straight line distance) that are likely to receive stormwater runoff from the project site both during or after construction:

Receiving waters within one mile of project property edge:

Water body ID*	Name of water body	Type (ditch, pond, wetland, calcareous fen, lake, stream, river)	Special water? (See Section 23)	Impaired Water?** (See Section 23)
03010700	Toad Lake	Lake	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

MN DNR Declared "Work in Water" Restrictions – Adjacent waters

Water body ID*	Name of water body	Fish Spawning time frame	Special water? (See Section 23)	Impaired Water?** (See Section 23)
N/A			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Wetland Impacts

Will construction result in any potential adverse impacts to wetlands, including excavation, degradation of water quality, draining, filling, permanent inundation or flooding, conversion to a storm water pond? ☒ Yes ☐ No

If Yes, list measures taken to mitigate impact.

1. Natural Buffers
2. Redundant BMPs
3. Infiltration Basins

Environmental Review -

☐ Yes ☒ No

Endangered or Threatened Species Review -

☐ Yes ☒ No

Archeological Site Review -

☐ Yes ☒ No**SEE ATTACHED MAPS**

- The project location and construction limits.
- Existing and final grades, including dividing lines and direction of flow for all pre and post-construction storm water runoff drainage areas located within the project limits.
- Soil types at the site.
- Locations of impervious surfaces.
- Locations of areas not to be disturbed (e.g., buffer zones, wetlands, etc.).
- Steep slope locations.
- Locations of areas where construction will be phased to minimize duration of exposed soils.
- Portions of the site that drain to a public water with DNR work in water restrictions for fish spawning timeframes.
- Locations of all temporary and permanent erosion and sediment control best management practices (BMPs).
- Buffer zones as required in item 9.17 and 23.11 of the permit.
- Locations of potential pollution-generating activities identified in Section 12 of the permit.

Standard details for erosion and sediment control BMPs to be installed at the site.

Quantities and types of BMPs listed on table of attached map.

BMPs		Quantity
Silt Fence	Number of FT	Surrounding entire perimeter approximately 3000 ft
Log Roll	Number of FT	TBD
Erosion Control Blanket	Square FT	TBD
Mulch	Tons	TBD


I. Temporary erosion prevention practices

Area	Type	
Soil	<input checked="" type="checkbox"/> Mulch <input checked="" type="checkbox"/> Erosion Control Blanket	
Soil Stock Pile	<input checked="" type="checkbox"/> Grass Seed <input checked="" type="checkbox"/> Silt Fence	
Ditch/Swale less than 2% slope	<input type="checkbox"/> Mulch <input type="checkbox"/> Hydromulch <input type="checkbox"/> Tackifier <input type="checkbox"/> Other	
Ditch/Swale greater than 2%	<input checked="" type="checkbox"/> Log Rolls <input checked="" type="checkbox"/> Rock-ditch check <input checked="" type="checkbox"/> Erosion Control Blanket <input type="checkbox"/> Other	
Pipe Outlets	<input checked="" type="checkbox"/> Rip Rap <input checked="" type="checkbox"/> Splash Guard <input type="checkbox"/> Gabions <input type="checkbox"/> Other	

**\*All efforts will be made to promote infiltration and sediment removal on site prior to offsite discharge. Storm water will be directed to vegetated areas.**

**Filter Strip:** The length of the filter will be equal to the overland flow area. The slope of the filter strip will be approximately 2 – 6%. The width will be approximately 50 feet providing a buffer between overland flow area and wetland per permit regulations. Shaping and grading of the area immediately upslope from the filter strip and the



filter strip site itself may be necessary to insure shallow overland flow.

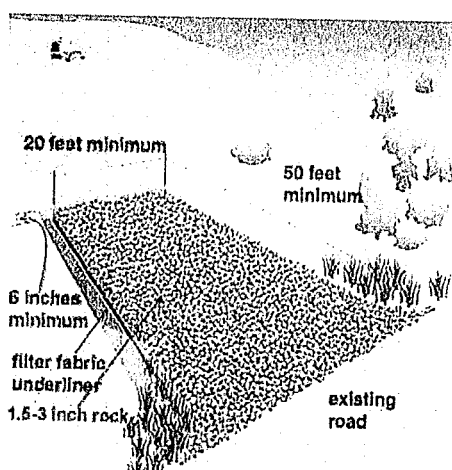
**Buffer Zone:** The Permittee(s) will preserve a 50 foot **natural buffer** or (if a buffer is **infeasible** on the site) provide redundant **sediment controls** when a **surface water** is located within 50 feet of the **project's** earth disturbances and storm water flows to the **surface water**. **Natural buffers** are not required adjacent to road ditches, judicial ditches, county ditches, **storm water** conveyance channels, storm drain inlets, and sediment basin.

**Down Gradient Perimeter Control:** The perimeter **sediment control** practice must be in place before any up gradient land-disturbing activities begin. BMPs include silt fence, log rolls keyed in per manufacturer instruction. These practices shall remain in place until **Final Stabilization** has been established in accordance with Part IV.G

**Stock Pile Containment:** Temporary soil stockpiles must have silt fence or other effective **sediment controls**, and cannot be placed in any **natural buffers** or **surface waters**, including **storm water** conveyances such as curb and gutter systems, or conduits and ditches unless there is a bypass in place for the **storm water**

**Storm Drain Inlet Protection:** N/A

**Vehicle Tracking at construction exits and street sweeping activities:** Where vehicle traffic leaves any part of the site (or onto paved roads within the site). A vehicle tracking **BMP** to minimize the track out of sediment from the construction site. Examples of vehicle tracking **BMPs** include (but are not limited to) rock pads, mud mats, slash mulch, concrete or steel wash racks, or equivalent systems. Dimensions are minimum width: 20 feet and length equal to five times the circumference of the largest wheeled vehicle entering the site or approximately 50 feet.



**Soil compaction minimization:** Whenever possible with mandatory minimization occurring within sewer system area, filtration pond site, open playground area, buffer zones, and filter strips.

**Top Soil Preservation:** Top soil shall be preserved on site in stock piles with erosion control occurring immediately to include silt fencing surrounding perimeter of base.

**50-foot Natural Buffer Plan -between the project's soil disturbance and a surface water** ( Surface water or Waters means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include treatment basins or ponds that were constructed from upland) **or plans for redundant sediment controls if a buffer is infeasible:** This project requires a 50 ft Natural Buffer Plan.

**Or, if Impaired or Special Water, 100-ft Natural Buffer Plan - between the project's soil disturbance and a surface water or plans for redundant sediment controls if a buffer is infeasible:** Even though Toad Lake is listed as an impaired lake, the impairment is non-construction related and thus additional BMPs are not required. See attached illustration.

**Is the project required to install a temporary sediment basin due to 10 or more acres draining to a common location or 5 acres or more if the site is within 1 mile of a special or impaired water?**

☐ Yes ☒ No

**If yes, describe (or attach plans ) showing how the basin will be designed and constructed in accordance with Section 14.**

**Will the project include dewatering, basin draining?** ☐ Yes ☒ No

Are sedimentation treatment chemicals (e.g., polymers, flocculants, etc.) to be utilized? ☐ Yes ☒ No

## II. Permanent Storm Water Management System

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- a. Will the project result in one acre or more of new impervious surfaces or result in one acre or more of new impervious in total if the project is part of a larger plan of development? ☐ Yes ☒ No
- b. If yes, a water quality volume of one inch of runoff from the cumulative new impervious surfaces must be retained on site (see Section 15 the permit) through infiltration unless prohibited due to one of the reasons in item 16.14 through item 16.21. If infiltration is prohibited, identify other methods of storm water treatment used (e.g., filtration system, wet sedimentation basin, regional ponding or equivalent method): sedimentation basin.
- c. Attach design parameters for the planned permanent storm water management system, including volume calculations, discharge rate calculation, construction details including basin depth, outlet configurations, location, design of pre-treatment devices and timing for installation. For more design information consult the *Minnesota Stormwater Manual* on the MPCA website at [http://stormwater.pca.state.mn.us/index.php/Main\\_Page](http://stormwater.pca.state.mn.us/index.php/Main_Page). None.
- d. For infiltration systems, provide at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates. For design purposes, divide field measured infiltration rates by two as a safety factor or use soil-boring results with the infiltration rate chart in the Minnesota Storm water Manual to determine design infiltration rates. When soil borings indicate type A soils, permittees should perform field measurements to verify the rate is not above 8.3 inches per hour. This permit prohibits infiltration if the field measured

infiltration rate is above 8.3 inches per hour. Attach on site soil testing results. Calculations:  
Volume: 21,488 square ft (.49 acres by 1" rain) impervious multiple by 1" = 1,790 cubic feet of water. Project is below 1 acre of impervious surface final construction and thus, does not require Permanent Storm Water Management System. *Optional* swales can be 10ft wide and 1 foot depth. Overall length of optional combined swales is approximately 2195 feet . No boring test required. See attachment for swale diagram. Example below.



- e. For linear projects with lack of right of way to install treatment systems capable of treating the entire water quality volume, identify other method(s) for providing treatment of runoff prior to discharge to surface waters (e.g., grassed swales, filtration systems, smaller ponds or grit chambers, etc.): N/A
- f. Right of Ways obtained. N/A
- g. Trout streams: Method of incorporating temperature controls. N/A.

### III. Inspection and maintenance activities

SWPPP Role	Name/Phone #	Certification #
Installer	Jamie Sazama 612.685.6619	Perham, MN
Inspector/Monitor	Stewart Hofland 218.298.1791	Perham, MN
Designer	Jane Hofland 218.457.2695	See attachment
Construction Supervisor	Jamie Sazama 612.685.6619	
Maintenance/Repairs	Jamie Sazama 612.685.6619	
Owner	Richard & Dana Laine	Permittee

Recording keeping will occur per SWPPP Permit requirements. Reporting will occur at a minimum of every 7 days or after ½" of rainfall or greater. To be conducted by Inspector/Monitor listed above. All records will be stored on site in an easily identified location. Area to be inspected listed in Project scope and area of activity.

**Surface waters**, including drainage ditches and conveyance systems, will be inspected for evidence of erosion and sediment deposition during each inspection. The **Permittee(s)** must remove all deltas and sediment deposited in **surface waters**, including drainage ways, catch basins, and other drainage systems, and stabilize the areas where sediment removal results in exposed soil. The removal and **stabilization** must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. The **Permittee(s)** will use all

reasonable efforts to obtain access. If precluded, removal and **stabilization** will take place within seven (7) calendar days of obtaining access. The **Permittee(s)** is/are responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits, prior to conducting any work in surface waters.

#### IV. Pollution prevention management measures

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1. Storage of building products and landscape materials with potential to leak pollutants will be stored in a designated area and covered with plastic to minimize leaching into storm water.
2. Storage of pesticides, fertilizers, and treatment chemicals, if any, will be stored in designated area within fully contained approved system

#### V. Construction

---

The location of areas not to be disturbed must be delineated (e.g., with flags, stakes, signs, silt fence etc.) on the **project** site before work begins.

1. The **Permittee(s)** must **stabilize** all exposed soil areas (including stockpiles)
2. **Stabilization** must be **initiated immediately** to limit soil erosion whenever any **construction activity** has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.
3. **Stabilization** must be completed no later than 14 calendar days after the **construction activity** in that portion of the site has temporarily or permanently ceased
4. The **Permittee(s)** must **stabilize** the **normal wetted perimeter** of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, within 200 lineal feet from the property edge, or from the point of discharge into any **surface water**. **Stabilization** of the last 200 lineal feet must be completed within 24 hours after connecting to a **surface water** or property edge.
5. Temporary or permanent ditches or swales that are being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be **stabilized** during the temporary period of its use as a sediment containment system. These areas must be **stabilized** within 24 hours after no longer being used as a sediment containment system.



Applying mulch, hydromulch, tackifier, polyacrylamide or similar **erosion prevention** practices is not acceptable **stabilization** in any part of a temporary or permanent drainage ditch or swale.

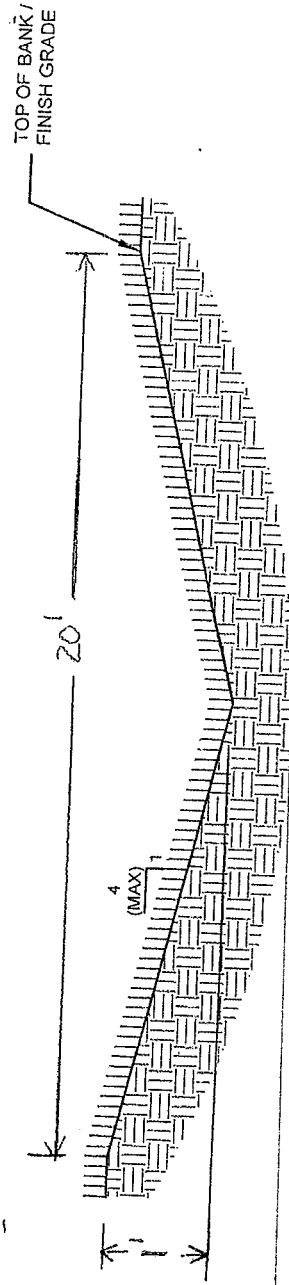
6. Permittee must minimize soil compaction and, unless **infeasible**, preserve topsoil.
7. The **Permittee(s)** must preserve a 50 foot **natural buffer** or (if a buffer is **infeasible** on the site) provide redundant **sediment controls** when a **surface water** is located within 50 feet of the **project's** earth disturbances and stormwater flows to the **surface water**. Redundant sediment controls must not be greater than five feet apart.

## VI. Permit Termination

---

1. Final Stabilization will have occurred when all disturbed areas have been stabilized to 70% of expected permanent growth.
2. Removal of all temporary sediment controls to include silt fencing, erosion blankets, log rolls, etc.
3. The following will be removed and all debris disposed of properly.
  1. Concrete washout areas
  2. Entrance/exit areas will be cleaned and disassembled with final finished surface completed.
  3. Portable toilets will be removed.
  4. Fuel station with emergency cleanup equipment (if fueling occurred on site)
  5. Construction materials and plastic covering.





## SWALE CROSS SECTION

Pennant  
N.T.S.

Area of Interest (AOI)

Soil Map

Soil Data Explorer

Download Soils Data

Shopping Cart (Free)

Printable Version

Add to Shopping Cart

Search

Basic Search

Enter keywords 776B

Advanced Search

"776B": No match.

Map Unit Legend

775B	loam Sugarbush-Two Inlets complex, 1 to 8 percent slopes	20,143.5	2.2%
775C	Sugarbush-Two Inlets complex, 3 to 15 percent slopes	20,902.4	2.3%
776B	Snellman-Sugarbush complex, 2 to 8 percent slopes	20,338.8	2.2%
776C	Snellman-Sugarbush complex, 8 to 15 percent slopes	38,217.7	4.1%
776E	Snellman-Sugarbush complex, 15 to 30 percent slopes	18,976.7	2.1%
778B	Dorset-Cortiss complex, 1 to 6 percent	7,209.7	0.8%

Soil Map

Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soil surveys that comprise your AOI were mapped at 1:20,000. The design of map units and the level of detail are dependent on that map scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Soil Data Available

To see a description of the soil data available for a specific point on the map:

1. Click anywhere in the map. The soil data availability for that point will be shown here.
2. The point you clicked is marked with the identified point icon.
3. To see a map showing soil data availability for all locations in the U.S. and territories, click the [Soil Survey Status](#) link in the Navigation Bar above.

Area of Interest (AOI) | Soil Map | Soil Data E

**Search**

Basic Search  
 Enter keywords 7768

Advanced Search

"7768": No match.

**Map Unit Legend**

Map Unit	Description	Area (Acres)	Slope (%)
775B	Sugarbush-Two Inlets complex, 1 to 8 percent slopes	20,143.5	2.2%
775C	Sugarbush-Two Inlets complex, 3 to 15 percent slopes	20,902.4	2.3%
776B	Snellman-Sugarbush complex, 2 to 8 percent slopes	20,338.8	2.2%
776C	Snellman-Sugarbush complex, 8 to 15 percent slopes	38,217.7	4.1%
776E	Snellman-Sugarbush complex, 15 to 30 percent slopes	18,976.7	2.1%
778B	Dorset-Corliss complex, 1 to 6 percent	7,209.7	0.8%

FOIA | Accessibility Statement | Privacy Policy

**Report - Map Unit Description**

**Becker County, Minnesota**

**776B-Snellman-Sugarbush complex, 2 to 8 percent slopes**

**Map Unit Setting**

National map unit symbol: fapl  
 Elevation: 800 to 2,000 feet  
 Mean annual precipitation: 20 to 28 inches  
 Mean annual air temperature: 37 to 45 degrees F  
 Frost-free period: 90 to 150 days  
 Farmland classification: Farmland of statewide importance

**Map Unit Composition**

Snellman and similar soils: 60 percent  
 Sugarbush and similar soils: 30 percent  
 Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

**Description of Snellman**

**Setting**

Landform: Hillslopes on moraines  
 Landform position (two-dimensional): Summit, shoulder, backslope  
 Down-slope shape: Linear  
 Across-slope shape: Linear  
 Parent material: Loamy glacial till

**Typical profile**

A - 0 to 3 inches: sandy loam  
 E - 3 to 12 inches: sandy loam  
 Bt - 12 to 32 inches: sandy clay loam  
 Bk, C - 32 to 60 inches: sandy loam

**Properties and qualities**

Slope: 2 to 8 percent  
 Depth to restrictive feature: More than 80 inches  
 Natural drainage class: Well drained  
 Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)  
 Depth to water table: More than 80 inches  
 Frequency of flooding: None  
 Frequency of ponding: None  
 Calcium carbonate, maximum in profile: 15 percent  
 Available water storage in profile: Moderate (about 8.5 inches)

**Interpretive groups**

Land capability classification (irrigated): None specified  
 Land capability classification (nonirrigated): 2e  
 Hydrologic Soil Group: B  
 Ecological site: Loamy Upland Mesic Hardwood Forest (F057xY021MN)  
 Forage suitability group: Sloping Upland, Acid (G057XN006MN)  
 Hydric soil rating: No

**Description of Sugarbush**

**Setting**

Landform: Hillslopes on moraines  
 Landform position (two-dimensional): Summit, shoulder, backslope  
 Down-slope shape: Linear  
 Across-slope shape: Linear  
 Parent material: Loamy mantle over sandy and gravelly outwash deposits

**Typical profile**

A - 0 to 3 inches: sandy loam  
 E - 3 to 17 inches: loamy sand  
 Bt - 17 to 28 inches: sandy loam  
 2C - 28 to 60 inches: gravelly coarse sand

**Properties and qualities**

Slope: 2 to 8 percent  
 Depth to restrictive feature: More than 80 inches  
 Natural drainage class: Well drained  
 Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)  
 Depth to water table: More than 80 inches  
 Frequency of flooding: None  
 Frequency of ponding: None  
 Calcium carbonate, maximum in profile: 15 percent  
 Available water storage in profile: Low (about 4.6 inches)

**Interpretive groups**

Land capability classification (irrigated): None specified  
 Land capability classification (nonirrigated): 3s  
 Hydrologic Soil Group: A

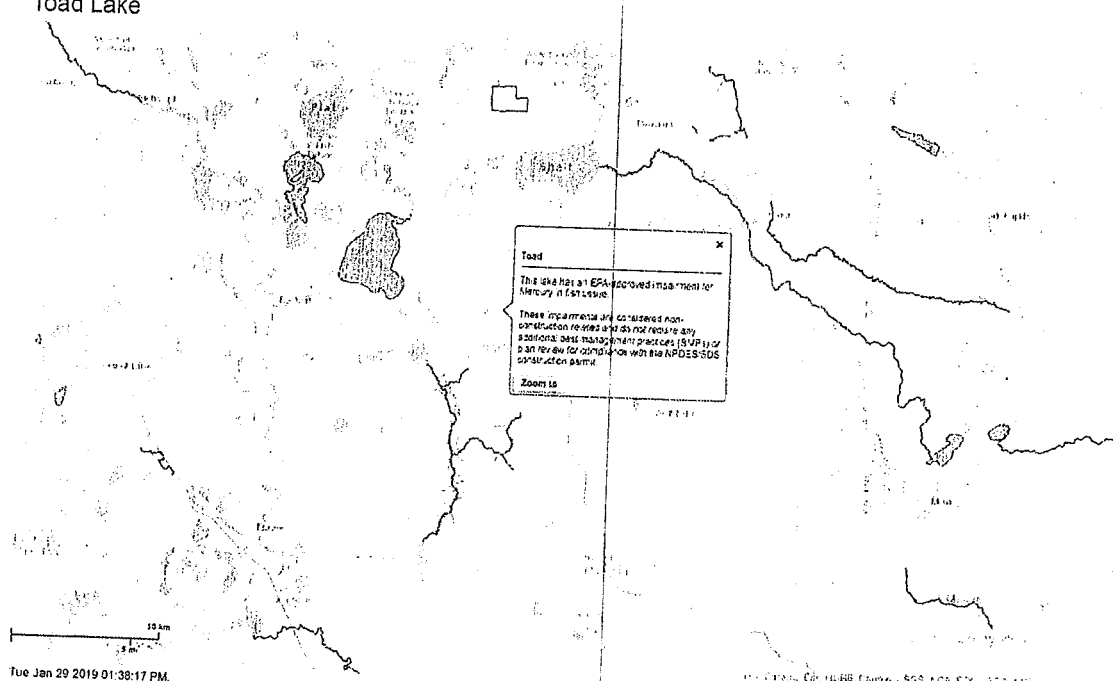
Shopping Cart



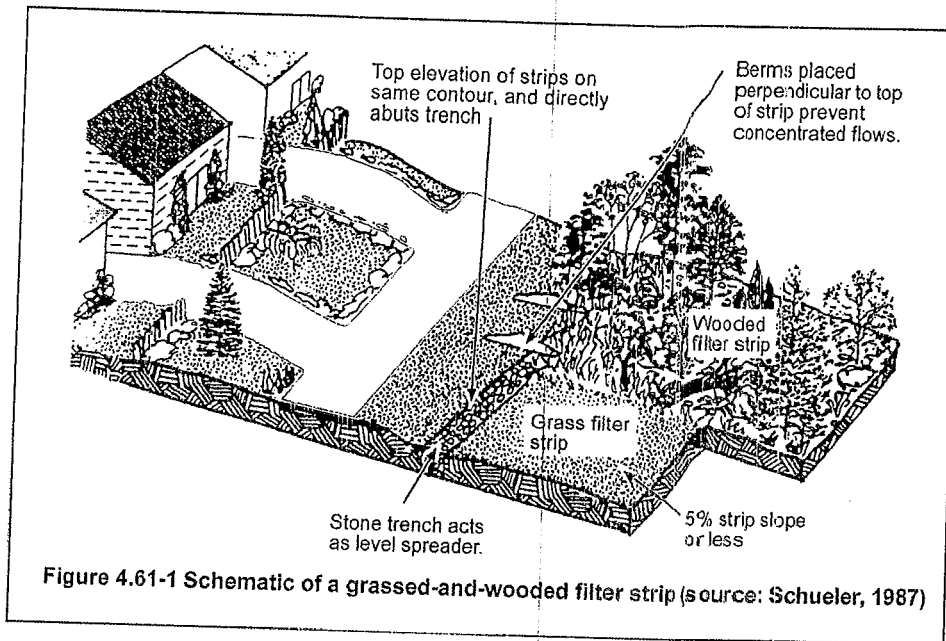
be used. Mapping of  
 and the level of de  
 detail of mapping an  
 more detailed scale

lick the Soil

Toad Lake



Tue Jan 29 2019 01:38:17 PM



Existing perennial vegetation next to receiving waters may provide wildlife benefits but not significant pollutant-reduction benefits, depending on ground cover and runoff type. However, buffer areas provide valuable habitat and they should be maintained. Consideration should be given to buffer zone preservation as part of the design of the filter system.

Waterways should have filter strips on both sides to be effective as part of a filter system. An intermittent waterway itself may also provide filtering benefits if adequately vegetated (see part 4.62, Vegetated Swales).

### DESIGN RECOMMENDATIONS

Measures to help prevent concentrated flows (Claytor, December 1996):

- The width of the filter should generally be measured perpendicular to the overland flow, and equal to the width of the treated drainage area
- The flow length through the filter system should be a minimum of 25 ft and at maximum no more than 300 ft. The slope of the filter should be limited to about 2 to 6%.
- The flow length of the drainage area to be treated is usually limited to 75 ft for impervious areas or 150 ft for pervious areas.

Filter strips should generally be on the contour and designed to pass the 1.25-inch, 24-hour water quality storm event at a flow depth of about 0.5 inch, and a velocity of 0.5 feet per second (fps).



Table 4.60-1 Bioretention and ponds

	Buffer Zone (not a treatment, but performs treatment functions)	Filter Strip	Swales and Enhanced Swales *	Infiltration Basins and Enhanced or Bioretention Basins	Infiltration Trenches	Ponds
Location	Usually adjacent to aquatic systems	Small-volume, low-velocity area	1-3 ft above water table	3 ft above water table, 10 ft above fractured bedrock	3 ft above water table, 10 ft above fractured bedrock	No specific requirements
Pretreatment	No concentrated flow	No concentrated flow	A sediment forebay is desirable	** Sediment and debris removal desired	** Sediment and debris removal desired	No specific requirements
Runoff from 1.25-inch event (water quality volume)	No specific requirement	0.5 ft/sec 0.5 inches Depth 10-minute flow time	$Vel \leq 1.0$ ft/sec Depth $\leq 0.5$ ft*	Discharge through soil in 24 hours or less	Discharge through soil in 24 hours or less	Outflow rate
Runoff from 1-yr. event ~ 2.4-inch event	No specific requirement	$\leq 2$ ft/sec	$\leq 2$ ft/sec $\tau \leq 1$ lb/ft <sup>2</sup>	Discharge through soil in 48 hours or less	Provide bypass to other systems	Velocity $\leq 2$ ft/sec
Runoff from 2-yr. event ~ 2.8-inch event	No specific requirement	$\leq 3$ ft/sec.	$\leq 3$ ft/sec $\tau \leq 1.5$ lb/ft <sup>2</sup>	Discharge through soil in 72 hours or less	Provide bypass to other systems	Velocity $\leq 3$ ft/sec. Discharge rate $\leq 50\%$ of the predevelopment rate
Runoff from 10-yr. event ~ 4.0-inch event	No specific requirement	$\leq 5$ ft/sec	$\leq 5$ ft/sec $\tau \leq 2.5$ lb/ft <sup>2</sup>	Provision for bypass at high flows	Provide bypass to other systems	Velocity $\leq 5$ ft/sec and Discharge rate = predevelopment
Runoff from 100-yr. event ~ 6.0-inch event	No specific requirement	$\leq 5$ ft/sec	$\leq 5$ ft/sec $\tau \leq 2.5$ lb/ft <sup>2</sup>	Provision for bypass at high flows	Provide bypass to other systems	Velocity $\leq 5$ ft/sec and Discharge rate = predevelopment

\* For enhanced swales, insert retaining dikes to retain water quality volume of runoff behind filter dikes.  
 \*\* No industrial or highly contaminated sources without appropriate pretreatment.  
 $\tau$  = shear stress

812.823-8733 or 800-648-2282  
WWW.SPCSCOTT.UNITED.EDU

Note that materials for an Extension and Supervisor Management Certification Program workshop that you have attended to date are listed below. A score of 100% or above is required for certification.

You will receive a wallet-sized certification card in 3 days. Until then, this letter is your proof of participation in the course.

If you have questions about this program, or if you have received this notice in error, please contact us at the above address or phone number.

**Employment and Sports/Recreation Management Certification Program**

Form letter expires June 30, 2018

Event	Score	Date	Location	Competition
Central Valley C. Construction SHPP	981	11/27/2018	St. Cloud	2024

[illegible]

519449

BECKER COUNTY RECORDER-STATE OF MN  
Document No. 519449  
Date JAN 05 2005 11 O'c a M.

I hereby certify that the within instrument  
was recorded in this office.

*Barlene Mameval*  
County Recorder by Ks Deputy  
33.0118.000

STATE OF MINNESOTA

BECKER COUNTY ZONING

COUNTY OF BECKER

CHANGE OF ZONE

This is to certify that under the Zoning Ordinance of Becker County, Property described as follows may be used as indicated:

ADDRESS OF PROPERTY: 20781 Co Rd 117; Section 10, Toad Lake Township

PRESENT ZONE: Agricultural The Present Zone of Agricultural Has Been Change to Residential for a 2.17 acre tract and for a 1.41 acre tract to be described on Attachment B.

LEGAL DESCRIPTION OF PARCEL TO BE REZONED : Split from Parcel Number 33.0118.000. Complete Legal Description on Attachment A for the entire parcel. The portion that has been rezoned to Residential is described on Attachment B.

OWNER:  
Richard Laine

OWNER'S ADDRESS:  
20781 Co Rd 117, Osage, MN

NOTICE: THIS ZONE CANNOT BE CHANGED TO ANY OTHER ZONE WITHOUT A NEW PUBLIC HEARING THROUGH COUNTY PROCEDURE.

APPROVED BY THE BECKER COUNTY PLANNING COMMISSION 12/21 20 04  
APPROVED BY THE BECKER CO. BOARD OF COMMISSIONERS 12/28 20 04

STATE OF MINNESOTA)

) SS

COUNTY OF BECKER )

BECKER COUNTY PLANNING, ZONING  
AND LAND USE OFFICE

I, Patricia L. Johnson, Zoning Administrator for the County of Becker, with and in for said County, do hereby Certify that I have compared the foregoing copy of PERMIT FOR USE with the original Record thereof preserved in my Office, and have found the same to be a correct and true transcript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Detroit Lakes, Minnesota, in the County of Becker on the 28th day of December 20 04.

Attachment A

Complete Legal Description for Parcel Number 33.0118.000

Lot One (1) or the Northwest Quarter of the Northwest Quarter (NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of Section Ten (10), Township 139 North, Range 38 West of the Fifth Principal Meridian in Becker County, Minnesota.

AND

The South Half of the Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) and the Southwest Quarter of the Northeast Quarter (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of Section 10, Township 139 North, Range 38 West of the Fifth Principal Meridian in Becker County, Minnesota.

## **ATTACHMENT B**

### **Proposed Legal Description for Parcel A**

That part of Government Lot 1, Section 10, Township 139, Range 38, Becker County, Minnesota described as follows:

Commencing at the Northeast corner of said Section 10; thence on an assumed bearing of North 88 degrees 17 minutes 04 seconds West along the north line of said Section 10, a distance of 2647.06 feet to the North Quarter corner of said Section 10; thence South 75 degrees 09 minutes 01 seconds West a distance of 2263.54 feet to the point of beginning of the land to be described; thence on a bearing of South a distance of 240.39 feet; thence on a bearing of West a distance of 393 feet more or less, to the shoreline of Toad Lake; thence northerly, along said shoreline to the intersection with a line which has a bearing of West from the point of beginning; thence on a bearing of East a distance of 397 feet more or less, to the point of beginning.

Containing 2.17 acres more or less. Subject to County Road No. 117 right-of-way easement. Further subject to other easements and reservations of record, if any.

### **Proposed Legal Description for Parcel B**

That part of Government Lot 1, Section 10, Township 139, Range 38, Becker County, Minnesota, described as follows:

Commencing at the Northeast corner of said Section 10; thence on an assumed bearing of North 88 degrees 17 minutes 04 seconds West along the north line of said Section 10, a distance of 2647.06 feet to the North Quarter corner of said Section 10; thence South 75 degrees 09 minutes 01 seconds West a distance of 2263.54 feet; thence on a bearing of South a distance of 240.39 feet to the point of beginning of the land to be described; thence continuing on a bearing of South a distance of 150.00 feet; thence on a bearing of West a distance of 430 feet more or less, to the shoreline of Toad Lake; thence northerly, along said shoreline to the intersection with a line which has a bearing of West from the point of beginning; thence on a bearing of East a distance of 393 feet more less, to the point of beginning.

Containing 1.41 acres more or less. Subject to County Road No. 117 right-of-way easement. Further subject to other easements and reservations of record, if any.

RECEIVED

FEB - 2 2021

ZONING

LY-NEE RV SITE'S  
PROPOSED COMMERCIAL PUD

PART OF GOV'T LOT 1, SECTION 9  
GOV'T LOT 1, SW1/4 OF NW1/4,  
SE1/4 OF NW1/4, SW1/4 OF NE1/4,  
SECTION 10, ALL IN T.139N., R.38W.,  
BECKER COUNTY, MN

NOTES

1,564,617 TOTAL SQUARE FEET  
35.92 TOTAL PUD ACRES  
1,225,339 TOTAL S.F. IN PUD WITHIN 1000 FEET OF THE LAKE  
28,153 TOTAL ACRES IN PUD WITHIN 1000 FEET OF THE LAKE

5.42 ACRES IS THE MAX COVERAGE FOR LAND THAT IS NOT INCLUDED  
AS OPEN SPACE THIS COMPUTES TO AN OPEN SPACE OF 84.9% OF  
THE TOTAL PUD ACRES AND 80.8% OPEN SPACE WITHIN SHORELAND  
AREA. THE OPEN SPACE REQUIREMENT IS 50%.

270,125 TOTAL S.F. OF SUITABLE AREA WITHIN SHORELAND AREA  
6,20122 TOTAL ACRES OF SUITABLE AREA WITHIN SHORELAND AREA

BECKER COUNTY SUBDIVISION CONTROLS ORDINANCE CALCULATION

CRITERIA:  
14 PROPOSED UNITS  
14 UNITS ALLOWED USING BC COMMERCIAL PUD ORDINANCE  
12314 FEET OF TOAD LAKE SHORE FRONTAGE  
20,000 S.F. SUITABLE AREA IS REQUIRED PER UNIT  
1.4% PROPOSED IMPERVIOUS COVERAGE

PUD PARCEL WILL BE SPLIT AT THE TIME OF APPROVAL  
PROPOSED LIGHTS WILL BE DOWN FACING.  
SWPP TO BE DESIGNED, PERMITTED, IMPLEMENTED AND  
PROCEDURES FOLLOWED BY ALL PARTIES.

OWNER: RICHARD AND DANA LAINE

SITE LOCATION:  
20781 COUNTY ROAD 117  
OSAGE, MN 56570

SURVEYOR:  
COMPASS CONSULTANTS  
JACK ROSENTHAL  
218.347.8620  
155 2ND STREET SW  
PERHAM, MN 56573

LEGEND

- FOUND IRON
- SET REBAR CAP 50732
- BOUNDARY OF PROPOSED SUBDIVISION
- SECTION LINE
- BUILDING SETBACK
- APPROXIMATE UNDERGROUND POWER
- SANITARY SEWER
- APPROXIMATE WATER
- PROPOSED SEWER SITES - SEE NOTES
- GRAVEL SURFACE
- DELINEATED WETLAND AREA
- 50' WETLAND BUFFER
- DIRECTION OF TRAVEL (ONE WAY)
- PROPOSED POWER SERVICE
- 1 PARKING SPOT
- PROPOSED LIGHT POLE
- PROPOSED VEGETATIVE STRIP

VICINITY MAP  
SECTION 8&10, T.139N., R.38W.  
\*1/4" SCALE\*

PROPOSED AREAS  
(IN SQUARE FEET)

UNIT	UNIT AREA (PER UNIT)	PROPOSED BLDG & DECK (PER UNIT)
UNIT 1	5,595 S.F.	400 S.F.
UNIT 2	5,598 S.F.	400 S.F.
UNIT 3	5,599 S.F.	400 S.F.
UNIT 4	5,599 S.F.	400 S.F.
UNIT 5	5,600 S.F.	400 S.F.
UNIT 6	5,600 S.F.	400 S.F.
UNIT 7	5,600 S.F.	400 S.F.
UNIT 8	5,592 S.F.	400 S.F.
UNIT 9	3,515 S.F.	400 S.F.
UNIT 10	3,591 S.F.	400 S.F.
UNIT 11	3,661 S.F.	400 S.F.
UNIT 12	3,754 S.F.	400 S.F.
UNIT 13	3,792 S.F.	400 S.F.
UNIT 14	3,833 S.F.	400 S.F.

PROPOSED IMPERVIOUS AREAS  
(IN SQUARE FEET)

UNIT BLDG & DECK	400 S.F.	x14= 5,600 S.F.
PARKING (2)	320 S.F.	x14= 4,480 S.F.
WELL HOUSE	288 S.F.	288 S.F.
PICNIC SHELTER	192 S.F.	x2= 384 S.F.
PRIVATE DR#1		8,486 S.F.
GOLF CART PARKING		1,383 S.F.
WELL HOUSE ROAD		867 S.F.
APPROX. TOTAL COVERAGE=		21,488 S.F.

CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by  
me or under my direct supervision and that I am duly Licensed  
Land Surveyor under the laws of the state of Minnesota.

*Jack Rosenthal* *Apr 15, 2021*  
Jack Rosenthal, PLS 50732 Date