

To: Chair and Members, Itasca County Planning Commission
Dan Swenson, Environmental Services Department

From: Holly and Michael Newton

Date: April 12, 2014

Subject: Living Word Bible Camp (LW) Final Commercial Planned Unit
Development

We are writing to voice our objection to a commercial applicant's use of a Final CPUD hearing to attempt to add new material required to be made part of the record, and then having it acted on by the Planning Commission at the Final CPUD stage. John Erickson will also be making comment in Holly's behalf.

A revised Open Space Covenant appeared during the March 12 public hearing and with it a revised Open Space Map that still incorrectly displays the acreage reported within the Open Space Covenant. We are not impressed with the expertise that has been helping LW with their maps and "site plans".

The revised Open Space Covenant (OSC) does not fill all of the requirements of the zoning ordinance. The zoning ordinance requires protection in perpetuity, Sec. 9.48 A, which was omitted from OSC No. 4. The zoning ordinance prohibits the addition of any additional buildings Sec. 9.48 B, 3 referred to in OSC No. 2 that purposely avoids zoning ordinance requirements and inserts illegal stipulations that allow further development of a wood shed and any other structures to "comply with health and safety requirements". We hope that the Planning Commission will resolve these illegalities.

With all the acreage available for the project, why would LW need to build in the open space for any reason?

Health and safety requirements should have been known or requested long before this point of permitting to responsibly approve any CUP or CPUD. The size and scope of this proposed project is already a health and safety concern given the small concentrated lakefront area that is proposed to sustain all the buildings, the populations, the intensity of use, the sewage treatment, the proper stormwater ponds, the massive grading, and uncontrolled parking of any more than 25 cars and the added campers and RV's.

Final Site Plan still lacks required information. The intention of the zoning ordinance is to be able to look at one “detailed” site plan that answers most all questions dealing with location. The Planning Commission still can not see where soil stock piles are going to be located, where all the septic systems will be located for all the buildings as the unfinished septic plan is still a “concept”, secondary locations for drain fields, electrical easements and proposed lines, to name a few problems. The intention of the ordinance is to assist the decision makers, instead, the Itasca County Planning commission is forced to look back at several different maps and documents and attempt to see if they even line up correctly, which they do not. We are unclear if there is one single “final site plan”.

Why are the ball fields and the roads proposed to access them left off the final site plan? (A “detailed site plan” required by the zoning ordinance would show this as well as the campfire area’s) Roads are not allowed in the open space area. How are they going to access the ball fields and storm shelters that are in or near the proposed open space? How much grading and topographical disruption will be expected? 9.48 B 2 prohibits topographic alterations. What about the lighting of the ball fields and where are vehicles going to park?

The MN Land Trust Conservation Easement prohibits commercial uses as proposed by LW and was made part of this open space covenant. The proposed OSC illegally conflicts with the pre-existing terms of the conservation easement, which prohibits commercial uses by guests, and visitors of LW’s commercial PUD.

We object to the tampering of project acres below the Ordinary High Water Mark so that LW does not have to preserve as much open space. The area below the OHWM is being used for the project, some of it very intensely, so should be included in the project.

Where are the electrical easements located and power lines going to be located throughout the project? How much topographical alteration might illegally take place in the open space to accommodate the unplanned power easements.

Stormwater is known to be the biggest polluters of Minnesota waters. The proposed Stormwater Management Plan is only a concept or model, and has not been engineered. The storm water ponds are in different locations than depicted on the site plan. A natural pond shows up on the stormwater map and does not appear on the “detailed” site plan. There are no infiltration ponds shown for the snow stockpiles and one of the snow stockpiles is in or too near wetland #2. Alan Cibuzar, AW Research, lists other problems in his December 4, 2013 letter. More concerns have been sent to Itasca County during the EAW process that the Itasca County Board has directed the Planning Commission to address.

“The pre-construction, construction and post construction is an integral part of the environmental integrity of the development and without this a comprehensive stormwater management plan environmental damage liability is eminent.”

“Potential erosion hazards for future guests of the Camp may develop without a good trail plan with a detailed integrated stormwater plan” Al Cibuzar.

The LWBC proposed uses are not specifically “youth camp” uses. The adult uses proposed are properly and legally categorized as “resort” uses. Itasca County ordinance definition of youth camp on page 15 Sec. 1. 126 does not include “ancillary adult uses” and MN Statue 144.71 specifically prohibits resort uses for youth camps. The State of MN requires a resort license (food and lodging) for youth camps that accommodate adults. (Documentation previously submitted) Also see p. 23 in the zoning ordinance where “resort” is specifically prohibited in Seasonal Residential zoning. For this reason alone, the proposed project should be denied.

Living Word representatives and Itasca County openly compare the uses associated with this project to other resorts in Itasca County and on Deer Lake in the EAW process as well as the CUP/CPUD process. Members of the Itasca County Planning Commission have made many comparisons and references to Camp Hiawatha on Deer Lake. Camp Hiawatha is not a youth camp; it is a church camp and licensed as a resort on commercially zoned property.

Living Word Bible Camp is proposing a resort, as properly admitted in comparison by Itasca County officials, in a Seasonal Residential Zone where Resort is prohibited. It is unfortunate that Don Dewey misrepresented the zoning ordinance to favor his friend Ron Hunt. (They attend bible study together.) The majority of the year, except 7 weeks, the proposed use is not “youth camp”. LW’s land use proposal is Resort that accommodates “youth camp” for 7 weeks. Floor plans submitted clearly show this. There are no conditions to control non-youth camp uses and activities such as weddings, wedding receptions, family reunions, trailer camper and RV uses, adult retreats and college events, fishing and hunting camps, etc. There are safety concerns in the surrounding residential neighborhood about high velocity rifles and other guns used by the camp during the hunting retreats every fall.

MN State statues prohibit resort uses for youth camps. (See attached document.) Itasca County is allowing Resort in Seasonal Residential Zoning District where Resort is expressly listed as a prohibited use by not imposing restrictions for resort uses.

LW promised “less use” than residential uses on this property when Itasca County rezoned it to Seasonal Residential. National population averages 2.5 per single family home, at 6 homes that would be 15 or so persons. LW property already will have a staff house, another personal lake home for the Hunt family, and then 150 - 300 persons using and visiting the camp portion, with only 25 parking spaces, with no limits to hours of operation (Conditions only impose hours for the children’s camp). These commercial populations significantly increase water and septic volumes and intensity of outdoor uses

on the lakefront and throughout the trail system and ball fields compared to residential uses. All adult resort uses have not been restricted by the conditions put forth by Itasca County. Don Dewey has stated that the LWBC project is the largest project he has seen in his 30+ years he has been in the zoning department. However, Dan Swenson corrected this as being second only to the Magentation mining project. "Less use" than residential?

LW claims they do not need to meet the Itasca County parking ordinances because they are not a place of "public" assembly. Ironically, LW is a 501c3 "public" charity. It is up to Itasca County to hold LW accountable to public zoning ordinances.

The LWBC proposed project as it now sits in front of the Planning Commission does not conform to County Zoning Ordinance, does not conform to the Itasca County Comprehensive Plan, does not conform to MN State Statues, is an illegal land use, has been scientifically documented as creating irreversible environmental effects, has no conditions required by the EAW to properly mitigate those effects and whose planning documents are severely incomplete. LW and Itasca County has had 13 years to appropriately fulfill the legal requirements in the public process. There are many strong legal reasons why Itasca County Planning Commission should deny this proposed project. We feel very strongly that this poorly planned commercial complex not be permitted in this location on Deer Lake.