

approximately 12%. The PCZO allows for 25% impervious coverage for parcels. The existing septic system was installed in October of 2018 so the septic system is still compliant and will not require a septic compliance inspection since 5 years have not passed since the date of installation. The applicant noted on the application that he is unaware of any potential conflicts if the Conditional Use request is approved.

Snyder said the following comments were received:

1. Stephanie Klamm, DNR Area Hydrologist stated that the primary reason for shore land controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. Even though the structure will be at least 220 feet from the lakeshore, it is under 300 feet required in the ordinance. And though the lot is large (89,760 sq ft) the building would involve impervious surfaces (i.e. roof lines and concrete pad/driveway) and increase the speed at which runoff would reach the lake. If possible, the applicant should try to decrease their impervious surface or redirect the runoff to a holding area, such as a rain garden. She adds if the County approves this application, the DNR would recommend the following conditions:
 1. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
 2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
 3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.
 4. All future structures and associated septic systems do not block or change natural drainage way on the above-mentioned parcel.
 5. The backlot has an additional location for another septic system if the existing one shall fail or not meet future septic compliance.

Snyder then went over slides showing the application, location maps, and photos of the lot. Snyder then said Staff recommends approval with the following conditions:

1. No guest house uses – the structure shall be used for personal storage, shop or similar activity. No habitable space shall be allowed in the building including bedrooms, full kitchen facilities or space for residential living.
2. Applicant shall leave adequate trees between the structure and Cable Lake. The vegetation shall be left to limit the structures' view from the lake during leaf-on conditions. Removal of only limited trees is planned for the garage.
3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. This shall include sidewalks, patios, pavers, etc.
4. The conditional use permit shall become void one year after it was granted unless used.
5. That the conditional use will not be injurious to the use and enjoyment of other

- property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
6. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
 9. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
 10. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota, and County of Polk rules and regulations.

Powers opened the meeting to questions.

A motion was made by Schulz to recommend approval of the CUP with staff conditions. Second by Cavalier.

Ayes: All

Nays: none

Motion carries.

Snyder stated that this will now go before the County Board for final approval on July 26, 2022.

Old/New Business:

Snyder wants to update the Commission about the Fertile Community Conservation Club (FCCC). They received a CUP in 2021 for operation of Gun Club/Shooting Range on parcel 48.00176.01. This May, Snyder was made aware that some of the conditions placed on the CUP have not been done. The neighbor, Jered and Rachel Gunufson, called in with complaints. A meeting with all the parties took place on site on June 9, 2022. They discussed possible corrections, and a 60-day window was given to get the property gated and locked. Other suggestions were also given to FCCC. PC Zoning has taken this very seriously and is working diligently with FCCC. The gate is now up and there has been limited summer usage of the parcel. Signage will also be required, which will be discussed at a meeting with FCCC at the site sometime next week.

Snyder went over slides showing the property location and area, where the Gunufsons live, photos of the site, sketch of the layout of the parcel. It was also mentioned that FCCC has planted several hundred trees this spring.

Rachel Gunufson spoke. They were never noticed by the County or FCCC about this project. She is very concerned for the safety of her family. She said that the layout of the parcel has changed from what was submitted at the hearing. There is nothing stopping the users of the

FCCC property from shooting in the direction on the property. She stated she feels that FCCC and the County are not taking their concerns seriously. Their attorney has asked repeatedly to have the site shut down till ALL the conditions are met. She is not willing to compromise on the safety factor. The noise is another issue as it carries and can last a couple hours. Their schedule online says Monday and Wednesday evenings in the summer, however there has been shots on Friday in the middle of the day. They have lived there for 12 years, but maybe not much longer. She said she wants them to be held accountable.

Powers asked if they are still shooting. R Gunufson said yes.

Jeremy Ranz, owner of the property that was donated to the FCCC, said he welcomes anyone to come out and have a tour of the property. The shooting takes place to the West, not the north toward the Gunufson property. This club has been talked and planned about for over 4 years. Shelly Ranz stated that it was in the paper, talked about all over the place for years, they have not hidden anything in the discussions of their plans. They donated the property, so the kids have someplace to go and keep the kids here and not bussed to Red Lake Falls. This was not done to "get" anyone in or out of the neighborhood.

Schulz asked how many acres? J Ranz said 28.9 acres. Jered Gunufson asked by shooting north of the trap area ? J Ranz said there is zero shooting of rifles, only shotguns and they shoot to the West. Snyder said Scott Van Den Einde, FCCC, said their plans for the direction of the trap shooting changed as the DNR permit requires they shoot a certain direction based on the sun for safety. Powers asked if management was fully cognizant of the conditions on the permit. Matt Forgit, FCCC rep, said there is always adult supervision. The trap houses have been locked from the start and only two people have keys.

J Ranz said it is off a minimum maintenance road. We cannot block the road at the highway as farmers also use the road for field access. The shots could have come from anywhere. Vonasek asked if firing towards bunkers and shooting in the other direction is in the plans? Snyder went over the sketch now vs the one from the hearing. The change was based on DNR range guidelines. They orientated things to meet those guidelines. It is the responsibility of FCCC to get within the confines of the conditions of the permit. The operating plan said gating and fencing. The fencing was to be around the parking lot area to help direct patrons to enter in the appropriate area. They were to stay within the confines of the operating plan and any deviation is to come to the Zoning office. Schulz said that the fence between the parking lot and shooting area really doesn't do anything. He knows of no other area club that has fencing. Schulz thought the fence was to keep access to the property limited. R Gunufson said that the shooting park will be fenced is in the operational plan and should keep people off the property. J Ranz asked what type of fence is going to be recommended so he can go and get what is needed. Vonasek said one you cannot get through or climb over. J Ranz said is barbed wire with electric acceptable then? He also plans to have signs made to place all along the property.

Snyder replied that I hope Ranz will be at the meeting next week ? Ranz said yes. Ranz was going to purchase trail cameras right now tell to see what is going on now.

R Gunufson stated that FCCC is already proving that no matter the plans they are not in compliance and have had no plans to comply, then you give them even more time to do that while still operating. This is very frustrating. Snyder said he was first notified in May, held the first meeting in June, and set the date for gate installation. R Gunufson expressed her concerns that they should not be able to operate till compliant. We are not the only people that are concerned, but we just happened to be the closest homeowners. I am not comfortable with this process. Once something is damaged or someone is hurt it is too late. Snyder explained his role, that he is not a member of this club, or any other, just a hunter. He used his knowledge to set the 60-day deadline. Now the gate is up and we will work on a fence. Snyder said he is taking this very seriously. If the FCCC were shooting rifles on the property, he would have shut them down. However, shotguns will not be a danger to the Gunufsons, that is why he is willing to let that continue on the property while we work with all the parties involved to get the conditions met. R Gunufson understands that what she wants is not what will happen, but what I want is for them to have no way to shoot anything to the North, a berm or something. Our school superintendent was on the radio talking about our “non-compliant” gun range. So everyone knows about this range, so that is going to bring anyone and nothing is there to stop them. Snyder said we are meeting next week and the Gunufsons are more than welcome to attend. We are working step by step to get this resolved.

Powers asked if the original application has rifle shooting in there? R Gunufson said it was not presented that way to Liberty Township as they have a copy of the minutes, but it was added for the County. Snyder said if the Township wished, they can say they don't have the right permit, but they have a county permit. Powers said he is not happy with this situation at all. Snyder said he isn't either.

Ranz said they have not yet done any rifle shooting yet. Forgit said no rifle shooting has taken place on the property as the weeds are 5' tall in the area designated for rifles and there are not signs of anyone walking through there. Schulz commented that he sees these clubs as a operation with no budget, relying on community help and donations. Takes years and years to get this going. Powers said the lady is saying that they were given certain conditions with the permit that they have not yet met but are still operating. Schulz said you are not going to keep everyone off any property. Snyder said there is nothing you can do to totally secure the property from others entering it. Vonasek said it appears that they cannot tell the difference between rifle and shotgun sound, but one will kill you, one won't. J Ranz said you can tell the difference between those sounds. R Gunufson said she personally cannot so when we hear the shots we go inside. Especially during the random times when they are not supposed to be open, we get inside.

Cavalier asked who does the enforcement, if someone is shooting, who will go there to enforce? Snyder said trail cameras help identify, also no trespass signs, other signage and posting open/closed information as well as how to use the range will be required. Ranz said a rule board is being made up and will be posted soon. Snyder said we cannot control everyone from trespassing, but gates will keep honest people out of the site.

Forgit then read a letter submitted by the Fertile high school trap coach, Shawn Ramsey.

Powers asked what they plan to do to lessen the sounds situation? Forgit said they planted 500 spruce trees this spring. If they can find the correct type of hybrid poplar tree for the soil type, they will plant a bunch of them also.

Powers asked Lee where they are on this? Lee said right now it is with Snyder. We haven't discussed it. Lee said it is on the agenda for Tuesday for Jake to update the board, but there is no action to be taken at this time. Snyder said we are meeting with the parties involved and trying to get all things in the operational plan done. R Gunufson asked why they were allowed to open without a site visit, then you could have said you are not in compliance. Snyder said that he was only informed of being out of compliance when he got a call in May. R Gunufson stated that they seem to have the ability to do what they want. Snyder and she discussed the site visit and follow up letter. R Gunufson complained about nobody doing what should have been done and now they have spent money hiring an attorney – to know their rights. And our rights are that they are shut down till they can get things done. The whole business of not being notified is a big issue and everyone saying that it was out there, is not enough. Snyder said the goal is to get into the confines of the CUP. We will figure out what the interpretation is for the fence. We are actively working to get the FCCC into compliance and that started before the letter from the attorney was sent.

Schulz asked if the compromise of no rifles is acceptable to all parties? J Ranz asked if we could allow rifles for about three weeks in the fall for sighting in before deer season. He doesn't see people going out there to shoot their rifles. All donations yet to come will go towards the fencing. Snyder said that updating the operational plan to have rifles only during a certain time frame would help. J Gunufson asked if there were still berms planned for the rifle range portion? Snyder said he has not had any more discussion about this, but we can bring it up next week at the meeting.

Snyder said comments/feedback from the Commission are a good thing. The fencing original intent was to funnel people through the right area to access the range from the parking lot. He will work on getting the meeting setup for next week and will accommodate whatever time frame works. Schulz said the fence won't stop anyone; signage is what you need. Powers agreed you can't stop everyone. J Ranz said he will get two cameras that will send alerts to the FCCC phones.

Lee asked about the sound concern, still within the allowed decibels. R Gunufson said she has recorded it on her phone, and it reaches 64 decibels for well over an hour. But her Attorney says they would need to hire a sound engineer to verify the decibels for it to be used as solid evidence. Snyder said it would need to be several tests over different time frames; weather/wind play a factor as well. Next Tuesday, 7-26-22 at 9am, I will be updating the status of the site use to the County Board. All are welcome to come but no actions will be taken on this permit. We will follow our process with deadlines and seek compliance with all operations and conditions. If they are not satisfied, then action will be taken on the CUP. This is the process the County has to get CUP into compliance, inform and set deadlines on timeframes.

Next meeting is set for August 26, 2022. Meeting adjourned.