

Applicants

Martin & Shelly Leenhouts
51654 164th Street
Garden City, MN 56034

Request

Appeal to the County Board of Adjustment to review and rule on the County Planning Departments interpretation of “organized group camp.”

The June 2, 2010 Board of Adjustment meeting was tabled and set to reconvene on July 7, 2010. The intent of the continuation was to provide staff with additional time to work on the interpretation of an organized group camp.

The interpretation provided by staff on June 2nd was as follows:

Buildings and facilities used by public or semi-public organizations (such as scouts, churches, 4-H, YMCA, school organizations and civic organizations) for retreat, interpretative, educational and other activities that do not amount to activities that would be in conflict with the district's uses. If the use is by the general public, the use would be defined as a campground, resort, hotel, motel, or banquet/reception hall, all of which are uses that are not permitted or conditional uses in the Conservation or Agricultural Zoned Districts.

Organized group camps are allowed as a conditional use in the Agricultural and Conservation Zoned Districts. The concerns shared by Planning and Zoning Staff and Environmental Health Staff include the following:

1. Proper treatment of waste water from all sources.
2. Compatibility of proposed use(s) with those listed as permitted and or conditional uses in the Agricultural and Conservation Zoned Districts.
3. Adherence to all Minnesota Department of Health applicable rules and standards.
4. Compliance with all applicable State and Federal rules and laws.

A loosely interpreted organized group camp has the potential of unintended consequences. Unintended consequences could include a negative impact on the on the existing septic system, offering of services or activities that are in conflict with permitted and/or conditional uses allowed in the Agricultural and Conservation Zoned Districts, and the offering of services or activities that are better served by municipal services. The applicant's request includes the ability to facilitate wedding receptions, graduation receptions, family reunions and other similar events. Utilizing a back calculation based on the design of the existing septic system and based on the estimated sewage design flow for other establishments in Minnesota rule 7081.0130, the existing septic system is designed to treat the waste water from 90 people for an event held during the day. From a waste water treatment perspective, it will be difficult if not impossible to ensure that the occupancy is not exceeded.

From a zoning perspective, campgrounds, resorts, hotels, motels, and banquet and reception facilities are not listed as permitted or conditional uses in the Agricultural or Conservation Zoned Districts. Therefore it is the recommendation of Planning and Zoning Staff and Environmental Health Staff that such uses not be allowed as part of an organized group camp.

With input from Environmental Health, the following interpretation of an organized group camp is recommended:

Buildings and facilities used by individuals affiliated by membership in an organization that offer access to recreational or educational facilities for a limited period of time and that are not in conflict with permitted or conditional uses of the district. The term shall include such organizations as scouts, 4-H, YMCA, school groups, church groups, business groups, craft and hobby clubs, and civic organizations.

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Appeal to the County Board of Adjustment to review and rule on the County Planning Department's interpretation of "organized group camp."

Background of the Appeal

The appellants met with Planning and Environmental Health staff to discuss a proposal to provide the services and activities of an organized group camp. The County Code of Ordinances lists organized group camps as a conditional use in the Conservation and Agricultural Zoned Districts. The Code provides no further information or detail of exactly what an organized group camp includes. The appellant's interpretation of an organized group camp differs from that of the Planning Department. Therefore, the appellants have asked for an interpretation of organized group camp by the County Board of Adjustment as provided in Section 24-47 Board of Adjustment in which Section 24-47 (d) (2) which includes the following language:

Appeals. The board of adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or **determination** made by an administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Minn. Stats. §§ 394.21 to 394.37.

- a. Any aggrieved person objecting to the ruling of any administrative official on the administering of the provisions of this chapter or other ordinance adopted pursuant to the provisions of Minn. Stats. §§ 394.21 to 394.3, ch. 559, Laws of 1959, as amended, shall have the right to appeal to the board of adjustment.
- b. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
- c. The decision of the board of adjustment shall not be final, and any person having an interest affected by such chapter shall have the right to appeal to the district court within 30 days on a point of fact or law.

The business plan presented by the appellants targets quilters, scrapbookers, woodcarvers, Boy Scouts, Girl Scouts, 4-H, church groups, professional groups, and a variety of family groups who wish to gather for a family reunion, wedding reception, graduation, or any other number of family group events. The plan also indicates that up to 22 people could attend a day camp without meals. A group of 18 people could attend a day camp with meals. A group of 11 people could attend a day camp and overnight stay without meals. A group of 10 people could attend a day camp and overnight stay with meals. And a group of 90 people could attend an assembly event during the day. There would be no food preparation on site. All food would be catered in.

Planning Department Review

The interpretation of an organized group camp by the County Planning Department is less inclusive. Staff agrees that groups such as scouts, 4-H, YMCA, church groups, school organizations and civic groups would be commonly recognized as organized groups by the

general public. However, staff disagrees that family reunions, wedding receptions, graduation receptions etc, qualify as an organized group. The offering of an organized group camp with overnight accommodations to loosely defined groups is comparable to a motel, hotel, banquet or reception hall, none of which are listed as permitted or conditional uses in the Conservation or Agricultural District.

Township Review – The appellants have indicated that they have met with the Township. At the time this report was written, no comment had been received from the Township.

Environmental Health Review - See Attachment A-1

Applicable Sections of the County Land Use Ordinance

Sec. 24-137. Uses.

(b) *Conditional uses.* The following uses may be allowed in the C conservation district as a conditional use and subject to the provisions of article VIII of this chapter:

(2) Organized group camps.

Sec. 24-47. Board of adjustment.

(d) *Powers and appeals.*

(2) *Appeals*

The board of adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Minn. Stats. §§ 394.21 to 394.37.

a. Any aggrieved person objecting to the ruling of any administrative official on the administering of the provisions of this chapter or other ordinance adopted pursuant to the provisions of Minn. Stats. §§ 394.21 to 394.3, ch. 559, Laws of 1959, as amended, shall have the right to appeal to the board of adjustment.

b. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

c. The decision of the board of adjustment shall not be final, and any person having an interest affected by such chapter shall have the right to appeal to the district court within 30 days on a point of fact or law.

Opinions

Staff has developed the following opinions:

1. There are considerable differences of interpretation of an organized group camp between the appellant and the County Planning Department. Most Conservation Zoned Districts lie next to Agricultural Zoned Districts. Some normally occurring agricultural practices that occur in the Agricultural and Conservation Zoned Districts have the potential to conflict with the uses proposed by the appellant. These agricultural practices include but are not limited to, late night operation of farm equipment, application of pesticides, operation of livestock feedlots, and the land application of livestock manure.

2. Groups such as scouts, 4-H, church groups, school organizations, civic groups, etc. do need a place to get away to a more rural setting.

3. Events requiring the amenities of a commercial facility offering dining areas, restrooms, food serving areas and lodging are better served in a business zoned district and in an area serviced by municipal sewer.

Recommendations

Staff recommends the following definition of an organized group camp: Buildings and facilities used by public or semi-public organizations (such as scouts, churches, 4-H, YMCA, school organizations and civic organizations) for retreat, interpretative, educational and other activities that do not amount to activities that would be in conflict with the district's uses. If the use is by the general public, the use would be defined as a campground, resort, hotel, motel, or banquet/reception hall, all of which are uses that are not permitted or conditional uses in the Conservation or Agricultural Zoned Districts.

Attachments

A-1 Environmental Health Comments

**Blue Earth County Environmental Services Department
Land Use and Natural Resources Section
Post Office Box 3566
Mankato, Minnesota 56002-3566
Telephone: (507) 304-4381**

Environmental Health / Sanitarian Report

May 21, 2010

Environmental Health Comments/Questions

R36.12.33.300.004

Martin & Shelly Leenhouts - Appeal to the County Board of Adjustment to review and rule on the County Planning Departments interpretation of “organized group camp”.

General: This provision will create the ability to have increased use of an accessory structure on the property.

Septic System: There is a septic system that was installed for the accessory structure in 2008. It was designed for 450 gpd. It is considered to be acceptable to operate a septic system at 70% of the design value. A reverse design consideration based on 337.5 gpd for occupancy was done with Mr. Leenhouts to generate the numbers he has presented. This is not the standard way of setting up the use of a septic system. Mr. Leenhouts does have a watermeter installed on the waterline serving this structure to verify that his practices are not exceeding the design value at any time. This reading will need to be made accessible for inspection upon request of Environmental Services.

The residential property on this parcel is also serviced by an independent septic system. This system needs a compliance inspection to proceed with this variance. The requirements from that inspection will be a condition of the variance.

Water Wells: This property is serviced by a private well.

Wetlands: Upon review there appears to be no wetlands on the property

Environmental Health Recommendation: NONE

Conditions for approval:

- 1. A compliance inspection is required for the house on this property.**
 - 2. Maintain water usage records and have them for inspection upon request.**
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