

Dickinson County Board of Adjustment
April 25, 2022
7:00 P.M.

The Dickinson County Board of Adjustment met Monday April 25, 2022 at 7:00 P.M. in the community room of the Dickinson County Courthouse and via zoom.

Members present were Jeff Ashland, Kirby Berhow, Alex Oponski, and Cami Wills. Absent was Jen Johnson

Also in attendance was Steve Goodlow- Dickinson County Assistant Attorney, David Kohlhaase-Zoning Administrator and Megan Kardell-Dickinson County Zoning Assistant.

Jeff Ashland, Chairman called the meeting to order at 7:00 p.m.

First on the agenda was Roll Call.

Second on the agenda was New Business. 1st Item of New Business is Woodlyn Hills Estates, LLC Conditional Use for a Campground for Profit. The description was read.

Bryan and Dan Schmit 2105 Browns Bay Ave., West Okoboji. Request for a conditional use permit for Woodlyn Hills campground. They have been coming to Okoboji since they were kids, and consider themselves part time residents. Something he hasn't discussed with the Board in the past was how they were able to visit this area growing up. Their parents were fortunate enough to have a modest mobile home in Acorn Ridge, which instilled in them the multi-generational love for the area. Acorn Ridge had everything they needed, hiking, fishing, biking, swimming, close to camp foster, and most importantly time with family and friends. It is this history that has inspired their plan for Woodlyn Hills campground. Okoboji has a strong history of family operated resorts, unfortunately as years go on, it seems development favors projects that are out of reach for the average family. Just in recent history, Okoboji has lost a number of family favorites, The Inn, The Blue Lake Resort, and development is soon coming for the Dry Dock. While development will continue, it will change the future landscape of Okoboji. They want to make sure the experience they had as children is available for the next generation. The Woodlyn Hills Golf Course is a beautiful property. They discovered the property was for sale while playing golf there. They always admired the area and wanted to find a way to keep the natural beauty of it and keep it open to the public. From there the idea of Woodlyn Hills Campground was born. If you haven't had a chance to visit the property, you are missing out. They have come up with a plan that keeps the best aspects of the golf course while keeping it open to the community. What they are trying to achieve with Woodlyn Hills Campground is a truly unique experience. The natural contours of the golf course, and mature landscape ensure that no other RV park can provide the same thing that they would be offering. They will have very few trees be affected and they've really thought out the layout to have the campsites along the existing fairways. This provides a natural area where you can enjoy nature without really affecting the beauty that exists there today. The uniqueness of this property is why it is perfect for their campground. Currently, the property is zoned as A-2 Environmentally Sensitive, if you look at the A-2 district, there are a very limited number of things that are permitted in this district. He knows a lot of people will say that this would be a good area for residential, and he doesn't necessarily disagree with that, however residential use types are not permitted in this district. The only commercial uses or non-civic uses allowed are crop production and farm operation. The only conditional use types are for campgrounds or gravel and resource extraction. When you go and visit the area knowing how it is currently zoned, he thinks it is ultimately clear that this area is best suited for a campground. In creating the campground, they wanted to make sure to provide something completely unique in a nice area. No other campground has a 15 acre pond, a walking trail around the pond, playground, sand beach, fishing, kayaking, and hiking. They kept hole #7, a par 3 from the golf course, if anyone has golfed there, that's the one that goes over the pond. Keeping that area gives and a homage to the past. They also plan on doing disk frisbee, restrooms, showers and a storm shelter on the northern part of the layout. They are trying create a campground that is unlike any other in Dickinson County. They also took a two weeks tour to visit over 25 campgrounds in the Midwest. They saw what worked and what didn't, he thinks every aspect of this campground will be unique, as each detail was carefully considered. One unique aspect they saw was a campground in Missouri that used crushed limestone, the white

limestone against the green grass, it added a unique aspect they did not see anywhere else. The contours of the land are very important. They saw a lot of campgrounds built on flat land/abandoned farm land, and it lacks any character, the more hills and contours you have the more unique and special it becomes. They also noted it was important to have easy access to ice, locally sourced wood, bathhouse, storm shelters and wifi/technology. When they compared the proposed campground to the local campgrounds, and look at the number of campsites per acre, they are the smallest. That gives them a lot more area to work with and larger campsites.

Schmit continued, a campground is only as good as its owners/management, it is essential to creating the right community. They have thought a lot about their proposed rules and regulations, and while these might change in the future as different circumstances arise, they thought it was important to include the rules they found that were most important. One largely creates the campground by the community one creates.

Jeff Rose Engineer with Jacobson-Westergard Associates introduced himself to the Board. The property will be serviced by Iowa Lakes Regional Water, Iowa Lakes Electric, private sewer, local internet and a storm shelter. The reason the private sewer was used is because public sewer is not available. So the second option is a private onsite waste water treatment, using primary and secondary treatment. These numbers have been shared with the DNR, which they've provided a letter, and they agree with the numbers. Once they have approval from the Board for the Conditional Use, they will put together a full design to get a construction permit from the DNR. Each camper spot will have minor grading to keep with the natural look to the campground.

Bryan Schmit said they sincerely care about the environment and with this proposal they did everything they could to make sure they addressed and readdressed by having an environmental impact study. Knowing they are in the Okoboji Lakes area, they understand it is a concern, and a concern of theirs as well. They designed the sewer in a location where it is not in the A-2 area, all of the leach fields will be in the A-1 Agricultural area. They wanted to make sure the private sewer was completely out of the environmentally sensitive areas. Also, they designed this sewer so when a future connection to public sewer were to become available, they could connect. They've seen other projects proposed to the Board, which might have leach fields throughout, and if sewer were to become available, it would be very expensive to connect. They would be ready relatively easy with the installation of a central distribution. Ultimately, the sewer was designed by Jacobson-Westergard, and the design bases were reviewed by the DNR for loading. It was reviewed a third time by Bolten & Menk, and as a result of some clarification from our third party environmental review, they have an additional letter from them Bolten & Menk addressing the private sewer. The new letter indicates that the memo dated 3/21/22 discussed the site and potential impacts, the site design was taken into consideration when making those conclusions. The proposed septic system will be properly installed and maintained, with proper inspection and maintenance, septic systems are safe and efficient waste treatment methods. The EPA said maintenance and setback requirements were crucial to preventing ground water contamination. At its closest point, the end of the drain field is approximately 914' feet away from the closest aquatic resource. This is well above the recommended setback at 110' feet for this soil type. There are no drinking sources near the system area. No adverse consequences will take place on the property as a result of the septic system. As stated in a previous letter the land will see a reduction of chemicals and pesticides and improvements to the pond will remove contaminants and improve wildlife. They spent a lot of time to make sure the site was reviewed, they choose Bolten & Menk as they are often used by the Iowa Great Lakes Sanitary District and they wanted to pick someone the county knows and respects. The other environmental items included was the stormwater management plan, done by Jacobson-Westergard, an Iowa DNR environmental review letter, and the overall assessment.

Schmit said the whole point is family campgrounds and family owned resorts have been an Okoboji tradition. He showed a slide from 1974 with many resorts listed and one can go thought it today and recognize very little on this list.

Ashland opened the meeting up to the Board.

Berhow said you mentioned improvement to the pond itself due to the pesticides used on the golf course, what would you have to do to this to improve it?

Schmit said first is just stopping using the amount of pesticides used previously. The long range goal would be do some removal of the silted in things. He's had previous discussions with the DNR and after seeing pictures over the last few years, due to it being dry, one can see how much it has silted in.

Berhow said he would assume it would be a difficult process to remove the silt.

Schmit said it is 15 acres and they intend to do it in steps.

Dan Schmit said it will take a number of years to complete, but some can be dredged.

Oponski asked about the storm shelter, and the number of people they are expecting. Is the building big enough for what they are expecting and what is the distance from the farthest point on the southwest to the shelter?

Schmit said the storm shelter size is 55' x 60', which is 3300 sq. ft. In the past the county has been used about 5 sq. ft. per person, which equals 660 people. They estimated 3 people per campsite which equals 522 people. The storm shelter is quite a bit bigger than what we anticipate at a time. The likelihood of being at that capacity, is typically 3 to 4 times a year. The furthest distance to the storm shelter from the southwest is a little under a quarter of a mile. He did a brisk walk on the property and it took about 4 minutes. They put together some preliminary items/information and an acknowledgement so the campers know the locations of buildings, and maybe if there is an emergency and cannot make it to the shelter, they could use the clubhouse, in an emergency some shelter is better than none.

Oponski asked if the acknowledgement would be something they would sign?

Schmit said yes.

Oponski asked how they would alert the campers.

Schmit said he doesn't know if they can hear the Milford sirens from the campground, but it is something they will check out. They like the text warning system for campers, and possibly have the campers subscribe the county wide alert system as well.

Ashland said you show 174 sites, do you see that increasing?

Schmit said they have enough to handle right now.

Dan Schmit said there is more ground to the north that they could expand, but this is going to take several years to get up and running well/successfully. That is not in our considerations right now.

Ashland asked if they have any plans to expand.

Dan Schmit said he doesn't know what 5 or 10 years down the road would look like, and the community involvement, but not at this time.

Oponski said they would have to come back to the board for an expansion.

Schmit's understood.

Wills asked about the private system, in the documents they provided, it states the City of Milford, Sanitary District, and City of Arnolds Park are not viable options. It appears in the documentation that it is mainly due to the distance, are there any connections available at all?

Dan Schmit said they would love to connect to sewer, if there is a way to do it, they would. They're on board and have designed the system to be able to easily connect but in their correspondence it appears that it is not a possibility at this time. There is a letter from Steve Anderson stating it is not available at this time. If the county begins developing that direction, maybe the sanitary district would run a line that would extend in that direction. There are a number of homes over there currently on septic systems. Long term, their hope is that with expanded development in that direction, they will connect to public sewer.

Oponski asked the distance between the furthest north campsite and the furthest south residence.

Schmit said it's a long ways,

Oponski said he just wondered about the proximity.

Schmit said he understands. They do not even about the north end of their property. The nearest campsite is about 400' feet to the property line. It's about .52 miles to South Shore.

Correspondence was read. See file for letters.

Ashland opened the meeting to the public.

Jim Higgins, 26 Ann St., Concerns about County Sheriff response time, frisbee golf course location, adequate boat parking, asked if the pond has been tested for E.coli or other contaminants, do the developers own anything else like this in the area. Many people in favor of it from the correspondence don't live or pay taxes here. Would like to see more commitment from the developers regarding the land to the north, asked them donate it to Conservation department.

Lori Marie, 38 Helen Ave., concerns about boat ramp access, possibility for a new bridge by the weir, not putting out tax dollars, is there a safe way to get to the bike path, not all people will be swimming in the pond/swamp, need more parking at Terrace Park beach, housing is missing for our seasonal help, not sure if a campground is the best proposal for them.

Steve Anderson, Sanitary District, the letter that was provided is correct, they do not have any facilities in that area. The City of Milford does have facilities on the south side of Lower Gar Lake, he did not see any correspondence from the City of Milford. There is sewer over there, but it belongs to the City of Milford. Bolten & Menk are the engineers for the Sanitary District, they are using the same firm, but not the same waste water engineers he works with, he does not know any of those engineers in the environmental review report. He is putting on his Mayor of Milford hat, he's concerned about property values in South Shore, talked about blocking off those roads to protect his citizens. They are trying to get the roads replaced, and if the tax base goes down, that will be more difficult. The IGLRW can handle up to 340 units. It would be great to see some of the land going to conservation group to protect it. Concerns that Lower Gar and Mill Creek are on the impaired waters list.

Jeannette Meyer, 39 Ann St. Questions on the slides and some of the correspondence, concerns about the having a clean and healthy pond and children fishing/playing in it. Concerns on how many people the storm shelter can accommodate and its location for those on the south side or with health concerns. Didn't hear anything about prohibiting of year round usage to the park. Saw the number of rules posted, will there be onsite enforcement of those rules. Concern about businesses using this as housing for their workers, wondering about a fence and if it would be attractive or not. People go camping to enjoy their RV, does not feel it will be an impact at restaurants etc.

Bill Cother, 2158 230th Ave. lives just to the west of this property, his road is a 35 mile zone, and is not enforced. He could hear noise from track meets and golfers in the past. Talked with Rural Water there is an 8" inch main that goes past there, their property is serviced by a 2" main off this line and their water usage is already affected. They just do not like the location for a campground.

Dave King, 88 Helen Ave. Reiterate some concerns, the sewer system is a major concern with septic tanks, if you own it long enough eventually something will fail. Concern about noise, a 10 o'clock quiet time means nothing, suggest developers give out cell phones so others can call them and they can come take care of the issue. Concerns about trash and garbage pick-up in a very windy area.

Matt Boss, 2303 Marti Dr. his property backs up to this. To say this is a positive environmental impact is laughable, in agriculture they put in grass rows to slow down pesticides, the developers are putting in lots and taking out the grass rows. Dredging the pond has nothing to do with the lake, and they do not have a commitment about that being done. There could be 600 or 700 people at the campground, success for them is a disaster for him. If they sell out the first year, they will expand and it will be in his back yard. He loved his home with the golf course in the back yard and a lake in the front yard, he would not have bought his home with a campground in this location. When he thinks of the lakes, he doesn't think of it as affordable, if it was million dollar homes, he would be for it, affordable means cheaper. Look 15 years from now, this is not a positive development, people want to be around attractive development.

Kathy Westervelt, 48 Ann St., her back yard backs up to golf course, there was a pond dredged in that area last year, what is that.

Ashland asked if anyone else would like to speak.

Matt Lacky 43 Ann St. the only reason they came here is the school in Okoboji, he would not live on Ann Street if there is a campground in the back yard. The traffic that comes out of the south driveway and coming over the hill is a nightmare. He responds to wrecks there, it's an easy way for trucks/gravel trucks to come in, people with RV do not have the same responsibilities as commercial vehicles, people do not operate RV's well. People use the county roads to get around the lakes area to avoid the lakes corridor. They love their neighborhood.

Josh Breuer, 92 Helen Ave. would not live here if there was campground, the plans for a future trail on 230th is a concern for him, and the concern for kids fishing at the outlet and declining property values.

Ashland asked again if anyone would like to speak.

Question from the public asked about procedure.

Kohlhaase said the process is this, the public hearing is going to close fairly soon, then the board will have more discussion with the applicants, the applicants will summarize and speak to some the concerns brought up tonight. After that, the board will decide whether to take action on the application. There a lot of things that could happen after that. Once it is acted on, it is over, whether it is approved or disapproved. If a party feels aggrieved, they could appeal the decision within a 30 day period. It could be tabled tonight and continued to a later date. The next step is for the Board to have discussion with the applicants, and give them a chance to respond to the concerns.

Ashland asked for the last time if anyone would like to speak. There was none.

Ashland closed the meeting to the public, opened up the discussion with the board.

Bryan Schmit said what you heard from the correspondence are people that are in favor of opening up Okoboji Beach/access to affordable Okoboji. There are a lot of people who think their worst fears are going to come as a result of this development. They put together a strong application. A lot correspondence might be based on misinformation or incomplete information. There was a letter from an advocacy group that came out, which failed to show any of the benefits of the campground, failed to show the letters from the DNR and the environmental study, utility letters etc. When one receives a lot of these types of correspondence unfortunately many are based on incomplete information. One letter he would like to respond to is Steve Anderson who is head of the sanitation department and the Mayor of Milford, wearing both hats is extremely confusing and when you send a letter to him and he replies that the sanitary district does not have sewer in this area. The closest public sewer in this area would be in the area of Woodlyn Drive or some place in town along A34, the closest IGLSD facilities would be across the lake at the lift station. A34 sewer connection is somewhere near or in the City of Milford, over a mile away. The sewer connection on Woodlyn Drive is through private property, which they do not have access to, and that connection is over a half a mile away. The email from Anderson is dated from March of 2021, from that information, they had engineers come up with a plan for both sewer and an environmental impact study. So to come later and change information is improper.

Dan Schmit said if Anderson says sewer is available, make that a condition of the conditional use and they accept, and will connect to public sewer. The plan has always been to connect to public sewer if/when it is available.

Bryan Schmit said when he reviewed the minutes from the IGLSD, all it says is Bolten & Menk, it does not name the engineers specifically.

Dan said he called the Bolton & Menk, Spencer office, explained the project and asked for 3rd party environmental review, they transferred him to the correct people who do this type of work. There are three people in this room whom are experts on septic systems, the letter from Bolten & Menk, Jeff Rose, with Jacobson-Westergard, and David Kohlhaase. Schmit reread the letter from Bolton & Menk, "no adverse consequences to any resources in the project area will take place as a result of the septic system. As stated in the previous memo, based on the proposed site conditions, the pond and wetlands will see a reduction of pesticides and herbicides. Improvements to the pond will remove contaminates and improve wildlife habitat. Overall the site will see an improvement in stormwater management resulting in a better water quality, which will be see at the site as well

as downstream to Lower Gar Lake as the water is exiting the site and flowing toward the lake. Wildlife habitat on the site will also be improved.” This engineer had the site plan, had all of the information, made a review of the project, and this is their determination. He appreciates all whom have concerns, he thinks they are well founded, the environment is important, and he feels they should focus on that. That is why they went to this extent to get these reports, they outlaid the capital necessary to be prepared with a good project that is good for the environment.

Bryan Schmit said the letters they fall into two distinct groups, either approval or opposition. The ones in opposition are from South Shore Estates and County View Acres.

Dan Schmit said he does not think there is a letter in correspondence against this proposal that lies outside of South Shore Estates and/or County View Acres.

Bryan Schmit said it's important to note, Article #21 states that properties in the immediate area are notified, the immediate area is defined as 500' feet from the project area. The letters that came from South Shore are all outside the notification area.

Dan Schmit said South Shore Estates is 5 or 6 times further than the notification area, South Shore was not notified because they are not close enough to be impacted by the development.

Bryan Schmit said their concerns are validated, but they did not solicit a single letter before last week Friday when they discovered over 30 letters were sent in opposition. All the letters that were received, were done so within two days, the support for the project are immense. With more time, more letters of support would have been received, but they really did not want to go into the letter writing campaign.

Dan Schmit said they called all of the campsites in the area and asked about their waiting lists, there are between 150-175 people looking for campsites right now in Dickinson County.

Bryan Schmit said he does not feel the concerns of South Shore are verified. When one looks at Fieldstone Campground is .71 miles away from South Shore Estates and when you look at the map, they are about an equal distance.

Dan Schmit said he is not aware of any concerns from South Shore regarding the Fieldstone Campground.

Bryan and Dan Schmit addressed what property is theirs and where the campground is going to be built, they felt there was confusion as to which parcels they own.

Dan Schmit said one of the utility letters referenced 300 campsites, that letter was obtained very early on, they are applying for 174 sites based on geography and setbacks. There are no plans to expand the number of sites at this time. He is not going to make promises that they will never come back to expand, because we do not know that. The property north of this is deeded as Northern Woodlyn Hills, and is zoned R-3 Multi Family Residential, it has nothing to do with the campground. They know the owner and are related to them, so they know there are no plans for this property, they dug a pond to stock with fish. Their property is zoned A-2 Environmentally Sensitive, the permitted uses are crop production and farm operation, the conditional uses for this zoning district are campgrounds and resource/gravel extraction, that is what is allow in this district. Dickinson County believes that one of those uses in their land use map is the proper use of this property. He agrees, a campground is the best possible use for this property. So, people here wanting million dollar homes on the property, which would be fantastic too, it is not a possibility because it is not zoned for that. They are not asking for a zoning change, they are here asking for a conditional use permit for the property as it sits today, in the zoning district it is today.

Kohlhaase said the majority of this property is zoned A-2 Environmentally Sensitive, in reference to residential use types in the environmental district, there is none, commercial use types, there is crop production and farm operation, civic use types, there is game refuge, local utility services, park and recreation service, industrial use types, there is none. When you get into conditional use types, there are no residential use types, commercial use types include campgrounds and civic use types include flood control facilities, outdoor learning centers, industrial use type are gravel/resource extraction.

Dan Schmit said he viewed the civic uses as a public use, correct.

Kohlhaase said correct. There are permitted uses and conditional uses. Conditional uses are uses that are thought to be okay, but require exactly what is taking place tonight. Kohlhaase is the zoning administrator, but also the Environmental Health Administrator for Dickinson County. The applicants know there has been a lot of discussion in our office in reference to the sewer. We've told the applicants that they need to exhaust everything possible to get to public sewer. He thinks we need clarification on sewer and if it is available, and if it is, where is it. Also in reference to the code that he uses for residential systems, which will not be used for this project, anyone within 200' feet of the dwelling to the sewer are required to connect to public sewer. But this is not applicable because the campground is in a different league and needs to be designed and inspected by an engineer and permitted through the state. With permission of the chair, he believes they need clarification about sewer since this has been a big use along the way. If it is available, that's important information.

Dan Schmit said that Steve Anderson does this every time, and did it on Highway 9. If sewer is available, they accept and will make it a condition on the approval.

Bryan Schmit said the distance is over 2800 feet away and through private property, it's not accessible to get to Milford's system. Even if they got to Milford's system by going through private property, they would still have to accept them, and possibly require annexation.

Kohlhaase asked Anderson if what is being presented is correct and is sanitary sewer available or not?

Anderson said all he can speak for, he is the Mayor of Milford, he does not know where all of the facilities are, he does not know what they have for availability. That is why they need to talk to the City of Milford. The sanitary district's facilities are on the north side of Lower Gar Lake, the City's are on the south side of the lake. He does not oversee those, but he does regulate them, to make sure they have capacity for what is going through their lift station. That is why the letter said to contact the City of Milford.

Dan Schmit said that he feels there is a conflict of interest that Anderson is the Mayor of Milford and the Sanitary Sewer District Superintendent.

Goodlow asked to bring the meeting back to the subject on the agenda.

Anderson said he knows there is a manhole at the end of Woodlyn Hills Drive. There should be a letter from the public works director from the City of Milford, and he does not see any correspondence from the City.

Kohlhaase said as he's reviewed the application and worked with the applicants for months, this is an important issue that is not going to be resolved tonight as well as other issues. We are still at that point in the meeting where the public comments have ceased and now we're to the point where the board is working with the applicant and vice versa in reference to the concerns that were brought up. Even though we don't like to hear this, it makes reasonable sense for a consideration to continue this meeting to a later date to allow the applicants to work on some of the things that have taken place and then come and start the meeting back up. Your rules say you meet the 4th Monday of every month, but upon the call of the chair you can set any date. He would suggest to specifically work with the applicants, and hopefully it works for the public too because of all of the interest here. We want to do the best we can and what's right for the county as a whole.

Dan Schmit said they are here to give the best proposal they can to the county, they respect Kohlhaase's suggestion. They would love to get sewer, they've said that from day one. If that is a possibility, let's do it.

Bryan Schmit asked if the correspondence portion of the meeting is closed.

Kohlhaase said that portion of the meeting is closed and we will not accept any more correspondence, nor will the public be commenting when we continue it, it will be from this same spot, which is in review with the Board.

Dan Schmit asked if Johnson-Ross will be able to vote at the next meeting. They would like to have the 5th member of the Board.

Kohlhaase said she will be an active member of the Board.

Someone from the public asked why the applicants are allowed to address the board during the rebuttal process, but the public is excluded.

Kohlhaase said if this meeting is continued, it is not like we are stopping and starting completely over at the next date, and so what the applicant is doing is responding to the comments that were made and one issue is being the sewer. The meeting is going to continue and will start right where we left off tonight.

Oponski motioned to continue until a date that is to be determined. Berhow seconded the motion. All in favor.

Discussion of a meeting date to continue the meeting.

Oponski motioned to move the May 23 meeting to June 6 for a continuation of this proposal. Wills seconded the motion.

Discussion about the possibility of an application in May.

Oponski amended his motion to have the continuation of this proposal commence on June 6. Wills seconded the amended motion. All in Favor.

Third item on the agenda was Old or Unknown Business. There was none.

Fourth item on the agenda was Approval of the minutes from January 24, 2022. Berhow motioned to approve. Wills seconded the motion. All were in favor.

Fourth item on the agenda was Communications. Kardell said there is a possibility there will be a May application, and she asked the makeup of Board. Oponski and Ashland are not available. The office will communicate that to any potential applicants for May.

Fifth item on the agenda was Adjournment. Oponski motioned to adjourn. Berhow seconded the motion. All were in favor.

(For more information see recording BOA 04 25 22)