

## Ten Reasons to Deny the Conditional Use Permit (CUP)

**\*Feel free to use these reasons for the basis of your letters and public comments.\***

The Public Trust Doctrine requires the State to intervene to protect public rights in the commercial and recreational use of navigable water.

[https://dnr.wisconsin.gov/topic/Waterways/about\\_us/whyRegulate.htmls](https://dnr.wisconsin.gov/topic/Waterways/about_us/whyRegulate.htmls).

The Zoning Committee, as part of its CUP duties, must also review whether the application complies with shoreland zoning laws (Chapter 38, Article IV, Division 27), which help implement the public trust doctrine. (Sec. 38-520.) This means taking measures to fully identify sensitive resources, control water pollution, preserve natural beauty, protect spawning grounds (Sec. 38-590b County Zoning Ordinance) and protect culturally relevant wild rice beds. The application does not acknowledge the extreme sensitivity of the environment in which the campground would sit.

The current campground proposal raises serious concerns for the following reasons:

1. The 30 gallon wastewater estimate per campsite per day state rule for “real” campsites is woefully outdated for a modern RV. This poses a serious threat to any body of water near the RV park. A long-term RV which is occupied most of the summer is the equivalent of a one or two-bedroom cabin.
2. The application presents no backup plan. Failure of a system **will** damage Spooner Lake. Soils and other physical features are not suitable for this development.
3. The Lake Watershed Management Plan indicates Subwatershed Q (p. 5-3) had one of the highest peak flows during a 2-year storm event and has mostly hydric soils. This would result in extensive run-off. One of the 100 site “campgrounds” sits in this subwatershed.
4. There are nine sensitive areas defined on Spooner Lake by the WDNR. These areas are considered sensitive due to the numerous and varied plant and animal species present. These areas are considered prime fish habitat and spawning areas. Almost all of Mr. Austin’s shoreline is included in Sensitive Areas G and H. Culturally relevant wild rice beds are also contained in Sensitive Area H. Additionally, Subwatershed Q provides the shoreline for this Sensitive Area.
5. The application contemplates breaking the County rule against excess impervious surfaces. Decks and sheds are contemplated. Considering the applicant admits a lot consists of 14% impervious surfaces, to later add a deck or shed would push the lot over the 15% limit. Packed gravel is considered impervious. The application also fails to identify accessory structures to shower houses and other permanent buildings. The application should fail for this reason alone.
6. The application fails to identify how the ordinary high water marks and wetland boundaries were determined, whether they were adequately determined, and what work will be necessary in the shoreland area of Evergreen Lake.

### **Additionally:**

7. The application does not address the impact of ATVs. Commissioner Danielson has written a letter included in the application stating traffic will not be affected by the campground. However, this letter was written prior to the Town allowing ATVs on Town roads. Mr. Austin has promised us “lots of ATVs!”. While the North Camp application only lists “trails”, they state that ATVs will be driven on trails

within the campground, further compacting soil and providing noise pollution disturbing neighbors and wildlife.

8. RV parks are, arguably, not authorized by current ordinance. The purpose of S. 38-562 is “primarily for the purpose of providing camping sites for the use of camping units.” “Camping Unit” means a “**portable device** or enclosure. . . or other **mobile device**. . . The words “**portable**” and “**mobile**” can not be fairly applied to park models where residences stay in place for many years. There is little question that the County’s camping ordinance relates to another era. The present application is for 100% annual leases-NO temporary sites. This 200 unit annual leased close-quartered subdivision was not contemplated within the present ordinance.

9. Related to this argument is the reality that there is nothing like this in Washburn County. The Zoning Committee acknowledged this at the second application hearing. The semi-permanent, leased model and the density which more than doubles the population on Spooner Lake creates, heretofore, unmeasured impacts. As importantly, lowered tax revenue from RVs and decreased property value will shift financial challenges to other County taxpayers . Burnett County is understanding this and has declared a moratorium on this RV campground model. They are currently revising their ordinance to address this new model.

10. The application must be denied because it does not show contemplated decks and patios and is, therefore, in violation of Sec. 38-563. This ordinance states a CUP application “shall” include sheds, decks, etc. The application shows decks and sheds are planned but are relegated to resident application. This would require an amendment to the CUP, not a permit as is discussed in the application.