

**MINUTES OF THE  
OTTER TAIL COUNTY BOARD OF COMMISSIONERS  
Government Services Center, Commissioners' Room  
500 Fir Avenue W., Fergus Falls, MN  
Tuesday, November 29, 2005  
9:30 a.m.**

**Call to Order**

The Otter Tail County Board of Commissioners convened Tuesday, November 29, 2005, at 9:30 a.m., at the Otter Tail County Government Services Center with Commissioners, Bob Block, Chair; Dennis Mosher, and Malcolm Lee present. Vice-Chair, Roger Froemming, was present at 9:37 a.m. and Commissioner Syd Nelson was present at 10:50 a.m.

**Approval of Agenda**

Motion by Mosher, second by Lee, and unanimously carried to approve the County Board agenda of November 29, 2005, with the following addition:

10:00 a.m. – Auditor, Wayne Stein

**Approval of Minutes**

Motion by Lee, second by Mosher, and unanimously carried to approve the County Board minutes of November 22, 2005, as presented.

**Approval to Pay Bills**

Motion by Mosher, second by Lee, and unanimously carried to approve payment of the County Board bills per Attachment A of these minutes.

**Minnesota Senior Health Option Project (“MSHO”)**

Human Services Director, John Dinsmore, presented information regarding the MSHO Program. He submitted per member per month reimbursement that the County will receive from Medica for Care Coordination services. Year 2006 projected earnings were presented as \$97,902.00 for the Human Services Department and \$121,212.00 for the Public Health Department. As a result of this program, Mr. Dinsmore requested two new County positions, one FTE Social Worker and one FTE Public Health Nurse. Motion by Mosher, second by Lee, and unanimously carried to authorize the Human Services Director and Public Health Director to proceed with hiring one full time Social Worker and one full time Public Health Nurse for Care Coordination in the MSHO Program with Medica. This approval is subject to reduction of one FTE Social Worker and one FTE Public Health Nurse if the funding from Medica is lost. Otter Tail County will not levy funding for this program.

**Human Services Worksite LMC Guidelines**

Mr. Dinsmore provided the Human Services Labor Management Committee Guidelines for the selection process to be utilized for job class transfers or promotions in the Human Services Department. Implementation is planned for December 1, 2005.

**Personnel Rules Clarification**

Mr. Dinsmore briefed the County Board on the need to clarify the Human Services non-union, supervisory positions relative to the Personnel Rules. Mr. Dinsmore will present the information to the Personnel Board and return to the County Board with a recommendation.

### **Recess & Reconvene**

At 9:54 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed for a break. The meeting was reconvened at 10:00 a.m.

### **Tobacco License Applications**

Motion by Mosher, second by Lee, and unanimously carried to approve the following applications for tobacco license:

Big Chief Inc. Fergus Falls, MN	Tobacco
Collins Landing Dent, MN	Tobacco
The Corner Store Battle Lake, MN	Tobacco
Main Street Gas & Goods Dalton, MN	Tobacco

### **Replacement of Part Time Law Enforcement Positions**

Motion by Lee, second by Froemming, and unanimously carried to replace two part time law enforcement positions; one part time Corrections Officer and one part time Clerical, due to recent terminations.

### **Recessed & Reconvene**

At 10:11 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed. The meeting was reconvened at 10:25 a.m.

### **Approval of Final Plat**

Motion by Lee, second by Mosher, and unanimously carried to approve the Final Plat of Robert F. Walde Jr. and Betty A. Walde known as "Walde Shores", GL's 2 & 3, Section 17, Township 136, Range 40, Edna Township, Berger Lake (56-1149).

### **Reconsideration Request for Phelps Mill River Heights**

Paul Jenson, Attorney for the developer of the proposed Phelps Mill River Heights plat, gave a brief synopsis of the history of this Preliminary Plat and Conditional Use Permit request. On September 21, 2005, the request went to the Planning Commission. The Planning Commission tabled the application for unanswered questions regarding a spring, soil borings, proposed lot sizes, and the proposed road access. Moore Engineering reconfigured the road to avoid the spring, the soil boring issues were addressed, proposed lot sizes were changed and increased in size and the Highway Engineer and Township viewed the proposed road. Mr. Jenson stated that on October 12, 2005, the Planning Commission reviewed all the issues and determined that they were addressed and answered and the Planning Commission recommended approval of the plat with conditions. Mr. Jenson requested that the recommendation of the Planning Commission be followed and asked the Board to approve this Plat and CUP. Chairman Block opened the floor for comment.

Linda Reese referred to a letter dated November 20, 2005, submitted to the Commissioners in opposition of this development. She also expressed concern about

water in the soil borings, the depth of the borings not being 36", potential for flooding neighbors, and safety of the proposed road.

Maine Township Chairman, Gerry Kusnierek, spoke in favor of the layout of the road taking into consideration that road traffic is fairly low (approximately 40 cars per day).

Land & Resource Director, Bill Kalar, showed the Board a map dated October 12, 2005, and identified the soil borings, 295<sup>th</sup> street, 315<sup>th</sup> street, and location of the river. He stated that the west side of the property is low lying land. He showed the area that is wetland and the area that is not wetland. Discussion about building a road through a wetland occurred. Mr. Kalar stated that if the impact is De minimis (less than 5,000 sq. ft. of material), they would be able to build the road. If the developer cannot meet that provision of the Wetland Conservation Act, the provisions of WCA would be applicable. Further discussion took place regarding the four lots on the west side of the property relative to septic systems.

Mr. Jenson noted that the professionals have stated that this is a buildable area. He also stated that there are conditions on this development and the Planning Commission recommendations address the concerns on the west side of the property by requiring an equalizing culvert and replacement of wetlands. Robert Illg from Moore Engineering, spoke in favor of the proposed road configuration because the Township will maintain the culvert.

Neighbor, Harold Doty, expressed concerns with wetland replacement and archeological concerns. Developer, Clint Carrow, responded that an Architectural Firm has completed a Phase I Archeological Survey on the property and will have a complete report within ten days.

Planning Commission member, Leona Zimmerman, spoke against approval because the area is extremely fragile and because of concerns with the access road.

Chairman Block called for a motion. Motion by Nelson, second by Lee, to approve the Preliminary Plat of Phelps Mill River Heights and Conditional Use Permit to construct a road to service the plat with conditions as stated by the Planning Commission in their October 12, 2005, minutes. Chairman Block called for a vote. Motion passed 4 – 1 with Commissioner Froemming opposed. The property is described as S½ SE¼ NW¼ & Lot 7 ex tr & Lot 9, Section 27, & Lot 1, Section 28 of Maine Township; Otter Tail River (56-OTR).

#### **Labor Management Committee Recommendation**

LMC Co-Chairs, John Dinsmore and Tina Tungseth, provided a Problem Solving Form regarding a request from the MIS and Facilities Operations Departments to reserve ten parking spaces in the northwest part of the public parking lot because these departments are servicing County employees in many different locations and often must load and unload their vehicles. Discussion followed. Motion by Mosher, second by Nelson, and unanimously carried to designate ten parking spots in the northwest part of the public parking lot at the GSC building for MIS and Facilities Operations employees, as recommended by the LMC Committee.

### **Recess & Reconvene**

At 11:44 a.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners recessed and reconvened at 11:55 a.m. at City Hall, Fergus Falls, MN, for a joint City/County meeting to discuss items including the Law Enforcement Center, the City's Mental Illness Building Project, the County's Chemical Dependency Project, and the Ethanol Project.

### **EIS Determination for the Preserve at Echo Bay**

At 1:20 p.m., Chairman Block recessed the Board of Commissioners' meeting and reconvened the meeting at 1:30 p.m. at the Government Services Center with all five seated Commissioners present. Land & Resource Director, Bill Kalar, opened the Public Meeting for further consideration for the need for an EIS in the matter of the Preserve at Echo Bay. He stated that on November 8, 2005, information from the Planning Commission was submitted to the Board indicating that an EIS should be prepared for this Project. At that time, a decision regarding the EIS was postponed for thirty days for gathering of additional information which was received November 22, 2005. Mr. Kalar stated that today, a resolution needs to be reached as to whether or not an EIS should be prepared for the Preserve at Echo Bay. If the Board finds that there is the potential for significant environmental effect, then an EIS should be ordered. If the Board finds that there is not potential for significant environmental effect, a negative declaration should be approved and an EIS would not be required.

Gene Miller explained the septic tank system. It would be a community step system, septic tank effluent pump. He showed the proposed drainfield location on the map. Each home would have a septic tank, but there is a community drainfield. The drainfield is over 1,000 ft. from the water. County Attorney, David Hauser, noted that this referred to comment #18 of the EAW and the comment received from the MPCA was that the proposed system met their requirements.

The Archaeological Study, Phase I, Phase II, and Phase III were discussed.

Commissioner Mosher asked about the commercial entities. Developer, Jim Morken, stated that the golf course will be private, not public. Lake size and lake classification were discussed. Mr. Morken stated that all developments have impact; however, the key is significant impact. He stated that this proposed development has many protections, ideal buffer between the property and the water, extensive storm water controls, and open space. He expressed a willingness to reduce the density by a 15% reduction in the total number of units, which would be 214 units rather than 252. However, if the expense of an EIS is required, the developers would not reduce the initial number of units requested. Mr. Morken also stated that if the people around the lake were truly interested in reducing impact, the public restaurant probably has the most impact, yet that is what they want because it benefits them. He expressed the feeling that the current lake residents just don't want neighbors. Conservation easements and percolation tests for the septic system were discussed. Commissioners were referred to Appendix K labeled Appendix C of the EAW for the Percolation Tests Data. No variances will be required for the project.

Motion by Froemming, second by Mosher, to approve a Negative Declaration for the need of an Environmental Impact Statement regarding the proposed development of "The Preserve at Echo Bay".

Vogel Law Firm Attorney, Tami Norgard, requested permission to address the Board. Ms. Norgard has been retained by the Pelican Lake Property Owners' Association to help them understand the EAW and the impacts that would be occasioned by the project being proposed. She stated that if there is potential for significant environmental impacts, the law requires that an EIS must be completed. She spoke against negotiating the terms of the project with the developer. Ms. Norgard spoke in favor of a review process used by other counties that includes an EAW Review Committee or more reliance on professional staff. A letter from the Minnesota Department of Natural Resources dated October 11, 2005, was submitted, which states that there needs to be an EIS on this project. The letter refers to four mandatory EAW categories triggered by the project. Ms. Norgard stated that this is the largest cluster development that Otter Tail County has considered. She referred to a document from Blue Water Science which questions the impact of this project on water quality and maintained that all documents either say an EIS is warranted or more information is needed. She stated that the EAW anticipates impacts; however, the science of whether the impacts will be significant is not included in the EAW. Ms. Norgard pointed out that the developer is maximizing the number of units for this project by counting the linear lakeshore and her clients feel that this is not the right development for this shallow bay. There are steep bluffs and a sand bar that separates Fish Lake and Pelican Lake. She stated that this project is developing 41% of Fish Lake and it is turning Echo Bay into a Marina. Ms. Norgard requested that the project be denied or, at the least, request an EIS.

Attorney, Kris Svingen, reminded the County Board that their decision, today, does not include granting a Conditional Use Permit. The decision today is whether or not an EIS is required. He stated that the County has all the information that was asked for and the EAW includes what you would normally get in an EIS. He asked that the County Board make the decision they think is right.

Mr. Hauser stated that the question to be answered is: "Does the project have potential for significant environmental effects"? The information in the EAW is information for the County Board to consider. The information in the EAW can be the EIS if the Board feels the information has been received. Mr. Hauser stated that a proposed positive declaration and a proposed negative declaration have been drafted for the Board's review.

Chairman Block called for a vote on the motion on the floor. Motion carried 4 – 1 with Commissioner Lee opposed.

Motion by Nelson, second by Froemming, that with the information received by the Planning Commission and additional information requested based on the Planning Commission's recommendations, a motion is offered that the proposed project entitled "The Preserve at Echo Bay" does not have a potential for significant environmental effects and the motion authorizes the Chairman's signature to approve the document entitled "Negative Declaration For The Need Of An Environmental Impact Statement Regarding The Preserve At Echo Bay" dated November 29, 2005, and attached as Attachment B. Chairman Block called for a vote. The motion carried 4 – 1 with Commissioner Lee opposed.

**Adjournment**

At 2:38 p.m., Chairman Block declared the meeting of the Otter Tail County Board of Commissioners adjourned until Tuesday, December 13, 2005.

Dated: \_\_\_\_\_ OTTER TAIL COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Robert Block, County Board Chair

Attest: \_\_\_\_\_  
Larry Krohn, Clerk

11/29/2005  
12:09:19

OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 1

WARRANTS APPROVED ON 11/29/2005 FOR PAYMENT 11/29/2005

VENDOR NAME	AMOUNT
A'VIANDS LLC	3,598.61
AAA STRIPING SERVICE CO	228.00
AGGREGATE INDUSTRIES INC	74,090.77
AUTO GLASS SPECIALISTS INC	54.95
TIM BRAND	520.08
BRANDON COMMUNICATIONS INC	210.19
BRAUN INTERTEC CORPORATION	6,795.00
CARRS TREE SERVICE	426.00
CITIZENS ADVOCATE	85.00
COMMISSIONER OF TRANSPORTATION	2,362.83
COOPERS TECHNOLOGY GROUP	5.57
CULLEN'S HOME CENTER	3,383.32
CULLIGAN WATER COND	26.64
CUMMINS NPOWER LLC	124.58
DAKOTA WOOD GRINDING INC	27,412.25
EAGLE POINT	500.00
EAST OTTER TAIL 4 H FEDERATION	16.00
EAST SIDE OIL COMPANIES	85.00
JAMES EASTMAN	75.00
FARGO GLASS AND PAINT CO	49.22
FARNAM'S GENUINE PARTS INC	16.34
FERGUS FALLS MEDICAL GROUP	5,008.00
CITY FERGUS FALLS	81,984.19
FERGUS INTERNATIONAL INC	.47
FIRST LAB	146.00
BARRY FITZGIBBONS	50.93
FLOOR TO CEILING STORE	212.50
GALL'S INC	139.32
MIKE HANAN	212.82
INSIGHT PUBLIC SECTOR	45.71
J CRAFT DIV OF CRYSTEEL MFG IN	287.90
JK SPORTS	108.00
WILLIAM KALAR	97.97
RUSSELL KASTELLE	100.00
KELLY SERVICES INC	1,260.83
KOLPAK	80.73
LAKELAND MENTAL HEALTH CENTER	1,929.00
LAKES COUNTRY SERVICE CO OP	52.40
LOCATORS & SUPPLIES INC	988.75
MIDWESTERN MAT RENTAL & SUPPLY	55.00
MN CO ENGINEERS ASSOC	400.00
MN MOTOR COMPANY	144.11
MN SHERIFFS ASSOC	350.26
MOORE MEDICAL CORP	246.71
NELSON BROS PRINTING	1,212.69
NELSON FORD LINCOLN MERCURY IN	654.42
NORTHWEST DIVERS	423.87
OK TIRE STORES	25.00
ONE CALL LOCATORS LTD	291.02



11/29/2005 12:09:19 OTTER TAIL COUNTY AUDITOR  
PANELSON RECEIPTS AND DISBURSEMENTS SYSTEM COUNTY 56 IFD66  
WARRANTS FOR PUBLICATION PAGE 2

WARRANTS APPROVED ON 11/29/2005 FOR PAYMENT 11/29/2005

VENDOR NAME	AMOUNT
OTTER TAIL POWER COMPANY	43.00
PREMIUM WATERS INC	40.41
PRO AG FARMERS CO OP	965.55
QUALITY TOYOTA	100.89
RICK LEITCH BACKHOE SRVC & PJ	456.00
SERVICE FOOD SUPER VALU	8.10
SHERBROOKE TURF INC	11,200.00
SHERWIN WILLIAMS	14.89
JUDY SIGGERUD	7.85
SIGNWORKS	287.55
DAVID STADUM	305.91
STREICHERS	540.93
SUNMART FOODS	30.43
SUPERIOR LAKESIDE INC	338.00
TOOL CRIB OF THE NORTH	153.30
TOPPS MANUFACTURING LLC	21,150.00
UNIFORMS UNLIMITED	58.95
UNIVERSITY OF MN PRINTING SERV	107.31
VALLEY SOFT WATER	28.75
VICTOR LUNDEEN COMPANY	463.99
VOSS LIGHTING	200.22
WASTE MANAGEMENT	7,373.08
WEST CENTRAL NEUROLOGY	382.00
WESTBY LAWN CARE	15.00
ZARBOK CONSTRUCTION TRUCKING	1,725.00
ZIEGLER INC	11.91

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FINAL TOTAL..... \$262,582.97 \*\*\*\*



**In the Otter Tail County Board of Commissioners**

**NEGATIVE DECLARATION FOR THE NEED OF AN  
ENVIRONMENTAL IMPACT STATEMENT REGARDING THE PRESERVE  
AT ECHO BAY**

An application for a conditional use permit for a cluster development was filed by Homeland Investment Company #1 on October 13, 2003. On November 18, 2003, the Otter Tail County Board of Commissioners directed that an Environmental Assessment Worksheet be completed. On May 25, 2004, the Otter Tail County Board of Commissioners placed a moratorium on any new cluster developments. The moratorium lapsed on May 25, 2005. The Environmental Assessment Worksheet for The Preserve at Echo Bay is dated August 24, 2005. Having determined that the Environmental Assessment Worksheet was complete, a copy was submitted to the Environmental Quality Board staff and others as is required by Minnesota Rule 4410.1500, and the availability of the Environmental Assessment Worksheet was published in the EQB Monitor on September 12, 2005. The 30-day period for review and comment ended on October 12, 2005. The Otter Tail County Office of Land and Resource Management prepared a summary of responses to the Environmental Assessment Worksheet for The Preserve at Echo Bay, which is incorporated by reference. On November 2, 2005, the Otter Tail County Planning Commission met to review the Environmental Assessment Worksheet and comments. The minutes of the meeting of the Planning Commission is incorporated by reference.

This matter came on for hearing before the Otter Tail County Board of Commissioners on November 8, 2005, and the board having reviewed the Environmental Assessment Worksheet, the comments thereto, the analysis of its Planning Commission, and having received recommendations from the staff of the Otter Tail County Office of Land and Resource Management, the Otter Tail County Board of Commissioners determined that additional information was necessary to make an informed decision on the need for an Environmental Impact Statement, and that the information could reasonably be obtained within 30 days. The Board continued the matter until November 29, 2005, to receive the additional information. Having reviewed the additional information, as well as all the information before it on November 8, 2005, the Otter Tail County Board of Commissioners hereby makes the following Findings of Fact and Decision in the above-mentioned matter.

**FINDINGS OF FACT**

1. The title of the proposed project is The Preserve at Echo Bay.
2. The proposer is Homeland Investment Company #1.

3. The responsible governmental unit is the Otter Tail County Board of Commissioners.
4. That the preparation and Environmental Assessment Worksheet was mandatory pursuant to Minnesota Rules 4410.4300. Four separate thresholds were met, including: subpart 18, relating to volume of domestic wastewater proposed; subpart 19, relating to the number of residential units in a sewerer unincorporated area; subpart 36, relating to land use conversion; and subpart 32, relating to the ratio of a mixed residential-commercial project.
5. That the project is located on Fish Lake in Dunn Township. The location of the project is accurately described in the Environmental Assessment Worksheet.
6. The Preserve at Echo Bay is a proposed 252 unit residential cluster development with amenities, including a restaurant, golf course, community center, nature trails, private roads and centralized docking for 87 watercraft on a 172.33 acre parcel of land. The project is accurately described in the Environmental Assessment Worksheet.
7. The project magnitude is accurately described in the Environmental Assessment Worksheet. It is a large project, triggering four mandatory Environmental Assessment Worksheet categories. While this is a larger project than has been previously developed in Otter Tail County, it does not meet any threshold for a mandatory Environmental Impact Statement. The information provided in the EAW and the additional information adequately describes protection of the environment and the scope of the project. The project, in light of all the information available, does not give rise to the potential for significant environmental effects.  
The Otter Tail County Shoreland Management Ordinance was amended to no longer require an analysis of "crowding potential."
8. The Environmental Assessment Worksheet accurately lists the permits and approvals required.
9. The past and present use of the land was accurately described in the Environmental Assessment Worksheet. The type of proposed use is compatible with the surrounding area.
10. The Environmental Assessment Worksheet describes changes in various cover types, which reduce the amount of wooded/forest areas, brush/grasslands, and crop land and increases the amount of lawn/landscaping and impervious surfaces that are not unusual for any development. The information available shows that the project is being developed without the potential for significant environmental effects.

11. The Environmental Assessment Worksheet provides extensive information about the fish, wildlife and ecologically sensitive resources. Although comments raised questions about the effect the project will have on the high quality fisheries and wildlife habitat, the EAW and additional information already provide information on the fisheries and aquatic plants wildlife habitat. Docking facilities will be centralized in this cluster development, and boat traffic will be less of a problem than on other parts of the Pelican group of lakes. The extensive information already provided in the EAW and the additional information, shows that the project does not have the potential for significant environmental effects.

12. The Environmental Assessment Worksheet does indicate that there will be impacts on water resources. There will be the creation of rain gardens to collect water runoff. Questions were raised about the accuracy of the wetland delineations, but have been resolved by the additional information and are accurate. The plans show that the water resources will be appropriately protected. This project does not have the potential for significant environmental effects on the water resources.

13. The project will involve the installation of water wells as is accurately described in the Environmental Assessment Worksheet. The use of water on the proposed project is not of a magnitude to create the potential for significant environmental effects.

14. The proposed project is in a land use management district, specifically, it is subject to the Otter Tail County Shoreland Management Ordinance.

15. Although the project will change the number or type of watercraft on Fish Lake and the other lakes of the Pelican Group of Lakes, including Pelican and Bass Lakes, they are minor compared with existing development on the Pelican Group of Lakes, and will be limited to centralized docking facilities, minimizing any impact on the lake. Fish Lake has some shallow areas near shore with aquatic vegetation, most of which will remain undisturbed. Much of the bay is deep and appropriate for any boating activity. The change in the boating activity and water surface use does not have the potential for significant environmental effects.

16. The EAW and additional information show that surface water changes resulting from the earthmoving naturally associated with development have been adequately addressed. Proper erosion control and anti-sedimentation measures are planned as part of the project so that it does not give rise to the potential for significant environmental effects.

17. The project calls for alterations which will affect surface water runoff, but the Environmental Worksheet and additional information provide thorough information about the surface water runoff plans. Much of the site will remain

highly vegetated, especially in the buffer area around the lake, and few nutrients will enter the lake. The project does not have the potential for significant environmental effects.

18. The wastewater treatment facilities on the project are subject to permitting by the Minnesota Pollution Control Agency. Comments from the agency indicate that the information contained in the Environmental Assessment Worksheet regarding the wastewater systems for the project is sufficient unless the methods are changed. The system as proposed does not pose potential for significant environmental effects.

19. There do not appear to be any geological hazards on the project site, and the soil conditions were accurately described in the Environmental Assessment Worksheet. There does not appear to be any potential for significant environmental effects.

20. The Environmental Assessment Worksheet adequately describes the solid waste, hazardous waste and storage tank proposals for the project, which is primarily residential and the wastes normally associated with households. There is a plan for an above ground storage tank for boat fuel. There were no comments on this topic, and there appears to be no potential for significant environmental effects.

21. The Environmental Assessment Worksheet and additional information adequately describes the traffic impacts of the project, including the adequacy of parking facilities. Traffic and parking created by the project do not create the potential for significant environmental effects.

22. The vehicle related air emissions information in the Environmental Assessment Worksheet appears to be adequate, and no comments were received regarding this issue. Vehicle related air emissions as related to this project do not give rise to the potential for significant environmental effects.

23. The stationary air emissions sources associated with the project are limited primarily to heating systems and fireplaces, and do not pose the potential for significant environmental effects. No comments were received on this topic.

24. The Environmental Assessment Worksheet accurately describes that no odors, noise or dust issues having the potential for significant environmental effects are raised by this project.

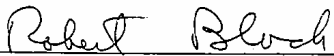
25. As pointed out in the Environmental Assessment Worksheet, significant archaeological artifacts have been found on site. The appropriate archaeological studies have been performed. The Phase III assessments will need to be conducted prior to disturbance of soil as planned. These proper studies being done, the project does not have the potential for significant environmental effects.

26. The project does not give rise to the type of visual impacts contemplated by an Environmental Assessment Worksheet, and do not give rise to a potential for significant environmental effects.
27. The project is compatible with the plan and land use regulations of the Otter Tail County Shoreland Management Ordinance. No variances are requested.
28. The project will impact infrastructure and public services. Some township roads may need to be improved and utilities brought into the facility. However, they do not give rise to the potential for significant environmental affects.
29. The proposed project does not involve any future projects, and is a project on an undeveloped portion of the Pelican Group of Lakes, the vast majority of which has already been developed for residential use. The surface water use studies take into consideration the prior development.
30. No other potential environmental impacts have been identified.
31. In reviewing all of the information contained in the EAW and the additional information, it appears that the protection of the environment is being properly addressed. This is a residential project, significantly below any mandatory threshold for an Environmental Impact Statement. The Environmental Assessment Worksheet is thorough and extensive, providing a great deal of information. Together, the additional information which was requested in certain areas and the EAW provide the County with adequate information to make appropriate decisions about the issuing of a Conditional Use Permit for a cluster development in accordance with all the rules of the Otter Tail County Shoreland Management Ordinance and the Minnesota Rules relating to shoreland development, Minnesota Rule, 5120.2500 – 6120.3900. Fish Lake is a general development lake appropriate for residential development. This project does not give rise to the potential for significant environmental effects.
32. All of the procedural requirements for the preparation of the Environmental Assessment Worksheet and the determination for the need of an Environmental Impact Statement have been complied with pursuant to Minnesota Rules 4410.0200 through 4410.6500.

**DECLARATION**

NOW, THEREFORE, the Otter Tail County Board of Commissioners hereby makes a negative declaration for the need of an Environmental Impact Statement.

Dated: November 29, 2005

  
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Robert Block, Chairman  
Otter Tail County Board of Commissioners