

## HUBBARD COUNTY

### Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Monday, December 21, 2020

The Hubbard County Planning Commission/Board of Adjustment (PC/BOA) held its regular public hearing and meeting on Monday, December 21, 2020 at 6:00 p.m. remotely by electronic means with one or more PC/BOA members present in the Hubbard County Government Center – County Board Room # 324.

Chairman Veronica Andres opened the meeting with the following additional members present: Ken Grob, Tim Johnson, Mark Petersen, and Mike Kovacovich. Also present were Environmental Services Director Eric Buitenwerf and ex-officio Planning Commission member and County Board Vice-Chair David DeLaHunt.

Andres started the meeting by reading the procedure by which the meeting of the Planning Commission/Board of Adjustment will be conducted to the audience.

#### **Board of Adjustment:**

##### **Approval of Minutes:** November 23, 2020

Kovacovich made a motion to approve the minutes as presented.

Johnson seconded the motion that carried unanimously 5 – 0.

**Old Business:** None.

##### **New Business:**

**[Variance Application 47-V-20 by Bryce Jurgenson:](#)** Unit 5 of Townhomes, Belle Taine, Section 19, Township 140, Range 33, Nevis Township on Lake Belle Taine, a recreational development lake. Parcel 21.78.00500. Applicant is requesting a variance from Section 502.2 of the Shoreland Management Ordinance for an after-the-fact lakeside deck to be located and expanded within the 100' ordinary high water mark structure setback.

Bryce Jurgenson, 18634 Escape Drive, Nevis, MN, presented the application.

Jurgenson stated we are looking for a 12' variance beyond where it is marked at this time. We have had the property approximately three years. We came to get the permit to redo the existing deck, and we found out that it was not permitted before we owned it. We were told that we had to bring it to the variance committee. Right now, we are only allotted approximately 3' of deck. We are asking for an additional 12' beyond that 100' setback from the water.

Grob asked why do you want to extend it beyond what the current deck is?

Jurgenson replied we have wood material out there, and we plan on replacing that with pavers. It is only a 10' deck right now from the existing building. We just felt that it is not

large enough for a deck to put any kind of furniture on. We are not asking about going any wider, we were just talking about moving out towards the water.

Kovacovich asked does any of your proposal extend into the commons area of your association?

Jurgenson answered I believe we have 50' around the property. I do believe that it is still within our boundaries.

Grob asked how do we know that for sure? Your unit is number 5?

Jurgenson replied that is correct.

Grob questioned is the red line on this diagram the extent of your ownership?

Jurgenson responded I do not have that drawing in front of me. I was planning on having my paperwork in front of me, but I apologize that I do not have that.

Andres opened for public comment.

Mike Skadberg, 824 N Sedona, West Fargo, ND, stated the neighboring unit's deck looks bigger. I just wanted to point that out.

Andres stated the deck seems to be a little bit longer. They are both similar. Basically, what we are determining is the ordinary high water mark setback for Mr. Jurgenson's application.

Grob commented I noticed that the neighboring units have decks. This unit did not have a platform when it was constructed and now the existing one is not in compliance. How about the decks or platforms on all of the other units? Were they built originally, or are all of them also contrary to the covenants?

Buitenwerf stated I would need to look through our records to see what information I can obtain. I will let you know what I find.

Andres added I did notice that in comparison to the neighboring lakeside decks, they all fell within that same distance compared to the two right there. None of them went out any further than the existing one. It appeared that they were inside their unit boundary. The information given to us in the staff report also states the current lakeside platform may be within the unit footprint boundary as well. But, the proposed expansion would not be. Without the information from the Owners Association about encroaching into the common element, I am not sure that you can go much further with any expansion without that information.

Jurgenson asked on that drawing that was submitted, did it show the boundary on there, as far as from the owner's boundary to the common area?

Kovacovich explained it appears that the common property line is right about at the end of your existing platform. Maybe the platform is a little into the commons area. It is hard to tell from the drawing, but you do indicate a property line. It certainly looks like the future deck

addition is beyond that. Can you call up that drawing on the screen? The notation to the right shows the property line.

Jurgenson asked are you saying that you do not want to allow anything beyond that boundary into the commons?

Andres replied that is correct. The Owners Association approval would be needed before we would even have any type of discussion on it.

Jurgenson clarified you are okay to where that existing deck is at this point?

Andres answered I cannot speak for all of my colleagues, but I am currently in favor of the existing deck. I am not in favor of expansion.

Grob stated I second that. Any addition would encroach more into the 100' setback.

Jurgenson asked if I were to get approval from the owner's association, would that be a reason to bring that back, or is it not going to matter if I do that or not?

Andres explained if you would like to table your application so that you can get that information from the Owners Association, we cannot guarantee that would give automatic approval, but we are saying without that information given to us we cannot approve it at this time. If you want time and would see if they would allow such an addition, that would be more material that we have to work with. Otherwise, at this time we are lacking information.

Jurgenson asked is that they only item that you are lacking at this point? You are saying that you would possibly approve it the way it is existing right now?

Grob stated there is still the criteria of the ordinary high water mark setback of 100'. Your current deck is at about 93'. I believe the units to your right and left meet that 100' setback with their decks. As far as I am concerned, there is still the issue with the 100' setback.

Jurgenson replied if you hold me to that, it means that I am going to have a 3' walkway. I will not even have the opportunity to have a deck in that area.

Grob responded unless you apply for a variance that would allow you to encroach closer, which is not unreasonable, but you would still need a variance.

Jurgenson stated that is what I thought I was doing, was asking for that variance. I am trying to find out where you are going to allow me to be. Are you telling me that you are not going to give me that existing deck variance, even without the additional 5'?

Grob said the point is, we don't know if you are extending into the common element. If you are not, then we would be voting on after-the-fact for your existing deck and also the replacement of your existing deck.

Jurgenson added you do have that line in front of you showing where the common area starts. Is that not in that owner's area? The existing is not into the commons, is it?

Andres said the overlay that is on the screen does not exactly portray exact boundaries. Your boundaries were not marked during lot viewals. None of my colleagues know exactly where the common element begins and your boundary ends.

Jurgenson said I am going to have to get those boundaries marked and then go off from there, if that is what you are asking.

Grob mentioned the drawing that you have in your application, there are notes that indicate a common property line on the right and left hand side, but it doesn't show where that common property line is.

Jurgenson asked you are saying that it is showing on the east and west side, but not showing on the north side? I will see what I can find as far as that property line. Are you saying you cannot vote on this until I find that information?

Andres stated it would be in your best interest to have that common property line area addressed for everyone.

Grob added if the common element line is closer to your building that what the extent of your deck is, your covenants require that you get approval and authorization from the board of committee to allow you to encroach. We would need that before we would even approve the after-the-fact for your existing deck.

Jurgenson stated we have done that in the past.

Grob clarified you have that approval from the Board for the deck that exists?

Jurgenson answered no. What I am saying is that we have done that in the past for other decks. I was under the impression that was not necessary. If that is what you are requesting, I will have to ask for that from the other members.

Andres closed public comment.

Kovacovich made a motion to table the variance application to give the applicant time to locate the unit footprint/common element boundary lines and obtain written consent from the homeowners association for any part of the existing or proposed deck that extends into the common element.

Grob seconded the motion that passed 5 – 0.

**[Variance Application 48-V-20 by Ronald Paumen:](#)** Part of Government Lot 2, Section 9, Township 140, Range 35, Todd Township on Portage Lake, a recreational development lake. Parcel 27.09.00600. Applicant is requesting an after-the-fact variance from Section 702 of the Shoreland Management Ordinance for a lakeward expansion of a nonconforming structure.

Andres stated the Environmental Services Office has received an amendment to the after-the-fact variance application to include an 8' x 50' concrete platform. The amended item is

not covered by the initial public notice and therefore needs to be tabled to the January meeting for proper notification.

Andres made a motion to table the application to the January 25, 2021 meeting for proper public notice.

Petersen seconded the motion.

The motion carried unanimously 5 – 0.

**Variance Application 49-V-20 by John and Angela Gilmore:** Lot 6, Idle Acres, Section 16, Township 139, Range 33, Crow Wing Township on 3<sup>rd</sup> Crow Wing Lake, a recreational development lake. Parcel 06.39.00600. Applicants are requesting a variance from Sections 503 and 702 of the Shoreland Management Ordinance for a proposed expansion of a nonconforming structure located in a bluff impact zone and a lakeward proposed deck to be located in the bluff impact zone.

John and Angela Gilmore, 13492 Blackberry Drive, Nevis, MN, presented the application.

John Gilmore stated we are requesting a variance for a small 480' addition to a cabin that we just purchased in March. When we purchased the cabin it had been uninhabited for 18 years. We are a family of five, so it is a little tight. We are looking to add another bathroom and a small living room. We learned, as a result of Nick from the County coming out, that we were in a bluff impact zone and therefore are applying for a variance to overlap that impact zone by a couple feet.

Angela Gilmore added we also can't do anything to the structure.

John Gilmore continued the structure was built in 1961. It is a legal, nonconforming structure. It is our understanding that we can't do anything without a variance from the County.

Andres opened for public comment.

Robert Granlund, Anamoose, ND, neighbor to the applicant, stated I have looked at the Gilmore's proposed expansion and I want to go on the record to say that I have no objections to what they are planning to do. We think that it would be a good improvement around here. It benefits me, and it benefits the County through the tax base. We have no objection to it.

Alex Granlund, St. Paul, MN, co-owner of the neighboring property, stated I have no objections at all.

Andres closed public comment.

Kovacovich asked as I look at the drawing of what you are proposing, looking towards the lake, you are proposing an addition off the right side of the cabin that encroaches into the bluff area. You are also asking for a deck to run the rest of the length of the existing cabin. I believe you already have a small deck, and you are proposing to add to that the length of

the cabin. Are you proposing anything on the left side of the drawing where the porch is? Are you asking for an addition on that side of the house also?

John Gilmore replied no. The screened in porch will be enclosed as part of the proposed plan, but no additional foundation.

Grob stated the existing porch is now going to become enclosed and part of the floor plan of your living area, and then you are going to be adding a deck away from the lake. Your expansion is the 20' x 24' on the right side as we face the lake. You are changing the entrance to the center of the building on the non-lakeside, you are converting that porch into a master bedroom, and you are adding a deck off of it on the non-lakeside. You are proposing a deck on the lakeside and a screen porch. Is that what you are actually proposing?

John Gilmore answered that is correct with one small change. The deck on the road side of the house, we have decided that is not needed at this time. We are not proposing that small deck.

Grob clarified but you are converting the existing screened porch on the left side into living space?

John Gilmore said that is correct.

Andres asked what is going to be in the basement?

John Gilmore responded the primary reason that we chose the location for the additions is that it is the least impact to the trees around the cabin. We are also hoping to regain some space on the main level by moving all of our mechanicals downstairs. Currently, we just have about a 3' crawl space underneath the cabin, so there is no real room to move the mechanicals below.

Grob asked the addition on the right will have a basement under?

John Gilmore said correct.

Kovacovich asked is there a reason that you are not building it flush with the existing house, pushing it back about 6', and then outside of the 30' impact zone from the bluff?

John Gilmore replied we considered that, however, we would be encroaching on the septic tank if we were to move any further back. It is our understanding, based on the drawings Nick did, that the bluff actually ends on the west side of the property. Where it is marked at 30' on the left there, we are just encroaching barely on that small area, then it is marked as not a bluff further on the left side.

Grob stated the front of your house is 30', but you are encroaching another 6' forwards towards the lake on that side.

John Gilmore added you are correct, a corner of that addition will be in the bluff impact zone. If I look at the drawings provided by Nick, the majority of that addition will not be in that impact zone at all, in fact it is not even on a bluff.

Grob said the fall off to the west is not a bluff. It is towards the lake where the bluff exists. That is what that line says. When you move farther to the west, that is not bluff area, but where you are intending to build is a bluff area.

John Gilmore stated it is hard to tell by this drawing. The addition would go on the left side of the dwelling. The variance we are requesting is the overlap between the bluff.

Grob added Kovacovich asked about moving it back 6' so you could meet the 30' setback. You said that it would encroach on the septic tank. It looks like from the drawing that you would be 9' or 10' from the septic tank. What is the setback from a septic tank to a structure that has a basement?

Buitenwerf replied it is 10'.

Grob commented it is feasible to move that back.

Johnson asked if I am understanding the applicant correctly, he could actually detach his addition, move it over that little short distance of 6', and build that addition by permit because he is behind the 100' setback. He would probably put a breezeway between it and do it all by permit.

Buitenwerf explained no, that would not be correct because it would then be attached to the existing dwelling, which is 19' from the crest, and thus in the bluff impact zone which requires a variance to add to the structure.

Johnson concluded it would be considered a guest cabin if he had to put it separate.

Buitenwerf agreed.

Johnson continued to me it just makes sense going attached where it is at.

Petersen stated if we look at the septic tank, that 15' dimension, is that 15' to an overhang? Do we know what that dotted line represents?

Angela Gilmore replied the dotted line is the overhang.

John Gilmore agreed. The dotted line is the eaves.

Petersen asked is that what you have to maintain 10' from, or the actual building?

Buitenwerf explained the 10' setback is to the exterior wall, not the eave.

Petersen continued if we ask to move it back the 6', we would make that clearance from the septic tank?

Buitenwerf answered if the eave would be 1', that would be correct per the sketch.

John Gilmore stated part of the move forward is, from a design and esthetic standpoint, we don't want it to look like one big long box home.

Petersen asked are you changing the roofline there for architectural purposes, is that what you are getting at?

John Gilmore replied correct and for watershed. Right now all of the water is coming off of our cabin towards the lake. This will allow some of that to be diverted to the other side of the house.

Andres stated according to the application, the applicants are also wanting a 12' x 16' screened-in porch that would go lakeward into the bluff impact zone. Do we have any questions or comments on the screen porch?

Grob asked the deck that is there now, how far does it stick out?

John Gilmore answered the current deck is 6' off the front of the cabin.

Grob stated the new deck and the screen porch that you are proposing also encroach into the shore impact zone, is that correct?

John Gilmore asked are you talking about the ordinary high water mark, or the bluff impact zone?

Grob corrected bluff impact zone.

John Gilmore explained it is above the high water mark, but it does impact the bluff impact zone.

Grob added I think your egress from your house, the sliding door, is now right where the current deck is, right?

John Gilmore replied correct.

Kovacovich stated the proposal is to put an enclosed porch where the existing deck is, but it is actually larger than that deck, hence closer to the lake and further into the bluff impact zone, is that correct?

John Gilmore responded that is correct.

Grob clarified it would be 6 additional feet, double the size of the current deck. I think you are sensing that we are very reluctant to allow you to encroach any more into the bluff impact zone. I think we are on a thought process to have you move the addition on the west, the basement and the addition, back 6' and significantly scale down your encroachment toward the lake. Some form of a deck is not unreasonable. The one you have there would probably be ok, but a 12' x 16' deck and a 12' x 16' screen porch is a fairly excessive encroachment. I guess I am asking what your thoughts would be if we were on a course to approve this if you move the addition on the west back 6' and limited yourself to a scaled down deck. I would say an 8' x 12' deck where the current deck is. Is that something that you would find acceptable?

John Gilmore answered I think we would consider moving the addition back some amount. We would prefer it not to just be a straight wall all the way across. We are looking for some



architectural design that helps us from a property value statement. We are going to invest money into this addition trying to gain living space for our family, but at some point we have to realize the value of that investment. As far as the deck goes, we see most cabins have a sizeable living area that is screened-in, to be able to enjoy the summer months without the bugs. Could I propose that we maybe scale down the open deck on the east side, to allow us a walkway and a couple chairs there, but maintain the screened-in porch? Aside from putting a walking path and stairs down to the lake, we have no plans to change any of the landscape on the lake-facing side. It is all natural today, and we intend to keep it that way.

Petersen asked to get the addition into compliance, it would have to come back the full 6' to get out of that bluff impact zone, is that correct?

Andres replied according to the staff report, if they did move it back it would be out of that bluff impact zone.

Peterson clarified they would have to move it the full 6' back?

Andres agreed.

Petersen asked Grob were you suggesting coming out from the base of the building 8' on the porch and deck, instead of 12' as shown on the drawing? Is that what you were suggesting as something that we would consider?

Grob agreed. I can't remember exactly how quickly the bluff falls off in front. I was trying to think about a deck or screen porch, but limit the total size of what is there, scale down substantially that 32' x 12' area in the front.

Petersen suggested if that addition were pushed back to 2' out from the wall, I believe the homeowner might be able to get that roof turned and get a gable in there. That would have to be verified by an architect, but I am just wondering how everyone might feel there. I am not sure how that porch roof works. I couldn't tell on these drawings. It seemed like that might be something for us to consider and still give the homeowner the chance to get that roof turned with a gable if they have a 2' jog there on the front side.

Grob asked that would allow them to do the gable orientation that they are proposing with the current plan?

Petersen replied I am thinking that it might. It would have to be verified by somebody more knowledgeable than me, but it seems like that might work. Then we would have to think about if we are going to allow a porch and deck, what we think is reasonable for a scaled back size for those.

Andres added when I was out there, according to the applicant's measure markers, when I measured 6' back, the proposed addition was 6' back. When I measured to the septic tank, according to where their calculation shows the edge of the tank, it barely makes 10'. I am okay with it where it is now, but if we try to get them to move it back the entire 6' we will run into the 10' separation from the septic tank.

Petersen commented I am fine with that, not insisting on the full 6'. That isn't that much of a priority for me. I just thought if we got them to move it back a little, perhaps we could lessen the impact on the lakeside and still let them have their roofline. I guess the other thing that we have to decide is what are we comfortable with, if anything, on the porch and deck.

Johnson added I thought the applicant's proposal was reasonable, looking at the neighbors and what they had. Everybody is encroaching that bluff along there. His proposal of scaling that back, making it more of a walkway, and leaving the screen porch is okay with me.

Petersen asked and the addition, leaving it where it is proposed, you are fine with that?

Johnson replied yes. I would leave it up there where it was proposed. I would probably want to know his watershed plan for that because it is probably going to be that corner taking in water. If he had something planned for that, it is the only concern that I would have had. Leaving it where it is at, I don't think will have any impact to the bluff.

Kovacovich stated I would agree with that. As I understand how that bluff line falls, it is just a very small portion of the proposed addition that is in the bluff impact zone. The majority of the addition is outside of the bluff impact zone. I am more concerned with what direction that water is going to run off those roofs. My thought is to get it off to the sides of the cabin, on either side. The left-hand side would have the least impact on the bluff because you are outside of that line. As far as the porch, I think a porch is reasonable. With a scaled back deck and gutters, I think you could quite possibly mitigate most of the runoff issues that I am most concerned with.

Andres stated we are trying to do our best to accommodate your request with input from everyone. The discussion that they had dealt with scaling down that deck. You mentioned that you would be open to that. Do you have some measurements in mind that you would be open to?

John Gilmore asked if you can give us just a moment we will take a look at the drawing real quick. Please keep in mind that the deck drawn towards the road is no longer requested.

Andres added I would like to remind all of the members that it appears we are only dealing with the bluff impact zone, because the applicant meets the ordinary high water setback.

Grob asked why would you need a deck if we gave you the full 12' x 16' screened-in porch? As I recall, it was much steeper off of you house over where the deck is versus where the screen porch is. If you had a 12' x 16' screen porch, why would you need the deck?

John Gilmore replied there are a few primary purposes. One is for a BBQ grill, because we will have no deck off of the front. We wouldn't want to house the grill in the screen porch. The second is that we would really appreciate some kind of walkway from the master out front there in the porch.

Grob suggested would 6' feel sufficient for a walkway and a grill?

John Gilmore added we are trying to accommodate a door for the screen porch along with the grill.

Angela Gilmore said 8' would be better.

John Gilmore agreed 8' would be ideal. We have two chairs on the deck as it is. That is the maximum that we can put on a 6' deck. It is difficult to get around the chairs to sit down. In this case, the grill would either be against a railing or against the cabin. We would be able to gain a little bit of room, but the grill would only leave 3' as a walkway.

Kovacovich added I think 8' is reasonable. If you are talking about a deck, 6' gets pretty tight. I think the question would be, as part of the motion, would you consider guttering the house and directing that water away from the bluff line?

John Gilmore answered we do have plans for that. Today there are no gutters anywhere on the cabin, and the roof is roughly 20 years old. Part of this plan is to re-roof and gutter the whole cabin.

Petersen made a motion to approve the variance application with the following conditions:

1. The lakeside deck can be no larger than 8' deep (measured perpendicular to the shore) x 16' wide (measured parallel to the shore).
2. Rain gutters must be placed on the entire house to direct runoff away from the bluff impact zone.

Johnson seconded the motion that passed 5 – 0.

Petersen provided answers to the findings of fact questions 1-2 and adopted the staff report findings of fact for questions 3, 4, and 5.

### **Findings of Fact**

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes ( X ) No ( )

Why or why not? The variance would be in harmony with the intent of the controls.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes ( X ) No ( )

Why or why not? Currently the screened-in porch on the east side of the property is going to be changed into a master suite, so that would not exist. It would be used in a reasonable manner not permitted by official controls.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes ( X ) No ( )

Why or why not? The cabin was constructed in 1961 according to the application which predates the ordinance. It was built in a location that now falls within a bluff impact zone that causes the need for a variance in order to add onto the structure.

4. Will the issuance of the variance maintain the essential character of the locality?  
Yes ( X ) No ( )

Why or why not? The locality consists of largely seasonal and some year-round residences located on similarly sized lots through which this same bluff runs. The other residences vary in their lake setbacks, but are consistently similarly located at the crest of the bluff. The cabin is relatively small at 792 sq. ft. so the proposed 672 sq. ft. of additions would make the cabin still reasonable in size at 1,464 sq. ft. relative to the neighboring residences.

5. Does the stated practical difficulty involve more than just economic considerations?  
Yes ( X ) No ( )

Why or why not? Economics are not cited in the application as a difficulty. The difficulty is caused by the structure being built before the ordinance in a location that is now within a bluff impact zone.

**Variance Application 50-V-20 by Thomas and Mindy Simones:** Part of Government Lot 11, Section 26, Township 144, Range 32, Hart Lake Township on Steamboat Lake, a recreational development lake. Parcel 10.26.01000. Applicants are requesting a variance from Section 902.4 of the Shoreland Management Ordinance for proposed removal of part of a permanent ice ridge.

Thomas and Mindy Simones, 32635 460<sup>th</sup> Street, Cass Lake, MN, presented the application.

Mindy Simones stated we are requesting a variance to remove part of an ice ridge that falls in our proposed shoreland recreation area. We purchased the lot in July, and we had Nick come out prior to us purchasing the lot to give us what we could and could not do. He said that we needed to get a variance to remove the ice heave. We think that area would be the best location. It had quite a few dead trees that we have already cleaned up. It makes the most sense to us. We would like to keep those cedar trees. We feel that they give a lot of character to the lot, and we do not want to remove those. That area where we staked off seemed to be the best area for that recreation area.

Andres opened for public comment.

No public comment was given.

Andres closed public comment.

Grob asked why did you pick the location that you did? When I was out there, just to the right of that 20' that you marked off, it is fairly level. There is not even really an ice ridge, there is a little drop off into the lake. If you go to the left of where you marked off a little ways, there is even a lower area that goes right into the lake that doesn't have an ice ridge. It seems to me without even doing anything to that hump that is there, which I am not sure

is even an ice ridge, if you move to either side, you would be more typical of the edge of a lake with a little drop off.

Mindy Simones responded if we went to the right of the pink stake to the east, the canopy of the one cedar tree falls within a couple feet of that pink stake. We were just thinking with a canopy of a pontoon it would be difficult because we would not want to damage that tree at all. If you head to the west, the land drops down quite a bit and it gets a lot lower there. We have a permit to remove 15' of cattails from the DNR currently. The further west you go, there is the cattail issue.

Grob stated you would have the cattail issue with the current location because it is all lined up with the cattails too.

Mindy Simones added we have a permit to remove 15' of them. We had the DNR come out, and he said that he would be willing to do 15' right in front of those pink stakes.

Thomas Simones explained if we go further west there are a lot more trees there. Part of the reason that we bought the lot is because it is all wooded. I don't really want to clear out all of those trees and have a clear line of site all the way from the lake up into the lot.

Kovacovich said typically we do not approve removal of an ice ridge more than 10'. Normally what we have been approving is a 10' wide cut and then 3:1 slopes on either side of that, which is ample room to get docks in and out. 10' is what we have been approving, and you are asking for 20'. That is problematic.

Mindy Simones stated on our site plan we have 10' from the pink stake on the easterly side. We would like it to be flat and then the 3:1 slope. It would only be 10' that would be flat, and then it would go up the 3:1 slope from there. From the pink stake over, we would do 10' flat, just so that we can get docks in and out and pontoons. The remaining 10' of our shoreline recreation area can be sloped up.

Johnson asked has public comment been closed?

Andres answered yes, it has.

Johnson added from what I observed, I agree with Grob. I stepped it off from the west property line to the base of that berm. The distance was 30'. So, you could easily have the 20' x 15' in that lower spot. That would be really user friendly for a boat lift. The trees are pretty marginal and are mostly balsam and ash. There wasn't any cedar over there. You had a nice path that they pretty much cleared going up to the potential building site. From my point of view, I think the answer of removing all of this earth on the shoreline was to have a direct view of the lake from the house. Myself, I would say that they have room on the west side of that berm.

Mindy Simones replied that only thing that we are worried about if you place it over there, that area probably holds a little bit of water in the spring because it is quite a bit lower. If we are only allowed to do 5 yards of material, and up to 10 by permit, to try to level out that shoreland recreation area, we are not going to have near enough material to make sure that area isn't soggy in the spring.

Johnson said most of that entire shoreline is like that, except for that natural spot that you have on the east. Most of that entire shoreline all the way around to the Necktie River is that lower land, but it is dry. That is why those balsam trees are growing there. It probably does get mushy in the spring.

Andres stated I am in agreeance with both Kovacovich and Johnson. Historically, a 10' ice ridge removal with a 3:1 slope provided adequate lake access. You do have a spot that is a little more level, which would be ideal for that. Would you be open to a 10' cut at all, are you open to that proposal?

Mindy Simones replied from the pink stake, we would be willing to do 10' flat and slope it up the remaining 10'. It would just be the 10' flat that we would take out. That is actually what we are applying to do. I have done a little bit of research and I have seen that is what you guys have approved in the past, and I didn't want to ask for anything more than what you would be willing to do.

Kovacovich explained the slope has to go off of both sides of the cut. The 10' can't be all on one side of the cut.

Thomas Simones added on the east side we wouldn't be cutting at all. I don't know if that matters. We would match into the existing grade on the east side, take out 10', and then tie it back in to match the west side.

Johnson commented generally when we did approve a 10' cut, it was because there was a berm that ran the whole length of the shoreline, not just one little hump in the shoreline.

Grob added and they were much steeper, 6' or 8' in height.

Mindy Simones stated there was an existing path to the lake that was there when we purchased the lot. If we are allowed to remove part of the hump that is there and get that area as our shoreland recreation area, then we wouldn't need to remove that many more trees to straighten out that path.

Thomas Simones said if we went further west, in order to use that already flat and lower area, we would have to take out a whole bunch of trees. Again, that is one of the reasons that we bought the lot is because it is wooded. We didn't want to open it all up in order to use the lakeshore.

Johnson clarified those trees are close to dying. That is why those small ones that you cut off on the shoreline died. That is where they are at.

Mindy Simones explained there was a storm that came through and that knocked quite a few of them down, I think, back in 2012. You notice it a lot more now when there are no leaves. There are quite a few trees down on the entire lot.

Johnson made a motion to deny the variance application and adopt the staff report findings of fact.

Grob seconded the motion that passed 5 – 0.

## Findings of Fact

1. Is the variance in harmony with the general purposes and intent of the official controls?

Yes ( ) No ( X )

Why or why not? The permanent ice ridge running along this property's shoreline and neighboring properties' shorelines is key to protecting the shoreline from erosion. A 20' wide cut in the ice ridge would make the cut area much more susceptible to erosion from waves. A smaller width of cut would provide the desired lake access while minimizing the amount of erosion potential created by removal of part of the ridge.

2. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes ( ) No ( X )

Why or why not? While a smaller (i.e. 10' wide cut) in the ice ridge would be reasonable for gaining access to the lake, the proposed 20' width is excessive.

3. Is the need for a variance due to circumstances unique to the property and not created by the current or prior property owners?

Yes ( X ) No ( )

Why or why not? Steamboat Lake is known for having permanent ice ridges that largely encircle it and are very rocky with large boulders typically making up the shoreline. The ice ridge that runs along the shore on this property impedes the landowners' ability to access the lake.

4. Will the issuance of the variance maintain the essential character of the locality?

Yes ( ) No ( X )

Why or why not? A 20' wide cut in the ice ridge along this shoreline would result in the removal of existing natural vegetation that includes shrub and mature tree cover. The resulting opening in the vegetation along the shoreline would be very noticeable as most of the shoreline in this area is natural.

5. Does the stated practical difficulty involve more than just economic considerations?

Yes ( X ) No ( )

Why or why not? Economics are not cited in the application as a difficulty. The difficulty is the presence of a permanent ice ridge that makes accessing the lake and placement of a dock and boat lift in the lake extremely difficult.

## Planning Commission:

**Approval of Minutes:** November 23, 2020

Kovacovich made a motion to approve the minutes as presented.

Grob seconded the motion that carried unanimously 5 – 0.

## Old Business:

**Conditional Use Amendment Application 2-CU-20 by Green Pine Villas Owners Association, Inc:** Common Interest Community No. 25, Green Pine Villas, Section 20, Township 141, Range 34, Lake Emma Township on Potato Lake, a recreational development lake. Parcel ID 16.44.91200. Applicant is requesting to amend Conditions 2 & 8 of Conditional Use Permit 1-CU-09.

Andres stated the application was first heard at the October 6, 2020 Planning Commission meeting. Several ordinance violations were identified during the lot viewal. The application was thus tabled to allow staff an opportunity to visit the site to determine what violations existed and report to the Planning Commission on them. Several violations were identified, and a violation letter dated November 9, 2020 was sent to the Green Pine Villas Owners Association and all 8 unit owners. During the November 23, 2020 Planning Commission meeting, the application was tabled to the December meeting at the applicant's request. On December 2, 2020 staff received a written request for an indefinite time extension form stating the applicants requested more time to work on the application and submit additional materials. Therefore, the application will be tabled until further notice.

Andres made a motion to table the application until further notice from the applicant.

Grob seconded the motion that passed unanimously 5 – 0.

### **Shoreland Management Ordinance – short-term rental content development**

Andres stated during the last couple of meetings, we have had discussion on the short-term rental content development. We will continue to discuss, add, or delete content with hopes to come up with some sort of framework that best accommodates Hubbard County.

Andres opened for public comment.

Amy Strunc, 114 S, 19<sup>th</sup> Street, Montevideo, MN, stated I wanted to share a testimonial to the members of the Board. I am a local co-owner of a home that we also rent out part-time as a short-term rental. I was born and raised in Park Rapids. Most of my family still lives here on regional lakes. This past September we purchased a lake home within Hubbard County, and my retired parents and I enjoy the region with family. I still teach full-time, but my parents are retired. What we had decided to do was rent out the property for some of the time that we are not going to be here. We can all be here during the summer time, same with family. Our property is on over an acre, we have 250' of lakeshore. We use VRBO as our platform. We have rented it out five times in the past four months with 4-7 day rentals. We have had the most respectful, lovely families come into the area. We have had zero complaints from any neighbors. We have taken the opportunity to create our own rules on the website, which include noise ordinances, staying on our property, parking limitations, safety requirements, and millions of dollars of liability from VRBO. We have done our homework up until this point. Right now, I read through your October minutes. We have eight weeks booked for this summer. I agree with a lot of what you talked about in the October minutes discussions as far as safety, consideration of neighbors, and keeping this area beautiful. I think that some of the things that you discussed, as far as a 30 day summer rental limitation, is not going to work on our end from the four months that we have owned this and what we have considered. We budgeted for at least 60 days of summer rentals.



Based on the research that we came up with, using occupancy rates and other area rental resorts locally, most are full for the summer of 2021. Also, you are correct that there are about 100, just through the VRBO site alone, on lakes. I think that limiting this to such a short amount of time definitely won't work on our end. After only four months of ownership, considering selling a property is quite disheartening. I won't go on and on about the economic impact of short-term rentals, but that would be huge with limiting that many properties, especially when there is just nowhere else to rent. I would like the Board to consider giving at least 60 days for the summer rental, and not the 30. I would also ask for a phase in period of this new Ordinance for existing homeowners. That would allow time to take into consideration what would work best, whether it is selling or turning it into a commercial property, to figure out a different way to make it happen.

Andres asked since you are on VRBO, and you have already rented, are you licensed with the Department of Health for your vacation rental?

Strunc replied I didn't know that was required. The Department of Health?

Andres explained the Minnesota Department of Health has requirements for vacation rentals.

Strunc stated I am not, but I will certainly look into that. Are the November minutes going to be posted sometime shortly?

Andres answered yes, since they were approved this evening. Staff will post them directly within the next few days.

Matt Skadberg, 824 N Sedona Drive, West Fargo, ND, stated since all of the resorts are at capacity now, VRBO and Airbnb have been filling in for the downturn from resorts. Basically, resort capacity has decreased year after year for the last 20 years. Will there be any provisions to increase resort capacity to make up for any reduction for the VRBO and Airbnb reductions? Also, the impact on the restaurants, bars, the small businesses throughout Hubbard County for the reduction in customers coming into the area?

Andres asked Skadberg could you please repeat that, just so that I can get a little more information. Are you saying that the short-term rentals are going to take away business?

Skadberg responded no. Currently resorts in the area are at max capacity. The Airbnb and VRBO are kind of subsidizing the lack of capacity in the resort industry. By reducing Airbnb and VRBO rentals, you are going to reduce the amount of visitors into the area, which will affect bars, restaurants, and retail shops. We will have less income to the smaller businesses within the area.

Chris Bolton, 18080 Emerald Island Circle, Park Rapids, MN, stated we all agree tourism is vital to the Park Rapids area. Visitors need accommodation options. They want to be on the lakes. VRBOs are an important piece of this entire tourism puzzle. Resorts work well for some vacationers, but not so well for others, and honestly there aren't nearly enough resorts in our area anymore to support all of the visitors that want to come to our beautiful town and area lakes. This community needs to support vacation rentals. I overheard Board members say that VRBOs aren't fair to resorts. That simply is not true. Resorts get huge

real-estate tax breaks. VRBOs just got huge tax increases. My 2020-2021 real-estate taxes have more than doubled on my VRBO parcel. One entire month of VRBO income will be used to cover just the increase in my real-estate tax bill. In our area, VRBOs are typically rented out for weekends, weekdays they sit empty. So as it stands today, my real-estate tax bill alone eats up nearly two months of rental income. I still need to cover the mortgage, utilities, and maintenance. The VRBO season in our area is about 3 months long. If I don't have a good season, expenses aren't covered. It is a business, not unlike a resort, but my real-estate taxes are much higher. VRBO now also collects a lodging tax for the County for each rental in Hubbard County. Please tell me how VRBOs are unfair to resorts? I have been in contact with resort owners on 3<sup>rd</sup>, 5<sup>th</sup>, and 8<sup>th</sup> Crow Wing, Belle Taine, and Potato Lake. They all have said they were very busy during the pandemic. How many resorts are in operation today versus a decade ago? So many have stopped operating and have been developed into PUDs. There are simply not enough resorts to accommodate the numbers of visitors that want to enjoy our community. The potential septic system issues that the County is worried about are largely unfounded. A VRBO typically has guests for 2-3 nights each weekend for about 3 ½ months. There is little to no laundry done. They are often empty on weeknights. There is a long off-season when tourism is completely shut down. Septics recover when the use subsides. What about a house, lived in by the owner, always blowing out the walls because it is so full of guests? Why aren't you concerned about their septic systems not being big enough for their numbers? Why not put a procedure in place to monitor all septic systems and require corrective action if or when they fail? That should be done with every septic system near the water, instead of assuming that all VRBO property septic systems are failing or will fail. That is a discriminatory assumption. The County has also been discussing VRBOs on nonconforming lots. These lots were conforming at some point, or building would not have been allowed. They should be grandfathered in and not subject to new rules and regulations being created now, many years later. I have been operating my VRBOs for five years now, and I count on the business that I receive from it. If my lot is determined to be nonconforming, I now have double the taxes and no way to pay for it. I am guessing that a huge percentage of lots in Hubbard County fall into this nonconforming category. There has also been talk about a buffer. Maybe only allowing a VRBO every 500 feet. How will it be interpreted for an area where there are VRBOs adjoining on the back side of the lot, but not on the same street? My lots on Long Lake are on two different streets, but next to each other. My VRBOs are hardly visible from one another, and there are many trees that create a natural screening between the two. I haven't had complaints at either of my locations, but would need to close one down should it fall under the new buffer restrictions. Vacation rentals are an important piece of our tourism dynamic. Our community relies on it. If Hubbard County supports tourism, work with us. Owning and managing vacation rentals is a lot of work. You should be supporting us, not trying to put us out of business with really high taxes and extra regulation.

Andres added we will be addressing some of your issues as we go through the content.

Jason Hunter, 19221 219<sup>th</sup> Avenue, Nevis, MN, stated I own this property jointly with my sister, Kate Hunter Gottsch. Our family has been on Belle Taine for approaching 50 years. We have been coming here every summer since we were small children. We have celebrated holidays, birthdays, and all kinds of family gatherings. My sister put herself through college partly by working at the (unintelligible). She and her husband were even

married there. We have long standing family ties to coming to the Park Rapids and Belle Taine area in the summer. In 2018, our property changed hands from our father, Bill Hunter, to my sister and me. At that point, to cover the basic costs that we needed to maintain this property in our family, we decided to rent it out part of the time, ideally to family and friends. There were times that we needed to use Airbnb and VRBO to fill in the gaps. Our intention has never been, and never will be, to use our lake home as a business. Our intention is simply to maintain our lake home and cover our basic expenses. We know that there are growing pains here, and that things are changing. We have tried our best to accommodate all of the concerns with our neighbors. We have done things like limiting cabin capacity by dropping it over 35%. We have reduced the number of vehicles that can be parked in the area. We have also talked about specific dos and don'ts that they would prefer not to happen. We have marked boundaries on the edges of the property. We are very willing to work with people to try to do our best to make this change the best that it can possibly be. We recognize that it is not a welcome change for everyone, but this change is inevitable and it is actually benefiting the area in a number of ways economically. We just wanted to second that. Others have suggested to us the possibility of instead of doing short-term rentals, of renting it by the month, or even by the season. We have looked at the numbers of that to maintain this property for our family and the revenue that would generate falls short of the income levels that we need to actually pay the taxes and pay our bills. Beyond this again, it brings in money to the area, taxes for the schools, and all kinds of other things. People have been speaking about restaurants and stores, the lack of resorts that are available. We firmly support the idea that short-term rentals really are a crucial part of the vacation dynamic in Hubbard County. We understand that there may be a need to regulate on some level and possibly permit. We are more than willing to comply with that permitting process. We heard somebody else mention 60 days, for us that is a minimum. We need at least 60 days to cover those expenses. We would be in full support of that. We understand people's concerns, but we respectfully request that you allow us to rent our rightfully owned lake property. Please don't take the rights that we currently have away from us. We (unintelligible) in Park Rapids, we have every intention of raising our own families to appreciate all that the area has to offer, and we just want to say thank you for hearing us and thank you for your consideration.

Robert Holmen, 14871 45<sup>th</sup> Ave. N, Plymouth, MN, stated my wife and I recently purchased a cabin on 2<sup>nd</sup> Crow Wing. It is our intention that it should be in VRBO and Airbnb. Rather than repeating a number of the comments that have already been made, I would simply make the general comment that I think it is characteristic of the people who have spoken, and it certainly is our intention, that we want to be good neighbors. We want to be an important part of Hubbard County, not just for our own recreational use, but to enhance the economy of the area. We don't want to be treated as pariahs or somehow a negative influence in the County. There really is no basis for that. We need to be treated as the good neighbors that we intend to be and the positive impact that we, as VRBO and Airbnb owners, can bring to the tourism economy. There has been mention of a 30 day limit, or even a 60 day limit. I guess I don't understand the rationale for that. If the tourism that we bring to the County is good for one week, or two weeks, or ten weeks, or six months. That would be diminished by limiting us to 30 days or 60 days. I guess I just don't understand the rationale for that. I do understand the need for some reasonable regulation. Whether that includes permit, or compliance in other ways. I guess my main point is that we want to

be seen as an important and positive part of Hubbard County. From some of the previous comments it sounds like there have been some suggestions that somehow we are a negative influence. I just don't see where that is true.

Shevy Akason, 24351 Armada Drive, Dana Point, CA, stated I assist people in booking their properties. That is why I am speaking today. I have a few questions for the Board. You can address them at whatever time you have the answers. Has an impact study been done on potential negative impact on values if you create these restrictions on properties? Part of the reason that I am asking that question is because I am also a real estate agent. I have seen communities that have put deed restrictions on them and, generally speaking, the properties have dropped anywhere from 15% - 20% in value. I am wondering if there has been an impact study on how it is going to affect local businesses. I have actually seen communities where they have eliminated short-term rentals. Generally speaking, anywhere from 1 – 10 years later the golf courses have ended up closing. I can think of a few communities specifically, one example the golf course is still made up of weeds right now. A developer tried to come in and buy it. They proposed to build condos, but of course the owners in that community pushed back and now there is a motel plan for the middle of the golf course. I think there are some unintended consequences that you may not be foreseeing. I am wondering if you are accounting for or done any estimates with law firms for any potential issues that you may have. I have never seen a community impose restrictions like what you have on the table right now that didn't end up having to involve an attorney. As somewhat of a third party to this whole deal, I want to warn you that nobody wins. The short-term rental owners don't win, the County doesn't win, and the cities don't win. If there are HOAs, they don't win. Everyone loses. There are some problems with short-term rentals, no one can deny that occasionally short-term rental guests play music too loud. They might want to take advantage of a host and have too many people in the homes. They may try to bring too many cars to the property. They may stay up late and they may be noisy. All of those issues are rare exceptions. When I was a kid, my parents took us to Lake Arrowhead in Alexandria. They put in on their credit card, and we could never afford to go back again. But they could take us every year to a cheap lake cabin in Minnesota and bring my four brothers and sisters, 5 total kids. It is an affordable way for families to visit your area. If you take that away from families, you are making a huge mistake. Not only that, but when I pass away, if I have a lake cabin, I don't know how my kids will pay for it. It is the way that a lot of people keep homes in their families that have very good and important memories. If you have the issues above, and it is not a short-term rental owner, if it is a long-term rental owner, or a trust fund child, I have seen all of the same issues with those people. Then it is not a short-term problem, it is a long-term problem. I have personally sold properties because of neighbors like that. If it is a short-term rental guest, it is short-term. They are going to leave. You can address that with the owner. You can improve to avoid those types of people in the future. Some other questions that I would ask is how it is going to be enforced? Your area is extremely rural. Once you create restrictions like this, what you are going to find is that all of the good people are going to sell their properties. They are not going to be around anymore. You are going to find that people who don't care are going to start buying, and they are going to start breaking the rules. In a rural community like yours, it is going to be extremely difficult to enforce. I have encouraged any owner that has a neighbor who does not like short-term rentals to sell. I would strongly encourage you to get with local real-estate agents and find out what

impact it is going to have on the value, and see if you can create some kind of disclosure. Be smart about it. Creating a buffer doesn't help. There are plenty of people that don't mind being next to short-term rentals. There are plenty of other people that would rather have short-term rentals next to them that have a long-term owner. Why don't you create some kind of data base? If someone doesn't want to be next to a short-term rental owner, put their address in the database and require it as a disclosure? No one that wants to buy a short-term rental would want to be next to that person anyway and vice versa. Disclose it. Those are just some suggestions. I hope it is helpful, and I hope you can answer some of my questions. I am open to being a resource for you guys. I have seen this cost cities, counties, and HOAs millions of dollars. If you create overly burdensome restrictions, you are threatening people's livelihoods and they will get attorneys. I have seen it over and over again.

Kathie Brekke, 1001 Bear Path Drive, Park Rapids, MN, stated I wanted to tell you that we have rentals in the whole neighborhood there. We have had no problems. We have had good renters. We have had fun showing them the area, showing them where the fishing spots are. We have had people coming in that have simply loved and enjoyed Park Rapids. We just want to go on the record as saying we think that it is great that we can share the area with all of the people that come in and rent. We have found that all of the renters in that area take care of any issues.

Lee Ann Johnston, 726 Country Club Drive, Devils Lake, ND, stated I am not speaking today as an owner, but rather as a renter on one of your beautiful lakes. We go to Lake Belle Taine. We have been going there for seven years now. We started out at a resort and quickly outgrew it. We found a rental home that works perfectly for our growing family. We come the same week every year. We look forward to it every year. Last year when we thought we weren't going to be able to come, I texted the owner to please open their home to us, which they did. Every year we bring our boat, and our first stop is at the gas station across from the big fish in Nevis because we have to fill our boat up. We always are very respectful of the rules that the owner put out, and we are respectful of the neighbors. We are respectful of the whole area. We golf every morning. On our way back from golfing we stop and eat someplace, we go spend our afternoon on the lake, and then go out and eat again. Needless to say we spend a pretty good sum of money in your area. We would love to continue to be able to do it. We would hate to have to leave there and head to Walker because this has been a tradition that we have done since I was a young child. It is something that we have come to treasure immensely. We love your area. We come from a lake at home, and people ask why we go to another lake. It is because we also own a business, so we like to get away from it all for a while. We used to go to Detroit Lakes until we found your area and love it. I would be really sad if we had to give up this rental and try to find someplace else.

Craig Olson, 11023 262<sup>nd</sup> Avenue NW, Zimmerman, MN, stated I am joining this meeting after some of my neighbors informed me of the discussion surrounding short-term rental properties in Hubbard County. Specifically, the restrictions of the density, rental days, calendar year limitations, or even limitations based on whether a property is conforming or not. My wife and I have owned property on Lake Belle Taine for the last five years. Our plan is to retire there once we get to that stage of our lives. However, we have some concerns

about the potential restrictions that the County is evaluating for short-term or vacation rentals. In full disclosure, my wife and I currently do not rent our property. However, we do have concerns of any sort of regulations that would potentially inhibit any future plans to rent our property. My primary concern would be the impact to the financial evaluation to that property. We definitely are looking at this as a retirement area, but it is also a substantial investment for us. After we retire, we are going to be looking at potentially renting out that property to offset some of the cost. Any impact that would limit us in our ability to do that is going to impact us financially as well as more than likely impact our resale value if we ever get to that point and need to sell the property. The other comment that I would like to make is that my cabin is one property away from two VRBO rentals and also adjoins some private rentals that aren't on any public rental platform. We have never had any issues with any of the renters. The people that come and stay at these cabins generally are families. They are all very respectful of the lake. Actually, we look forward to meeting new people while we are up vacationing ourselves.

Ken Osterberg, 19264 219<sup>th</sup> Ave, Nevis, MN, stated I live next door to one of the properties that Shevy Akason manages and just down the road from Jason Hunter. First of all, I would like to applaud the Planning Commission for the STR regulation work being done. I think that it is very important to protect our lake and groundwater quality. All of Hubbard County depends on that, not only the property owners, but the commercial STRs as well. By the way, I am not arguing whether the STRs have a valid business opportunity or not. I think the issue here is making sure that we have regulations in place that protect the lake and water quality for everyone. I also applaud the involvement of the Hubbard County COLA. I would like to comment from a property owner perspective, as someone who is next to a VRBO. I lived next to one that is rented day in and day out for weeks all during the summer. There are challenges with it, I will admit. Shevy and Skyler, who own and manage the one next to me, do listen to me. We have had numerous discussions. What I would like to point out the Board is, there are a lot of dollars that come in from VRBO. Upwards of \$600/night in summer peak time. I really think that, in some cases, an increase in property taxes would not dissuade people from doing a VRBO. The question that I would like to have addressed is in Section 14 of the SMO draft addressing STRs. Item K states that the SSTS must be properly sized to accommodate proposed maximum occupancy in the rental structure. Is this actually going to define the septic flow rate that is needed per person that have been previously discussed? For example, 75 gallons per person. What if there are other water using capabilities in the rental unit? In my case I see a STR not just on the weekends, but rented day in and day out during the summer. Sometimes with very large groups. The concern is septic and water quality for the lake and groundwater for all of us. I will leave that as a question to be addressed later.

Melissa Askin, 909 Hamilton Boulevard, Hagerstown, MA, stated I have grown up going to the lakes in Park Rapids, Minnesota. My grandparents built cabins there. My family is from the area. As our family grew, we started renting a cabin at a resort next door. Eventually that resort was no longer a resort. They sold off all of their cabins. At that time we decided that if we wanted to (unintelligible) the lake we needed to purchase one of those. That is what we did. We seamlessly rent that cabin in the way that the resort had rented it for many years. We have now been renting that for about 15 years with very minor issues. For the most part, these are all families that have been coming to that lake from the time that they

were growing up and staying at that resort. They really want to be able to continue doing that. The other thing that I really wanted to address was the day limits that you have been discussing. Our cabin is rented at various times during the year. 60 days to us is not really acceptable. We have people that come every year to hunt. We have people that come for Christmas, New Year's, and for snowmobiling in the winter. This is a time when businesses in the area are probably hurting for people to be there. To be able to provide that for people year-round is a benefit to the community. I would really like to have some reconsideration of any day limits for a calendar year.

Mark Smith, 44613 Schoolcraft Drive, Laporte, MN, stated I am currently a short-term rental owner. I want to share a few observations. There have been a lot of good points brought up. I just want to highlight a couple other things. We have been doing this for over three years, and we have never had a complaint. We utilize quiet time. We also bring families into the area who purchase groceries, they go out to visit Itasca State Park a lot, and they visit our local bars and restaurants. Taking this away from our local community would be a (unintelligible). Many of our renters are previous Hubbard County residents who are coming back. We have even had people who have previously owned homes on our lake coming to stay at our rental. (Unintelligible) to bring a new generation of their family up here and talk about their experiences 40, 50, or 60 years ago, before my time here, is amazing. We are also bringing in a new crop of people into the area, mainly from the Twin Cities area, who are up here to enjoy the rural tranquility and relax. They seek out privacy. They don't want to be around people, they are sick of that. Currently, any type of regulation would put us out of business. We make exceptions during the slow time. Right now we have a healthcare worker who is in the area working at Sanford. We are allowing her to stay at a very reduced rate because she is providing an essential service to all of the residents of Hubbard County. For us, we rent about an average of 12 weeks/year. We only bring in about \$20,000. We are not getting rich. We are using this to keep the property in our family. Our taxes have been increased (unintelligible) already, which is \$2,800. We pay taxes on any income that we make. We have a local mortgage, we pay local utilities, and we get (unintelligible). All this serves to keep Hubbard County vibrant. Previous meeting minutes refer to people making tens of thousands of dollars. I don't think that I am the lone homeowner who is only making around \$20,000 a year. (Unintelligible) We are hoping to be able to keep this property in our family. I'd like the Commission to consider what they are hoping to accomplish with some of these regulations, and make that clear when they are presenting to the County Board. If we lose short-term rentals, these people are still going to come up here. This tourist money is still going to come, but it is going to go to Crow Wing County, Cass County, or Beltrami County where they shot down many regulations that are similar to this. In closing, I would just like to say if further regulations are meant to impact or dissuade people from short-term rentals, you will. You will lose people like me. You will lose a small (unintelligible) owner who is just looking to get some families up and experience the local, rural taste of Minnesota.

Sara Forrest, 276 Avenue Alhambra, El Granada, CA, stated my sister, Melissa, spoke earlier. I own a rental property with her. One thing that I would like to ask the Commission to consider is that our property is winterized, and we rent it all year round. It is a deeply emotional tie that we have to the community there. We did not make a profit at all on this property. We rent it to pay for itself. It is not our intention to make a profit. My sister is

working, I have quit my job due to Covid, and my mother is retired. It is the three of us on this together. If we suddenly could not rent it in the amount that we rent it now, we would lose that property. These are hard times right now. I am sure I am not the only one in this boat who is out of work and needs help. I just want to appeal to you to take that into consideration. It is a really tough time to get rid of people's source of income right now.

Kevin Swan, 24194 County 80, Nevis, MN, stated I think we can all agree that most people come to the lake for peace and quiet and an up-north experience. I think anything that prohibits or restricts loud and boisterous behavior is great. I know at one point there was discussion about lighting regulations. Again, I think anything that prohibits big flood lights being kept on all night is positive. Finally, I think we all need to make sure that all septic systems are working correctly for the number of people that use that property. Again, I think those are all terrific ideas. My question would be, why would extra attention be paid just to short-term rentals? I think all of us that own lake property in Hubbard County should be entitled to those protections. I don't currently experience any nuisance from neighbors, but properties can be bought and sold. I am just as concerned as anybody about having someone who invites a lot of guests on weekends and thinks that it is okay to have boisterous bonfire parties at 11:00 at night. I think that we have to be careful about assumptions. I sense, in what I have read so far, that STRs are being lumped together all as nuisance properties and big commercial enterprises. Most of these tend to be very well run for quiet family experiences. Undoubtedly, there are probably some that are run full time, but I don't think that is the norm. I think most of the time they are rented for a few weeks each summer as ways to get a little extra income to pay for these expensive properties. My question to the Planning Commission would be to focus on the behaviors that are concerning and not so much the ownership structure. Again, loud and boisterous behavior by neighbors absolutely should be controlled. The septic system should be working correctly. Outdoor lighting is something to look at too. I would ask that all lakeshore residents should be entitled to these protections.

Mike Marzolf, 3371 Brei Kessel Road, Maple Plain, MN, stated my wife and I own a home on Big Sand Lake, at 23669 Glory Trail, Park Rapids. We have been coming to Park Rapids since we were both young. We both love the area and especially our beautiful lakes. We have owned the home since 2014. We rent our home as a seasonal short-term rental during the summer. We do have a license. We are subject to annual inspections of the well, septic, two types of water tests, hot water temperature tests, smoke alarms, fire extinguisher, and measurements of the room for density purposes. We also pay each year for our license. I am not here complaining about the payment of the license fee or the doubling of my taxes. We have welcomed families, ideally grandparents, parents, and children all there to enjoy our home in Hubbard County. We have 9 such families booked for 2021. We have been very deliberate in our selection and communications with our guests regarding the importance of respecting our neighbors. We respect the rules, have never complained about the annual inspections, and we strive to keep the peace. We believe that we are operating within the law and within our license. I would submit that with deliberate efforts and communications with guests, with the respect of the existing laws and regulations, a peaceful coexistence is possible here. I really agree with some of the previous speakers' comments and would push for a minimum of a 90 day minimum period of rental days for seasonal rentals.



Skyler Akason, 4498 Woodhaven Drive S, Fargo, ND, stated I own three vacation rentals in the Park Rapids area. We love the area. That is why we started coming there about 12 years ago. I have purchased these properties because I like the area and I enjoy being there. We started a small business renting the properties out. Two of the three properties I use myself quite a bit. In order to keep them, I need to rent them out because of the high expense of them. The third property is actually a property on Belle Taine next to Ken Osterberg, who spoke earlier. I just want to say that Ken has been very communicative with us and some of our other neighbors at our other properties. We have each other's phone numbers and we communicate if there are ever any issues. We encourage the neighbors to call us so that we can address the issues right away. Typically our renters are very respectful. We limit the number of renters and the number of vehicles. Typically there is not a problem with any of the rentals. In the rare instance that there is, we make sure to address those issues right away. I know Ken, and the other neighbor Dave, at the property on Belle Taine are not really enthusiastic about it being a rental, but they are trying to work with us and we are trying to work with them to make sure that everybody is happy and that there aren't any problems. That is a property that we may end up selling, just to keep the peace. We are trying to do what we can to keep everybody happy. The other two properties that I own, the neighbors are more than happy to be living next to a vacation rentals. They actually enjoy it. They have told me that they like meeting the people and showing them around. Kathie Brekke, who spoke earlier, is the neighbor to one of my properties. There is another person on the call tonight that would like to speak to the fact that it hasn't caused her any issues either. I just want to say that we do as much as we can to make sure that we aren't causing any problems. As far as the limit on the number of rentals, I don't see that working for most owners. People are probably going to end up selling, which is going to drastically effect the economy and the money that is brought into Park Rapids. I know personally, if I was only able to rent my properties for 60 days, that doesn't even cover my expenses of owning them. Even 90 days would be pushing it. I don't see that being fair to limit that. I rent them out a lot in the summers and then I spend a lot of my time there in the winters. If we limit the 3-4 months of summer to 60 days, that is half of my income essentially. That income would be gone, and I would not be able to afford to own these properties.

Andres asked with your three properties, do you currently have them licensed with the Minnesota Department of Health?

Akason replied I didn't know that was required.

Shevy Akason stated I did quite a bit of research on a city, county, and state level prior to Skyler purchasing those properties. There is a tax that we pay through Airbnb and VRBO. I didn't find anything whatsoever until I googled MN Department of Health regarding that. Now I have been looking, and I still cannot find a permit application. Any information that you could share with the owners on this call regarding getting licenses through the Health Department, I would really appreciate it. In most areas it is pretty straight forward on the county or city website. It is normally a county or city thing on how to get the permit. I specifically even called Hubbard County and I asked if there was a permit process and you told me no. That is a question that you have asked a couple people. Just so you are aware,

even when you call your County offices they don't seem to be aware of that either. At least, they weren't a year ago.

Andres said my question was if they had a license through the Minnesota Department of Health. It is a State governing license, not a county license.

Akason responded you are making us aware of it, but I guess I am just suggesting that potentially the County would want to share that.

Lynette Guida, 1005 Bear Path, Park Rapids, stated previous to my living at this address, I did own an Airbnb rental. I just wanted to state a couple of things. In all of the time that I rented to folks, I never once had a problem. People were so respectful. I found some things that people haven't mentioned before. I think these rentals really do take up some slack. I once rented to a family that had an unexpected funeral. It was during a time in the winter. This family couldn't find any rooms to rent. They were so appreciative that there were Airbnbs in the area so that they could bring their family to come together for the funeral. I, personally, had no troubles with anybody ever that I rented to. I now live next door to one of the Airbnbs in the community. I have never had a problem, and I am right next door. The people are so respectful. If there ever was a problem, I would give the owners a call and I am sure that they would take care of it right away. I just want to mention that it has been a really positive experience for me.

Paul Swenson, 24608 200<sup>th</sup> Street, Nevis, stated I have commented before, but I joined the meeting late. I am not sure what all the other comments are, but the sense that I have gotten from the last few callers is that there are an uprising of people having difficulties with these short-term rentals. I don't have a difficulty with the short-term rental, in fact I talked with my neighbor Tim O'Neill earlier this week, and I won't say anything tonight that I didn't say to him personally. One of the Commissioners, in an earlier meeting, said that we are going to put people out of business with these rules. That is an admission that this is a business operating on the shoreland of our lakes. There are ordinances for that. That has always been my concern. Let's make sure that we treat them like businesses. Enforce the rules that we come up with. I agree, most of the people that my neighbor rents to, I have no problems with. I don't come to my cabin so that I have to have a problem and call my neighbor about their renter. If I had one neighbor, we would have an understanding and things would be fine. But I might have seven neighbors that create an issue. If we have rules that govern it, then we will live with those rules. We are operating right now with no rules. I am excited to have an ordinance in place, and I am excited for it to be followed and enforced. I agree with septic systems, lights, sound, and the whole nine yards. I appreciate that we have people like Skyler that will come to our area and invest, but you are not the whole game. There are many of us that have been coming there for years, and we contribute to your economy enormously. When we decide that we don't want to be there because we are living in between a bunch of rentals, the slack won't all get taken up by people coming as renters. We can agree to peacefully coexist, but we need rules that make sense and aren't watered down. I read through some of what you looked at tonight. What is the definition of "stiff fine"? That is language right out of what you are looking at tonight. I think that most businesses are regulated by conditional use permits. You want to run away from having conditional use permits. I think conditional use permits would be a wonderful addition to regulating this. It isn't to run them out of business, it is so that they can peacefully

coexist. In most parts of our state, when you become a business, you are regulated. If you change the use of a property and it becomes commercial, you have to tell the neighbors that you now have a commercial property operating next to them. They can't just suddenly appear. I believe as a community we can come together and find a way forward where we can all continue to enjoy our wonderful resource of Hubbard County.

Tim O'Neill, 3537 W Fuller Street, Minneapolis, stated I think it is a good segue that neighbors can get along. Paul and I talk over the bonfire at night. We have disagreements, but we can talk it through. But, just to fill you in Paul, approximately the first fifteen callers that have called in tonight have all been positive towards short-term rentals. We know that we need regulations. My wife's family has owned their cabin in Hubbard County for over 40 years. My wife and I bought the cabin next door to that one in 2007. We enjoy it with our four kids and go up for many weeks in every season of the year. It is a very emotional place for us. We have rented our cabin to many of the same families year after year. We are in favor of the Board passing some regulations to make the short-term rentals consistent in Hubbard County. Many of the items that you have discussed at your recent meetings, such as septic compliance and a place where residents can file complaints of noise and parking issues are reasonable. We are in favor of them being discussed further. We are also happy, something that hasn't been mentioned tonight, that the Minnesota Legislature just passed the new short-term rental property classification for non-homestead homes and cabins that are rented for more than 14 days per year beginning already for assessment year 2021, taxes payable in 2022. Clearly, the State of Minnesota recognizes the importance of these short-term rentals and they are trying to make uniform regulations. We are, however, concerned that your regulations should not be so restrictive that you are taking away many of Hubbard County's homeowners' ability to rent out our cabins. Three of the regulations that you have discussed at your previous meetings, we think, are overreaching. First, the proposed idea that you will no longer allow a short-term rentals on nonconforming lots. It is my understanding that as many as 1/3 of all lots in Hubbard County are nonconforming. Therefore this is not a reasonable expectation of a short-term rental. Second, you have debated considering a 500 foot buffer between short-term rentals. I would like to ask you what your basis is for deciding this. Will you grandfather in existing short-term rentals that are within 500 feet of each other? If two short-term rentals are currently within 500 feet of each other, are you going to have them take each other to court to see which one can continue to rent their home? With reasonable other regulations in place you would address concerns by both short-term rental properties, neighbors, and by the County in general. This 500 foot buffer will not be needed. Third, to limit the number of rental days to a maximum of 30 per summer. With all of the extra fees and taxes that we would have to pay, it wouldn't make sense to continue to rent as a short-term rental home. We also get ice fisherman and people in the fall and off-season that want to rent our home as well. In closing, we want to thank you for your discussion and really avoid over-reaching regulations because they may result in legal actions by short-term rental property owners against the County, just as it has in other Minnesota counties that have tried to (unintelligible) short-term rentals too strongly and arbitrarily. One last point regarding the Minnesota Department of Health, we only rent our property weekly. It is our understanding that you only need a permit or license if you rent nightly. I just thought I would make that clarification. That is something that we looked into.

Bonnie and Dean Beilke, 19214 219<sup>th</sup> Avenue, Nevis, stated since it appears we are taking votes tonight on positivity and negativity. We need to have two votes in for negativity for short-term rentals. We are next to Jason Hunter and Katie. We are working issues out with them. Ken Osterberg is also our neighbor, who also showed that he is opposed to short-term rentals as well. We have been up here for 30 years in Nevis. We have contributed to the community. We are members of the Headwaters Golf Course. We are well rounded citizens there. We would be there now, but we are retired. Now we are in Arizona for the winter months, but we look forward to returning to our peace and quiet back on Lake Belle Taine. When they talk about the fact that these renters are good people, we don't know that. They are all strangers to us. Our privacy and security have been compromised because of it. We keep our garage doors and our house doors locked at all times. We do not know who they are. There are large groups that come in. When these owners are saying they are all good, we have probably seen 20% of good. We have seen bachelorette parties, loud parties, and loud campfires at night, harassing loons, and littering on the shoreline. I don't want to go any further on that, but I just want to have two votes on the negative for that.

Annie O'Neill, 3537 W Fuller Street, Minneapolis, stated I am going to speak on behalf of my mother who was planning to call. She and my dad purchased a cabin in Nevis. It was their hope and dream. It is a very emotional family house for us. It has been in our family for a long time, over 40 years. About 25 years ago my father passed, and the only way that we could keep the property in our family, our cabin in Nevis on Belle Taine, was for my mom to rent it out occasionally to help pay for the expenses of it. She has continued to do so ever since. It has been 25 years that she has rented it from time to time. Sometimes she gets a retired couple. I know there have been neighbors up the street, when they have family that visits them, they have rented my mom's place. One time she called and she said that she rented to three nuns who were fishing. I just wanted to share that side of things. It is often people who are also seeking peace and solitude who rent there. Like I said, we have a cabin next door. I have never once heard any noise coming from her place. I just want to encourage you to think of all the lives that you are impacting if you make these restrictions too onerous for the property owners to be able to rent out their properties. We have heard some other people who share that these houses and cabins have been in their families for a long time. My mom is 75. She is a widow. She doesn't have income, obviously she is retired. This allows her to keep her cabin. I just really want you to think of the human side of this, and some of these restrictions just aren't practical. They would result in these property owners not being able to rent out their properties. I agree, there should be some laws in place. We all want it quiet and solitude, but we also want to keep our properties and support the area. It is a very special place to many, not just the business side of things, but the emotional side. We would love to be able to continue to come to Nevis and to shop in the shops and eat in the restaurants. I would encourage you to enact regulations that meet your goals of protecting water quality and limiting noise, but allowing these property owners to continue to maintain their rental income that they very much need.

Jane Eilders, 48124 501<sup>st</sup> Lane, Courtland, MN, stated my family is currently offering their home as a rental unit. We have had nothing but success with our neighbors throughout this last summer. We have actually contacted and discussed very thoroughly with neighbors on both sides. We have mentioned to them that we are renting. We have also asked them to

call or text us at any time of the night if there are any issues. We have had no issues with any of the renters that have come. Hubbard County is a wonderful area. I am concerned that with all of the additional regulations that are being proposed, it is going to really limit all of the area VRBO rentals as well as possibly hinder some of the renters. If word gets out that Hubbard County is a difficult county for these renters to have places to rent, that can hinder. We have a guest book of all of our renters. They list all of the area items that they go to. Restaurants, the logging camp, and Itasca State Park. They are patronizing all of these businesses. If we take that away, that is income that is not being made by those area businesses. I can tell you by the amount of recycling that is left in our area, they are shopping. They are buying lake toys. They are buying food. They are grilling. They are truly patronizing and spending money in the area. Again, I don't think that we want to hinder any of the rentals so that Hubbard County can continue to get that revenue. If this is going to be a hindrance, these renters are going to go elsewhere. We have contracted with renters into 2021, so we are very concerned with any of these stipulations that are going to be added. We were not aware of anything that was being put into place. I was a little taken aback to be honest with you. I feel that VRBOs are really being singled out. Some of the items that were mentioned actually impact all lake owners. VRBO rentals are not going to be the only ones that are loud. I could bring up friends, and we could have loud parties at any of the residences. There are issues with some of the other owners that fertilize their lawns and that gets into the lake. It seems like some of these rules are just targeting VRBOs. If there are a lot of concerns about septic use, water quality, noise, and lights, it needs to be targeted to the whole entire lake area, not just rentals.

Andres closed public comment.

Written public comment was received regarding short-term rental content development.

Andres stated we have received a lot of good information from citizens opposed and not opposed to the short-term rentals. I would like to assure the public that the Planning Commission is not opposed to short-term rentals. We are only trying to create content for the Shoreland Management Ordinance regarding the short-term rentals that best fits Hubbard County. We have utilized some of the drafts from other counties around us to develop our content, but the Planning Commission is not opposed. We are just looking at something that fits Hubbard County as a whole. I do appreciate all of the information, but I just want to put it out there that we are not trying to over-regulate these items. We will definitely take all of the public comment into consideration when we come up with our draft.

Kovacovich added there seems to be a lot of confusion. What are the Department of Health requirements for the rules and licenses? Who has to get one and who doesn't? I am wondering if staff could research that so that we have in front of us, in writing, exactly where the Department of Health would require a license and what those license requirements are. If the Department of Health is requiring some things for some, but maybe not all, we need to craft our ordinance so that we are not duplicating what is already in place at the State level. Maybe mention in the ordinance what is required, but to me at least it would be helpful if we had the exact Department of Health requirements in regards to licenses on short-term rentals.

Andres asked Buitenwerf is that something that you could look into in the future? Is that something that you would be willing to address?

Buitenwerf answered I can give you some information tonight, and that is that the Department of Health has a one week threshold. Anything rented for a week or less, they license. Anything greater than that period, they do not. What they indicated was that a number of operators will list their rental period as greater than that one week period to avoid the need for getting the Department of Health license, and the Department lacks the ability to be able to verify if that is indeed occurring or if the rental period is within that one week window.

Kovacovich said when you say one week, their requirement is if you rent for seven nights or more?

Buitenwerf explained seven nights or less.

Kovacovich clarified so if I rent for eight nights, I wouldn't need it.

Buitenwerf replied correct.

Kovacovich continued that is helpful.

Grob added if they advertise to be rented for rent for less than seven days, then the Department of Health would get involved. For the Department of Health to not be involved, they would have to guarantee that they are renting for more than seven days. Seems to me that most of these short-term rentals have a lot of just weekends. They would fall under the jurisdiction of the Department of Health.

Kovacovich stated it still would be helpful to know what their requirements are for the short-term rentals that they do license.

Grob added I agree.

Andres said I agree as well. I do think that is one of the stipulations that we should have in our ordinance. If they are going to have a short-term rental, they need to be licensed by the Minnesota Department of Health. We have had one gentleman tonight that states he is licensed. He put that out there, that he has his inspections. He pays for a yearly review. He meets all of the Minnesota Department of Health requirements.

Buitenwerf pulls up the Minnesota Department of Health website.

Andres comments on the vacation rental home, it said one night or longer, is that correct?

Buitenwerf answers that is what it states, but I have visited with the Department of Health staff, and they were the ones that claim that they only license when the rental period is seven nights or less.

Andres continued it says if you rent for periods of less than one week. That means less than one week at a time?

Buitenwerf responded that is how I read it.

Andres stated if they have a one night rental, or just an overnight rental, they would be required to have a license, correct?

Buitenwerf answered yes, if it is for a period of less than one week as it states on their website.

Andres added basically every short-term rental that commented tonight should have a license through the Department of Health. That is my interpretation.

Grob said I think in the suggested short-term rental requirements, Section 402, Number 4 under Item E addresses that issue very well as a requirement. It is demonstration that the short-term rental operation has a license issued by the Minnesota Department of Health or written certification from the property owner that states that a license is not required from the State.

Andres commented I agree with that as well.

Grob continued I think that covers that. If I step back from what I have heard tonight, most of the people who spoke are ones that already rent and are concerned about what the requirements are going to be. Clearly I heard not to restrict the number of days in a year, or in the summer months, that they can rent them. That is something we were considering that is probably not very favorable, along with the idea of conforming lots. I think that is a restriction that we could forego that we talked about. I think that what Buitenwerf has proposed is probably about 85% correct as is. I do think that the County is going to need some sort of a permitting process, or registration process, somehow having a record of where the short-term rentals are and some information about them. I noticed that short-term rental from Burnett County, WI, was a neat one. The second issue I see are those people who spoke up and said they own multiple rentals. I see those as a business. People owning multiple rental properties as a business. I think there ought to be a bail out item here. They should be under a planned unit development requirement because that is where you can bring into account the impact on neighbors. If a person is renting, and the place that they rent is the only place they rent, and they have neighbors, neighbors can solve issues. Neighbors get to know each other. Neighbors can help each other to encourage the short-term rentals. But, if someone owns multiple units and it is a business, they are not readily available or around that people can talk to. I guess if people are owning and buying multiple units with the full intent of a business, that should come under a PUD. I think the last thing that we need to discuss is the penalty for noncompliance. I don't have any answers. I think we need to look at those three things. I think Buitenwerf covers it very well in what he has proposed in the revised Shoreland Management Ordinance draft that he handed out. There is one third issue that I think needs to be considered. We should limit the use of the main residence, or unit, on a piece of property so that campers, guest cabins, and tents can't be added to the rental. That helps with the noise and commotion. I think beyond that, Buitenwerf has a very good draft. Most of the people that I heard speaking tonight would pretty much agree that those are reasonable requirements.

Andres stated I agree with Grob on multiple items. We basically need to establish the framework for this short-term rental draft. The November one is a very good guideline for us. We need to add items to it so that we can forward it to legal counsel for review. I do

think that we need to address Item B, with the short-term rental being located on a lot that meets all of the minimum lot size requirements. As we know from the analysis that we received, 1/3 of our short-term rentals are on nonconforming lots. I don't know at this time if we need to scratch that verbiage. I would like to get some input from the other members on that. We did have a lot of public comment on nonconforming lots.

Grob said I think the data that was presented to us, if we put these other boundaries on things in terms of cabins and campers, and limit it just to the main structure, a nonconforming lot is not going to have a huge home on it where you are going to have a lot of people. It is self-limiting. I would be in support of taking out Item B.

Andres asked Kovacovich how do you feel about Item B?

Grob continued I think we should add that the use of guest cottages, recreational vehicles, accessory structures, tents, etc, or anything other than the primary residential dwelling unit on the property to provide additional occupancy is prohibited. I would like to add that one.

Andres said I will take that down to review. At this time, can we just go through one at a time and have discussion on whether we keep it or delete it?

Petersen added I agree with that, Andres.

Andres stated Item A is very valid in my opinion.

Petersen and Johnson agreed.

Andres continued Item B. Grob and I are both on board, along with all of the public comment, that we delete Item B. Kovacovich, how do you feel about that?

Kovacovich replied I think we can delete that. What our real concerns are, in regards to water quality and peace and quiet, can be addresses regardless of Item B. I can see eliminating Item B.

Petersen and Johnson agreed.

Andres read updated Item B. There is a limit of one short-term rental per lot. We have had a little public comment on that. There are multiple lots side by side, but I don't recall anybody specifically saying that they had more than one unit. Do any of the members have any comments on limiting it to one rental per lot?

Grob added I didn't hear any comments tonight that would say that is not acceptable. Most people talked about having a home or cabin. One residence on a lot. I don't see that it would be an issue.

Petersen stated I agree.

Johnson asked if I inherit my dad's house that had a guest house, I can't rent the guest house and his house?



Andres replied I think that we need to address that after we go through all of these. I am not exactly opposed to having the guest cabin rented. I would just like to get a little more input and see what the other members feel. Can we address that at the end?

Johnson agreed.

Andres continued unless you are trying to explain to me about one per lot, the guest cabin would make two. I understand that.

Kovacovich said if I have a property with a guest cabin, and I treat that as one rental. If you come to rent my place, you are renting the guest cabin and the home. Would that be allowed under this?

Andres answered to my interpretation, that would not be allowed. We would have to make some adjustments. In my interpretation, that would be two. I am not opposed to a guest cabin and a home. If I owned a home and wanted to rent my guest cabin, or if I had one room in my home and wanted to rent my entire guest cabin, I could see where maybe applicants would like to do that. I am currently not opposed to more than one, but I would like to have input from other members. I do know that there was public comment on having a home and an RV.

Peterson clarified what was your question on that one, Andres?

Andres said Item B limits one short-term rental per lot. What if an applicant or owner has a house and a guest cabin, or a house and an RV unit?

Johnson added and also having a lot that is plenty large enough to have a camper there, but not large enough to subdivide to allow two rentals?

Grob stated I think the point with the guest cabins and campers is that generally people use those as overflow when occasionally family comes to visit. If you put those into the pot with the main unit and all of the people that I heard talking tonight rent out for most of the summer, that would imply that they could potentially have that guest cabin or camper full all summer. That is much more potential for noise and commotion for neighbors. I am on the side of no. Maybe the guest cabin, but clearly not allowing for other things. You can have a camper on your property for 6 months temporarily. You wouldn't want people pulling in a camper and then renting that out along with their unit.

Johnson said I definitely think that it should be more than one just because of different situations. Are we going to develop this tonight to send off to the Commissioners? Or are we just going to get this outline and then go back and talk about these?

Andres tonight we will review this November content. If we can flesh these out and just have the framework established, I would like to submit it to counsel for review. Not submit it to the County Board, but just submit it to legal counsel for review.

Kovacovich added if it is a permanent structure, a true guest cabin, I guess I am not having a lot of problems with that being rented. I am certainly having problems if that includes trailers and RVs.

Andres asked would we be able to change the wording on that? If we limit it to two short-term rentals per lot and then restrict RV campers, accessory structures, and tents.

Johnson suggested could we let that septic system sizing determine that rental size?

Petersen added that would make sense.

Andres replied yes. Do we need to put in separately, or does Item C cover that? I believe Item C covers that.

Johnson said do we put in that you must meet that?

Andres continued we could put that in. Short-term rental(s) on the lot must be properly sized to accommodate the structure(s).

Buitenwerf asked Andres to repeat.

Andres stated on Item B, that the short-term rental(s) on the lot must be properly sized to meet the structure's maximum occupancy. That covers whether we have one or more than one. Does everybody understand that?

The Board clarified which line item that they were discussing, the current Item B, and the fact that the prior Item B was deleted due to previous discussion.

Kovacovich added I think that it is important that it be limited to permanent structures, so that we are not including campers or RVs in this. I just don't think that the short-term rentals should include an RV or camper, those things seem like a whole different ball game than a permanent structure. Our rules on campers are completely different. If I own a lot, I can store my RV on my lot. I have an issue if we include RVs being allowed in this.

Andres explained I believe the consensus among the members is that we are not including RVs, tents, or accessory structures. We are going to add that verbiage in there.

Johnson and Petersen agree.

Kovacovich added I am good then.

Andres asked Johnson do you want to help me with the verbiage for Item B so that it will include rentals, plural, with the properly sized septic, or does Item C cover it?

Johnson asked Buitenwerf for assistance with the wording.

Buitenwerf asked for clarification.

Johnson stated I wouldn't want to limit it to only one rental per lot if I could use the septic sizing to accommodate more rental. Maybe I want to build a guest house and have a second rental on a large enough piece of property. If I had a big enough septic for it, then I would be allowed to have two.

Buitenwerf replied then I would suggest just striking Item B entirely. There are dwelling unit density standards that regulate the amount of dwellings that are allowed. That speaks to that issue, making sure that you don't exceed what the particular lot is allowed.

Andres asked for objections. There were none.

Andres clarified we eliminated the limit of one short-term rental per lot. We struck that out.

Grob added I don't agree with that unless there is another statement that reflects the fact that RVs and campers can't be rented. I am not in favor of allowing guest cabins to be rented. Guest cabins are typically used part of the time for visitors, now you are making that available full time. All of the people I heard tonight that rent their homes are renting them for the whole summer. If I live next door to one, now where there is going to be two or three families all of the time instead of a single family and then periodically the guest cabin. Whether we cover that with one short-term rental or whether we cover it by the main unit only and guest cabins can't be rented. Unless we fill that in with something else, I am not in favor of getting rid of it. I am 4 – 1. My mindset is to absolutely allow short-term rentals, but what I don't want is for this to start affecting property values and peace and quiet for thousands of people who already have cabins that now all of a sudden are in a different situation. We talked about property values of people who have STRs. We have to think about the property value of people who may have to sell their homes because there are STRs on both sides of them.

Andres added I think it is clear from all the members that we do not want to allow RVs, campers, accessory structures, or tents. We definitely will have that verbiage in there. As for the guest cabin portion, I personally don't have that same view. I do understand and appreciate the comments, but at this time I am not opposed to the guest cabin being rented. If any other members would like to speak up, now would be the time.

Johnson stated I am in agreement with being able to use the guest cabin as a short-term rental.

Petersen added I am not opposed to guest cabins. I am opposed to the RV situation. The guest cabin itself, my main concern is that we can make sure that their occupancy ratings are correct for the buildings. That they are not stuffing more people in there than should be allowed for any particular building. That is more my concern than the actual guest cabin itself, I have no problem with it if it's properly used.

Kovacovich said I agree with Petersen.

Andres stated at this time we will have it deleted. Now the current Item B is that the septic must be properly sized, we all agree on that. The next one is the following documentation must be kept on file and provided to the Department within 120 hours upon request by the County. The first one is passing a water test for nitrates. That is an easy thing to provide. That should remain.

The Board agrees.

Andres continues the next one would be the current SSTS certificate of compliance for the system(s) servicing a short-term rental. The installation of a flow measurement device is required. Daily flow recordings must be taken at the same time each day and a written log kept of said recordings. Do any members have questions or comments on that?

Johnson commented it is a true evaluation of what the true use is. When the County uses what the State has for sizing standards, there are built in safety factors. I think it is a good thing for a short-term rental owner.

Grob asked do we need to insist that they install flow measuring devices? Is that a little bit overboard?

Johnson added I do know of a comprehensive plan where the DNR did have that in the works for all rural water owners. People that have city water pay a certain tax for water protection. All of the home owners that own privately are not paying that tax. There was something going down that line at one time.

Andres stated I would like to get a consensus of all the members if we are going too deep with the installation of a flow measurement device?

Petersen asked can you tell me where a flow measurement device is currently used in a typical situation? We don't see it in residential, or do we?

Johnson answered we do see it in residential. It is put where you want to measure the water for the treatment area. You wouldn't want to measure the water that is going to be sprinkling a lawn if it is going to be used to size a septic system. For this application it would be put in at the source, but probably have the outside hydrants before the meter.

Petersen clarified what I am asking is that it is not used in every residential situation?

Johnson replied it is not. The best that is being done now is the softener systems are monitoring it now through computer, but it is not part of it unless you are into a community septic system. There are requirements then, but not for a standard residential house.

Kovacovich added if we are trying to not have a lot of enforcement and obligations for the office, I would like to hear if this changes that. Are we are putting a workload on that really can't be accommodated?

Buitenwerf explained as far as the office is concerned, I am content with the certificate of compliance requirement solely. Flow measurement allows you to look at certain situations where the hydraulic conditions of the system are the issue, and then having that data allows you to try to better ascertain what is going on and what is causing the issues. It is a nice thing to have, but the way that we have this structured it would be information that they would have to keep and provide to us when we have reason to ask for it, which would be investigating a complaint. I can certainly live without the flow measurement component. It is by no means a deal breaker.

Kovacovich asked does anyone have any idea what kind of cost would be incurred by having this, both the installation and the operation of something like this? I am just not

familiar enough to know if this is putting a tremendous burden on. What is the cost of something like this?

Johnson responded I would say \$500.00 just off the top of my head. I don't know how much a meter is. It would depend on the size. With the installation labor and a meter for a 2-3 bedroom standard residential house, I would guess \$500.00.

Grob added I think that is a burden that we can live without.

Andres said I agree. Since staff has also given their indication that having it removed would be okay as well, if all of the members are in favor at this time, we will delete the installation of the flow measurement device.

Petersen stated I agree.

Johnson said I would agree except for if an owner could use it to prove to the County that they only use so much water to add something. I think that you already have that in the Ordinance?

Buitenwerf explained a landowner can certainly always install a meter and then keep that data and provide it when it would be able to be used to help them in reducing the sizing of a system.

Andres read the next one is the proof of currency on Hubbard County property tax payment.

Board members are all in favor.

Andres read the next one we have discussed, the demonstration that a short-term rental operation has a license issued by the Minnesota Department of Health or written certification from the property owner that states that a license is not required from the State of Minnesota and the reasons. I believe that we covered that earlier with our discussion. I believe that should stay in place. There are short-term rental owners who are already utilizing it.

Board members agree.

Andres continues the next one would be a registration report detailing use of the short-term rental by recording the full name, address, phone number, and vehicle license number and the state in which the vehicle is registered of guests using the property and each guest party's duration of use. Said report must be maintained for the initial year of operation and thereafter for the calendar year prior to the current date's year as well as the most recent 365 days. Do any members have comments on keeping that?

Grob stated I think that would be appropriate.

Andres added I am not opposed to it, documentation should be kept. If it is a business use, they should have some type of documentation and the log.

Board members agree.

Andres read sufficient vehicle parking shall be accommodated completely onsite in areas set back 10' from property lines.

Grob added that is definitely appropriate. Some of the other counties have added the fact of no street parking, etc. Do you think that we would want to add that to make sure? In order to rent, there should be adequate parking space. I think some of you on our site visits have found places where the roads in are just on grass or dirt. In order for things to be rented, there ought to be some reasonable parking area that is more than just a grass field or a dirt path. Maybe that is infrequent, but I am just wondering if we should add a little more to it instead of just 10' from the property lines?

Petersen stated I think that the language in that sentence is sufficient. I think that it says what it needs to say. I personally don't have any problem with the language there and I think that it is sufficient in what it says.

Grob said if everybody else is okay with it, I am okay.

Johnson asked Buitenwerf if this was drafted as an ordinance then, would you have to state something if you had an agreement with the neighboring property? Like when you can get a property agreement between people when they do a septic system and put it right on the line? Or would this require a variance because it would be stated 10', and no matter what you would have to stay at 10'?

Buitenwerf replied as it is written currently, it would be the latter of the two options you mentioned. I don't know if it is worth doing something like a lot line agreement like we use with septic systems because then we are getting into pretty high administrative situation which we are trying to avoid.

Andres said I am supportive of Item D with the 10' setback. At this time, whether it is a short-term rental or whether it is just your everyday neighbor, if there are parking violations, I would call Hubbard County and let them know there is a parking violation. That is what I would do in that situation with a parking issue, you would contact the local sheriff's office and have them address it.

Kovacovich asked do we need anything to say that you can't park on your drainfield? Utilizing your drainfield as your parking lot.

Grob said that is the owner's problem if they park on the septic system.

The Board agreed.

Andres read on-premises advertising signs are prohibited. I agree with that. I don't think the neighboring properties want a sign in the yard stating there is a VRBO or Airbnb.

The Board members agreed.

Andres continued next item, property lines must be clearly and conspicuously marked. I agree. I think that all of the property owners that have VRBOs need to definitely have boundary lines established for themselves and for the neighboring properties.

The Board members agreed.

Grob stated if there was a short-term rental next to me, I would make sure that I marked my own property lines. I think it reminds people one more thing that makes for better neighbors.

Andres read all outside lighting must be hooded, meet all structure setbacks, be directed straight down toward the ground, and be a maximum of 20' in height. I agree with that statement.

The Board members agreed.

Andres read rooms used for sleeping shall be provided with egress windows that comply with the Minnesota State Building Code and with smoke detectors in locations that comply with MN Statute, Chapter 299F. Carbon monoxide detectors shall be installed in locations that comply with MN Statute, Chapter 299F.51. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof.

Andres stated this will all be covered in their Minnesota Department of Health license. It is fine to keep it in there, but it will be covered in their license as well. Is there anything in there that anyone has questions or comments on?

Grob asked what is the source? I assume that those numbers come from some other documents. What is reasonable for living space? I wouldn't know.

Buitenwerf replied as the draft indicates, that language was pulled from Kanabec County's content in their Ordinance.

Kovacovich stated I think that it should stay because right now I believe there will be people who can operate without a Health Department license.

Andres added I am in favor of keeping it.

The Board members agreed.

Andres said the next thing that we need to add is a statement prohibiting the use of RVs, accessory structures, and tents.

Grob mentioned it goes back to our October draft. Use of recreational vehicles, accessory structures, tents, etc. or any item other than the primary residential dwelling unit on the property to provide additional occupancy is prohibited. Now if we want to take the guest cottages out of there and fold that in someplace else we can do that, but I think all the rest of that statement could be used as is.

Andres stated I agree with you.

Grob added at this point it would be noncontroversial. We could put it in, and maybe we can come to agreement later about how we add guest cottages into that Item B where there is a limit of one short-term rental. I don't have an answer right now, but we could fold guest cottages in someplace else if we wanted to allow them to be used, but all the rest of that stuff should not be included.

Andres asked does anybody else have any other content that they think we need to cover? Right now, this currently covers a lot of the public comment that was brought up. The concern about the nonconforming lots, this maintains their ability to operate a short-term rental as long as they are in compliance with everything else, getting the Minnesota Department of Health licensing. As far as noise and parking that have been addressed, those are issues that staff does not regulate, but the Hubbard County Sheriff's Department can. If you have a noise complaint, you should call the Sheriff's Office. If you have parking complaints, you should also contact the Sheriff's Office. If they do have complaints, Environmental Services may be contacted as well so that they can have a contact record of violations or complaints. Anybody have any comments towards that?

Johnson asked what if they have a history of renting an RV on the property for the last three years?

Andres stated we can add that in there if you would like. The question is if there is a current RV and that was the only item on the lot was an RV being utilized as a short-term rental. If they can demonstrate that the short-term rental has been in operation, could they still use it?

Grob clarified if there is an RV on the lot and it is permanent, it is considered a permanent structure, right? Otherwise, if it is a temporary one it has to be removed after 6 months, right?

Andres asked Buitenwerf can you give us some guidance on the RV? Currently if there is a landowner that has a lot and the only item on the lot is an RV unit, I know that they can get a land use permit for that RV, correct? If that was the only item on the lot, at this point in time, I do not believe we have verbiage to cover that unless we add.

Buitenwerf stated Item I that is inserted at the end needs further work to address that situation. From staff's standpoint, I don't have an issue with a lot that has an RV on it as the primary dwelling and that being used as an STR.

Grob asked how many people are going to rent STRs with just an RV?

Andres explained there are several that rent just an RV. I have seen them on VRBO and Airbnb.

Buitenwerf added I can think of some examples as well.



Andres stated we need to at least address the one that Buitenwerf mentioned that contains the RV.

Kovacovich mentioned I don't know if this verbiage works. Use of a recreational vehicle unless it is the primary residence? Would that cover it?

Grob agreed something like if the recreational vehicle is the primary residence.

Kovacovich added I have one other thing. In going through what Hubbard County COLA sent, I don't know if this is a requirement or how we do it, but I really like the idea that owners provide the rental people with the AIS information, especially the phone numbers where they can get decontaminated. The more new boats that we have increases the likelihood of the AIS being introduced. I don't know how we put it in here, but I would like to encourage owners to have that information available to their guests.

Grob stated I think that the County or somebody needs to have records or a registration on all of the short-term rentals. COLA could provide those people with a little sign with that information, or Environmental Services could, and they could post that in their homes. I think if you start saying AIS, people can start thinking of other things that we can be teaching them and telling them to do.

Kovacovich said as long as it is covered. Not just in the cabin, but made available for them so that those that choose can include it in the website or rental agreements.

Grob added we worked with resorts over the years. A lot of the resorts, when they send information out to their guests, they include that information about AIS and the decontamination station that could be used before they come.

Kovacovich agreed. That is what I am after.

Andres asked are you wanting to add something to this to cover that?

Grob said I don't think on this. I don't think we can solve it tonight. I would like to ask Buitenwerf if he could propose to us what process that is most cost effective and time limiting use for us to be able to track all the short-term rentals in the County. Is it a licensing process, a permit process, or simply just a registration process on an annual basis where all short-term rental owners need to file a registration certificate or document that is simple? Who they are as the owners and how to contact them. Some simple information about what they are renting. Confirmation that they know what the requirements for a short-term rental are. I think we need to have a simple process that ends up documenting what the short-term rental requirements are in the County. Buitenwerf, if you can propose what you think would be the most effective way to do that, I would like to propose it.

Andres asked Buitenwerf do you understand Grob's request?

Buitenwerf answered I do. It runs into a catch 22, where the issue that you raised of people not knowing, you have to have the ability to identify them to make them aware of the registration requirements. If they aren't aware of that, then they don't get the registration. You kind of run into the same issue of wanting a registration in order for them to be informed of the Ordinance content.

Grob stated I think it would work out over a period of time. I guess that it is more important to me that once they know they are a short-term rental, that they know what the requirements are. There are all kinds of reasons that I could make the argument. Let's say I am going to buy a cabin. As a perspective owner, and this will become more common as there are more and more short-term rentals, I would like to know before I buy that property whether the next door cabin is being rented full-time as a short-term rental. I might not want to buy. Second of all, if I notice the cabin next door has a different family every week, I might like to know if that is a short-term rental situation, and I would like to know who to get ahold of, which would be your office. I could come up with several reasons why somewhere there should be a record of all the short-term rental units in the County. Otherwise, this is just wide open. There may be other ways. The Assessor might know all of those. Environmental Services might know them. You wouldn't have to make it oppressive or extensive. I could see a single page document where on the back side it lists all of the requirements of 402, and on the front side some basic information of who to contact. I have heard someone that owns multiple units, people from out of state. It would be nice to know where those people are in case you have to get ahold of them or if there are any questions about the property. I don't know if that is a licensing process or a permitting process where you have to validate all the information. It is a little bit different than somebody once a year taking 10 minutes and filling out a document and you having it on file.

Johnson stated we run into the same thing with the realtor that sells the property with violations and they never know about it. How do you disclose that so that people won't get hurt?

Grob said at least there is someone that could check it out. Part of the problem is that people get hurt because they don't take the time to track things down.

Andres added I understand your questions and concerns there, Grob. One of the things that we considered was the permitting process with the Environmental Services being understaffed to support that. A permit process is not conducive without additional staff resources. They already had an increase of 17% - 20% in permits according to the calculations that we received. Any new regulations would not be positioning the department for success. I was going to ask Commissioner DeLaHunt if he has any input from the County Board as to additional staffing if permitting is the desired route.

Grob mentioned with a permit process there is a lot of follow-up. That is a little different than someone just filing a piece of paper that has record that it is a short-term rental. There is no validation of the information. It is all self-compliance. If you get in 100 sheets of paper that go into a file. What if you charge a \$100 registration fee?

Andres said I understand. I just wanted to get Mr. DeLaHunt's input from the County Board at this time, if permitting becomes an option down the road. At this point our draft does not show permitting, but if it changes to that route I would like to get his input.

DeLaHunt replied we haven't really discussed it at this point. It would come down to looking at the numbers and seeing what would be needed. Just speculating, probably a half time person at the very minimum. It is possible, if you decide that you want to go down that route. I don't think that anybody has closed the door on that completely. If you could figure out a way to do it without a permitting process, I don't know which way the Board would view that. Whatever you think serves best.

Grob added permitting and licensing can get pretty time consuming. Let's say that we charge \$100.00 x 150 registrations. That is \$15,000/year. That surely could hire a temporary employee for a month or two to just log all of those things in. I saw that Burnett County, WI, they require all registrations to be in between the first of January and the first of February every year. You could put a limit on it. It could be a short-term thing where somebody takes and logs those in, maybe puts them on a spread sheet. You wouldn't have to have a permanent employee of any kind. I just think that we will make a big mistake if somehow or another we don't keep track of the simple information for short-term rentals. I think that you will end up spending more time running things down when people have questions, as opposed to opening a file and looking it up.

Andres stated I think that we had a lot of comments on limiting the number of days for rental. This draft has not put any limitation on the number of days. We covered the nonconforming lots. I believe we covered a lot of the questions that we had during public comment. Are all of the members content with requesting staff to forward this draft to legal counsel for review? Is there anything else that you may or may not want to add?

Johnson asked did we vote on the 500' apart restriction?

Grob added I don't even know where that came from. Did we ever have that discussion?

Johnson explained maybe it was on the first draft and is gone now.

Kovacovich stated I am certainly okay with preparation and getting legal counsel to take a look at this. I still want to know the Minnesota Department of Health requirements and what they would require for a license, to make sure that we are not missing anything. I am also intrigued with a registration, but that needs to be next month's discussion.

Andres asked Buitenwerf do you have any questions regarding the request? Is there anything that we need to address on that point?

Grob commented I think counsel agreed that the definition in the Shoreland Management Ordinance was good. I assume that Buitenwerf is okay with that.

Buitenwerf replied the definition that counsel provided, I am comfortable with. It was no deviation from what we had started with.

Andres proposed to forward the short-term rental draft to legal counsel for review and to get some information from the Minnesota Department of Health regarding licensing requirements for short-term rentals. The Commission consensus was to do so.

**New Business:**

**Shoreland Management, SSTS, Sign, and Subdivision Ordinance Amendments**

Andres stated we are definitely out of time tonight. I believe that we will need to review that next month.

Buitenwerf agreed. I would be comfortable, in light of the time of day, taking the housekeeping amendment items up at the January meeting.

Andres stated I agree.

Grob asked Buitenwerf will you re-issue the draft of the Subdivision Ordinance with those multiple changes that you mentioned in your email today?

Buitenwerf replied yes. That is what I sent out, but I will send an updated draft that incorporates tonight's actions.

Andres stated the Shoreland Management, SSTS, and Subdivision Ordinance Amendments being placed on the January agenda. We will move on.

**Miscellaneous:**

**Communications:** Andres stated next month the election of officers will be held.

**Adjournment:**

Grob made the motion to adjourn.

Kovacovich seconded the motion.

The motion carried unanimously 5 – 0.

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Staci Lee

Recording Secretary