

## **HUBBARD COUNTY**

### **Planning Commission/Board of Adjustment Meeting Minutes**

6:00 p.m. on Monday, January 25, 2021

The Hubbard County Planning Commission/Board of Adjustment (PC/BOA) held its regular public hearing and meeting on Monday, January 25, 2021 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.

Chair 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 Ted Van Kempen.

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.

#### **Election of Officers: Chair, Vice-Chair, and Secretary**

Andres asked for nominations for the 2021 Planning Commission/Board of Adjustment Chair.

Grob nominates Kovacovich for Chair.

Andres seconded the nomination that passed 5 – 0.

Johnson nominates Grob for Vice-Chair.

Andres seconded the nomination that passed 5 – 0.

Grob nominates Andres for Secretary.

Johnson seconded the nomination that passed 5 – 0.

Grob suggested if everyone except for the Board and the current applicant would turn off their microphone and video feed, it would help us better track who is speaking.

Kovacovich repeated if everyone who is not part of the Board and not at that time speaking to the Board would both mute their sound and their video feed, it would be helpful to us.

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

##### **Approval of Minutes: December 21, 2020**

Grob made a motion to approve the minutes as presented.

Andres seconded the motion that carried unanimously 5 – 0.

**Old Business:** None.

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

[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: Part 1: An after-the-fact (ATF) variance from Section 702 of the Shoreland Management Ordinance (SMO) for a lakeward expansion of a nonconforming structure; Part 2: An ATF variance from Section 502.2 of the SMO for a lakeside platform within the 100' ordinary high water mark structure setback.

Ron Paumen, 12781 Far Portage Drive, Park Rapids, MN, presented the application.

Paumen stated we bought this property on September 27, 2019. We were not aware of the situation at the time that we bought the property.

Grob added I think that it was identified that the enclosure of the porch area was done back in 2005. Have you been able to determine when the concrete platform was laid in front of that porch?

Paumen replied I am assuming that it was done at the same time. The earliest pictures that we found online through Zillow were from June of 2017. The patio was there and that was prior to the people that we bought it from.

Grob clarified so you don't know how long it was there before you purchased it?

Paumen answered I do not know an exact date. When we bought the place we had to replace two outside screens because they were rusted. We only can use two of the patio doors because the rotors in the bottom are rusted. I am assuming that it was put on close to 2005.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Grob added the transgression is very extensive; however, the enclosed deck has been there since 2005. I think the applicant has been very cooperative and very willing to work with Environmental Services on this issue. I also noticed that if you go down by the lake there is a tiered shoreline protection buffer zone on the surface of the hill. It doesn't show any erosion. The point that I am observing is that this addition that was lakeward doesn't have any significant impact to the lake. I would offer the thought that tearing down that enclosure and the platform would be extremely disruptive to the terrain and would not provide any material improvement to the lake. We might want to consider leaving this with some additional buffer zone shoreline protection as mitigation.

Petersen stated I agree with Grob as far as his evaluation.

Kovacovich said my thoughts are right on line with the two of you.

Andres commented I agree also, especially after the Assessor records listed they first noticed it in 2005. I think there would be a bigger impact by removing it and causing all that disruption. I agree with leaving it and the mitigation around the shoreline as a possible condition.

Johnson agreed. I am curious what Grob has in mind for mitigation.

Grob explained what I observed is that most of the steep part of the bank has rock terraces already there. There is also a little clump of birch trees. I would say if those rock terraces could be extended to the right all the way from the white stake at the top of the ridge to the brown stake down by the lake, and appropriate deep rooted vegetation was planted in those terraces, I think that would more than mitigate any runoff situation. It is wintertime, so I do not know what vegetation is in those terraces. Maybe Mr. Paumen can tell us. If it is really low growing, I might suggest the condition to

have Soil and Water Conservation District or a local landscaper look at it and come up with suggestions on what kinds of plants could be put in there. I would suggest extending the terraces all the way to the right where those stakes are and that the vegetation be reviewed by Soil and Water Conservation District and approved by Environmental Services for any additional deep rooted vegetation that could be placed to ensure that there is no erosion. Can Mr. Paumen give me any idea what kind of vegetation grows in those terraces?

Paumen replies we have not been here for a long time, but we have been working on it because of the erosion. It is sandy and rocky going down to the lake. I don't want the erosion to continue. To the right of the area you are talking about we already planted three evergreens. We are planting hostas, and we already bought the seeds for a creeping thyme. It is an erosion ground cover that will hopefully cover that hill permanently. We haven't got that started yet. We haven't been here that long.

Grob stated my condition would be that Soil and Water Conservation District staff and/or professional landscapers should review the situation and make a recommendation to you to be approved by Environmental Services for mitigation on that slope.

Paumen asked what is my part in that?

Kovacovich explained your part of that would be to contact either the Soil and Water Conservation District or a professional landscaper. Go over with them what you have done, what you plan on doing, and also ask them for suggestions. Then submit those plans to Environmental Services for approval. That is the suggestion for the mitigation to approve the after-the-fact variance request.

Grob asked does Mr. Paumen accept that condition?

Paumen replied if it is not expensive. I know a little bit about conservation and protecting water sources. My plan is to put plants in there, stop the erosion, and make it look good. I will continue to do what I can to make it keep this lakeshore from eroding, but I am also wanting to make our house look good too.

Kovacovich asked would you be open to having Mr. Paumen, since his background is in the watershed districts, submit a plan to Environmental Services for approval? That way he could bypass hiring a landscaper or going to the Hubbard County Soil and Water Conservation District.

Grob replied I am reluctant. I understand what Mr. Paumen is saying; however, erosion on lakeshore property is a different animal than farmland drainage ditches. I don't think that Soil and Water Conservation District charges anything. I would at least like to see an opinion from another source and have it documented. I have seen cases where people promise to do things and over a period of time it goes away.

Grob made a motion to approve both parts of the variance application with the condition that the applicant work with the Hubbard County Soil and Water Conservation District to develop an erosion control plan for the property's shore impact zone, submit it to the Environmental Services Department for approval, and then implement said plan.

Andres seconded the motion that passed 5 – 0.

The Board provided answers for the findings of fact questions 1 and 3 and adopted the staff report answers for questions 2, 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 applicant has been acting in very good faith and cooperative with the Environmental Services Department. He did not create or cause the condition, and it has been in place for multiple years without any significant indication of major erosion. He has tried to work on preventing and improving the erosion. I believe this is in harmony with the purposes and intent of the official controls for shoreline protection.

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? Enclosing the space beneath the deck due to the concrete sidewalls and probable concrete platform underneath is a fairly straightforward remodel and thus a reasonable, relatively inexpensive way to add livable space.

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? Although the variance is not necessarily unique to the topography, it is very clear that the owner did not create the situation. It has been in existence for a long period of time. There is no benefit to tearing up the current porch and platform since mitigation is possible on the shoreline.

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

Yes ( X ) No ( )

Why or why not? The OHW setbacks of neighboring homes range between 75-100'. As the lakeside deck already exists on this house, the enclosed space beneath it does not really change the area's character of being residential and largely seasonally used properties. Because the concrete platform is at ground level, it is not visible from the lake or obtrusive to neighboring properties.

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.

**Variance Application 51-V-20 by Brian Evans:** Part of Government Lot 1, Section 33, Township 141, Range 33, Mantrap Township on Spider Lake, a recreational development lake. Parcel 20.33.00120. Applicant is requesting an after-the-fact variance from Section 502.2 of the Shoreland Management Ordinance for an accessory structure located within the 100' ordinary high water mark structure setback.

Brian Evans, 22376 Glacial Ridge Trail, Nevis, MN, presented the application.

Evans stated we are looking for a variance on a building that was built off-site, brought in, and placed in the woods next to our house. We actually didn't seek out the code at the time. We didn't know what the setback was. Now we are at the point where we have to get our variance in and see if we can keep the shed there.

Andres commented the variance application site map shows that the current house and garage is at an approximately 78' ordinary high water mark setback. Although, I believe that it was permitted at a 100' ordinary high water mark setback. I did contact staff today to verify that. Utilizing the

measurement tools on the GIS map shows that it is inaccurate. It appears that they are at about 105' from the ordinary high water mark. The garage and the house are at setback.

Kovacovich opened for public comment.

No oral public comment was given.

Kovacovich closed public comment.

Written public comment was received in favor of the application.

Grob asked you had the structure built and brought in, as opposed to built on-site, is that true?

Evans answered that is correct.

Grob continued can I ask why you did not contact Environmental Services or take into account the required setback from the lake before you placed it where you did?

Evans responded I guess I don't really have an answer for that. I guess we never really thought about that. I plead ignorance and that is all. I apologize for that.

Kovacovich asked when was this placed on site?

Evans answered it was in August of 2019.

Grob added it is 41' from the ordinary high water mark. How much farther could it be placed back, at least to get it out of the shore impact zone, without encroaching on the road easement?

Evans replied that road easement would only allow us to move that maybe another 10' further. We would have to take some trees out. We could get it a little further away.

Johnson said I stepped it off and there was an area right up by the address sign to meet the 100' setback. It wouldn't be in an ideal spot for driving up to the house, but it would be in the lawn area. So, it could meet setback.

Grob asked Johnson where were you indicating that it should be placed?

Johnson explained when you drive into his place and turn to his apron on the front of the garage, there is a 911 sign there. There is an area in there about 20' x 20' or 30' x 30'. He could fit that structure there and meet setback.

Grob clarified on the garage side of the driveway?

Johnson replied correct.

Evans added the area that you are talking about has a deep slope right there. I don't know if that structure would be able to fit in there without moving a bunch of dirt. I guess I would have to look and see what is possible. It would be a little difficult. Then we have the drainfield and septic that runs through that side of the house there also.

Johnson said there would only need to be a block in the front and two blocks on the steeper side.

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

Petersen seconded the motion that carried unanimously 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 lot has sufficient width and depth with 81,664 sq. ft. of lot area per the GIS tax parcel map to allow the shed to be placed with a permit in a location that meets all setbacks. The lot is very level and free of any physical obstructions like a wetland that would prevent the shed from being placed in a location meeting setbacks. Thus, allowing the shed to stay at the requested 41' OHW setback in the shore impact zone would not be in harmony with the ordinance's intent and purposes.

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 having a 10' x 16' storage shed on a lake lot is reasonable, placing it in the shore impact zone on this lot that has sufficient depth and width for the shed to be placed in a location meeting all setbacks by permit is not reasonable.

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 ( ) No ( X )

Why or why not? The lot is 190' to 250' deep east to west and 270' wide measured north to south. The lot is level and free of any physical or topographic obstructions like a wetland in the area of the lot that meets setbacks. The variance need is thus created by the current landowner wanting it in the location in which it was illegally placed.

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 an even mix of moderate-density seasonal and year-round residences located on similarly sized and shaped lots. An accessory shed such as the one proposed is a typical feature on riparian lots. While this shed is in the shore impact zone, it is screened by dense mature pine tree cover and due to the State-owned island that lies ~125' out in front of the lot and runs the full width of the lot, it is not very visible to anyone on the lake or the other side of this bay.

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 application states no practical difficulty.

**Variance Application 52-V-20 by Jolkovsky Family LLC:** Part of Outlot A, McNelly's Addition, Section 30, Township 143, Range 32, Lakeport Township near Kabekona Lake, a recreational development lake. Parcel 19.48.01300. Applicant is requesting a variance from Sections 501.2, 1003, and 1006 of the Shoreland Management Ordinance and Section 4, Subdivision A.1.c.2 of the Subdivision Ordinance to create a non-riparian lot that doesn't meet minimum lot size or residential lot suitable area requirements in an existing plat of record without having to do a new subdivision plat.

Terry Freeman, authorized agent for the applicants, P.O. Box 292, Walker, MN, presented the application.

Freeman stated I am representing the Jolkovsky family and David Loch. David Loch owns a riparian lot across the platted street from this proposed lot. The remainder of Outlot A does not contain enough room to make two parcels that would meet the required size. We are requesting a variance from the lot size, the RLSA size, and to not need to plat this and do it through administrative subdivision instead. This plat was created in 1972. This Outlot was created then. Around 1992 a parcel on the south end of Outlot A was split off that only contains about 64,500 sq. ft. This substandard lot size would leave an 80,000 sq. ft. lot remaining for the Jolkovsky family.

Johnson asked is the owner of the lakeside home online here?

Dave and Sandy Loch, 27672 Majestic Pines Drive, Laporte, MN, replied we are here.

Johnson asked on the lakeside where you drive down with the snowmobile trail to the lake, I believe that is the north side, is that snowmobile trail on your riparian lot?

Loch replied yes.

Johnson asked how far beyond that then would the property line be?

Loch replied the proposal is even with it so that it matches the lot line exactly.

Johnson added I did a little research on this. I looked at the design for the septic. I looked at their existing septic and location. The driveway comes in at an angle and they have that snowmobile trail on the property. There is no room for an alternate septic site, the only site they have is their existing site for a septic.

Grob asked Johnson are you implying that it might be appropriate for this parcel to be able to be attached in some way to the current property such that there would be a second septic site in the future?

Johnson replied yes. What I am thinking is that there might be an opportunity for a permanent alternate site for the lakeside residence. I looked at it really close and I went by the online GIS. I am guessing that the line is about 50' from the north edge of the house, but they have a snowmobile trail that goes right down there. You can see that it has been there. I just wanted to bring up that information at this time.

Grob said my understanding is that the current road does not follow the plat line. The actual platted road is more to the west, based on the stakes. Therefore, this road steals part of the property that could be used for septic or buildings from the lakeside property because the road is actually not built to where it is platted. Buitenwerf, because the road is there, this piece of property can't be split off and permanently attached to the parcel where the home is? If that were not the case, this would not be an issue. It could be split off and attached to the lakeside property. There wouldn't really be any resistance to doing this.

Buitenwerf answered yes, the existence of the platted right-of-way doesn't allow the proposed new backlot to be combined and made contiguous on a part of the riparian lot. You also have the issue of that right-of-way extending further south. You have to be able to maintain that access to the properties to the south that are serviced by it.

Grob added the issue here is the process that they want to use. If they were to replat this instead, would the outcome be any different than the situation right now? Would they be allowed to replat this with this separate piece of property?

Buitenwerf answered no. The proposed tract is substandard in size. It doesn't meet minimum lot size requirements, so a variance from that would be required first in order for them to proceed with the plat application.

Johnson asked what if this road was an easement? Would it then be considered contiguous and this would be allowed by administrative subdivision?

Buitenwerf replied it would then depend on who would own the area underneath the easement.

Kovacovich opened for public comment.

Dave and Sandy Loch, 27672 Majestic Pines Drive, Laporte, MN, said my wife and I have had this property for about six years and we are just trying to build a garage/shop across the road so that we have a spot to park our cars. My wife has MS. She needs a spot where she can exercise in the winter, so we would have a heated garage that she can use for some exercise and walking in the winter. There are some neighbors online that also support the proposal. The Jolkovskys own a lot of the other property in this, so there is a lot of green space in the neighborhood that will be protected. In fact, he was trying to do that by having to split this lot instead of selling me the entire thing.

Rick Jolkovsky, 17875 300<sup>th</sup> Street, Avon, MN, stated I am the owner of the property. I know Dave and Sandy and what they are trying to do. It makes perfect sense. It is a well wooded area. I bought both this parcel and another one from a neighbor who has since moved out of the area. My purpose in buying it was to provide a buffer and try to leave it wild so that we would have peace and quiet. I think what they are asking, at least in my view, conforms to that long term goal.

Dennis Schueller, 35462 Mint Trail, Laporte, MN, stated we use that area quite a bit for hiking. It is a really nice area. The easement will not have any effect on the area that we walk on or use there for hiking. My wife and I support Dave and Sandy on their quest to try and build a garage or a shed there to do what they need to do. I understand the need to have not only space to store things, but for Sandy to be able to use it for her rehabilitation. It is something that my wife and I totally support.

Beverly Jensen, 27638 Majestic Pines Drive, Laporte, MN, stated I would very much support this request.

Kovacovich closed public comment.

Grob added as I understand it, the issue here is that if we were to allow this variance, we would be creating a substandard lot that could handle a residential dwelling. My question would be for Buitenwerf. Could we approve this with a condition that there should never be any residential structure placed on the property, that any construction shall be limited to a storage building no larger than a certain size, and that it shall always be required to be sold with the lake lot across the street? Is it possible to do that?

Buitenwerf replied yes, that is very possible. Those would be conditions that would address the intent and purpose of the ordinance behind those regulations for which the variance is sought.

Andres commented I am in favor of Grob's suggestion. If this goes forward and is approved, I would be in favor of those conditions that a residential house could not be placed on it and it would be for an accessory structure only. Otherwise, I am not in favor.

Johnson said I had very similar conditions wrote up here as Grob. There was one other condition that I thought of and I was going to ask Buitenwerf about it. Could we add a condition that the current



property owner is required to relay this information to any new owners? Would that be worth doing a condition like that?

Buitenwerf replied you certainly can. It would be a challenge for us to be able to tell if compliance with that is happening, but you can certainly make it a condition.

Grob added I am thinking if we put the conditions that this lot shall always be in common ownership with the parcel across the road (19.48.00200). It could never be subdivided again. There shall never be any living quarters placed on the property and the maximum structure that could ever be built would have to be less than 60' x 40' and dedicated to storage. Would that cover what you were thinking, Johnson?

Johnson replied yes.

Loch asked could we change that to 40' x 70'? With my wife needing walking room, I need to keep some of it open. It can't all be filled with storage. By the time you get a boat and a pontoon in there, it fills up fast.

Grob stated just as long as there is no living area or any amenities to support any kind of living area, I guess I am ok.

Kovacovich asked Loch do you understand the conditions that may be placed, and are you in agreement?

Loch agrees.

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

1. A 40' x 50' alternate SSTS site meeting setback requirements must be protected for use by the riparian lot and the detailed alternate site location must be submitted to the Environmental Services Department.
2. No living quarters are allowed on the non-riparian lot labeled "Proposed Loch Tract" on the certificate of survey submitted as part of the variance application.
3. The newly created lot (i.e. "Proposed Loch Tract") must always remain in common ownership with the riparian lot (i.e. 19.48.00200).
4. Only a 40' x 70' storage structure can be placed on the non-riparian lot labeled "Proposed Loch Tract".

Grob seconded the motion that passed 5 – 0.

The Board adopted the staff report findings of fact answers for questions 2 and 5 while providing the answers for questions 1, 3, and 4.

### **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 lakeside property is developed in a way that they do not have area to build a storage structure or to have an alternate septic site. By creating that we are staying in harmony.
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? The neighboring riparian lot owners' intention of acquiring this proposed substandard tract to increase the amount of land they own and can thus use is reasonable.

- 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 original lakeside structure was created in 1972. The way that they installed the driveway and the way that it was developed did not leave room, even though it is a conforming lot, it didn't leave room for an alternate septic site or storage building.

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

Yes ( X ) No ( )

Why or why not? There are residential structures around there with storage also. There is also a lot just south of this that is under the 2 ¼ acres, so that has been subdivided since 1992.

- 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 application states no practical difficulty

**Planning Commission:**

**Approval of Minutes:** December 21, 2020

Grob made a motion to approve the minutes as presented.

Petersen seconded the motion that carried unanimously 5 – 0.

**Old Business:**

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

Kovacovich asks for suggestions on how to proceed.

Grob states I think that Buitenwerf's staff report for the meeting very clearly outlined about six items that we needed to address. I think that if we start with the draft and address legal counsel's recommendation for changes and additions. If we start there, and then work our way down through the six or seven items that Buitenwerf has, I think that we will be able to reap closure on the basic content of what we want short of addressing the issue of registration, permitting, etc. That may not even be resolved tonight. I think we can make some good progress on what we think the framework should be.

Kovacovich said if we go through the language first, then the legal counsel's advice, and then try to answer the six or so questions from the report.

Andres added I agree. I think that in reviewing those items that it will reduce some of the public comment that we have. I think that it will clearly change things.

Kovacovich states we will go through some discussion here and then open for public comment. It may answer many of the questions that would be asked during public comment. Let's look at the short-term rental language. Does anyone have any changes with the definition?

The Commission does not have changes for the definition.

Kovacovich continues we move down to the chart that lists the different public waters classifications and that they all fall under uses that are permitted provided that all the performance standards identified in Section 402 are met. What we are saying is that short-term rentals would be allowed in any of these water classification areas.

Kovacovich continues if we go down to Special Provisions, Item 14 states that all short-term rentals must be operated consistent with the following provisions. There were a couple of additions there by the attorneys to make it read a little better and stand up. Is everyone in agreement with that?

The Commission agrees.

Kovacovich reads Item 14.A. These standards apply to all short-term rentals operating prior to the effective date of the adoption of these standards. Pre-existing short-term rentals must come into compliance with these standards by "x" date. We will need to put a date to that. Is everyone good with that?

Grob added on the assumption that this is going to get approved by the County Board sometime in April or May of this year, we could add in there January 1, 2022 just as a starting point, instead of leaving the "x".

Andres agrees.

Kovacovich stated so it will read by January 1, 2022.

Kovacovich continues reading the SSTS must be properly sized to accommodate the rented structure(s)' maximum occupancy made available to the public. Everyone is good with that?

The Commission agrees.

Kovacovich continues the following documentation must be kept on file and provided to the Department within 120 hours upon request by the County. Number 1 is passing water test for nitrate and coliform dated within one year of current date. Number 2 is a current SSTS certificate of compliance for the system(s) servicing a short-term rental. Everyone is okay there?

The Commission agrees.

Kovacovich continues Number 3 requires proof that Hubbard County property tax payments are current. That one is good?

The Commission agrees.

Kovacovich reads Number 4 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 of Minnesota and that sufficiently explains the reasons that no license is required. I believe we had some comment, possibly in the staff report, that this one may be tough to enforce.

Grob added I think that Number 4 and Number 5 are open to discussion. If we retain the statement for Number 4 and Number 5, it will be written according to the blue writing recommended by legal counsel.

Kovacovich stated if everyone is okay with it we will just leave that and include the discussions on whether we include those or not later on when we go through the staff report.

Kovacovich continues Item D reads sufficient vehicle parking shall be accommodated completely onsite in areas set back a minimum of 10' from property lines. Item E has no changes. On-premises advertising signs are prohibited. Item F is property lines must be clearly and conspicuously marked. Item G is 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. The next one is on room size. Should we hold that one for discussion later? The wording hasn't changed from what we had there before, but I do think that we do need some discussion on that one.

The Commission agrees.

Kovacovich continues and the last one is the 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 for a short-term rental is prohibited except when a recreational vehicle is serving as the primary residential dwelling unit on a lot it is allowed to be operated as a short-term rental. Are we all okay with that?

Andres stated I agree with that. It will need editing when we review the staff report.

Kovacovich stated with that, then I think that we will go to the staff report.

Andres added counsel did offer other items to place on there. Do we want to address those before the staff report? The one that I have talks about storage, collection, and disposal of solid waste. It is one of the comments that counsel suggested.

Kovacovich clarifies what they are suggesting that we insert is storage, collection, and disposal of solid waste must comply with the Hubbard County Solid Waste Ordinance #18, or any successor or replacement. Is everyone in agreement that we should adopt that?

The Commission agrees.

Kovacovich said so we will include that. Then the contact information has the suggestion that the property owner shall keep on file with the County Environmental Services Department the name and current telephone number of a contact person who is responsible for responding to questions or concerns regarding the operation of the short-term rental, and is responsible for producing the documentation required under Section 14.C.

Grob stated I think that we should include that and it probably ought to be put up earlier in Item 14 after A, because it refers back to C. It is an ordering issue that Buitenwerf can deal with, but I think we should move forward with it as a requirement.

The Commission agrees.

Kovacovich asks do we want to go through the other counsel comments now, or wait until after we go through the staff report?

Grob commented I have just a couple thoughts to consider. In reviewing the documents from several other counties, there were two things that continued to show up. I think that we kind of discussed those, but I would like us to say yes or no. One of them that shows up frequently is that if there are any zoning violations of the property, they need to be corrected before a permit can be issued for the short-term rental. The second one that shows up frequently is that the owner is responsible for

enforcing quiet hours. Do we want to round this out by adding those, or do we feel that they are not necessary? I am looking for Buitenwerf's advice on this.

Buitenwerf replied I can weigh in on the quiet hours. Those would be very challenging to enforce and document. While requiring violations to be a non-issue prior to permitting, that would entail us going out and inspecting these 160+ properties. It would be rather time intensive.

Grob concluded basically they are unnecessary. I am okay with that.

The Commission agrees.

Kovacovich reads counsel's comment Number 3. How will the County insure pre-existing STRs come into compliance? I think that may be somewhat dependent on how the County decides to go, whether there is an outside vender who is doing that or not. The one thing is that they need to know the ordinance is in place. I am not sure what the best means for that is. The only thing that I could think of personally was a sentence or two in the tax statements letting you know if you are a short-term rental in Hubbard County you need to comply with the ordinance. Any other thoughts on that?

Grob stated for some reason I don't see the issue. I am pretty certain that most short-term rental people are already aware that this ordinance is going to come into place. The only thing to ensure it, if that is what the issue is about, is to put a heavy penalty on non-compliance. If by January 2022 they are not in compliance, there is a stiff penalty. Either a fine or prevent them from renting it for a month.

Johnson said we are talking about pre-existing STRs. What are we going to do with someone who has an undersized lot that cannot do anything to bring it into compliance? When we make a rule that they need to be in compliance?

Grob responded we aren't controlling lot size. Even if it is nonconforming, if it is a legal lot, we are not requiring that it become the typical lot.

Kovacovich stated we took out all of the language about lot size and nonconforming lots.

Grob continued part of the answer to this depends on how we go with the registration/permitting process. If we were to go with a host compliance organization, they would identify all of the STRs that are advertised. If an application or a registration doesn't show up, they can be contacted with regards to it. That would be one way of addressing it.

Andres added giving them the deadline of January 1, 2022, we are providing them ample time to come into compliance as well. Whichever way the County goes with registration or outsourcing, we are providing them with plenty of time to come into compliance.

Johnson asked what about the person that has the existing driveway that is right on the property line and has been there for 30 years and it is now an STR, what do we do about somebody like that?

Andres responded I do have some comments when we go into the next section where we will be editing or deleting some of these comments. We will be able to scratch that by possibly stating that sufficient vehicle parking shall be accommodated completely on-site, and not have a 10' setback.

Johnson agreed.

Kovacovich added what I am hearing is that we are giving plenty of time to come into compliance to get the registration or permit. If we do go to an outside source to monitor it, they would be able to

do that. Whatever the County Board decides on penalties would be the stick and the registration part would be the carrot.

Kovacovich reads the last sentence's wording is cumbersome in Section 402, Item 14.C.5.

Grob suggests a possible proposal is to clarify about the timeframe. I would say that records must be intact for the current calendar year and one full calendar year preceding the current calendar year. In other words, if it is July of 2021, anything up until that point in time and anything that existed in 2020. Maybe we could make that two years, but I am thinking for the purpose of this, one might be enough. Something that says current year and one or two full calendar years preceding the current year.

Kovacovich said if I am hearing you right, registration must be maintained for the current year of operation and for the preceding calendar year. Is everyone okay with that? Buitenwerf, does that clarify it?

Buitenwerf replied I think so.

Kovacovich continued I think the next item is guest cottages. That would come underneath the accessory structure. That is Letter I.

Andres asked would it be possible that we would allow a guest cottage to be operated as an STR?

Grob stated I am willing to go with what the Board wants, but I am reluctant to allow guest cottages to be used. Guest cottages usually are used by occasional guests on a residential piece of property. Many of these residential properties are being rented on a full-time basis. A neighbor now would see not only the primary residence, but also the guest cabin full all of the time. This increases the load and noise. If we allow a guest cabin, I think what we should do is to add to the statement that no more than two units, or structures, per parcel can be rented. That would allow one guest cabin and the main cabin to be allowed. There are parcels where there are more than two inhabitable buildings on a parcel. I prefer not to allow more than one unit per property. If we want to allow a legal guest cabin to be used, I would like us to add the statement that no more than two structures can be rented on a parcel.

Andres added I understand Grob's concerns. He is basically stating that if we allow a guest cabin to be rented as an STR, no more than two units per parcel can be rented out. Is that correct, Grob?

Grob agrees. Two units, which would include the primary residential structure and the guest cabin.

Petersen stated I am in agreement with Grob. I would like to see it capped at that. If the guest cottage was in addition to the primary, that would be the max that I would be comfortable with suggesting.

Johnson added that sounds reasonable to me.

Andres agrees.

Kovacovich reads the use of recreational vehicles, accessory structures, tents, etc. or any item other than the primary residence and one guest dwelling unit on the property. If we insert the guest cottage in there, would that cover what we are saying? Legal counsel will have to review it.

Grob said we make the exception for an RV if it is the principal structure. Then when we say two, I hope that doesn't get translated as two RVs because we add the two short-term rental structures. Do you think it is clear that what we are intending with two is the main dwelling and guest cottage?

If the recreational vehicle serves as the primary residence on the lot, you can't also have a second guest RV.

Kovacovich added I know the intent that even where a recreational vehicle is the primary residence, if that was an STR it would be the only STR on site. There wouldn't be another recreational vehicle allowed for a guest cottage. To me, it is covered that only one recreational vehicle is allowed when it is the primary residence. Buitenwerf, is that how you read that?

Buitenwerf answers it would allow an RV to be an STR if it is the primary residence, but not if it is a guest cottage.

Kovacovich said there was a paragraph that talked about resorts renting some of their units as STRs. I am not sure it really matters to me. If they are a resort they are licensed. How they choose to advertise doesn't really matter to me.

Grob asked Buitenwerf there were many resorts that showed up as STR owners. Are these STRs on their resort site, or are they the owners and they are on some other parcel? The reason that I am asking is that if the STR is on the resort's conditional use permit setup, then it should fall under the capacity that exists on the resort. Resorts have a conditional use permit. On that conditional use permit there are so many structures and cabins that they can have. Why would they designate one of those as an STR? If they build a new one and call it an STR, they can't do that because they are adding additional living structures. If they have an STR on the resort, it has to come under the limitations of the resort. If it is on a separate parcel, it wouldn't be treated any different than any other person owning an STR.

Buitenwerf explained there are existing resorts that are advertising some of their resort units on STR sites. That is what prompted the paragraph that is in the staff report and on the screen currently.

Grob asked are these units that are on their resort? Does that just imply that they are opening up some of their units to less than a week when they typically would only rent for a full week?

Shevy Akesson, owner of Everyday Luxury Vacation Rentals, stated I manage vacation rentals all over the country. When you are referring to STR sites, you are referring to sites like Airbnb and VRBO. What has happened is, the way that these different resorts are marketing themselves is simply changing. They are not changing their property, they are not changing even their minimum nights or anything else, they are simply using the booking channels as another marketing platform. That is where a lot of the traffic is going to find either a nightly, weekly, or monthly rental that is furnished for a vacation.

Kovacovich said that was my assumption that it is just another marketing tool, that it hasn't changed the fact that it is a resort and operating under a resort for all other purposes.

Grob added let's say that a resort has 12 cabins. If they aren't adding any additional cabins or changing those, then it doesn't matter to us. If a resort owner buys a unit not on their resort someplace and advertises it, then it would come under the same ground rules as any other STR that would be approved.

Kovacovich agreed.

Grob asked Buitenwerf does that help you out?

Buitenwerf replied I had no question in the paragraph, it was simply bringing this to the Commission's attention.

Grob asked let's say that we were using a host compliance organization and they identified 20 or 30 STRs with resort names on them. If those STRs could be identified as part of the resort, they would not be required to do any kind of registration or permitting at all?

Buitenwerf explained they wouldn't be required to because the definition of an STR that is in the draft specifically excludes resorts. We would potentially be sending letters to those resorts informing them that they could not advertise their units as STRs.

Kovacovich questioned why would we send a letter to someone telling them how they can or can't advertise? That, to me, is well beyond what we care about at the County as far as environmental protection, safety, and the neighbor's happiness. How a resort advertises is up to them. If they choose to advertise as an STR, it doesn't really affect this ordinance. However we decide to enforce and find out about the permitting, they are going to have to figure out that the resort across the lake from me is a resort and even though they advertise three cabins as STRs, it is still a resort. It doesn't fall into this definition. I don't see where we have the power to limit how they advertise.

Grob mentioned it just complicates the data gathering is probably the only thing that you could say.

Buitenwerf stated it is an issue that the resort definition is separate and distinct from the STR definition. If they are advertising on STR sites, then they are indicating that they are operating an STR on the resort property, which the ordinance does not allow that mixed use to occur.

Grob asked isn't a resort's tax base very low and the STR tax base is much higher? If they advertise as an STR, could the Assessor then basically say that they have to go into a different tax category? It would not be to their advantage to use the words short-term rental.

Buitenwerf answered that is how it appears to me, but I would leave that up to the Assessors to comment on that.

Kovacovich added we are confusing what our ordinance defines as a short-term rental. I don't think anywhere in our ordinance do we want to go and tell people where and how they can advertise. I think you can maybe ask counsel about that, but I can't see us stopping a resort from advertising as an STR and being a resort that does not have to comply with this ordinance.

Shevy Akason commented the State of Minnesota defines a resort as a property with five or more units on it. Just because it is on what you guys are defining as a short-term rental site, doesn't mean that they are changing their definition of what they are. They are still a resort by every definition, even if they are on an Airbnb site or a VRBO site. VRBO is owned by a completely separate conglomerate of companies, Expedia Group. Short-term rentals, resorts, hotels, and motels are all getting marketed on the same platform. The definition doesn't change based on the platform that it is marketed on. A resort is a resort by the definition of your own state. It has five or more units on it.

Kovacovich mentioned I think that we are saying the same thing. We are confusing two different things here with what we are trying to do with the ordinance versus definitions. Again, unless there are any other comments on that, I would ask staff to check with the attorneys to see if I am interpreting this right, or if we somehow by this ordinance would be able to prohibit resorts from advertising wherever they choose.

Grob added I would ask the Assessor's Department also if they would then think about reclassifying.

Kovacovich stated I think that is something that we don't really want to get into. How the Assessor defines things are defined by State laws.



Kovacovich continued do we want to talk about the Department of Health next?

Grob mentioned it is Item 14.C.4. The question is, do we want to retain any reference to the Department of Health? My comment on this one is that when you look on the MDH site, it is kind of general. I would make the argument to keep it there. If we decide that it is not necessary, we could take it out. For now I would keep it. My biggest argument is that if any of these rentals get rented or advertised to be rented for less than a week, they could fall under the Department of Health certification requirements. Therefore, the owner should be made well aware of the fact that they need to check that out. If they are advertising or renting it for less than a week, they are going to have to get the Department of Health certification. If you completely take it out of here, it loses any connection or notification to an owner that they have to be aware of these requirements. Clearly, they can make a statement that they don't need a certification because they are not renting for less than seven days. I would make the argument that it should stay there because there is strong potential for a lot of these STRs to rent for just a weekend or holiday.

Andres added I have mixed feelings about deleting or keeping it. Speaking with Department of Health supervisors, several people have called and asked how to get licensed. I do have to commend many of the current short-term rental operators. They are putting forth the effort to look into licensing requirements. I agree with Grob on that situation. Several of them are going to be able to get licensed, some of them are not. Leaving that in there will at least get those licensed.

Kovacovich stated I lean towards leaving it there too. Unless there are any other comments on Number 4, I think that we are going to leave that as it is written with the changes. The next one we already covered. Are there other items that we need to cover? If we are looking at Item H, I think some talk was about inspections required to enforce this.

Grob mentioned that 70 sq. ft. and 60 sq. ft. are all what is specified in the Department of Health regulations. Anybody who would rent a structure for less than a week and would fall under the Department of Health, that would be the requirement in terms of square footage for bedrooms. It is very consistent with what the Department of Health would require for a rental of less than a week.

Kovacovich added I am okay with it staying there. Do we need to inspect? No. We write down the number of bedrooms and then for some reason down the road if they are in violation and there is an inspection, they are in violation. That is a pretty small room anyway.

Andres asked would we be able to make a statement that maximum occupancy is based on the septic sizing? Then they couldn't have just a random room.

Grob stated if someone rents for less than a week, then the Department of Health can get involved. They would require this for a sleeping room. We should be alerting people to the fact that, unless they clearly will never advertise or rent for less than a week, they are going to have to meet these requirements.

Kovacovich added we are basing the number of people allowed on the septic system and bedrooms. That covers the maximum occupancy. This is more of a safety concern. It is like having egress windows, smoke detectors, carbon monoxide detectors, etc. If you were to look at it as how are you going to enforce it, they would all require inspections. We are not going to be doing that. I think it can stay.

The Commission agrees.

Kovacovich asked are there other items that we need to discuss on this?

Andres asked can we back up to Item D, sufficient vehicle parking. I would like to suggest that maybe we just state that sufficient vehicle parking shall be accommodated completely onsite.

The Commission agrees.

Grob added it would be nice to ensure the setback from property lines, but existing conditions could make this very problematic, so I am okay. The key is that you don't want them parking on the road. As long as they are on their own property, not on the road and not on the neighbor's property.

Andres stated depending on the next route, if we do go with outsourcing, then it needs to be stated on here that an actual permit would be required. Obviously, the permits would be covering that outsourcing. I don't know when we would want to address that, or if that needs to be placed on this content.

Grob commented I think Andres is on the right path here. Should we be adding in a statement in this section that says something about all short-term rentals must be registered and permitted annually with Hubbard County's Environmental Services Department? If we are in agreement that we need to have some form of registration and permitting, and would add that in, then we can move on if we are happy with everything else here. What we can move on to is having a lengthy discussion and work session that deals with all the issues with Department resources, penalties for noncompliance, new software, and outsourcing. We can have the discussion on the assumption that the Commissioners want us to do that for them. The alternative is just to add that there needs to be a licensing or a permitting and registration annually. If we forward that to the Commissioners they will turn around and say that they agree, but we need to work on a detailed recommendation on how this registration or permitting process is going to occur. Or, we go ahead and do that on the basis that they would like it done. Maybe Van Kempen could give us some advice on what he would like to see us do?

Kovacovich stated I think that the first thing that we need to do is to indicate whether we are heading down the road of requiring permits/registrations. Is that the route that we are going? Then we need to sort out how we are going to do that. I don't see any way around having some kind of formal permit registration system. Without it, I question even having this included in the ordinance, unless there is a process for permitting and then enforcement.

Van Kempen added I can only speak for myself. I can't speak for the whole County Board because I am not sure how the other Commissioners would feel about it. I lean towards having some kind of registration and permitting. Part of that reason would be so that you can track who is running a short-term rental. Maybe also using it as an enforcement tool. If you have a short-term rental person who does not want to follow any of the rules, perhaps you could pull their permit. That is my own thinking, I don't know exactly how the other Commissioners would feel.

Grob added I know that the Commissioners wanted us to try to do a process that was self-certifying. There are two major classifications of short-term rentals. There is a single-family residence that is used and lived in some portions of the year by the owner's family. Then there is this whole other category where the clear intent is a business. It is bought and operated 100% as a business. If we don't put some kind of registration and permitting process in place, I believe the only alternative is to have two different categories. One I would call short-term rentals residential and short-term rentals business/commercial. Those would require conditional use permits because absentee owners will not be able to control the impact to neighbors if they are not around. I don't see any other alternative than to make two separate categories and conditional use permits. I don't think we want that workload and activity loaded on Environmental Services. Most of the other counties for which we have information definitely feel that a registration and permitting process is needed and

they have obviously looked at an outsourcing platform that could do it. My argument is that, as a provision of Section 402, we have to make the statement that all STRs in Hubbard County need to be registered and licensed or permitted on an annual basis. We can try to figure out the most cost effective way that goes with it.

Andres agreed. Registration and permit must be obtained through the Environmental Services Office, then we can figure out what is best on the outsourcing.

Petersen agreed. We need some sort of system in place. Otherwise, I don't really know how to make all of these conditions that we are putting out there effective at all if we are not doing some sort of licensing and registration.

Johnson agreed.

Kovacovich stated we have concurrence that we are willing to go down the road of permitting/registration. I think we are all on the same page there.

Grob added if we do that I think Buitenwerf needs to add that in.

Kovacovich said I am thinking rather than going into the details of what the permit or application will look like and starting a rather lengthy discussion about outsourcing, I wonder if we shouldn't open this for public comment so we can get onto the other business on our agenda tonight. I would ask people who are making public comments to state your name and address. I will ask that it stay under three minutes and not to be repeating other comments.

Grob added public comments on what we have come up with now. We should agree on what our next step is going to be with dealing with this registration or permitting process. Could we have an in-person working meeting of the Board with Buitenwerf and talk through a lot of these things and what the issues are and alternatives? It is so hard virtually to have an interactive meeting. Would we be allowed to have a working in-person meeting for the Board sometime in the near future? Even an online meeting with just the Board to talk through all these issues to come up with some recommendations.

Kovacovich asked Buitenwerf can we have a working session on the GotoMeeting and not involve the public, or are we required even at working sessions to include the public?

Buitenwerf replied it would be the latter. It would be a public meeting that the public could attend. You would not necessarily have to entertain comments from the public, but you would certainly need to allow them to observe and listen in.

Kovacovich added as far as an in-person meeting I will not attend an in-person meeting. I am at a high risk category. Until I am vaccinated, I have spent 10 ½ months being isolated, I am not going to change that now for a meeting.

Grob continued we could schedule a specific work session just to deal with that. Sometime in the next week so that we can get fully prepared for what I would say is the draft recommendation for review at the February meeting.

Kovacovich asked are we in agreement that we need to have some kind of a work session to refine this a little bit before our February meeting?

Petersen replied I would be fine with it.

Andres answered I am open to a meeting if necessary. I think the biggest question for us to get down is if we are looking at possibly suggesting outsourcing to the County Board. That just seems to be the best alternative. I am open to a meeting if needed.

Johnson said I am open, but it will be depending. I am going to be on the road for quite a while. I can bring my computer along and do it virtually.

Kovacovich stated we will discuss that at the end of the meeting. We will try to get through some of the other things here and then decide if we are going to have a working meeting to refine this a little bit. With that, I will open for public comment and based on what everyone has heard so far on where we are going, I would hope that comments are relevant to that and not going backwards to what may have been in place one or two months ago.

Kovacovich opened for public comment.

Ken Osterberg, 19264 219<sup>th</sup> Ave., Nevis, MN, stated I will point out that there are nearly 10,000 lakeshore property owners in Hubbard County. A large portion of your job in Environmental Services is to protect the lake and groundwater quality for all of us. Homeowners and STRs. I have a couple comments and questions from what I have seen. I do have a non-owner occupied STR right next door to me. I do have a guest cabin on that property less than 20' from my bedroom. Last year it was rented from the middle of June through Labor Day every day with the exception of just two or three days. I have a lot of experience with how that has gone. About 40% of those rentals had challenges due to noise, fireworks, or a drunken bachelorette party. I appreciate the fact that you want to have the property lines delineated somehow. I have had people come onto my property. I had to put up no trespassing signs from a liability point of view. The most significant piece is that this place has a very small septic flowage rate, yet it is advertised for 16 people. By any stretch of the imagination even at a liberal rate of 50 gallons a day per person, assuming there is no other water usage, it should be limited to 10 people. If you used 75 gallons per day it would be limited to less than 7 people. They have had groups as large as 19 people. I know what is in my septic system and what is going down that. In an STR system, especially in a non-owner occupied, you don't. A questions that I have to Grob is what kind of a flowage rate per person are you thinking of for the septic system? A large concern for me is protecting my well water, ground water, and the lake from septic systems that are overused with large occupancy rates.

Grob replied I will refer to Johnson, who is the expert on that.

Kovacovich added Johnson can address it, but it is covered in 14.B. But, Johnson, if you want to let him know what that is based on.

Johnson responded the short-term rentals wouldn't be sized like a normal residence. Because it is a short-term. There wouldn't probably be laundry being done. It would be less gallons per day. The State has that, and I think that we can size them at 32 gallons for 2 people. Is that correct, Buitenwerf?

Buitenwerf answered I would be inclined to say that they should be sized the same as a residential system.

Johnson continued I think that they could be sized like an RV. If I was to size it for a holding tank. It is not going to be the same flow as a standard residence.

Osterberg stated I disagree with showers and everything going on with that.

Johnson added they don't care about a toilet flapper being stuck open and running as much as a homeowner would. I agree with you there.

Kovacovich stated I will ask Buitenwerf a question. The way that it is written, the SSTS must be properly sized to accommodate the rented structures maximum occupancy made available to the public. I don't know that there are separate ordinances for rental versus owner-occupied. If it is sized for three bedrooms, then you are allowed that many people. Is that correct, Buitenwerf?

Buitenwerf answered that is how I am looking at it currently.

Johnson explained our minimum is 300 gallons per day then for a residence.

Buitenwerf replied that would be a 2-bedroom system.

Kovacovich stated I think that is covered. The structure that you are talking about next door to you, under this ordinance, might not be able to advertise for as many people as they have advertised for.

Chris Bolton, 18080 Emerald Island Circle, Park Rapids, MN, stated I have a couple concerns with the licensing. It is not going to work for those folks who are going to do it for seven days or more. In the example of RVs, they don't even consider licensing if you are going to have one, two, three, or four RVs. They would only license if it is at five or more. There are going to be some STRs that are going to want to be licensed that are not going to be just because of the requirements. I have spoken with the MN Department of Health and I said I know of a bunch of resorts that have cabins where they have two, three, or four beds in there and they certainly don't fit into that size requirement. How are they able to continue and get a license? He said that they are grandfathered in. The size requirement is for new construction. I could list off a dozen resorts that have smaller than the numbers that we talked about for sizing per person for bedrooms. They are still allowed to operate as a resort. It is just the new stuff coming in. I even know some resorts that have cabins that do not have a bathroom. There are two cabins and they share a bathroom in between them. The 10' parking, I am glad that you are talking about just restricting it to on-site. I have done above and beyond what you guys are asking. I have met with the Township and we have put in stakes in the Township road showing and explaining where the Township is good with me parking my guests. I have a cabin that is right in the corner of a lot. I even have a parking pad that is right in the corner. I can't even park on that parking pad or anything in front of the house without it being in violation. I want to see how you would handle such a situation like that. Last but not least, I am just really confused why you would only allow an RV if you didn't have a house there. I have an oversized lot that is over 5 acres. I was told last year that I need to put in a septic to support my RV. I did that to the tune of \$15,000 or more. I am concerned because you are saying that you can't use an RV for a short-term rental. I have a very nice RV that people love to rent. It is tied to a septic system that the SSTS passes for more than the number of people that I would have in the RV. I just don't understand why that would not be allowed as an STR. I have been doing this for 5 years.

Jason Hunter, 19221 219<sup>th</sup> Ave, Nevis, MN, stated I wanted to talk a little bit about septic capacity. One of the things that I think we have not talked about is that there is a difference between adult and children occupants. For example, our place has a bunkroom which is there just so that we can have places for children to sleep. I am wondering in that situation, does a child counts the same as an adult? That doesn't seem appropriate given their actual impact on the septic. My suggestion would be creating guidelines based on total septic output and capacity. Because, children are very different than adults. I just wanted to bring that up as a variable that you should consider.

Kovacovich replied that is how we address it. The occupancy is dependent on the septic system. That is how it is addressed.

Jason Hunter asked is there not a provision saying that bedroom occupancy would be limited to 60 sq. ft. per guest?

Kovacovich responded 60 sq. ft. is how it is listed right now.

Jason Hunter continued that is what I am saying. There are certain rooms, for example bunkrooms, where you would house multiple kids. You are treating kids different than adults in that situation.

Susan Williams, 5879 Crooked Stick Drive, Windsor, CO, stated I have a question about the registration report. I am curious as to why you need all of that information for every guest that is in the rental, and for two years. Guests might have some privacy concerns with that. I am not sure why you are asking for all of that. I am wondering why all of that information is needed for all of the guests.

Eileen Thomas, 14386 Chippewa Loop, Park Rapids, MN, asked what are the clear and conspicuous property markers? What kind of requirement is that? Is it a stake in the ground or a fence? What kind of thing would that actually look like? I am also confused on the MN Department of Health requirements and the difference between less than seven days and more than seven days. Is there is a way that I can find out that information? Maybe someone can speak about that briefly?

Kovacovich explained the Department of Health, if I understand correctly right now, will not permit anyone unless they are renting for less than seven days. Why they chose that, I don't know. That is what I know about the Department of Health and their registration.

Grob asked is there a way to provide to Eileen Thomas the various Department of Health website information that we had available? She can look at those and better understand what requirements exist.

Kovacovich said if Buitenwerf can call them up on the screen. They can certainly take a look at those and copy them down while we continue the public comment.

Mike Marzoff, 3371 Bricastle Road, Independence, MN, stated I would like to submit a suggestion. You are asking for a log of all of our guests. You have been collecting taxes on our guests since October 1, 2019. You have those records. Maybe you could use those records, just from an efficiency standpoint, use those logs for both purposes.

Kovacovich asked are you referring to sales tax collected?

Mike Marzoff replied correct.

Kovacovich responded sales tax is collected by the State of Minnesota, not the County.

Mike Marzoff continued I was told by VRBO that Hubbard County is collecting.

Kovacovich replied no. Any sales tax from the State of Minnesota are collected by the State. There are some cities and other entities that have additional sales tax, but those are also collected by the State and then distributed back to the cities or whatever they happen to be.

Grob asked doesn't Hubbard County have an occupancy tax on resorts? It is voluntary, but I think there is one.

Mike Marzoff stated my concern is that I have paid twice.

Buitenwerf explained it is voluntary and it goes towards the Chamber of Commerce's marketing efforts.

Kovacovich said that is on the list to look at our requirements for keeping logs. We will further address that.

Robert Pogatshnik, 1001 Parkview Lane, Sartell, MN, stated for the last 23 ½ years we have owned property in Hubbard County on Lake Gilmore. It is a very small lake and it is a very clean lake. We have water clarity anywhere from 30' – 40'. I am speaking as the past president of our Lake Association. The Board has been sent a letter from our current Lake Association president, Stephen Streed. We wholeheartedly support the efforts of the Planning Commission and the County Board in their efforts to try to deal with issues of water quality and lakeshore usage with this new ordinance. Our Lake Association has observed over the years changes in ownership and have recently within the last three to four years have been subject to non-resident or absentee ownership of properties. We have seen 12, 13, 14 people living in a residence that should not be occupied by that many people. We are very concerned about what is going on with the changes of ownership in the County on lakes. We would like to continue to encourage and support the Board's efforts and hopefully come to a resolution to this issue. I read a lot of the input from the past Planning Commission meeting, and for a lot of people it is all about money. The ones that are not interested in renting out our properties and wish to enjoy the peace and quiet of our lake, it is all about that. There is some common ground that can be reached if people will be in compliance with what the Planning Commission is going to present the County Board. We wholeheartedly endorse your recommendations.

Shevy Akason, 24351 Armada Drive, Dana Point, CA, stated I agree 100% about water quality. 14.B says properly sized, I am not clear about what properly sized means. Are you guys limiting the number of guests based upon the septic, or based upon the number of bedrooms, or is it a combination of both of those? I was wondering if 14.C.1 is required by all of the homes in the County? Is it just something that is required for resorts, so it would be required for short-term rentals? There is one more thing that is relatively important to me personally. I work with Indian guides with my kids. We have done different camping trips, and normally we will rent an Airbnb or will use one of our fellow member's properties, but one thing that my kids like to do when they go to the lake is that we will set up tents outside. Obviously, it shouldn't be the primary use of the property, but the way that I read this I would be very concerned if I was trying to rent a property for Indian guides and wanted to set up tents in the backyard and just use the house for showering, maybe I wouldn't be allowed to do that. My other concern would be that I personally have an RV. We usually go and see my wife's sister and stay in the RV on their property. They are not short-term rentals, they are not permitted, but if I was to want to go to one of my brother's properties that is a short-term rental, would I not be allowed to park the RV and stay in it? Or if one of our guests were to rent a property, and a lot of older people like to take RV trips, would they not be allowed to park their RV and stay on the property as long as all of the other requirements were met?

Kovacovich asked Johnson could you give us a short lesson on the sizing of septic systems?

Johnson explained we generally go by the 50 gallons per day. That is the sizing. They County has the rule that a minimum size system is 300 gallons per day, which is a 2-bedroom structure. I don't know how you can police how many people go in there. It is not going to be to the advantage of the STR owner to allow more people than what their septic is allowed to handle. According to what the State has for sizing. It will fail if they put too much water in there. It will show signs of failure and

stop. If we go by what the State sizing is, it is 2-bedrooms. That is two people per bedroom. That is our County regulations.

Buitenwerf replied it would be the County Septic Ordinance that must comply with the State septic rules which would have 150 gallons per day per bedroom. A bedroom assumes two occupants.

Kovacovich asked on the water testing, private wells for homeowners have no requirement, but I believe resorts and others do need to do that annual testing with their licensing.

Buitenwerf responded I am not certain, but that sounds correct.

Paul Swenson, 24608 200<sup>th</sup> Street, Nevis, MN, stated an interesting piece of data about lakeshore properties, we are talking about regulating about 150 – 160 out of those nearly 10,000. I think that it is incredible how much energy is being spent. I talked to the Department of Health earlier in the past week. The local inspector thought that there were maybe six people who are licensed for STRs in the County. I have also read the links that were provided in the staff report. The State Statute is very clear as to who must be licensed. If you have a structure that you will make available for less than seven days, you will be licensed as a hotel/motel. It doesn't say that you may be, that you could be, kinda should be. You will be. It is also not voluntary. It is also not required for someone to complain in order for you to apply. You, the STR owner, are responsible to step forward and obtain the license. I talked to two individuals from the Minnesota Department of Health just today and they are very much open for business and await your applications. They are not shut down with 95% of their work going to Covid. They are in the field, ready to work, and I would encourage all of the STR operators to apply for your license. It doesn't mean that you will get one, but the County is also not requiring that you acquire one. They are requiring that you prove that you tried and you can show them that you are not. It would answer the question about that RV on a lot. You can't be licensed. You have to declare that you have an RV and it is the primary structure. You wouldn't have a second RV visited, but you would have documentation. That being said, it is reasonable for you to require licensing and proof for why you can't be, as part of the process. I think when it comes to knowing who is who, they announced at the last meeting that the STR owners now have their own property classification. They are going to declare it because their tax bill is going to go down significantly from the commercial rate that it currently is. Another thing, I can't find any regulations that says they are forcing property owners to operate as STRs. This idea that someone else is making them do it, it is their decision to operate a business. In most states, when you have a business, you get licensed. Go get the license. The feedback that I got from the County Board members is that the Board doesn't feel like the issues that have risen can be accomplished without regulation. I ask you to regulate. I do want you to tell me when these regulations will be forwarded to the DNR for approval. I believe that it is a requirement of the Shoreland Management Ordinance, when changed, has to be approved prior to going to the County Board. I talked to the DNR in the last week and they haven't seen anything.

Kovacovich asked Buitenwerf to comment on the DNR's involvement with the Shoreland Management Ordinance?

Buitenwerf replied they do have to sign off to any final regulations that we would entertain. They have been notified through their area hydrologist per their procedure. They are properly informed and we are following that process.

Sara Forrest, 276 Ave. Alhambra, El Granada, CA, stated I understand that it is six days or less if you rent to do the Department of Health licensing, is that also what we are talking about for the short-term rental licensing through Hubbard County? We personally are only seven days or more, and it is mostly my mother's residence. It is not all year, it is not a lot, but it is seasonal. I am just



confused. I know that we don't have to get the Department of Health license, but are we going to be required to do the short-term rental license if we are seven days or longer?

Kovacovich replied the short answer to the question is yes. If you are an STR renting and fit the definition of a short-term rental, then you will be required.

Rob Hall, 23210 County 80, Nevis, MN, stated I just became an MN resident. My house is on Lake Belle Taine. My family has been going up there for 92 years. I know the lake pretty well. I wanted to check with the County Assessor as to the total number of lakeshore properties that there are in Hubbard County. There are 9,985. I understand there are 192 STRs approximately. We are making rules for 1.9% of the property owners. I count upon the Board, as it is doing, to represent the other 98.1% of the non-STR property owners. I happen to be involved with land use planning in another state and you are on the right track. I strongly urge you to consider conditional use permitting with no grandfathering. There can be ways to deal with the load of cases that you might have. By doing that you are protecting the other property owners. Secondly, septic systems. On Lake Belle Taine in 1992, the water clarity was 15 feet. Then the County required new septic systems. The water clarity this past year was 30 feet. As a property owner I want to see that protected. I think by requiring that the occupancy be no greater than what is allowed as a single-family residence takes care of that. I don't think that it needs to be complicated. I note at the last meeting you had 19 STR owners and I think now you need to start hearing from the non-STR owners. The final thing is noise. I don't understand exactly what has happened to the original ordinance draft. When I look at the original one it had quiet hours, and it has been taken out. I think that you have heard as a common theme from the non-STR owners that the noise is a big thing. I would recommend putting the quiet hours back in. State law permits allow for jet skis to be run during certain hours of the day, I don't know why you can't do the same thing with STRs.

Kovacovich closed public comment.

Kovacovich said I would suggest that we move to the other ordinance amendments. Buitenwerf, can you pull that up on the screen?

Kovacovich clarified we are done with the short-term rental for this point in time. Let's move onto the other agenda items.

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

Kovacovich reads the proposed changes (underlined).

If two or more provisions apply to a situation or item, the more restrictive provision shall control. When a structure or property use crosses a shoreland management district boundary or said districts overlap, the most restrictive provisions shall apply.

**Basement.** Is that portion of a structure that is partially or completely below grade and the floor to ceiling height is 7.0 feet or more.

**Bed and Breakfast Home.** An establishment in a residential dwelling that supplies temporary accommodations and a morning meal to overnight guests for a fee where an owner or manager resides on the premises.

**Buildable area.** The area of a lot which is sufficient to accommodate the construction of water supply systems, sewage treatment systems, structures, driveways, and other customary improvements to a lot, while still providing for adequate setbacks. Buildable area shall not include land below the ordinary high water level of a waterbody, wetlands, bluffs, easements,

minimum yard setbacks, buildable portions of land that are non-contiguous to each other, or when the County Board otherwise determines that an area is unsuitable for proposed or likely improvements. Buildable areas must include sufficient area for two (2) standard sewer systems. An area shall not be considered in the calculations of buildable area if it is not at least fifty (50) feet in width and length.

Grob asks Buitenwerf to give the PC/BOA members a brief overview of the proposed changes in wording from RLSA to buildable area.

Buitenwerf replies it is essentially the same concept. That is not changing. It is simply a term change to a phrase that is easier to state and more understandable for more people. Residential Lot Suitable Area (RLSA) is harder to understand what that is, whereas buildable area has become more of the standard term used in other areas.

Kovacovich continues reading the proposed changes.

**Campground.** An open-air recreation area where temporary shelters such as tents and travel trailers are intended to provide short-term occupancy.

**Clear cutting.** The removal of an entire stand of vegetation.

**Club or Lodge.** An association of persons who are bona fide members paying annual dues with use of premises being restricted to members and their guests.

**Controlled access or recreational lot.** A riparian lot which is intended to be used as a private access to public waters for non-riparian or riparian lots and/or dwelling units in any existing or proposed subdivision, outlot development or planned unit development and/or a riparian lot being used by way of private agreement by any other lot, party, or entity for access to public waters through the riparian lot.

**Deck.** A horizontal unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending more than one (1) foot above pre-existing or natural grade.

**Dinner Club.** A restaurant or nightclub serving food – primarily evening meal dinners - and usually providing entertainment.

**Drive-In Business.** Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers while occupying, or facilitated by, drive through or drive-up in a motor vehicle.

**Guest cottage.** A structure used wholly or partly as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

**Hotel or motel.** A building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week. - OR - A building or group of buildings used primarily for the temporary residence of motorists or travelers.

**Lot width.** The shortest distance between side lot lines measured at any point between the front lot line and the rear lot line. On riparian lots, this shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river.

Kovacovich stated we struck the motel definition because it is defined above.

Kovacovich continues reading the proposed changes.

**Platform.** A horizontal, unenclosed open recreation area that is made out of any material and attached or functionally related to a principal use or site and within one foot of pre-existing or natural grade. Platforms may not have attached railings, seats, trellises or other features that extend more than one foot above pre-existing or natural grade.

**Professional services business.** A business conducting professional and management duties and services including medical and dental clinics and offices, psychiatrists and psychologists offices, architectural, engineering, planning and legal offices, and similar uses.

**Public access with boat launch.** A riparian property owned by a governmental entity that is available for public use and provides a watercraft launch/retrieval access ramp and often includes a vehicle/trailer parking area.

Kovacovich stated we struck the word camping and now just have recreational vehicle.

Kovacovich asked Buitenwerf for the reason to strike the residential lot suitable area (RLSA) definition.

Buitenwerf explains we are simply replacing the use of the RLSA term with the buildable area term that we reviewed earlier.

Kovacovich continues reading proposed changes.

**Retail shop.** Refers to a broad range of commercial activities operating out of a permanent structure catering to the general public. – OR – Establishments which deal directly with the ultimate consumer for whom the goods or services are furnished.

**Shoreline recreation use area.** The area allowed within the shore impact zone for residential, riparian lots.

**Short-term Rental.** A dwelling unit that is advertised as, or held out to be, a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day period and is not a bed and breakfast, resort, hotel or motel, or other permitted venue as determined by the County.

**Stable.** A building or structure in which domestic animals are sheltered and fed.

**Structure.** Any building or appurtenance, including decks, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances. Fences, lawn lights, antennae, and related minor equipment shall not be considered structures.

**Tavern.** An establishment where alcoholic beverages are sold to be consumed on the premises, sometimes also serving food.

Buitenwerf explains we are also adding in the recently established ordinary high water mark on Lake Hattie.

Kovacovich comments we added the short-term rental use to the chart.

Grob asks why items are deleted under commercial planned unit development.

Buitenwerf replied they are not deleted, they are simply made subcategories of a commercial PUD. That is to try to clean up and clarify the ordinance. Those are all examples of commercial PUDs, but listed separately and that lead to issues.

Grob clarified so it will end up saying commercial planned unit development and will list the examples below it.

Buitenwerf explains the short-term rental language that is in here is outdated, so I will skip through that.

Kovacovich asked Buitenwerf to talk about additional changes.

Buitenwerf clarified the first paragraph under Section 501 is simply updating to use the buildable area term and removing the phrase concerning how the lot width is measured since that is addressed now in the new definitions. The second paragraph is to clarify how to handle those situations that arise where you have overlapping management districts, or you have situations where you have a property that is partly in shoreland and partly outside of shoreland. It is putting into ordinance what has been policy for quite some time.

Grob asked does this imply that you could have less than 50%, or does it go back to the fact that you have to have the standard lot size at the rear?

Buitenwerf replied the latter.

Grob clarified this does not mean that I could have 10' and 150' at the lakeside. It has to be more of a square or rectangle rather than trapezoid at 50%.

Johnson asked if I am subdividing and I need it less than 150' in the back to go around corners, with this gone does it have to maintain 150'?

Buitenwerf replied it would, or in those situations that would be an appropriate place to apply for a variance.

Johnson continued if you have a cul-de-sac and I have to go around the point of a lake, I have to go through a variance to subdivide if it is less than 150' in the rear?

Buitenwerf answered that is what this is proposing, yes.

Johnson stated I don't care for that myself.

Van Kempen said I had that same question.

Johnson stated I do have that marked in the Subdivision Ordinance, maybe we will get into that more in the Subdivision Ordinance. I see that it is just struck here, but I just see it creating some problems.

Grob added what this would force is if you did a cul-de-sac or a bend, you would probably be able to put in fewer lots, and you would have to make the outer tangent 220' so that you could make it 150' on the circle. This would just force larger lots on a constrained area. Maybe you would get four parcels instead of six.

Johnson mentioned it could be a couple hundred thousand dollar difference. I think it will come up

when we go over the Subdivision Ordinance amendments.

Buitenwerf explains in the guest cottage section the new number 3 is proposing to allow a guest cottage to be co-located within another structure put to some other use. It would specify that the guest cottage area itself would not exceed 700 sq. ft. Some other counties such as Cass have recently received this type of flexibility from the State. We have had a lot of interest in utilization of the flexibility that we got a few years ago that allowed guest cottages to be on a single-family lot size as opposed to a duplex lot size. This would be another step towards allowing people more flexibility and not having to have two structures providing these two types of uses. Instead, they could merge them into one and then hopefully we can minimize our impervious surface area as well as our aesthetic impact by consolidating uses into a single structure. That is the concept.

Grob asked on item 2, why have you decided to raise the max height on a stand-alone guest cottage to 25 feet from 15'?

Buitenwerf replied it would potentially be in line with the height allowance for item three. We don't have to do that, it just seemed fitting to have them be the same.

Grob stated that would allow people not only a 700 sq. ft. cottage, but they could put a second floor, or large loft in it which would now substantially increase the capacity of a guest cottage. I understand the 25' in co-location because we have seen that with garages. Why the stand-alone guest cottage? It says to me that people will start building two-story guest cabins.

Buitenwerf added we don't know if the DNR would go along with that either. It is food for thought and discussion.

Kovacovich stated I don't know which way to go on that myself.

Van Kempen asked would the 700' be what the first and second floor would total up to?

Kovacovich explained on here it says land surface.

Buitenwerf agreed. The shoreland rules specify the footprint land surface occupied by the 700 sq. ft.

Van Kempen continued technically a guest cabin that was 25' tall could have 1,400 sq. ft. of floor space?

Buitenwerf agreed. Currently, with the 15' height restriction they can also, if they have the elevation and soil conditions to accommodate it, they could put a basement underneath it and then you have 1,400 sq. ft. of living space. That is currently allowed by our ordinance and the State rules.

Grob mentioned I would prefer to keep it at 15'.

Petersen said I agree with Grob. I would leave it at 15'. I just think that you are encouraging more square footage to be used for the guest cabin than what the ordinance allows.

Kovacovich stated I am in agreement with the two of you that it should stay at 15'.

Johnson added since you can have a basement, somebody that is in a better soil position can have 1,400 sq. ft. and then if someone is a little closer to the water table, within 5', then they don't get to.

Kovacovich said that is right.

Grob commented I don't think that I have seen a guest cottage yet that has a full basement under it.

Buitenwerf replied we have had them.

Grob continued besides that, a guest cottage has to be back 100' from the lake if people are building it.

Johnson stated I would put it at the 25' for a stand-alone.

Kovacovich said I am not sure how we handle that. There are three of us saying to stay at 15' and two for 25'. I think that we are going to leave it at 15'.

Grob added the bigger issue that we have run into is that 700 sq. ft. makes it odd. If we were going to do something we would make that 720 sq. ft., or other sizes that we have seen. Can you remember how many times we have been 20 ft. short because of the way that building products are?

Petersen stated I would have to think about that. I am still hung up on 15' versus 25'. Going back to that for one second, in the time that I have been involved here, I have not seen one with a basement. I guess I am asking for clarification. If we have a guest cabin with a basement and it meets the area square footage requirement, they would be allowed to finish that lower level? That would not be a violation if it put it at 1,400 sq. ft.?

Buitenwerf replied that is correct. I don't think that they envisioned that, or considered that when they came up with that language, but there is nothing that prohibits a basement.

Petersen commented I was not aware of that, just because I have not ran into it.

Grob stated I do not think that the remote possibility of a basement should be the reason for us to openly promote two story guest cabins. The fact that it is a possibility, there may be a few with a basement like that, but the more likely thing is that this will open the door for 1,400 sq. ft. guest cabins, which are larger than some residential cabins on the lake. I am not for raising it to 25'.

Kovacovich continues with the proposed changes.

3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this section if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

Kovacovich asked Buitenwerf explain this one to me.

Buitenwerf explained this is in here for a prep for what you will see in Section 601 with some added flexibility to allow water-oriented accessory structures in exchange for some vegetative restoration mitigation. It is in anticipation of that. It would probably be difficult on some lots to be able to achieve that 3' separation on level properties when you have structures within the setback. That is the background for this one.

Kovacovich asked should we hold off on discussion of this until we discuss the other part of it?

Buitenwerf replied that would be my suggestion. The other one is coming up here shortly. The next one just clarifies that no permit is needed for these items. That has been the historic practice, but that is just giving the public the benefit of having that information. In Item 2 is a proposal for how to address landings as to how many and where they can be. Currently, because that is not addressed, you can run into situations where people put excessive amounts of switchbacks or landings in. You essentially wind up with a series of small decks or platforms within the setback, which is not the intent of the allowance for landings.

Buitenwerf explains Item 8 is simply a clarification wording it more clearly.

Buitenwerf states Section 507.3 with boardwalks the landing sentence there is more in line with the prior landing sentence that we just had.

Buitenwerf added for the fence section we have had a number of issues, and you have seen some variances over the years to do with the 50% unobstructed view through the fence in the ordinary high water mark structure setback. Trying to calculate that 50% area at times gets to be really nitpicky. Instead, what is thrown out as an alternative would be to specify a lower height to still accomplish not causing an aesthetic impact for neighbors on either side having to look across a fence and make it more easily administered. That is just a proposal to replace the current wording.

Grob stated the control over fences was only between ordinary high water mark and the structure setback point?

Buitenwerf clarified as far as it needing to be 50% see through.

Grob asked beyond that you could build whatever you want from there to the back lot line?

Buitenwerf explained as long as it did not exceed 8' in height.

The Commission agrees to the change.

Buitenwerf continued with recreational vehicles, an item to give you background on for some options, currently RVs on residential properties have to be permitted if they are there more than 30 days and used as a dwelling at any point in time. We have a lot of commercial property campgrounds where they are functioning seasonally. Those RVs are not moving. They are there year-round. Currently, in a commercial application those RVs do not need to get a permit. On residential properties they do. The question is whether or not to require commercial seasonal applications to also get permits. Another alternative, that I recently came upon, is that we could possibly specify that in those situations those RVs and trailers had to maintain current licensing through the DMV.

Johnson responded that sounds fair.

Kovacovich asked for clarification.

Buitenwerf stated what is put forward for consideration is striking Item 2 where it says that it does not apply. Item 2 up above specifies that you need a permit. Currently, in commercial campgrounds when they are seasonal travel trailers, RVs, they are not required to be permitted, but in the same seasonal setting on a residential lot they do need a permit. I just wanted to bring that to your attention.

Kovacovich added it would level the playing field.

Buitenwerf replied that, or alternatively, you could require proof that in commercial campgrounds all of the trailers and RVs in them have to be currently licensed and road worthy.

Johnson clarified in lieu of a permit?

Buitenwerf agreed. Or we can leave it be. I felt that it was appropriate to make you aware of the issue and then let you guys decide what, if anything, you would like to do about it.

Johnson stated I think that they should be permitted if they are not up to date with their license.

Kovacovich asked we would need to add than then?

Buitenwerf explained right now it states that permitting does not apply at licensed campgrounds.

Johnson added I would change it so that it does.

Buitenwerf stated that is what this would accomplish.

Kovacovich said I think that it should be the same.

Andres agreed. I think it should be a level platform across the whole board.

Petersen agreed.

Buitenwerf added currently it is an odd situation in a campground. The trailer doesn't need a permit, but if they put up a deck or platform, they need a permit for those items.

Kovacovich asked I am wondering if we should resume this at our next meeting. How much more do we have to go through?

Buitenwerf replied it is a fair amount. A lot of it is dependent on whether you will find anything that warrants lengthy discussion or not.

Kovacovich stated I am suggesting that this might be a good point to just stop and we can resume here at the next meeting.

Grob agreed. One of these next sections looks like it will entertain a reasonable discussion, so I think this is a good place to stop.

**New Business:** None.

Kovacovich stated as far as the Shoreland Management Ordinance, we have made quite a bit of progress. My suggestion would be that we put together what we have done today, and rather than calling for a work session at this point, let's see where we are at with the updates in February and take it from there rather than a work meeting be established at this point.

Grob asked if our decision to have some kind of registration/permitting process is going to go forward, and if this outsourcing is really a good option, should we do more than just looking at that slide show? How can we get information that will help us understand what this outsourcing possibility is? I am looking for Buitenwerf's view. Do you think that the very logical outcome that is most manageable is to do what all these other counties have done? Chisago, Cook, and Crow Wing. They have gone down that path and they have found that to be the best approach. Are we better off asking Buitenwerf to come up with a treatise on taking that path and how that would impact your resources, how would we fund it, what would we get from it? Would we be better off having



that to review and not have a work session? Or do you think that it is open up enough that Hubbard County could go down the path of staffing Environmental Services to, in fact, manage this process? What do you see as the logical outcome of that, Buitenwerf?

Buitenwerf answered I have visited and viewed demos from two vendors that provide STR administration services. They both came in with quotes that were similar in price and would be able to be covered with a permit fee, which they recommended at either the average nightly rental rate or twice that amount. That would be in the \$200-\$400 range. If we did that, based on the number of STRs that have been identified, the permit fees would cover that outsourcing. What they have at their disposal with software would greatly improve our ability to administer those things. There would be some staff time that would be inherently required, mainly to review if the registration meets all of our criteria. It wouldn't totally eliminate the need for staff involvement, but it would significantly reduce that. There is not a way that we could add staff for the price that they are offering. I am sure that there are details that we haven't identified yet that would be wrinkles being just that the sales pitch is always rosy. But, I still think that it is a viable way to go.

Kovacovich asked have you talked to any of the other counties yet that have contracted with these services to find out what they think now that they have them under contract, their level of satisfaction?

Buitenwerf replied the two that I have visited with are Cook and Crow Wing. Both are in the early stages so they haven't worked with them for a long enough period of time to be able to say what the pros and cons are after a few years. There are other counties a little further down the path that I could certainly reach out to. There are some that have kind of used a public health avenue, and they have their own public health provider. It wouldn't give us an exact comparison with the vendors that I have demoed because they are a private source that I don't think would be available to us because of how they use it through their public health. It is a collaborative thing within some neighboring counties.

Grob clarified if we want this outsourcing path, would we kind of follow the pattern of Chisago? There is an application form that gets turned in that you would have as your records, and they would help you identify short-term rentals? Or would they go through the whole process of getting the applications?

Buitenwerf replied both that I have looked at have an online application registration system. It is all able to be completed online and then it has a significant amount of analytics and also work flow management so that they can send out tickler email reminders to folks when their registration is coming due. It allows us to send out correspondence saying that they are not in compliance and these are the things remaining that you need to take care of. It also lets us drill down to how many nights it was rented in a given calendar year and ways to evaluate that for purposes of any refinements that we want to make to the ordinance down the road or potentially would be of benefit to the Assessor's Department in their classifications.

Grob asked would this process be most efficient if we ask Buitenwerf to outline a recommendation on outsourcing, outline what we would get and costs? Then we could review before the meeting in February and use that as our basis. Instead of us talking at length, we could just have Buitenwerf explain the outsourcing information.

Kovacovich stated we could have Buitenwerf refine what he has already sent out to us. I think it is the road that we are going down. I don't see us adding staff in the department. That is the road that we are going to go down, it is just how are we going to go about it? Whatever information Buitenwerf could provide us ahead of time would speed up the entire discussion.

Grob added I think that would be the most efficient use of our time.

**Miscellaneous:**

**Communications:** Buitenwerf stated we will likely have one variance and one CUP application for the February meeting. Then it would be a continuation of the STR topic and continuance of the other ordinance items that we started in on this evening. As it pertains to the STR topic, Commissioner Van Kempen can certainly comment on this if he has anything additional, but from the Board members that I have visited with, in light of the outsourcing vendor possibility, I have had some indicate that if we needed an extra bit of time to fully vet that and incorporate that in our recommendation to the Board, they would be open to taking a little bit more time to do that.

**Adjournment:**

Andres made the motion to adjourn.

Petersen seconded the motion.

The motion carried unanimously 5 – 0.

The meeting adjourned at 10:06 p.m.

Respectfully submitted,

Staci Lee

Recording Secretary