

HUBBARD COUNTY

Planning Commission/Board of Adjustment Meeting Minutes

6:00 p.m. on Tuesday, March 23, 2021

The Hubbard County Planning Commission/Board of Adjustment (PC/BOA) continued its regular public hearing and meeting from Monday, March 22, 2021 on Tuesday, March 23, 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.

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

Planning Commission:

Old Business:

Shoreland Management, SSTS, Sign, and Subdivision Ordinance Amendments

Kovacovich stated we will pick up with the changes to the Shoreland Management Ordinance. I believe we were at page 39. We just finished up Number 3 and we are moving onto Section 507.2.

Grob said I think we left the discussion talking about Section 510 and Section 511, Temporary Structures and Recreational Vehicles. We had left a section on page 39 about water-oriented structures. We put that in abeyance until we had the discussion of the changes in Section 601.

Buitenwerf added my notes were that we finished with the edit to Section 511, and then we would be ready to move onto Section 601.

Kovacovich stated we will move to Section 601.

Grob asked we are leaving Section 510 and Section 511 just the way they are then?

Kovacovich replied that is correct.

Kovacovich reads the proposed changes to Section 601 (underlined).

2. All detached accessory structures shall be located in compliance with all setback requirements applicable to the principal structure within the management district with the exception of storage structures as described in Paragraph # 3 below.
3. Each residential lot may have one water-oriented accessory ~~storage~~ structure, deck, or platform located closer to public waters than the structure setback if all of the following standards and requirements are met:

- A. The ~~storage~~ structure must not exceed ten feet in height above grade at any point. A deck cannot exceed eight feet in height above grade at any point. -as measured from the foundation to the peak of the roof, The structure and cannot occupy an area greater than ~~48~~ 150 square feet.
- B. The setback of the structure, deck, or platform from the ordinary high water level must be at least twenty feet.
- C. The ~~storage~~ structure, deck, or platform must be earthtone in color and screened with vegetation to reduce visibility as viewed from public waters and adjacent shorelands.
- D. The structure, deck, or platform must not be located in a bluff impact zone.
- E. A structure's ~~The~~ roof cannot be used as a deck or storage area.
- F. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- G. Where grading or filling or excavation is necessary for construction, a shoreland alteration permit shall be required and there shall be no excavation waterward of the building line.
- H. Mitigation to offset the aesthetic and impervious surface area impact of the allowed WOAS/deck/platform is required unless ESD staff determine the property's shore impact zone is fully vegetated in native tree, shrub, and ground cover aside from any allowed access path, SRUA, and WOAS/deck/platform. IF ESD staff determine the SIZ is fully vegetated, a 500 sq. ft. portion thereof will be designated as an area to be permanently kept in natural vegetative cover. If ESD staff determine the property's SIZ is not fully naturally vegetated, 500 sq. ft. of the property's SIZ must be restored to and maintained in permanent native tree, shrub, and ground cover vegetation. If less than 500 sq. ft. of the SIZ requires restoration, then permanent restoration of said area that is less than 500 sq. ft. and preservation of it and additional shore impact zone area to reach the 500 sq. ft. amount will satisfy this mitigation requirement.
- I. Any structure or facility not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards.

Grob asked Buitenwerf what is behind your desire to allow these larger structures that close to the lake?

Buitenwerf replied the State Shoreland Rules allow a larger structure. We have always been more restrictive in not allowing that. In the last several years we have had a number of variance requests for fire pits with a surrounding platform within the setback. Some of those have been granted. We have fielded increasing requests for either a deck/platform

or a structure. The current allowance for a 48 sq. ft. water-oriented accessory structure was received well by the public and lakeshore owners. This would offer them something with the mitigation offset that we felt would be viewed as a win-win. The County would get some impact zone buffer protection that would be greater in area than what would be allowed for that water-oriented accessory structure, and we are still allowing something that is less than what the state minimum standards already allow.

Grob stated I recall when we had this discussion a few years ago when we made an allowance for storage structures near the lake and 48 sq. ft. We had a lot of debate over that. It seemed reasonable. I don't necessarily have a problem with the deck or the platform because people want a little fire area. I am concerned about allowing a 10' x 15' enclosed structure 20' from the lake. I have this vision that I am going to see a bunch of little buildings popping up around the lake. I am concerned about a structure being that close to the lake. I don't have a problem with the deck or platform. Maybe if the storage structure can be 150 sq. ft., it should be back out of the shore impact zone. Then I would personally feel a little more comfortable. Would the 150 sq. ft. be in addition to the current 20' x 15' rec area that is allowed on the lake?

Buitenwerf replied yes.

Andres asked do we need to have a statement in here that talks about impervious surface? Obviously they wouldn't be allowed this if they were already exceeding impervious surface.

Buitenwerf answered correct. This would be similar to any other section of the ordinance where it says you can do something - that would be on the basis that you are compliant with the 25% impervious threshold.

Andres added I agree with Grob as far as little 10' x 15' buildings popping up everywhere. Is there a different way that we can word that? A platform is not so unsightly from the water as a building. That would be a large structure to be down by the water's edge.

Kovacovich stated I don't have a problem with a deck or platform, but suddenly seeing a whole bunch of 150 sq. ft. structures seems to be a little bit much even with the mitigation efforts.

Johnson said I like it the way it is written. I remember doing a few variances where we have left them. I like it the way it is.

Kovacovich asked on the variances, have we let them go up to the 150 sq. ft.?

Johnson answered I think we have let them go over that.

Petersen asked I am curious if anybody remembers when we have granted variances for this size or larger?

Grob replied I don't remember any. Last night we had a discussion that we made a stage that is smaller than 150 sq. ft. move back from the lake. If we turn around and allow a larger structure closer, it seems a little inconsistent.

Johnson clarified we let the stage be at 35'.

Grob said true, but it was at 25'.

Andres asked with this, can it now move to 20'?

Grob stated a 10' x 15', you could literally put 4 bunk beds in it and people could sleep in it comfortably.

Kovacovich asked Petersen did you have an opinion on the square footage here?

Petersen repeated that is why I was asking if anybody recollects that we have allowed this in the past through variance. I am guessing no one remembers that we have.

Grob commented there might have been a couple cases that we allowed something that already existed to be re-built, but I don't think that we have ever allowed one to be built from scratch.

Johnson stated we allow 6' x 8'. I would say that 70% of the public wouldn't be able to tell you the difference between a 6' x 8' or a 10' x 15' if they were on the lake.

Buitenwerf added another option to throw out there would be to continue to keep the 48 sq. ft. threshold for the structure, and then allow the 150 sq. ft. for a deck of a platform.

Kovacovich responded I could go along with that.

The Commission agrees.

Grob clarified you said a deck or a platform at 150 sq. ft. and 20' back, but no structure?

Buitenwerf said keep the structure at 48 sq. ft., and then allow a deck or platform to be 150 sq. ft.

Grob replied that is what I would prefer.

Buitenwerf stated I changed the wording in 3.A to reflect that.

- A. The structure must not exceed ten feet in height above grade at any point. A deck cannot exceed eight feet in height above grade at any point. The structure cannot occupy an area greater than 48 and a deck or platform cannot occupy an area greater than 150 square feet.

The Commission agrees with the new wording.

Grob said I have one other comment on H with the 500 sq. ft. mitigation. I would like to suggest that we ensure that the 500 sq. ft. includes at least 20' lateral to the shoreline. I don't think a mitigation vegetation that is 10' wide at the lake and 50' deep effectively is a good buffer. If we would constrain that 200 sq. ft. must have at least 20' be laterally to the shore, and I think that it has to be in the shore impact zone.

Buitenwerf replied yes.

Kovacovich asked how would you word that? I like that it is along the shoreline, but I am struggling with how to say it.

Grob suggested I think that just before the last sentence one could say that the 500 sq. ft. buffer zone must include at least 20' in one dimension parallel to the shoreline.

Buitenwerf replied I inserted some language to the point, Grob, which is highlighted. Do you want to see if that addresses your concern?

The Commission agrees.

Kovacovich asked do we need to add any more to the second part of that? I am wondering if we need to add that to the next sentence too.

Buitenwerf added additional language (bold).

The Commission agrees with the changes.

- G. Mitigation to offset the aesthetic and impervious surface area impact of the allowed WOAS/deck/platform is required unless ESD staff determine the property's shore impact zone is fully vegetated in native tree, shrub, and ground cover aside from any allowed access path, SRUA, and WOAS/deck/platform. IF ESD staff determine the SIZ is fully vegetated, a 500 sq. ft. portion thereof **(with a minimum width of 20' parallel to the shoreline)** will be designated as an area to be permanently kept in natural vegetative cover. If ESD staff determine the property's SIZ is not fully naturally vegetated, 500 sq. ft. of the property's SIZ must be restored to and maintained in permanent native tree, shrub, and ground cover vegetation. If less than 500 sq. ft. of the SIZ requires restoration, then permanent restoration of said area that is less than 500 sq. ft. and preservation of it and additional shore impact zone area to reach the 500 sq. ft. amount will satisfy this mitigation requirement. **In all the above scenarios, the 500 sq. ft. area must have a 20' minimum width parallel to the shoreline.**

Grob mentioned we put Item 3 in Section 507.1 on hold until we did this. Let's go back and look and see if it is okay the way it is written now.

Kovacovich reads Item 3 in Section 507.1.

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.

Grob asked would that still apply to the 48 sq. ft. structure?

Buitenwerf replied yes.

Kovacovich stated I think we are okay with that then.

The Commission agrees.

Kovacovich reads changes to Section 702 Nonconforming Structures (underlined).

Section 702. Nonconforming Structures

Any structure legally established as of the effective date of this Ordinance which is not in conformity with the regulation contained in this Ordinance is a nonconforming structure and may be allowed to continue including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except in conformity with the following conditions:

- A. No nonconforming structure shall be expanded, enlarged, or intensified without first obtaining a variance unless each of the following conditions can be met:
 - 1. The expansion, enlargement or intensification does not further increase the nonconformity or violate any other standards of this Ordinance other than regulation(s) that made the structure nonconforming in the first place.
 - 2. An onsite sewage treatment system can be installed in accordance with Hubbard County Subsurface Sewage Treatment System Ordinance No. 41 or the nonconforming structure is connected to a public sewer.
 - 3. The structure is located outside of a shore impact zone or bluff impact zone.
 - 4. Should such structure be moved for any reason for any distance whatsoever other than in a manner that brings the structure more into compliance with this Ordinance, it shall thereafter conform to this Ordinance in its entirety after the structure is moved.

- B. A nonconforming structure that has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, shall not be replaced, reconstructed, restored, expanded, enlarged, or intensified except in conformity with this Ordinance with the exception that homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes may be continued including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, if a land use permit has been applied for within 180 days of when the property was damaged. The Department may impose reasonable conditions on the land use permit in order to mitigate any newly created impact on an adjacent property or water body. When dealing with such homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes, for which a permit has been applied for within 180 days of when the property was damaged, if a nonconforming structure, which is located less than 50 percent of the required setback from the ordinary high water mark, has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the Department may require an increased setback from the ordinary high water mark, if practicable and reasonable conditions are placed on the land use permit, to mitigate created impacts on the adjacent property or water body.

- C. Normal maintenance of a nonconforming structure including nonstructural maintenance and repair is allowed.

- D. Any construction project for which a valid land use permit was granted before the effective date of this Ordinance may be completed although the structure would not meet newly established standards of this Ordinance.

Buitenwerf explained B and C would be combined.

The Commission agrees with the proposed changes.

Kovacovich reads the proposed changes to Section 705 Failing Sewage Treatment Systems (below).

Section 705. Failing Sewage Treatment Systems

A sewage treatment system that does not meet the requirements specified in Article VIII of this Ordinance must be upgraded, at a minimum, at any time that a permit or variance of any type is required for any improvement on, or use of, the property. ~~For the purposes of this provision, a sewage treatment system shall not be considered failing if the only deficiency is the setback of the sewage treatment system from the ordinary high water level.~~

The Hubbard County Board of Commissioners has, by formal resolution, notified the Commissioner of its program to identify failing sewage treatment systems. Hubbard County will require upgrading or replacement of any failing system identified through this program within the applicable time period specified in Article IV, Section 2.01, Failure to Protect Groundwater, in the Hubbard County Subsurface Sewage Treatment System Ordinance. In addition, a system will be required to be upgraded to conform in entirety with all technical standards and criteria of Minnesota Rules, Chapters 7080-7083 when additional bedrooms or water using appliances are added to a dwelling.

Buitenwerf explained the reason for that is that standard compliance criteria does not look at setbacks of the system. It is an unnecessary statement.

The Commission agrees with the changes.

Kovacovich reads the changes to the Section 901 Vegetative Alterations (underlined).

Section 901. Vegetative Alterations

Removal or alteration of vegetation, except for agricultural and forest management uses as regulated by Sections 906 and 907 of this Ordinance, is allowed subject to the following standards:

1. Intensive vegetative clearing within the shore and bluff impact zones and on steep slopes is not allowed except for access paths, stairways, sidewalks, lifts, landings, water-oriented accessory structures/decks/platforms per Section 601.3 of this Ordinance and shoreline recreation use areas as stated in this Section. Intensive vegetative clearing for forest land conversion to another use outside of these areas is a conditional use provided an erosion control and sedimentation plan is developed and approved by the Hubbard County Soil and Water Conservation District in cooperation with the Natural Resources Conservation Service.
2. In shore and bluff impact zones and on steep slopes, only limited clearing of trees and shrubs is allowed to provide a view to the water from the principal dwelling site and intensive vegetative clearing is allowed to accommodate the placement of stairways, sidewalks, lifts

and landings, access paths, water-oriented accessory structures/decks/platforms per Section 601.3 of the Ordinance, and shoreline recreation use areas, provided that:

- A. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced so that the structures are at most 50 percent visible from public waters during summer, leaf-on conditions;
- B. along rivers, existing shading of water surfaces is preserved;
- C. A ground layer and understory of native vegetation is preserved, maintained, or established in this area. Allowed exceptions from this requirement are stairways, sidewalks, lifts, and landings as specified in Section 507.2 of this Ordinance and water-oriented accessory structures/decks/platforms as specified in Section 601.3 of this Ordinance;
- D. The removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted.
- E. Access paths shall be no wider than six (6) feet and must be oriented generally perpendicular to the shoreline except in cases where steep slopes or bluff impact zones require generally non-perpendicular to the shoreline designs per consultation with the Environmental Services Department. No more than one access path per up to 200 feet of lot width as measured at the ordinary high water mark is allowed.;
- F. Stairways, sidewalks, lifts, and landings must be located within the six (6) feet width allowed in Item E above for access paths;
- G. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards; and
- H. Only one shoreline recreation use area shall be allowed on each residential lot and it shall not exceed the following dimensions:

Class or District	Width	Depth
	(the maximum distance in feet parallel to shore)	(the maximum distance in feet perpendicular to shore)
Special Protection	10	15
Sensitive Area	10	15
Natural Environment	10	15
Recreational Development	20	15
General Development	30	15
Remote River segments	10	15
Forested and		

transition river segments	20	15
Agricultural, urban, and tributary river segments	30	15

A perennial ground cover shall be maintained to prevent erosion on all shoreline recreation use areas.

3. Removal of trees and shrubs within the remaining portion of the structure setback area is allowed, provided that a well-distributed stand of trees and shrubs are maintained. A well-distributed stand of trees and shrubs means that a tree and shrub canopy covers at least 50% of the area. A ground layer of predominantly perennial vegetation, such as grass, flowers, forbs, or preferably native plants, shall be preserved, established or maintained in this area.
4. Vegetative alterations necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 903 of this Ordinance are exempt from the vegetative alteration standards prescribed in this Section.
5. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both and shall be consistent with best management practices for shorelands.

Buitenwerf explains the reason for these changes would be that those items would be allowed to be located in the shore impact zone.

The Commission agrees with the changes.

Kovacovich reads the one change in Section 902, page 53, Item 4 (underlined).

4. Property owners may repair damage to a shoreline from a single season of ice damage that occurred within the last twelve months when the ice ridge had been legally altered in prior years providing such work is reported to the Environmental Services Department. Alteration of any portion of an ice ridge in all other circumstances must be authorized by a variance pursuant to Article XI of this Ordinance.

Buitenwerf explained that is to add clarification to make sure that the language is clear to align with what has been the historic practice.

The Commission agrees with the change.

Kovacovich reads the one change in Section 903 Placement and Design of Roads, Driveways and Parking Areas (below).

Section 903. Placement and Design of Roads, Driveways and Parking Areas

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters ~~Documentation must be provided by a qualified individual that all roads and parking areas~~

~~are designed and constructed to~~ and minimize and control erosion to public waters consistent with the technical guides of the Natural Resources Conservation Service or other technical materials.

Buitenwerf explained the primary reason for this is that the term qualified individual includes nothing describing what a qualified individual is.

Kovacovich added I think that is okay because we are referencing the Natural Resources Conservation Service guidelines or other technical materials. I think we would get to the same place on that.

The Commission agrees with the changes.

Kovacovich reads the changes to Section 904 Stormwater Management Standards, Number 4 (underlined).

4. When constructed facilities are used for stormwater management, ~~documentation must be provided by a qualified individual that they~~ must be are designed and installed consistent with the field office technical guide of the Hubbard County Soil and Water Conservation District Natural Resources Conservation Service.

Kovacovich states that is the same as the change that we just went through.

The Commission agrees with the changes.

Kovacovich reads the proposed change to strike Section 906 Special Provisions for Agricultural Uses Number 3 (below).

3. ~~Horsebarns, stables and barns for livestock must be setback a minimum of five hundred (500) feet from the ordinary high water mark of public waters.~~

Grob asked that would imply that you could have animal facilities within 100' of the lake?

Buitenwerf explains no, they would have to meet the structure setbacks the same as applies to all other structures. The 500' setback means that you can't even have those items in the shoreland area along a river or a creek. We have seen a number of variances where people were asking for a reasonable shelter for a couple horses that they couldn't have on their property because they couldn't meet that 500' setback.

Kovacovich asked that would be no different than me building a house or a garage?

Buitenwerf answered right.

Kovacovich reads the proposed change to also strike Section 906 Number 6.

6. ~~Land used as pasture must be a minimum size of five acres within the boundaries of the pasture fence.~~

Kovacovich states we are also striking land use as pasture must be a minimum size of 5 acres within the boundaries of the pasture fence.

Buitenwerf explains over the years we have seen a number of variances granted from that requirement in cases where people were keeping one or two horses.

Kovacovich reads the proposed changes to Section 906 Number 7.

7. Incidental agricultural uses such as raising chickens or a milking cow that comply with the Ordinance's accessory use definition involving up to three animal units (as defined by the Minnesota Pollution Control Agency feedlot rules) are allowed and not subject to Section 906, ~~Items 3 and 6 listed above~~. Accompanying structures used to shelter/house items or animals related to such incidental use are not subject to Section 906 and are allowed by permit, ~~provided they maintain the incidental agricultural use's remaining in compliance with the accessory use definition, are permitted, and comply with all applicable ordinance regulations aside from the two above listed exceptions within this Section.~~

Buitenwerf explains the background here is that we are attempting to provide greater clarity. We had some issues that surfaced over the time period since that incidental allowance was added. We are attempting to provide clarity that the intent was to allow those items. We had some neighbors who objected to people that were exercising that use that tried to contest that it wasn't allowed. That was the intent when that first was added so we are trying to get the language to more accurately indicate what is being allowed.

The Commission agrees with the changes.

Kovacovich stated it looks like we are striking the entirety of Section 909.

~~Section 909. Special Provisions for Fish and Wildlife Habitat Improvements~~

~~Fish and wildlife habitat improvements shall be allowed provided that:~~

- ~~1. Such improvements shall be set back a minimum distance of 500 feet from the ordinary high water level.~~
- ~~2. Wildlife ponds must be constructed in compliance with the standards established by the NRCS, the DNR, and all other applicable laws, statutes, rules, ordinances, and regulations.~~

Buitenwerf explains that is a section that is not in the State minimums standards and it was kind of a trend a couple decades back where people were digging out areas to make a pond for wildlife, but we really aren't seeing that type of activity any longer.

The Commission agrees with the changes.

Kovacovich reads the one change to Section 1002 Land Suitability Number 2.A (underlined).

- A. topographic contours at two~~een~~ foot intervals from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics;

The Commission agrees to the changes.

Kovacovich reads the change to Section 1005 Lot Size (underlined).

Section 1005. Lot Size

1. Newly created lots shall be of size and shape to satisfy all requirements of Article V of this Ordinance with the exception that units within a residential planned unit development can be smaller than the minimum lot size standards shown in said Article V.

Buitenwerf explains the background here is that the State Rules have always allowed a planned unit development to have the units surrounding the dwellings to be much smaller than minimum lot size requirements, but they never addressed that in language. This is just a clarification to say that we are not going to expect the unit envelope around a cabin to meet minimum lot size because that would defeat the whole purpose behind a planned unit development.

The Commission agrees with the changes.

Kovacovich reads the one proposed change to Section 1012 Residential and Commercial PUD Density Evaluation Number 1.A (underlined).

- A. the suitable area within each tier is divided by the single residential lot size standard (i.e. lot area, buildable area, and lot width) for the applicable management district to determine the number of single family residential dwelling lots that could be created in the suitable area.

Buitenwerf explained the real point of that is the buildable area being added. Currently, it just specifies lot area and lot width. As you are seeing as well, we are seeing a lot more marginal shoreland being looked to for development purposes, so you can end up with all of the first Tier being wetland. That sets us up for a bad situation where you can then have it meet the lot area and width requirements, but none of that area is usable because it is all classified as wetland or bluff. Adding buildable area ensures that they aren't allowed, in a PUD, to have more units than what would be allowed if it was a standard lot and block development.

The Commission agrees with the changes.

Kovacovich read the proposed changes to Section 1013 PUD Maintenance and Design Criteria Number 3 (underlined).

3. All residential planned unit developments must contain at least five dwelling units or sites.

Buitenwerf explained the background there is that is in the State Shoreland Rules currently. It is also in our definition section, so we are just adding that to the specific relevant section so it is more clear. The State requires a minimum of five because they feel that is the minimum necessary to have an effective homeowners association.

The Commission agrees with the changes.

Kovacovich read the changes to Section 1101 Environmental Service Director Number 2 (underlined).

2. Inspect all construction and development to ensure compliance with that this ordinance's standards of this Ordinance are complied with. All persons involved in land development activity

shall allow free access to authorized representatives of the County at any reasonable time for the purposes of making such inspections as may be necessary to determine compliance with the Ordinance. Failure of such persons to allow an inspection shall be considered a violation of this Ordinance and the Environmental Services Director shall have the authority and responsibility to take appropriate legal actions, or to suspend review of a permit, or to revoke a permit;

Buitenwerf explained this is to make the sentence more grammatically correct.

The Commission agrees with the changes.

Kovacovich reads the proposed changes to Section 1103 Variances and Appeals, Item 12 (underlined).

Such appeal shall be heard by the Board of Adjustment ~~within sixty (60) days of the date that such~~ once an application is submitted to and deemed complete by the Environmental Services Director.

Buitenwerf explains the background here is counsel has advised that the 60 Day Rule applies to these applications and recommends that any reference to a time period be not placed in the ordinance so that as the 60 Day Rule evolves and is reinterpreted, we don't run the risk of having language in the ordinance that is conflict with court decisions and any changes to the Statute.

The Commission agrees with the changes.

Kovacovich reads the proposed changes for Section 1104 Permits (underlined).

Section 1104. Permits

All property owners or designee having charge of the erection, alteration, moving, or change of the exterior or use of any structure shall apply for a land use permit from the Hubbard County Environmental Services Director before beginning or undertaking such work. Additionally, no grading, filling, or excavation for footings, foundations, slabs, posts, basements, walls or other parts of a structure shall be conducted without first securing a land use permit.

Permits are also required for grading and filling, vegetative alteration in the shore impact zone, SSTS, signs, variances and conditional uses. Any modification, alteration or change to a structure that results in a change of use of the structure requires a permit issued by the Hubbard County Environmental Services Director. Repairs and maintenance as defined herein shall not require a permit. After the appropriate fee has been paid, and if the proposed work does not conflict with any portion of the Hubbard County Shoreland Management Ordinance or any other County ordinance and there are no outstanding violations on the parcel per Section 1109, the permit shall be granted. If the permit is not granted, the reasons for such denial will be provided, in writing, to the applicant.

1. Application for a land use permit shall be made to the Environmental Services Director on blank forms to be provided by the County. Each application for a permit to construct, alter, move or change the exterior or use of a building shall be accompanied by a plan, drawn to scale, showing: the dimensions of the lot to be built upon; and the size and location of the structures. Applications for land use permits shall contain other such information as may be deemed necessary for the proper enforcement of this Ordinance.
2. Permits for the installation of sewage disposal systems, for grading and filling projects, and for

the erection of signs in shoreland areas must also be obtained from the Environmental Services Director before such installation or erection has begun.

3. When any part of a proposed structure lies partly within the Shoreland Management Ordinance jurisdictional area, a land use permit shall be required for said structure.

4. A land use permit is not required for such structures as The following structures do not require a permit per this section provided that all setback requirements are met: satellite dishes, propane tanks, outdoor woodstoves, sidewalks, underground sprinkler and/or irrigation systems, hot tubs, tents no larger than 15' wide x 15' long x 15' high, swing sets no larger than 6' deep x 8' wide x 6' high, playground equipment no larger than 10' wide x 8' high, currently licensed fish houses/dark houses, and pump houses no larger than 4' x 4' x 4' provided that all setback requirements are met. Other structures and items which in the discretion of the Environmental Services Director are of a nature sufficiently similar to those listed herein, may, at the discretion of the Environmental Services Director, be exempt from the requirement of obtaining a land use permit. A land use permit shall not be required for normal maintenance such as painting, siding, roofing, and other similar improvements which do not involve exterior structural change to the structure.

5. All land use, grading and filling, and shoreland alteration and sanitary permits shall expire one year from the date of approval unless a written extension is granted by the Environmental Services Director prior to the date of expiration.

6. No contractor or individual shall perform work upon a project requiring a permit under this Ordinance unless such permit has been issued and posted on the premises and until such contractor or individual has first verified any and all conditions of the permit.

Kovacovich asked I assume that is all just what we have been doing in the past and that just clarifies it all in this section?

Buitenwerf replied yes.

Kovacovich asked we are striking part of Number 4 for what reason, Buitenwerf?

Buitenwerf explains part of it is that we ran into issues where the playground equipment would have a fabric covered tent component to the top portion of it and that would exceed the height. It just saved administrative time in trying to measure something. Later on in that section we are trying to say that those types of incidental items will be left up to the County to exercise its discretion on saying whether something needs a permit, because otherwise trying to list everything that you would exempt is near impossible.

Kovacovich replied that makes sense to me if I read through the whole section.

Grob added as I have been going through this, we are having this issue more and more with light pollution on the lakes. I have been trying to think about how we could start putting some kind of control on the lights, in terms of down direction and location. One thought that I had was if we added in here lawn lights, or yard lights, don't require a permit if they meet

the setback requirements. Then, back on page 13, we list it. Are we up to the task of trying to specify height and down direction for lighting as long as we are doing this with the Shoreland Ordinance?

Kovacovich clarified you are trying to limit the amount of light within the setback area, is that what you are after, Grob?

Grob explains the issue comes up that more and more people want yard lights. At a State level, this has become an issue in terms of some kind of regulation. The problem is that people leave them on all night long. On Potato Lake there are about three of them along one shoreline, and all the people across the lake are unhappy about. It really is obnoxious when they leave them on all night long and they are not down directed. We would like to introduce something into our regulations here that yard lights, lawn lights, should be no more than 20' high, need to meet setback requirements, down directed, and have to be back 100'. I would like to push for that, but I don't know if we are up to doing it at this point. I realize there is a certain number that would be grandfathered. I don't know how we would handle that, other than require they become down lighting and stay in place. As I was reading through this, on page 13 where we talk about structures, it lists fences, lawn lights, antennae, and related minor equipment should not be considered structures. If you cross out lawn lights, and then if you added in here that a permit is not required for lawn lights if they meet setback requirements? It is only by implication that you can't have a lawn light closer than 100'. I am wondering if we want to include that. Does anyone else experience that on their lakes?

Kovacovich responded I know exactly what you are talking about, Grob. I am in agreement. I am trying to figure out how we would do that.

Buitenwerf added you mentioned the hardest issue, Grob, which would be trying to ascertain and accurately identify those that are grandfathered, preexisting, versus what would be new.

Grob mentioned the only way to do it would be to write that they have to be back 100'. Those that are in existence as of this date have to be converted to downlight, but could remain in place.

Johnson asked are you talking about the ones that are constantly on, Grob? You are not talking about something that is motion activated, right?

Grob replied the offensive thing is that they are on all night long. It isn't having them down by the lake. They could be on temporarily. They are on all year around, every night.

Buitenwerf added if I can offer a suggestion, Grob, that might be something that we could work on separately. If we can continue with this process, I would like to try to get these amendments in place in time for the construction season. That sounds like something that is going to take more work that what we will be able to effectively put together this evening. Part of the issue is what I have up on the screen right now, the structure definition in MN Rule 6120, which is the State Shoreland Rules. As you can see, the list of exempted items, this definition matches our definition of structure. I would need to visit with DNR staff.

Grob responded we add in lawn lights in our definition, and that is not in the State one, right?

Buitenwerf replied I am not sure where you are seeing lawn lights in our definition.

Grob answered see page 13.

Kovacovich added under structures we have fences, lawn lights, antenna, and related minor equipment shall not be considered structures.

Grob said if we would just cross it out there for now, and downstream take the time to look at what other Counties have done and what is being done otherwise. In another update, in a year or so, we could do something, but for now taking that out as something that is exempt would probably be a good first step.

Buitenwerf explained we have it listed there, but I think just from prior conversations with Counsel, towers and poles, the other listed exemptions that are in the State definition as well, I think we would run into potential issues that they view lawn lights on posts to fall under towers or poles as well. We can certainly look into it, but for the sake of continuing forward with the other items, if we could work on that separately, that would be my preference.

Grob clarified and not do anything right now?

Buitenwerf agreed.

Kovacovich stated I am okay with that if we put that as a future agenda item. I think it is something that needs to be in there.

Grob said maybe Buitenwerf and his staff could check into what other counties are doing.

Buitenwerf responded I can do that.

Kovacovich read the proposed changes to Section 1105 Conditional Use Permits Number 2, and the addition of Numbers 7 and 8 (underlined).

2. Upon consideration of the factors listed above, the Planning Commission or Hubbard County Board of Commissioners may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:

- A. type and extent of shore cover;
- B. increased yards and setbacks;
- C. specified sewage treatment and water supply facilities;
- D. landscaping and vegetative screening;
- E. periods and/or hours of operation;
- F. operational control sureties;
- G. deed restrictions;
- H. location of piers, docks, parking, and signs;
- I. type of construction;

J. controlling the location and number of vehicle access points;

K. increasing the number of required off-street parking spaces;

L. limiting the number, size, location, or lighting of signs;

M. the Board of County Commissioners may require letters of credit to ensure all conditions are adhered to;

N. any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance

Buitenwerf explains it is saying that those are not things that must be made conditions to a conditional use permit, it just lists those as possibilities. It just helps when you are considering those applications, when you review this Section of the Ordinance, it gives you some additional ideas.

7. Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit was being issued.

Buitenwerf explained that is an insurance policy so if a conditional use gets approved, and in hindsight we realize that something was not addressed that should be, it gives you the ability to have something that you normally would otherwise say should go back through a hearing process for approval, for that to be able to occur.

8. A request to amend an existing conditional use permit shall be administered in the same manner that is required for a new conditional use permit application. Amendments to a conditional use permit shall be limited to requests for changes in specific conditions of the existing permit.

Buitenwerf explains this has been the practice for proposed Item 8, it is just putting into language what has been the practice.

The Commission agrees with the changes.

Kovacovich read the proposed change to Section 1108, Number 1, Public Notice and Hearing Requirements (underlined).

1. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and final plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the official newspaper of Hubbard County and written notification by U.S. mail of all property owners within the following distances from the affected property when such notice is applicable: In the case of variances, 500 feet; In the case of Interim and Conditional Uses, one quarter mile or ten nearest properties, whichever provides notice to the most property owners; In the case of amendments to official controls which affect specific properties and preliminary plat review, one half mile.

Buitenwerf explained this is just adding, in the case of Interim Use permits, that we would give notice within a quarter mile of the property.

The Commission agrees with the change.

Kovacovich opens for public comment.

Ted Van Kempen, 22091 County 118, Laporte, MN, stated for those of you in attendance that don't know who I am, I the Vice-Chair of the Hubbard County Commissioners, so I am representing the Board on the Planning Commission tonight, and for the year. Speaking personally, not for the Board, I want to thank the Planning Commission for the work that they have been doing on the short-term rentals and the Shoreland Management Ordinance. I would like to personally thank Mike Kovacovich for representing District 5, the District that I represent as a County Commissioner. Most of you on the Planning Commission know me, I have been having a hard time not saying anything during these meetings, but I think you have all done a really good job and I just wanted to say thank you.

Kovacovich closes public comment.

Kovacovich stated we now go to the Subsurface Sewage Treatment System Ordinance.

Kovacovich reads the proposed change to Article V, Section 3.0 Variances and Appeals (underlined).

Article V, Section 3.0 Variances and Appeals

Variances from the provisions of this ordinance and appeals of Environmental Services Department staff administrative decisions made regarding this ordinance will be processed according to the provisions in Section 1103, Variances and Appeals, in the Hubbard County Shoreland Management Ordinance (except in regard to Item 4 of said section, a current compliance inspection report is only required on the SSTS that is the subject of the variance application) and the following two conditions that supersede Section 1103.6 of the SMO:

- A. Any violation of the terms and conditions of a variance issued pursuant to this Ordinance or any violation of any provision of this Ordinance relating to the specific issue of the variance shall result in immediate revocation of the variance.
- B. Any variance granted shall automatically expire if the SSTS is not installed within one year of the date of the variance approval.

Buitenwerf explains this is in response to the Pollution Control Agency's rule amendment requiring septic tanks to be pumped as part of a compliance inspection. I, and others, find that to be unnecessary and excessive. It adds cost and incentivizes people to do the wrong thing instead of the right thing. The County Board was okay with my recommendation to present to the Commission in this proposed amendment to remove the requirement for compliance inspections when they were not State mandates. Here, currently, we require a current compliance inspection on any septic system on a property that is involved in a variance. As you can imagine, with a resort for example, they can have multiple systems that would get very expensive, very quickly. It is clarifying that, in those cases, we are only going to require a current septic compliance that would be involved in that particular variance request.

The Commission agrees with the change.

Kovacovich reads the proposed change to Article VIII Compliance Management, Section 1.0, Compliance Inspection Program (below).

Article VIII Compliance Management

Article VIII, Section 1.0 Compliance Inspection Program

1.01 Department Responsibility

It is the responsibility of the Department, or its agent, to perform various SSTS compliance inspections periodically to assure that the requirements of this Ordinance are met.

A. SSTS compliance inspections must be performed:

(1) To ensure compliance with applicable requirements;

~~(2) To ensure system compliance before issuance of a permit for addition of a bedroom unless the permit application is made during the period of November 1 to April 30, provided a compliance inspection is performed before the following June 1, the applicant submits a certificate of compliance by the following June 30, and the Department deems it appropriate;~~

Kovacovich states we are striking Number 2.

Buitenwerf explains the background here is that is relevant in cases where the local governmental unit requires a permit for adding a bedroom. We do not. Someone can remodel the interior of their home to add a bedroom without need of a land use permit in a shoreland area, and in non-shoreland areas we do not have County-wide zoning, so we don't require a permit for erecting a structure outside of shoreland. Essentially, we probably ought to not have had that language in there to start with, so it is looking to get rid of that for that reason.

The Commission agrees with the change.

Kovacovich opens for public comment.

No public comment is given.

Kovacovich closes public comment.

Kovacovich states we are on to the Hubbard County Sign Ordinance.

Kovacovich reads the proposed changes to Section 53 Amendments.

53.0 Amendments

The procedure for amendments to this Ordinance shall be as follows:

1. An amendment may be initiated by a property owner, the Planning Commission or the County Board of Commissioners. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Director. Such application shall be filled out and submitted to the Director together with the appropriate fee;
2. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request;

3. A public hearing on the amendment request shall be conducted by the Planning Commission ~~within sixty (60) days~~ following such initial meeting. The Public hearing shall be conducted in accordance with M.S. 394.26;
4. The Planning Commission shall make a recommendation to the County Board of Commissioners after the proceedings of this public hearing. The applicant shall be notified in writing of the recommendation that shall be forwarded to the County Board of Commissioners;
5. The County Board shall consider the Planning Commission recommendation ~~within thirty (30) days~~ after the public hearing is conducted.

Kovacovich stated I would assume this has the same explanation for why we did that earlier?

Buitenwerf replied correct.

Kovacovich read the proposed change to Section 54 Variances and Appeals (underlined).

54.0 Variances and Appeals

An affected property owner may request a variance from standards as specified in this Ordinance and may be requested pursuant to this Ordinance.

Variances from the provisions of this ordinance and appeals of Environmental Services Department staff administrative decisions made regarding this ordinance will be processed according to the provisions in Section 1103, Variances and Appeals, in the Hubbard County Shoreland Management Ordinance – except Item 4 of said section does not apply.

Buitenwerf explained that has to deal with the tank pumping rule that relates to compliance inspections for variance applications.

The Commission agrees with the changes.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Kovacovich stated we will move on to the Hubbard County Subdivision Ordinance.

Kovacovich read the proposed change to Section 1 General Provisions, adding Subdivision K, Minimum Lot Size (underlined).

Subdivision K. Minimum Lot Size.

When a proposed lot/tract to be created by subdivision lies partly within the Shoreland Management Ordinance jurisdictional area and partly outside said area (i.e. non-shoreland area), the lot/tract

must comply with the minimum lot size standards of the shoreland or non-shoreland area in which a majority (i.e. greater than 50 percent) of the proposed lot/tract area is located.

Buitenwerf explained the background to this is that this has been historic practice. Our County does not have County-wide zoning so we run into this situation. So, this language is meant to provide people with that information up front in the ordinance as opposed to it being a standing departmental policy.

The Commission agrees with the change.

Kovacovich read the proposed change to Section 2 General Subdivision Procedures, Subdivision B, Variances and Appeals, Number 2 (underlined).

2. Variances from the provisions of this ordinance and appeals of Environmental Services Department staff administrative decisions made regarding this ordinance will be processed according to the provisions in Section 1103, Variances and Appeals, in the Hubbard County Shoreland Management Ordinance – except Item 4 of said section does not apply.

Kovacovich stated I think that has the same explanation that we have had previously.

Buitenwerf replied correct.

Kovacovich stated we will move onto Subdivision B, Definitions, adding Buildable Area (underlined).

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 added this is a standard definition.

Buitenwerf explained it is the same definition as what we reviewed in the Shoreland Management Ordinance. It is just finding a more commonly used term now as opposed to residential lot suitable area. It still accomplishes the same end.

The Commission agrees with the change.

Kovacovich read the proposed changes to the definition of Lot Width (underlined).

Lot Width, Non-Shoreland— The mean shortest horizontal distance between side property lines measured at any point between the front lot line and 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, of a lot located outside the jurisdictional area of the Hubbard County Shoreland Management Ordinance.

Lot Width, Non-Riparian Shoreland— The shortest distance between lot lines measured at the mid-point of the building line on a non-riparian lot located within the jurisdictional area of the Hubbard County Shoreland Management Ordinance.

~~Lot Width, Riparian Shoreland—The shortest distance between side lot lines measured at the building setback line on a riparian lot located within the jurisdictional area of the Hubbard County Shoreland management Ordinance. This shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river.~~

Grob asked these are the same changes as to the Shoreland Management Ordinance, right?

Buitenwerf replied correct.

Buitenwerf explained we are trying to simplify administration here as you can see. We previously had three separate lot width definitions, and so you can encounter situations that don't fit those. We are trying to standardize the definition for ease of everyone's interpretation application, as well as administrative ease for the Department.

The Commission agrees with the changes.

Kovacovich read the next change is that we are striking the Residential Lot Suitable Area (below).

~~Residential Lot Suitable Area—The minimum contiguous area on a residential lot or parcel of land that is the combination of:~~

- ~~1. the minimum contiguous area remaining on a lot or parcel of land after all setback requirements, bluffs, all easements and rights-of-way, historic sites, wetlands, and land that is not three feet above the ordinary high water mark of public waters are subtracted for the purposes of placing structures; and~~
- ~~2. the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.~~

Kovacovich stated that is because we have changed that to a different term.

Buitenwerf replied correct.

The Commission agrees with the change.

Kovacovich read the proposed changes to Section 4 Administrative Subdivisions, Subdivision A.b.2 (underlined).

- 2.) A lot may be subdivided to create up to two lots each equal to or greater than 2.25 acres (98,010 square feet) in size that shall not include any public road right-of-way, but less than five acres in size. Each lot must also have a minimum contiguous buildable ~~residential lot suitable~~ area of 49,000 square feet and a 150' average width. A certificate of survey created by a surveyor in the State of Minnesota is required for every such lot created.

Kovacovich clarified that is just the same definition clarification instead of residential lot suitable area to buildable area?

Buitenwerf replied correct.

The Commission agrees with the change.

Kovacovich reads the proposed change to Subdivision B Administrative Subdivision Procedure Number 1.d (below).

~~d. A current SSTS compliance inspection for each SSTS located on the property to be subdivided.~~

Kovacovich asked striking that is consistent with what we have done elsewhere?

Buitenwerf answered correct.

Kovacovich reads the proposed changes to Section 5 Minor Subdivisions, Subdivision A.1.a (underlined).

- a. The subdivision is for development of a property located outside of the Shoreland Management Ordinance jurisdictional area with a maximum of eight lots.

Buitenwerf explained this is a clarification to reflect what the Planning Commission's intent was when this section was initially added to the ordinance. There was discussion of whether to apply this in shoreland, and the Commission at that time felt that it ought to only apply to non-shoreland areas. For whatever reason back then we didn't think to include language to that effect. That is the reasoning behind the proposed additional language on the screen.

The Commission agrees with the changes.

Kovacovich read the proposed change to Section 5, Subdivision A.2.c (below).

- c. Structures and wells ~~(for lots located within the Shoreland Management Ordinance jurisdictional area)~~

Kovacovich stated that is just to be consistent here.

Kovacovich reads the proposed change to Section 5, Subdivision B.5.a (underlined).

- a. The applicant shall file the deeds of the lots or registered land survey with the County Recorder's Office within six months of the Planning Commission's approval. After approval of a minor subdivision application, the applicant must file the necessary deed(s) and documents with the Hubbard County Recorder within 180 days of the date of subdivision application approval to complete the subdivision process or the minor subdivision application approval will be null and void. New minor subdivision approved lots do not become legal lots of record until the deeds creating said lots are filed with the County Recorder. If the deed(s) are not recorded for the new lot(s) prior to an ordinance revision that makes any of the lot(s) approved through this process nonconforming, the minor subdivision application approval will be null and void, and a new application will need to be processed in accordance with any new ordinance requirements.

Buitenwerf explained this accomplishes the same thing in terms of it being a six month window for getting deeds recorded, but it is language that is in the administrative subdivision section. I felt for consistency's sake, using that template for minor subdivisions made sense.

The Commission agrees with the proposed change.

Kovacovich read the proposed change to Section 6, Subdivision B.7.a (underlined).

- a. The County Board shall act on the preliminary plat ~~within 120 days of submittal of a complete application, unless a delay is agreed to by the subdivider in writing~~ after the Planning Commission makes a recommendation on the preliminary plat application.

Buitenwerf explained this too is the same reasoning regarding the 60 Day Rule that was given for similar other edits in the other ordinances.

The Commission agrees with the change.

Kovacovich reads the proposed change to Section 6, Subdivision C.3.g (below).

- g. Subsurface Sewage Treatment System site evaluations submitted by a State of Minnesota licensed designer showing room on each proposed lot for a primary and alternate septic treatment system and these system areas be shown to scale on the preliminary plat. ~~A current SSTS compliance inspection must also be submitted for each SSTS located on the property to be subdivided.~~

Kovacovich asked this is the same rationale as before, we are striking some language to be consistent?

Buitenwerf explained this is not a State mandated compliance inspection requirement, so that is why we have that latitude.

Kovacovich read the proposed change to Section 7, Subdivision B.1 (underlined).

1. Each new lot created under the platting process located outside of the Hubbard County Shoreland Management Ordinance jurisdictional area shall meet a minimum lot requirement of 150-feet in average width and have an area of no less than 2.25 acres (98,010 square feet). This area shall not include the public road right-of-way square footage. Each lot must also have a minimum contiguous buildable ~~residential lot suitable~~ area of 49,000 square feet.

Kovacovich stated we are substituting buildable for residential lot suitable.

The Commission agrees with the changes.

Kovacovich read the proposed change to Section 7, Subdivision D.12.b.4 (underlined).

- 4.) The constructed roadbed shall be centered within the right-of-way.

The Commission agrees with the change.

Kovacovich read the proposed change to Section 9, Subdivision G Fees (underlined).

Refunds. Should a permit, application, or appeal be denied, the fee shall not be refunded.

Kovacovich asked I assume that is a clarification for people that have been asking for their money back.

Buitenwerf explained it would save a lot of hassle, and we incur the cost of review whether it is denied or approved.

The Commission agrees with the change.

Kovacovich opened for public comment.

No public comment was given.

Kovacovich closed public comment.

Kovacovich made a motion to recommend to the County Board the changes to the Shoreland Management Ordinance, SSTS Ordinance, Sign Ordinance, and the Subdivision Ordinance as discussed and documented.

Andres seconded the motion that carried unanimously 5 – 0.

New Business: None.

Miscellaneous:

Communications: Buitenwerf added in regard to the Variance Appeal Roline v. Hubbard County, which was a variance that the Board of Adjustment acted on a couple of times, they had two different applications that involved a lakeside deck that was an after-the-fact situation. Counsel was able to reach a tentative settlement in that matter that essentially has the landowners bringing the deck into compliance, obtaining a permit for that, and then they have agreed to do so. We are just in the stage of waiting for the Court to officially approve that and dismiss the case. Hopefully they will follow through with doing the necessary work. We will go out and measure and mark what they need to reduce the deck size to, they will get a permit for that, and then we will go in and inspect after they have done the work and hopefully that will put that matter to rest. Counsel asked that I would inform you of the status of that one since it is a relatively fresh issue and I know it was one of interest to the Board of Adjustment.

As far as the other item I would have for you would be the tentative agenda items for April. We have Green Pine Villas conditional use permit amendment application that was first heard this fall coming back before the Planning Commission. We also have four variance applications currently with the application deadline being next Monday afternoon at 2:00, so I anticipate that we will have some additional variances to add to that list.

Kovacovich asked has any thought been given on when we may be back to meeting in person?

Buitenwerf replied I have not had the opportunity to look into that. I don't have any information for you yet.

Van Kempen added I hope we get together before the end of the year. I was looking forward to being part of the Planning Commission. The County Board is meeting in-person. Personally, the sooner the better.

Adjournment:

Grob made the motion to adjourn.

Kovacovich seconded the motion.

The motion carried unanimously 5 – 0.

The meeting adjourned at 7:36 p.m.

Respectfully submitted,

Staci Lee

Recording Secretary