HUBBARD COUNTY
Planning Commission Meeting
Tuesday, June 8, 2010 at 9:30 A.M.

OPEN PUBLIC HEARING 9:30 AM

ROLL CALL: The Hubbard County Planning Commission met with the following members present: Bob Ruhnke, Tom Krueger, Jerry Novak, Terry Clairmont, Arnold Christianson, Sally J. Shearer, Tim Johnson, Oakley Williams, and Donald "Doc" Carlson. Also present were Environmental Services Officer Eric Buitenwerf and Recording Secretary Janet Thompson.

Approval of the Minutes from the March 9, 2010 Planning Commission Meeting:
Clairmont moved to approve the March 9, 2010 Planning Commission minutes as presented. Novak seconded the motion. The motion carried unanimously.

Old Business: No old business was presented.

New Business:

- **Conditional Use Permit Application # 1-CU-10** by Travis Guida and Sarah Coumbe-Guida: Applicants are requesting a conditional use permit (CUP) per Sections 401 and 1011 of the Hubbard County Shoreland Management Ordinance to expand Eagle Beach Resort (located on parcel 02.22.00500) to include a low and high ropes challenge course (located on a portion of parcel 02.22.01620.) These parcels are located in Arago Township on Eagle Lake and between Eagle and Potato Lakes. Eagle and Potato are recreational development lakes.

Travis Guida presented his conditional use permit application to the Commission.

No correspondence was presented.

Carlson said the request sounded dangerous but assumed that it was not. He questioned if it was.

Guida said Carlson asked a very good question. Rope courses are proven to have less risk of injury than driving a car. There is a perception of risk and that is what makes them valuable as a training tool. The fear of the risk is what allows people to reach outside of their comfort zone and experience new things. Guida explained they are contracting with a vendor in Tennessee who has seventeen years of business experience in building high ropes courses as well as what is called a canopy tour/aerial adventure park. In order to be insured, a certified inspector must inspect the course annually. The insurance will be significantly the largest expense to the project.

Carlson asked if the County is open to any liability since cars will have access to the property.

Guida said that his attorney is in the process of creating waivers to eliminate risk. These types of courses are becoming more common. Most courses of this nature are operated at boys and girls clubs, bible camps, or similar places. There will be no liability to the County. They are in the process of creating a limited liability corporation that will provide umbrella protection for themselves as well.

No public comment was given.

Buitenwerf noted there is no septic system on the property. Portable toilets will be used for restroom facilities. There is adequate parking onsite with an existing access off from County 40 which will be

used. There will not be a significant amount of traffic accessing the property off County 40. The majority of the traffic flow will be directed through the resort.

Ruhnke said the property is beautiful with many mature trees. He questioned if there is an exact location on the property selected for the course.

Guida said that the exact location has yet to be determined due to the fact that the contractor installing the course must have input on that decision. Some preliminary clearing of the area will be done for site preparation.

Shearer asked Guida for clarification if an existing cabin will be removed and a new storage shed constructed.

Guida said in the short-term nothing is proposed. Within a year or two, they would like to build a similarly sized cabin to the one that now exists. It would provide shelter during inclement weather and allow training exercises to be conducted in a large group meeting room.

Novak questioned if this is a year-round course.

Guida said no. The hope is to utilize the course from early April through the end of October.

Ruhnke requested a staff recommendation from Buitenwerf.

Buitenwerf said the Department recommends the application be approved and recommended for approval to the County Board.

Clairmont moved to approve Conditional Use Permit Application # 1-CU-10 by Travis Guida and Sarah Coumbe-Guida. Krueger seconded the motion.

Rhunke read the conditional use findings of facts into the record.

1. Is the requested use consistent with public health, safety, and welfare? YES (x) NO ( )

Why or why not? Yes. The contractor with years of experience will be setting up the course. It has been demonstrated by the landowner that all the public health and safety issues have been addressed and followed through. The applicant agrees that the entrance will be gated and all ladders removed at the end of the day.

2. Is the requested use consistent with the goal of preventing and controlling water pollution, including sedimentation and nutrient loading? YES (x) NO ( )

Why or why not? Yes. There will be little, if any, disturbance to the ground around the course.

3. Will the requested use not adversely affect the site's existing topography, drainage features, and vegetative cover? YES (x) NO ( )

Why or why not? Yes. The people designing this course know exactly where to place the poles and equipment for the course. It is not close enough to the water to affect it. Many mature Norway trees and lower land separate it from the front of the property.

4. Is the requested use's site location reasonable in relation to any floodplain and/or floodway of rivers or tributaries? YES (x) NO ( )

Why or why not? Yes. Hubbard County is not in a floodplain.

5. Has the erosion potential of the site based upon the degree and direction of slope, soil type, and existing vegetative cover been adequately addressed for the requested use? YES (x) NO ( )

Why or why not? Yes. This question pertains more to a major amount of construction like building a new house. This isn't involving anything like that. There is nothing there to create erosion.

6. Is the site in harmony with existing and proposed access roads? YES (x) NO ( )

Why or why not? Yes. It is well off the beaten path, tucked off from a county road into private property. It is in harmony with the existing road. Nothing new is being created. The roadway is already there.

7. Is the requested use compatible with adjacent land uses? YES (x) NO ( )

Why or why not? Yes. It will definitely fit in with resort activity. There is a resort right there on the property.

8. Does the requested use have a reasonable need to be in a shoreland location? YES (x) NO ( )

Why or why not? Yes. It is next to and will utilize the resort.

9. Is the amount of liquid waste to be generated reasonable and the proposed sewage disposal system adequate to accommodate such? YES (x) NO ( )

Why or why not? Yes. Port-a-potties will be used.

10. Will the visibility of structures and other facilities as viewed from public waters comply with Section 901 of the Ordinance? YES (x) NO ( )

Why or why not? Yes. It cannot be seen from the water. From the road, some of the structure poles may be viewed. The course is approximately 1500 feet from boating open water of the lake.

11. Is the site adequate for water supply and on-site sewage treatment systems? YES (x) NO ( )

Why or why not? Yes. Eventually they will install an approved septic system and well. There is sufficient area and the soils are suitable for a septic system. This is a recently created lot split approved through an administrative subdivision application. An onsite sewage treatment system field evaluation was supplied for this previous lot split approval.

12. Are the affected public waters suited to and able to safely accommodate the types, uses, and numbers of watercraft that the use will generate? YES (x) NO ( )

Why or why not? Yes. There will be no increase beyond what the resort already has.

If all answers to the Findings of Fact-Criteria are "Yes" by a majority vote, the criteria for granting the conditional use permit have been met. The conditional use permit will maintain the goals of safety, health, and general welfare of the public.

The motion carried.

Guida thanked the Commission for its time. He felt that the benefits provided by this facility, from a mental health standpoint and as a therapy/educational tool, will be a significant help for the community.

Novak questioned the minimum age of those using the course.

Guida said the youngest age will be age eight or nine. The system they are purchasing has a security feature where it cannot be unlocked until the next protective rope is securely keyed and locked on. The course has built in safety features.

Miscellaneous: No miscellaneous business was presented.

Communications: Buitenwerf explained that Governor Pawlenty has signed a bill which Representative Brita Sailer and others have been working on which effectively extends the implementation timeline for counties to adopt the new State Subsurface Sewage Treatment System (SSTS) Rules to February 4, 2012. The Minnesota Pollution Control Agency (MPCA) is working on soon releasing their revisions of the State SSTS Rules for a public rule making and comment period within the next month or so. Those revisions will then be reviewed through an administrative law judge. Counties will be required to incorporate those revisions into an ordinance and adopt them by the 2012 deadline. Sometime next year, probably in the fall or winter, the Commission will once again take up a septic system ordinance draft.

The Minnesota Department of Natural Resources (DNR) will soon begin revisions to the Shoreland Rules. There is potential that the County will be commenting on these Rule changes, with a three to five year window to adopt them into the County Shoreland Management Ordinance.

A proposed residential planned unit development conversion may be before the Commission next month. This conversion is on a family owned property which was once a previously operating resort on Lower Bottle Lake.

ADJOURNMENT: With no further business, Clairmont moved to adjourn. Shearer seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:56 a.m.

Respectfully submitted,

Janet Thompson
Recording Secretary