HUBBARD COUNTY
Planning Commission Meeting
Tuesday, July 13, 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 June 8, 2010 Planning Commission Meeting:
Clairmont moved to approve the June 8, 2010 Planning Commission minutes as presented. Shearer seconded the motion. The motion carried unanimously.

Old Business: No old business was presented.

New Business:

- **Conditional Use Permit Application # 2-CU-10** by Schneeman Cabin, LLC: Applicants are requesting a conditional use permit (CUP) to convert a nonconforming property into a residential planned unit development (PUD) consisting of eight (8) dwelling units per Sections 401 and 1015 of the Shoreland Management Ordinance located on parcels 16.14.01600, 16.14.01700 and 16.14.01800. These parcels are located in Lake Emma Township between Lower Bottle and Emma Lakes. Both Lower Bottle and Emma are recreational development lakes.

Julie Gough representing the Schneeman Cabin, LLC, and Tom Miller, Lindow Surveying, addressed the Commission.

Correspondence:

- Letter dated 6/25/2010 by Richard and Edith Mary (Mimi) Long was read into the record. See exhibit "A" on file with the Environmental Services Office.
- Letter dated 7/2/2010 by Richard and Edith Mary Long was read into the record. See exhibit "B" on file with the Environmental Services Office.

Gough gave a synopsis of the history of the Schneeman property. Gough said her parents bought the land in 1972. It was a fishing resort built in the early 1940s. It is tucked in between Emma and Lower Bottle lakes on a peninsula. Originally 43 acres were purchased with the resort. A portion of the 43 acre property, 33 acres, was sold to the Minnesota Department of Natural Resources (DNR) with ten percent of the profit of the purchase price given back to the DNR. It was sold as a trust for public land. The DNR Fisheries Division controls this property. The DNR has a small parking area and an easement for access situated on and through the Schneeman property. The family was left with approximately 9+ acres of land which is co-owned by six of Gough's siblings and her parents. The family has converted the ownership into a Limited Liability Corporation (LLC) to manage the property together. This legal agreement set forth rules and regulations upon the family, limiting what they can do if the conditional use and subsequent variance are granted.

The property consists of six small cabins ranging in size from 296 to 400 square feet. One log cabin with two storage facilities is where her parents reside. The LLC has created a self governing group. They have limited the number of docks on the property to three. Currently there are only two installed. A future dock in the north corner of the property is proposed.

The intent is to take each of these small cabins, which are very tiny, some of them with no hot water and two with very tiny kitchens; all have a toilet and two have a shower, and convert them into a two bedroom dwelling and improve them to support a family. They are old fishing cottages. Three of the cabins are just one room. They would like to insulate them and improve them so that they can be winterized and brought up to current electrical codes. The cabins are all brown in color with half-log siding. The same look from the bay is proposed upon their improvement. Maintaining an aesthetically similar look to the 1940s fishing resort is desired. The locations of the cabins are proposed essentially where they are with the exception of two of the cabins which will be relocated outside of the shore impact zone. Upon completion, none of the cabins will be within the shore impact zone.

The reason that they want to keep the cabins clustered in the bay is to prevent disturbance to the undeveloped portion of the property. The density allows them to have nine units in the first tier and two in the second tier. They prefer to keep the cabins clustered where they are rather than moving them all around the bay. It is a unique piece of property which they desire to maintain. They are nestled in the area nice and they do not want to change the existing feel or look.

A new cabin is proposed in an alternate location near the existing log cabin of her parents. This cabin would not require a variance. If they were to move the cabins around, they would be allowed by Ordinance to build larger cabins and this is not what they as a family want to do. The only cabin that would be immediately changed would be cabin four. The other proposed construction changes are part of a comprehensive long range plan. The intent with the conditional use was to show on the application what potentially could happen in the future if so desired.

A complete septic upgrade is proposed for the property. A location has been located on the property which is acceptable for a system upgrade. Approximately eight to twelve trees may be removed to accommodate the upgrade to the septic. With the other construction proposals, there is very limited tree removal that would be required.

Shearer identified several trees which may be an issue around cabin # 6. Upon discussions with Gough's brother, it was determined that the cabin could be pushed further back and moved over to protect those trees. There is no evidence of soil erosion in the area. Viewing the survey, a road runs through the property which is a peninsula. Options were considered by the family to relocate the road so the cabins could all be moved to the 100-foot setback, but it is not feasible due to the setback from Lake Emma. The proposed cabins will be outside of the shore impact zone.

The family has no intention of selling the units outside of the family. They have established a legal succession for use of the cabins. They will remain in family ownership and are not allowed to be rented out. It will be rare for them to be used all at the same time. They have made it clear to their children that they may use the cabins, but when they want to own lakeshore, they must go out and buy their own cabin. It was their feeling that this request is modest and not unlike what has been done on many of the other lakes in the area.

The septic system location and the road easement with the DNR precludes them from moving back to a fully conforming setback. In addition, there is a steep slope which is also a hardship.

Miller said that this is not a traditional planned unit development (PUD) with separate units being sold. This is a coop. The family members do not own each of their own cabins. They own a share. The septic systems are centralized-clustered. There are only two systems for each of these cabins.

Carlson questioned if there is space for more.

Miller said there is room for an alternate septic site location. The intent is to cluster the systems rather than spread them out over the property.

Buitenwerf reiterated the overall procedure to follow for this particular conditional use application. Because the proposal includes locations for new structures which don't meet the required setback from the lake, this process will also involve the Board of Adjustment with a variance application for those setback proposals. What the Planning Commission is doing procedurally is examining the conditional use permit application from a preliminary level for a general consensus, so that the Board of Adjustment can have a feel as to the Planning Commission's direction. Once the Board of Adjustment acts upon the variance application, the conditional use application will then come back to the Planning Commission and County Board during which they will take final action on the application. The purpose for doing it in this manner is so both entities can make the most informed decision.

Answering Carlson's question regarding the septic system, Buitenwerf said that the Ordinance requires that the septic systems be centralized as much as practical during a conversion to a PUD which is what the applicants have done. The topography of the site has dictated that two system be installed rather than one system. This is still in keeping with the Ordinance intent of centralization. Buitenwerf also pointed out that several of the cabins (cabins one, two, three and six) are within the shore impact zone. The Ordinance recommends that whenever possible, alternate site locations be identified for those cabins to be either moved to at the time of conversion, or alternatively conditioned that whenever the cabins are rebuilt or modified that they move back to the alternate locations. They are proposing to move structures back, just not fully to the 100 foot setback.

Buitenwerf said what is proposed is within the allowed density both in terms of the number of cabins as well as the number of boat slips that are allowed on the lake for the first tier cabins. The development is currently on the south side of the property. The north side of the property is undisturbed. They desire to keep the north portion of the property undisturbed. The Department has worked closely with the Schneemans on this project and the proposal is reasonable for the property given its various characteristics.

Public comment.

- Anne (Schneeman) Dougherty addressed the Commission. Dougherty said she and her husband have just purchased four acres right next door to the property in the hopes to preserving the bay. Not only have the Schneemans tried to maintain the immediate bay but are also attempting to keep the rest of the bay undisturbed.

- Mary (Schneeman) Waldvogel said that she has come to the property all throughout her childhood. She said her family is trying to maintain the peace and quiet that the area provides. It is a peaceful place and it is their intention to maintain that.

- Van Swank addressed the Commission. Swank, a science teacher, has conducted watershed, lake, and stream studies sometimes as a consultant, but most of the time as a teacher/educator. He commended the family for their proposal and attempt at keeping the property as pristine and undisturbed as possible. When he looked at purchasing his lake property, he researched the area and decided he would drive a greater distance because this area appreciated the low development. He pointed out that overdevelopment has created a negative impact to the lakes across Minnesota. He said the Schneemans intention is to keep the proposal simple, move as little soil as possible, and centralize the sewer system. His biggest concern is the area toward the Lake Emma side where the channel runs through. It is a beautiful, peaceful area which he would hate to see anything happen to that area. He questioned the future development of the property. He wondered if the property could

Gough said the location of the septic system, the DNR easement and the sale of the additional land to the DNR will preserve it from development.

Buitenwerf said that there is potential for two additional units to be constructed in the second tier and one additional unit in the first tier if they wanted to that would still meet the Ordinance density requirements. What they are proposing is to build three fewer units than what they would be legally allowed.

Gough said that she owns a small skinny strip of 200 feet of shoreline along Lake Emma so that they can put a dock in and canoe. That strip of land is so small that nothing can be developed there.

Waldvogel said that she owns cabin seven which is the smallest cabin closest to her parents' cabin. She said that they really have no intention to build out the cabin at this time. The variance, if granted, will provide them the opportunity of improving the cabin if they desired. This is just potential opportunity for improvements. Many of the cabins will not change.

- Richard Aho addressed the Commission. Aho raised concern with the dimensional size of the improvements proposed in the cabin upgrades. Exceeding 50% in total unit square footage and with new winterized and upgraded kitchen facilities, he felt the cabins would have more use and create more impact to the road system servicing the property. He felt moving the road within the property would not be a hardship.

Miller said that the 50% aspect is in relation to building onto an existing structure. The variance asks that these be new structures and therefore do not fall under the 50% rules for the size of the cabins.

Krueger questioned the density calculations and the Ordinance allowances.

Buitenwerf said that with residential PUD conversions the square footage of the individual units or cumulative square footage of all the units does not come into play. With a commercial PUD square footage of the units is used in determining whether density is or is not met. Density is defined as units for residential PUDs. The County, if it so chose, could place square footage limits even though the Ordinance does not specifically require that.

Buitenwerf answered Aho's concerns regarding the 50% addition rule. Additions limited to 50% are allowed to structures if they are outside of the shore impact zone. Several of these structures are located within the shore impact zone and are being proposed to be reconstructed at a location outside of the shore impact zone. The variance process is the proper procedure to follow if they want to deviate from the 50% addition allowance. Any lakeshore property that has a structure that falls within Section 704 of the Shoreland Ordinance that seeks greater than a 50% addition must request it through a variance process.

Miller said that these cabins could all be relocated to the 100 foot setback, but it would require them to utilize all of the undeveloped land to the north which they prefer to keep pristine.

Rod Haugen addressed the Commission. Haugen felt the family's comments regarding their plan was confusing and that they were giving conflicting information. He said, "I have heard everything from, we are not going to change this cabin, we want to change this cabin, we aren't going to do the 50% rule, we'll do the 50% rule, am I the only one confused here?" He requested that the survey be made available for the public to view.

Giving his personal opinion, Carlson said, “Everybody here knows where I come from on issues of this nature. I think you are trying, I really do. On the other hand, I have a hard time with any variance. A variance shouldn’t just be a “willy-nilly” thing that is placed out there to build. Since there are other ways this can be handled with no real hardships, I would probably suggest that may be the way to go.”

Clairmont moved to approve the preliminary concept of Conditional Use Permit Application # 2-CU-10 by Schneeman Cabin, LLC as presented. Williams seconded the motion. The motion carried with Carlson voting in opposition.

Miscellaneous: No miscellaneous business was presented.

Communications: No communications were presented.

ADJOURNMENT: With no further business, Clairmont moved to adjourn. Shearer seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:30 a.m.

Respectfully submitted,

Janet Thompson
Recording Secretary