Hubbard County Environmental Services

301 Court Avenue, Park Rapids, MN 56470
Phone: 218.732.3890 Fax: 218.732.7993
www.co.hubbard.mn.us/environmental.htm

Staff:

Eric Buitenwerf,
Env. Services Officer
Scott Navratil,
Env. Specialist
Steve Pachel,
GIS Technician
Maria Shepherd,
Admin. Assistant
Jeff Woodford,
Env. Specialist

Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, January 10th at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after January 3, 2012 for the February agenda.

Hubbard County is an Equal Opportunity Employer.

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, February 7th at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after February 07, 2012 for the March agenda.

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, March 13th at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after March 6, 2012 for the April agenda.

Hubbard County is an Equal Opportunity Employer.

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, April 10th at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after April 3, 2012 for the May agenda.

Hubbard County is an Equal Opportunity Employer.

HUBBARD COUNTY
PLANNING COMMISSION MEETING
Tuesday, May 8, 2012

Open Public Hearing 9:30 a.m.

Vice Chairman Tom Krueger opened the meeting with the following members present: Terry Clairmont, Sally Shearer, Commissioner Cal Johannsen, Tom Krueger, Jerry Novak, Earl Benson, Tim Johnson, Oakley Williams. Also present were Environmental Services Officer Eric Buitenwerf and Recording Secretary Maria Shepherd.

Krueger welcomed everyone to the public meeting and went through the meeting procedures.

Election of Officers:

Krueger opened the floor for nominations for Chairman. Johnson nominated Krueger. Shearer seconded it. The motion carried unanimously.

Krueger opened the floor for nominations for Vice-Chairman. Johnson nominated Shearer. Novak seconded it. The motion carried unanimously.

Krueger opened the floor for nominations for the Lot Viewal Committee. Krueger, Shearer, and Clairmont stated they would like to stay on the committee. Williams nominated Johnson. Shearer seconded it. The motion carried unanimously.

Approval of the December 13, 2011 Planning Commission Meeting:

Clairmont moved to approve the minutes as presented. Johnson seconded it. The motion carried unanimously.

New Business:

Conditional use permit application # 1-CU-12 by Blazing Star, LLC: SE ¼ SW ¼, Section 1, Township 141, Range 34, and Government Lot 2, Section 12, Township 141, Range 34, Lake Emma Township on Upper Bottle Lake. Parcel #s 16.01.01600 and 16.12.00200. Application seeks permission to operate a resort. Upper Bottle Lake is a recreational development lake.

Josh McKinney, representing Blazing Star, presented the application. The main goal is to stabilize fifteen historic fishing cabins. The original resort dates back to the turn of the century. Each cabin is going through a restoration including new roofs, water proofing to prevent any more rotting and decay from occurring. During the first phase six of the cabins will be renovated, power lines will be buried, and plumbing and septic to those cabins. The intent is to keep the shoreline as native vegetation. In the future the intent is to reestablish the beach that existed in front of cabin one. Currently only three docks are being requested with the goal to be able to accommodate all fifteen cabins with slips.

Krueger asked what Eric's opinion was on whether the applicants should be requesting all of the slips now rather than just three and having to come back again later for revisions.

Buitenwerf stated that the Ordinance allows a watercraft slip for each unit that is allowed in the first tier. The fifteen units proposed are well within the allowed density for tier one. The applicants have amended their request to entail fifteen slips rather than the six slips that were in the application. As far as the number of docks the ordinance requires that they be centralized and the three docks as shown meet that criteria of centralization with the fifteen slips spread out amongst those three docks.

McKinney stated for the Board as well as the public that the capacity for the fifteen slips would not happen for quite some time.
Krueger asked if the septic system that is there is suitable for meeting the needs of all fifteen cabins.

McKinney affirmed that the septic system had been inspected and was in compliance. One structure has been removed so there was more than adequate space.

No correspondence was received.

Krueger opened the floor for public comment.

- Bill Jones, past President of the ESB Lake Association, stated that they are in favor of getting the resort back up and running.

McKinney stated that the cabins will be rented seasonally and not weekly. They will be rented Memorial Day to Labor Day.

Shearer wanted clarification that during the reroofing process the footprint will stay the same and there would be no expansion of the roof.

McKinney reassured that was not the plan at all. The goal of the project is to restore the historical nature of the cabin.

Shearer stated that there is approximately a vegetative buffer strip thirty feet wide by about 800 feet long that will not be touch and will remain native vegetation.

Shearer then questioned how the access paths to the docks would be handled.

McKinney stated that the intention is to let people make the trail and if erosion occurs then materials to fix that would be looked at. The shore is stabilized enough there with the grasses that getting down to the docks easily should not be a problem and other path materials wouldn't be needed.

Shearer moved to approve the conditional use permit. Johannsen seconded it.

Buitenwerf asked what conditions, if any, Shearer would like to place on the application.

Shearer stated that she is going with the good faith that the septic will be all up and running and buried as was stated, the lines will be buried as stated, and that cabin renovations are in accordance to the plan to renovate them in phases. Parking was okay in the designated area.

Krueger questioned if a future owner wanted to add more units, they would have to come back.

Buitenwerf stated that unless specifically stated that the fifteen units proposed is all that is allowed as long as the ordinance allows something, they can do it without having to come back to the Planning Commission. Even if things are stated in the application, unless stated as conditions to the permit the applicants are not held to it.

Johannsen questioned why if it is allowed under the ordinance would the planning commission put conditions on it to limit what they would legally be able to do.

Buitenwerf stated that by placing conditions on an application it isn't disallowing them to do it but instead it is placing parameters on how it can be done. That is the nature of a conditional use permit. It is saying what will be allowed and what conditions are appropriate to make sure that the use fits in with the surrounding uses on the lake.

McKinney stated that the preference would be to state a total number of boats slips allowed for all cabins instead of stating one boat per cabin. It gives them more flexibility during the start up phase.

Shearer stated that she would place the condition of fifteen slips, fifteen boats within the existing fifteen cabins so any expansion would cause the Planning Commission to revisit it.

Buitenwerf stated that the ordinance allows a permanent slip per unit allowed in the first tier. They are requesting fifteen units but density would allow at least 28 units in the first tier which would legally allow up to that many permanent slips.

McKinney asked if the Board would consider twenty slips with one motorized watercraft per unit.

Shearer would not be in favor of that at this point in time.

Johannsen questioned what they were trying to regulate. Legally the applicants are allowed 28 and yet they would be limited to fifteen.

Johnson stated that the applicants aren't going to put in more docks than needed so if they are allowed 28, he should be allowed 28.

Krueger said that it is important they start off on a good footing if they are going to be successful. Resort guests are demanding.

Johannsen and Krueger stated that they felt as though the number of slips should be upped so that the applicants did not need to come back before the Planning Commission to meet needs.

Novak voiced that if they were allowed 28 it should be 28.

McKinney stated once again they would appreciate as much flexibility as the Planning Commission is willing to give.

Krueger asked Shearer if she would like to modify her motion.

Shearer stated that she isn't comfortable with changing horses in the middle of the stream because looking at the lakeshore and where it is plotted for the three docks. If you are increasing it to 28 slips it would increase the number of docks.

Shearer decided that at this time she would like to stick to the fifteen slips, three docks with five slips per dock. Once all fifteen cabins are up and running and there are changes then bring the request back to the Planning Commission.

Johannsen decided to rescind his second stating that he felt more slips should be allowed.

Johannsen moved to approve the conditional use with as many boat slips as allowed by law. If the law provides for it, they should be allowed to have them.

Krueger asked if Johannsen wanted to add any conditions.

Johannsen wasn't sure what conditions should be placed besides what they were already asking for.

Buitenwerf restated that it would be advised that the Planning Commission take what the applicants have stated they are willing to do and make them conditions because if they are not conditions then the applicants do not have to do any of the items that was stated in the application.

Johannsen stated that the applicants did a nice job of putting together their proposal and the only changes that should be made were to allow more boat slips so they don't have to keep coming back because they need additional boat slips. Again, if it is allowed by law they should be allowed to have them.

Clairmont asked then if his motion was to approve with no conditions.

Johannsen stated that he wants to accept the application as presented but allow them to have the number of boat slips that would be allowed by law.

Novak asked how many additional docks would be needed to accommodate 28 slips.

McKinney stated that the intention would be to keep with three docks and just extend them to house the additional boat slips. There are three access points that work really well with the existing grade and would not cause shoreland alterations to prevent erosion.

Krueger allowed for additional public comment.

Ed Mutsch asked for clarification from Eric regarding his understanding on boat slips. As he understands a person is allowed as many boat slips as units in there are units in the first tier but according to what Buitenwerf stated because they have enough property to potentially have 28 cabins they are entitled to have 28 slips now even though they only have fifteen cabins.

Tim Dwight spoke on behalf of the ESB Lake Association. He stated that he went used to go to this resort and knows it well. Five of the cabins that are being remodeled are very small and they would be lucky to get two people in there so there would not be a lot of people renting these cabins bringing up two or three boats. There are a few three bedroom cabins where they might have two boats but not everyone in that resort will want two boat slips.

Dan Kittilson asked if there was a boat launch or an access on the resort or would the guests be using the public launch or at Whippoorwill Resort.

McKinney stated that there is not an access at the resort and the guests would be asked to use the public access.

Connie Lucas, the owner of Whippoorwill Resort, an adjoining property owner. She is supportive of what Blazing Star is doing. She would like to ask the Board to not jump to far ahead. It is a conditional use permit and look at what they are asking for today, not try to establish something that might happen five years down the road. Right now they are trying to renovate six of the cabins and then move forward to fifteen cabins. A question and concern would be that if everything is approved and opened up right now then there is nothing to stop anything further on. Everybody is pretty supportive about what they are doing right now but down the road there are a lot of unknowns.

Krueger closed the public comment portion.

Commission Johannsen moved to approve the conditional use as presented with the following two conditions: 1. there can be no more than 28 permanent water craft slips; 2. the number of rental cabins cannot exceed the existing fifteen cabins.

Clairmont seconded the motion.

The motion carried on a 7 to 1 vote with Shearer voting in opposition.

E911 Ordinance proposed amendment language

Buitenwerf stated that the overview of the E911 Ordinance is twofold. The first is to update it to reflect some administrative changes that were made last fall as far as the departments involved. The Environmental Services Office does the bulk of the administration with the Highway Department offering field assistance. Secondly, the other primary update is to Section 3, Sub-Item A, number three, when we run into instances where we identify a locatable structure and contact the landowner for payment of the fee for assigning that address and the landowner fails to pay the fee the office would be able to place an assessment on their property taxes for that fee to have the County reimbursed for the sign expense.

Johnson made comment that he didn't see in the Hubbard County E911 Ordinance that there was a definition of owner which he had seen in the other examples from neighboring counties. If there was an instance where there were multiple owners maybe the County wouldn't have to go through a complicated process to get paid for the sign if owner was defined as primary taxpayer.

Johannsen asked if that was the way it was spelled out in the other County's Ordinances.

Johnson stated that the definition of owner was primary tax payer. Sometimes families don't talk or fight and if owner were defined maybe that would help.

Buitenwerf stated that it might help. If there isn't a specific definition in an Ordinance then law standards would say that you go with what the typical definition is that you find in a dictionary. Normally definitions are given if a specific meaning is needed that wouldn't fit with what you see a dictionary would say the definition is.

Johannsen asked if there were ten owners and not all of them received a notice that an assessment was being placed on their property taxes, legally would it hold up.

Shearer stated that if there are multiple owners on a property they are only receiving one tax statement. So whoever is on that tax statement is being billed the fee for it instead of each individual owner address.

Johnson stated that just because the statement is being sent to one owner they aren't necessarily the ones responsible for writing the check.

The Planning Commission then went through the Ordinance page by page.

Novak questioned if there had always been a fee for an address.

Shearer answered yes stating that there was an option pay for it up front before year's end or it was put on your taxes.

Johannsen stated that originally it was being paid for with a solid waste assessment and later found out that was illegal and so it got put on your taxes a few years later to pay that off. It was assessed per parcel.

Krueger asked for clarification on how the E911 Ordinance applies to a plat application. Do all of the lots get addresses after the plat has been approved and the approaches put in?

Buitenwerf explained that in a plat situation 911 fees are only collected for existing structures that would need to be readdressed as a result of the plat. If the plat is making bare lot then those fees are not collected until the individual lots are developed with locatable structures in which case the current landowner is responsible for obtaining an E911 address. It is much easier for the County to track than if fees were collected for all of the bare lots up front.

Shearer questioned why some bare lots have signs.

Buitenwerf stated that it shouldn't. Address signs should only be on lot where there is a locatable structure. If the department is aware of such incidents those signs should be removed.

Shearer stated that cemeteries have signs and she just wanted clarification on what the process was. She didn't know if it was the landowner, township or County's request that some of these lots were given addresses.

Johnson stated that all public accesses have addresses as well and probably for emergency use purposes.

Johannsen agreed with Johnson. He felt that public places have addresses so emergency personnel could find the location if there was a need.

Buitenwerf stated that the Ordinance is stating that at a minimum if there is a locatable structure on the property the landowner needs an address assigned.

Shearer asked if the County can remove signs since it states that "no person may alter, deface or remove any sign placed in accordance with this ordinance".

Buitenwerf stated that the County can come out and remove a sign but the owner would be notified before removal.

Johannsen stated that the miscellaneous section of the Ordinance is pretty much letting people know that they can't move their signs to wherever they want or on top of their mailboxes.

Shearer stated that it should be understood that the number sign is placed with GPS coordinates.

Shearer moved to approve the E911 Ordinance changes as presented. Johnson seconded it. The motion carried unanimously.

Krueger questioned procedure regarding a chairman making a motion.

Buitenwerf stated that there isn't anything in the by-laws that says or limits the chairman to acting only in cases of a tie.

Miscellaneous:
Krueger questioned procedure regarding a chairman making a motion.

Buitenwerf stated that there isn't anything in the by-laws that says or limits the chairman to acting only in cases of a tie.

Communications:
Buitenwerf passed out handouts from a recent training that the Planning Commission was unable to attend due to the class being full. The handouts included meeting procedures as well as various cases from the past year which will keep everyone updated with any changes. The third hand out was environmental review and the two statutes that govern them. The final handout is a comprehensive everything you would want to know about zoning written by an attorney. It is an excellent resource for references.

Adjournment:
Novak moved to adjourn. Clairmont seconded.

The meeting was adjourned at 10:45 a.m.

Respectfully submitted,
Maria Shepherd
Recording Secretary

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, June 12th at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after June 5, 2012 for the July agenda.

Hubbard County is an Equal Opportunity Employer.

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The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, July 10th at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after July 3, 2012 for the August agenda.

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, August 7th at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after August 7, 2012 for the September agenda.

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, September 11th, at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after September 4, 2012 for the October agenda.

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, October 9th, at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after October 9, 2012 for the October agenda.

Hubbard County is an Equal Opportunity Employer.

Hubbard County
Planning Commission Meeting
November 12, 2012

Open Public Hearing 9:30 a.m.:

Chairman Krueger opened the meeting with following members present: Sally Shearer, John Miller, Tom Krueger, Commissioner Cal Johannsen, Oakley Williams, Tim Johnson, and Jerry Novak. Also present were Environmental Services Officer Eric Buitenwerf and Recording Secretary Maria Shepherd. Board member Terry Clairmont was absent.

Krueger welcomed everyone to the public meeting and went through the meeting procedures.

Approval of the May 8, 2012 Planning Commission Meeting Minutes:

Shearer moved to approve the amended minutes. Johannsen seconded the motion that carried unanimously.

Old Business:

There was no old business to discuss.

New Business:

Conditional Use Permit application # 5-CU-09 by Dan and Donna Rehkamp. Request to amend the condition placed on conditional use permit 5-CU-09.

Krueger asked Buitenwerf to review for the Board and the public why the application is back before the Planning Commission.

Buitenwerf stated that the history on this application was that the Rehkamp's applied for and were granted a conditional use permit in 2009 to convert their resort to a residential planned unit development. The permit had a condition placed on it at the time that they could have no more boat slips than what the Ordinance allowed which was three. The County Board in approving that permit also made a motion in support of the Rehkamp's applying for a variance for additional boat slips. The Rehkamp's applied for and were granted a variance fro eleven boat slips. The variance granting eleven is not in harmony with the conditional use permit. They are asking that the condition placed on the permit that stipulated they could have no more than the three slips allowed by the Ordinance be removed so that the permit is in harmony with the variance in regards to boat slips. It is a somewhat unique situation in having to have this condition be removed because typically when an Ordinance says that something is a regulation it is not the normal process for a condition to be placed on a permit that simply restates regulation that is in the Ordinance. There is question as to whether or not this application is needed or not but the Rehkamp's are applying for it strictly to clear the record and make it absolutely certain how many boat slips they can operate. If the condition is removed then the variance would be what would prevail as far as how many clips they could have.

Rehkamp stated that it was his understanding that the conditional use permit was recorded as having a condition for three boat slips but a variance for eleven. With the recommendation from the County they are trying to marry the two documents to show that the variance applies to the conditional use.

Buitenwerf commented that it is also important to remember that the permit is already of record. They are asking is for this condition to be removed so as far as what the Commission and the County Board looks at is basically whether they feel the request for that condition to be removed

is to be approved. They can't place addition conditions on the permit. It is basically a thumb up or down to removing the condition that was placed on the permit.

Krueger asked if the decision was a thumb down would that negate the variance.

Rehkamp commented that the variance would stay. It is simply marrying the two documents because it was originally worded with three and a variance to additional eight boat slips.

Shearer asked if an amended permit would be issued to show that the revised number of boat slips.

Buitenwerf answered that a revised permit would be issued to reflect the decision.

Miller asked if this meant that everyone on the lake could have eleven slips or just this one planned unit development.

Rehkamp explained that by removing the condition stating only three boat slips that would only be strictly for this conditional use permit.

Johannsen commented that the condition for three slips should probably never been placed on the original permit.

No written correspondence was received.

Krueger opened up for public comment.

- Chuck Diessner made public comment. He read a letter that Ed Mutsch had written to the Planning Commission, stating that because a variance was granted for eleven permanent boat slips, one for each of the cabins, the boat launch should be removed since it is no longer needed and in his opinion, went against the Shoreland Management Ordinance. The letter went on to say that a boat launch was allowed only for the second and third tier units if they didn't have a boat slip. If the condition for the three boat slips is removed then a new condition should be placed calling for the removal of the boat launch. Diessner then went on to give his own comments. He stated that he disagrees with Eric Buitenwerf opinion that no new conditions can be laced on this conditional use permit. He stated that if there is a conditional use permit approved for Rice Bay, according to the Ordinance it would be allowed three boat slips. A variance was approved to allow eleven boat slips. That variance is not effective unless the conditional use permit is amended. Forget about removing the condition stating that only three boat slips were allowed because regardless of the condition the conditional use permit needs to be amended to reflect that eleven boat slips is allowed which opens it back up for additional conditions to be placed on the permit. The County Board has the absolute right to impose conditions on whether eleven will be granted. If there are only three boat slips the boat launch is a non issue; with eleven boat slips the boat launch has to be dealt with. The process that Eric is proposing is not correct. COLA doesn't want any more difficulties with the Rehkamp's or the County on procedural issues. So listen to the other comments and the suggestions that will be presented seriously.

- Don Carlson made public comment as well. He concurred with Chuck Diessner that the boat launch is now against what would be allowed under the Shoreland Management Ordinance. He didn't feel that it was necessary to have a boat launch and a dock slip for the units in tiers two and three. He then gave the board some history on the property. There is an interesting situation with the Rehkamp's shoreline. The spawning areas that were afforded by the extra vegetation have now been destroyed. The whole shoreline is not what it was at one point in time. The shoreline vegetation is being destroyed on many lakes and the fishing is going with it. Ordinances and laws are strange things.

People have a tendency to sacrifice the few for the benefit of the many. For the benefit of the many this area needs to be preserved for future generations. He asked the Planning Commission to do the right thing which might be tough but this request should be denied.

Krueger asked Rehkamp how much shoreline was going to be left untouched.

Rehkamp stated that by putting in the dock system that he is proposing he will have less impact to the shoreline than he currently does. It will have fewer accesses to the water. He responded to Carlson's comments stating that he doesn't remove anything from the shoreline. The ice ridge remains untouched. Nothing has been done to the shoreline because he knows the devastation that causes to a lake.

Krueger asked how much of the lowland area to the left, when facing the lake, was going to be left untouched.

Rehkamp stated that there are areas that have been deemed as wetlands and won't be touched. The wetland delineation stated in the conditional use permit was that the area would not be altered or changed. There are restrictions put in place beyond what was required by law to maintain the naturalness of the shoreline. Prospective buyers are told in advance that they are not allowed to build any closer to the lake which is to protect the lake. When the property burned to the ground back in 2003 to 2004, the condition of that property was absolutely destroyed. There was debris everywhere. They revived the property to where it is aesthetically pleasing to the lake front. They have done everything they possibly can to protect the water. It is his number one goal to protect the body of water that he lives on. His whole opportunity is dependant on the health of the lake. He stressed that fact that he and his wife don't leave for the winter. They are permanent, year round residents able to keep an eye on what is happening on their property.

Shearer clarified that there will be 290 feet of shoreline that will remain natural vegetation and will not be touched.

- Doug Kingsley made public comment. He stated that part of his job is to make comment on how projects that need to have federal, state, or local permits might affect local fisheries and provide recommendations that might minimize those impacts. Docks and launching ramps have very negative impacts on aquatic habitat that is intentionally or unintentionally removed with use of docks and ramps. Concentrated use around docks and launches stirs up the bottom of the lake and can harm water quality. Several of his ideas and ways to minimize such impacts have been challenged.

- Dan Kittilson made public comment on behalf of the Hubbard County COLA. He wanted to speak strictly on the amendment to the conditional use permit for Rice Bay PUD. COLA accepts the judicial decision. COLA is not asking that this amendment be denied. It sounds like Dan Rehkamp has similar views to COLA. COLA cares about the lakes. They care about protecting aquatic vegetation and habitat. They care about protecting property values. They care about stopping the spread of aquatic invasive species. All of these things are important to Dan Rehkamp as well with what he just said. Hubbard County has a new mission statement they developed. Part of that mission statement speaks to protecting county assets. The lakes are by far Hubbard County's greatest asset. COLA has the same mission as the county. COLA feels that since each of the eleven units will have a boat slip there is no need to allow a boat launch and small docking facility. Such a boat launch can impact vegetation, just by use, and can increase the increase for aquatic invasive species. The Commissioners recently formed an aquatic invasive species task force for the county to help protect the lakes. The less launch sites there are the easier it is to stop the spread of aquatic invasive species. Hubbard County COLA believes that the boat launch is no longer needed and should be removed. The boat launch was allowed for access to the lake for tiers two and three but now that they have permanent boat slips instead of day mooring slips.

Kittilson passed out a handout with several suggested conditions to be placed on the conditional use if it is amended. See Exhibit A on file with Environmental Services Office.

Public comment was closed.

Miller asked if all of these cabins were going to be single family housing. He was questioning if there was any reason for anyone not living there to stop by the docks and buy bait or food such as what could have happened when it was a resort.

Rehkamp stated that the lodge was removed from the premises as well as the fish cleaning house. There is nothing left. He did make comment that people on the lake use his launch on a regular basis to put their boat lifts in as well as taking their boats in and out. The public landing is not conducive for launching a pontoon boat so several owners with bigger boats use this launch.

Krueger stated that the Rehkamp's can monitor the boat launch since their own residence is right in front of it.

Rehkamp stated that he is lot number one. He is the closest one.

Johnson moved to recommend to the County Board that the conditional use permit amendment request be approved and adopt the findings of fact as presented in the November 2012 Planning Commission Staff Report.

Williams seconded the motion.

The motion carried unanimously.

Planning Commission By-Laws

Buitenwerf summarized the three changes that are being proposed. The first being the day of the meetings; currently the meetings are held on the first Tuesday after the first Wednesday of each month. The County Board is looking to move their meetings to the first and third Tuesdays of each month starting in January so there would be times when the meetings would overlap so the proposed change is to meet on the first Monday after the first Wednesday. The lot viewal date would stay the same. The second change is to move the communications portion of the agenda from the beginning to the end of the meeting where it has historically been placed. It is just getting the by-laws to match what has been done. The last item is the phrase "a week for two (2) successive weeks be stricken. Statue only requires one publication notice and trying to fit two publications is backs the department up and runs the risk of not being able to get everything to fit in the given time period that we need to. We historically have only ever published one notice so it is just getting the by-laws to reflect what has been practiced.

Krueger commented that it states that Robert's Rules of Order are followed and he wondered if that meant that the Chairman can't make motions or vote unless it is to break a tie.

Buitenwerf stated that Robert's Rules has more to do with how the meeting is run than whether or not the Chair votes. If Robert's Rules were followed exactly the chair would not be allowed to vote.

Johannsen stated that typically the County Board adopts annually to allow a modified Robert's Rules so that the Chair can make motions and vote.

Shearer asked if not allowing the Chair to make a motion or vote is a problem.

Krueger stated that he could see situations where a person would be hesitant to become the Chair if they can't have an active role in the meeting and voice an opinion.

Novak stated that he sees no reason why the Chair shouldn't and couldn't make a motion and have a voiced opinion.

Shearer moved to approve the changes presented by the Environmental Services department and also change that Chairperson can vote and make motions.

Novak seconded it.

The motion carried unanimously.

Buitenwerf stated that he would make section four and section five and then add a new section that states the chair may make motions and vote in cases other than to break a tie vote.

Johannsen stated that a draft should be made and brought to the next Planning Commission meeting for final approval.

Buitenwerf made sure the board knew that these changes would take place as of January 2013 so the planned meeting for December would still be held on a Tuesday.

Communication:

Buitenwerf stated that there will be a December meeting. There is one item of business which is an amendment to the plat of Little Seno. The plat was approved in 2005 and a condition of the preliminary plat approval was that there be a 66 foot road right of way in the plat servicing said plat. The neighbor granted them a 33 foot easement on his property. The complete easement runs on the border between the two properties. A few years later the adjacent property owner that granted that easement inadvertently constructed a home in the easement. They went to court to resolve that matter and they have come to terms to settle things pending the necessary zoning approvals being granted. They went to the Board of Adjustments seeking relief from the provision in the Ordinance that requires the 66 foot right of way in the plat and allow them to bring it down to 33 feet that sits entirely within the plat itself and vacate the 33 foot portion that is located on the neighbor's property where the house is sitting. The variance was granted. Now the matter comes before the Planning Commission and the County Board asking that the condition placed on the preliminary plat be removed to allow them to have just a 33 foot access to the plat.

Adjournment:

Shearer moved to adjourn.

Miller seconded it.

The motion carried unanimously.

The meeting was adjourned at 10:26 a.m.

Respectfully Submitted by,

Maria Shepherd
Recording Secretary

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Public Hearing and Public Meeting Cancellation Notice

The Hubbard County Planning Commission Public Hearing and Meeting scheduled for Tuesday, December 11, 2012, at 9:30AM in the Lower Level Meeting room of the Hubbard County Courthouse has been cancelled for lack of an agenda.

Please check back after December 24, 2012 for the January agenda.

Hubbard County is an Equal Opportunity Employer.