

**CITY OF COHASSET
PLANNING COMMISSION MINUTES
305 NW FIRST AVENUE, COHASSET, MINNESOTA
WEDNESDAY, AUGUST 5, 2020 – 6:00 P.M.**

1. **Call Meeting to Order:** Chair Steve Otto called the meeting to order at 6:00 p.m.

2. **Roll Call**

a. **Voting Members Present:** Lesley Kleveter, Steve Lavalier, Steve Otto, Lucas Thompson, Gary Wheelock, and Harlow Zeppelin

b. **Absent with Notice:** Josh Casper

c. **Ex-Officio Members Present:** Zoning Officer Greg Tuttle, & City Council Liaisons Mary Flinck and Jason Tabaka

d. **Others Present:** William Poulter, JoAnn Bakken, Anita and Curt Firman, Katie Firman, & James Bujold.

3. **Review and Approve the Agenda**

a. **Additions:** None

b. **Deletions:** None

A motion was made by Kleveter/Zeppelin to approve the agenda as presented. Voting in favor: Kleveter, Lavalier, Otto, Thompson, Wheelock, & Zeppelin; Voting against: None; Absent: Casper; Motion carried.

4. **Resident Input:** None

5. **Approve July 1, 2020 PC Minutes:** *A motion was made by Wheelock/Thompson to approve the July 1, 2020 Planning Commission minutes as presented. Voting in favor: Kleveter, Lavalier, Otto, Thompson, Wheelock, & Zeppelin; Voting against: None; Absent: Casper; Motion carried.*

6. Public hearing to act on a variance request by William Poulter to redo and enlarge a cabin no closer than 120 feet from the Ordinary High Water Level (OHWL) of Long Lake (ordinance minimum is 150 feet on Natural Environment Lakes) for the property located at 37701 County Road 63 (PIN 05-021-3401) and legally described as the West 250 feet of Government Lot 9, Section 21, Township 55 North, Range 26 West, Itasca County, Minnesota.

Zoning Officer Greg Tuttle summarized the informational packet including maps of the area. Otto called for questions and/or discussion. There was none. Chair Steve Otto requested that anyone in favor of the variance request come forward. Applicant William Poulter spoke in favor.

Chair Steve Otto requested that anyone opposed to the variance request come forward. There was no response and there were no written communications. Chair Steve Otto closed the public portion of the hearing and requested a motion.

A motion was made by Wheelock/Thompson to review the Findings of Fact and affirm the variance request as proposed.

1. Are there practical difficulties in complying with the zoning ordinance? Practical difficulties means that the property owner's proposed improvements are reasonable (economic considerations alone shall not constitute practical difficulties).

Lesley Kleveter answered yes. Wanting to protect nature of the land and you can't go into the wetlands and this is the only area which is practical. Also it will improve the land as there will be a septic system rather than an outhouse and it won't be seen from the lake. All Commissioners agreed.

2. Are the circumstances which justify the variance unique to the property and not created by the applicant?

Steve Lavalier answered yes. The owner does not want to cut down the large cedar trees to meet the setback and will not be in view of the lake due to the ridge. All Commissioners agreed.

3. If granted will the variance maintain the essential character of the locality?

Harlow Zeppelin answered yes. Because of the ridge it will not be visible from the lake and the setback and footprint of the proposed and existing structure are similar. All Commissioners agreed.

4. If granted will the variance be in harmony with the general purpose and intent of the zoning ordinance?

Luke Thompson answered yes. Already a building there and with the wetland and the current building will not be any closer than the old building was. All Commissioners agreed.

5. If granted will the variance be consistent with the comprehensive plan.

Gary Wheelock answered yes because of the previous points made. All Commissioners agreed.

Motion carried unanimously on a roll-call vote.

7. Continue public hearing and act on a withdrawal and refund request for a Variance and Conditional Use Permit (CUP) requested from Lucas Peters (interested buyer) and Andy Collins (owner) for a five cabin resort for the property located at 23576 Tioga Beach Road and legally described as Lot 8, Block 1, in the Plat of Tioga Beach, Section 26, Township 55 North, Range 26 West, Itasca County, Minnesota.

Zoning Officer Greg Tuttle reviewed the informational packet which was simply a one page letter requesting a refund. The Zoning Officer initially determined that a Planned Unit Development (PUD) was not required for a small development such as a mini-resort as PUDs are meant for larger developments. Last meeting the Planning Commission determined that a PUD was required. If the applicant had known up front that a PUD would be required, they never would have applied and paid the fees, thus the refund request. After a brief discussion ***a motion***

was made by Wheelock/Thompson to recommend to City Council a refund of zoning fees in the amount of \$1046 (\$468 for the Conditional Use Permit and \$578 for the Planned Unit Development). Motion carried on a roll-call vote.

8. Ordinance Review: PUD, Resort, and Campground: Zoning Officer Greg Tuttle explained that the applicant recommended some modifications to the City Ordinance. The informational packet was reviewed.

Zoning Officer highlighted the Peters letter that asked for some modifications to the current zoning ordinance regarding the PUD and Environmental Assessment Worksheet (EAW) requirements for resorts. The letter indicated that a mini-resort should not be treated the same as a large development and that under Itasca County zoning a resort would not require a PUD or EAW. The letter also states the current city ordinance does not encourage recreational commercial development.

Zoning Officer indicated that this review is to review what qualifies as a resort, campground, and PUD under Cohasset's ordinance. The definitions of campground and resort do not specify a number of units nor does it distinguish between small or large resorts or campgrounds. The PUD definition does reference resorts and campgrounds. Thus, any size resort or campground would have to go through a PUD. The minimum size for a PUD is 2 acres. Other ordinances minimum size threshold is like 10 acres. Why is ours two acres? If you don't meet that requirement, you can't do a PUD which means you can't do a resort or campground. It doesn't mean a less than two acre campground/resort doesn't have to do a PUD. And a PUD in shoreland does require an EAW. Zoning Officer checked with the county and DNR and they do not require an EAW. Our ordinance references state statute for EAW triggers.

James Bujold, 32498 Mallard Point Road, Grand Rapids, MN questioned the definition of a resort as it relates to the PUD requirement. He has a proposal for to rent a four acre property with a dwelling and three cabins on Jay Gould Lake. Does that require a PUD and an EAW? He can't afford an EAW.

Katie Firman, 23510 Tioga Beach Road, Cohasset, MN said the two acre minimum for a PUD is because less than two acres would be too small for a resort/campground. And she hopes Cohasset would be a leader in protecting the lake by maintaining these requirements consistent with the comprehensive plan.

Bill Poulter, 38837 N Sugar Lake Road said the purpose of PUD is to protect the community and PUD eligibility requirements should be cleaned up.

So, should Cohasset be more restrictive than the state regarding EAW triggers? There was consensus among the Planning Commissioners that small resorts/campgrounds are becoming more popular and the ordinance could be clearer in when is a PUD required and not.

After extensive conversation and questions by various residents and non-residents, *a motion was made by Wheelock/Kleveter to table this to the next meeting to: 1. Rewrite and reorganize the PUD eligibility requirements (2 acres/5 units), 2. bring state/DNR, Itasca County, Grand Rapids, and Harris Township requirements, 3. eliminate the EAW requirement (defer to state EAW triggers), 4. Add PUD to the Use Tables. Motion carried.*

9. **FYI:**

- a. **Houseboats:** After a mass mailing of the Houseboat Ordinance requirements to all shoreline property owners in Cohasset, there have been no houseboat issues
- b. **Comp Plan Update:** The comp plan project is on hold due to COVID-19.

Chair Steve Otto adjourned the meeting at 7:32 p.m.

Submitted by Deputy Clerk Karen Blair

Approved: