

**CITY OF COHASSET  
PLANNING COMMISSION MINUTES  
305 NW FIRST AVENUE, COHASSET, MINNESOTA  
WEDNESDAY, SEPTEMBER 2, 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:** Josh Casper, Steve Lavalier, Steve Otto, Lucas Thompson, Gary Wheelock, and Harlow Zeppelin

b. **Absent with Notice:** Lesley Kleveter

c. **Ex-Officio Members Present:** Zoning Officer Greg Tuttle, City Attorney John Licke, and City Council Liaison Jason Tabaka

d. **Others Present:** Larry & Brenda Ruesink, Brad & Mona Petersen, Craig Pehrson, Jean McCabe, Mike Rock, Scott Johnson, Harry & Mary Corwin, Maria Arnoni, Kathleen Nuccio, John Guenther, JoAnne Bakken, John & Angie Baratto, Jared Gottlieb, Amy Gottlieb, James Bujold, Frank & Michelle Redfield, David & Kim Leingang, Linsey Savage, Bryan & Gina Mortenseon, Gary Oja, Marissa Bauer, Todd Jaranson, Joe Piskel, Joe Maurer, Mark & Mary Rajdl, Ron & Leann Hardy, Bill & Deann Benson, Jack Schramm, Lance & Donna Heubscher, Curt and Nita Firman, & Kerry Hecomovich

3. **Review and Approve the Agenda**

a. **Additions:** None

b. **Deletions:** None

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

4. **Resident Input:** None

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

6. **Public hearing #1** to act on a variance request by Craig and Janine Pehrson for a detached garage no closer than 94 feet from the centerline of County Road 62 (ordinance minimum is 110 feet) for the property located at 24893 County Road 62 (PIN: 05-023-2205) and legally described as: THAT PART OF LOTS 5 LYG WLY OF COUNTY RD #62 AND LYG NLY OF THE FOLLOWING DESC LINE: COMM AT THE ¼ CORNER COMMON TO SECS 22 & 23; TH N (BEARING ASSUMED) ALG THE LINE COMMON TO SAID SECTIONS A DIST OF 1697.83 FT TO THE POB OF THE LINE TO BE DESC; THE S 38 DEG 51' 00" E A DIST OF 162.51 FT, PLUS OR MINUS, TO THE WLY ROW LINE OF COUNTY RD #62 & LYG SLY OF THE FOLLOWING DESC LINE; COMM AT THE ¼ CORNER COMMON TO SECTIONS 22 & 23; TH N ALG THE LINE COMM TO SAID SECTIONS A DIST OF 1773.86 FT TO THE POB OF THE LINE TO BE DESC; TH S 85 DEG 21' 12" E A DIST OF

294.49 FT. [;IS PR ,OMIS TP THE W;U RPW ;OEM PF CPIMTU RPAD #62 & THERE TERM, Section 23, Township 55 North, Range 26 West, Itasca County, Minnesota.

Zoning Officer Greg Tuttle reviewed the informational packet.

Chair Otto called three times for anyone in favor of the variance request to come forward.

Otto called three times for anyone opposed to the variance request to come forward. There was no response. The public portion of the hearing was closed.

***Motion by Zeppelin/Thompson to approve the variance as requested provided the building runoff be directed toward the road as much as possible.***

Findings of Fact:

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). *Zeppelin – Yes, because to move away from the road would require retaining walls and tree removal. All agree.*

2. Are the circumstances which justify the variance unique to the property and not created by the applicant? *Lavalier – Yes, because of the topography behind it falls away toward the lake. All agree.*

3. If granted will the variance maintain the essential character of the locality? *Wheelock – Yes, because there are other buildings as close or closer to the road than the proposed. Lavalier added that the building would be screened from the road by existing trees. All agree.*

4. If granted will the variance be in harmony with the general purpose and intent of the zoning ordinance? *Thompson – Yes, because being closer to the road is good for the lake. All agree.*

5. If granted will the variance be consistent with the comprehensive plan. *Josh Casper – Yes, because moving away from the lake protects shoreland. Steve Lavalier – Yes, because the runoff is going toward the road. All agree.*

***Motion carried unanimously on a voice vote.*** There is a 15 day appeal period and afterwards the permit can be granted.

**7. Public hearing #2** to act on a variance request by Jason & Linsey Savage for a septic treatment area no closer than 40 feet to the centerline and 7 feet from the Right-of-Way (ROW) of Stark Road (Ordinance minimum is 68 feet and 35 feet respectively) for the property located at 23488 Stark Road (PIN: 05-029-3102) and legally described as THAT PART OF LOT 5 DESC AS FOLLOWS: COMM AT THE NW CORNER OF LOT 5; TH S 89 DEG 24' 45" E BEARING ASSUMED, ALG THE N LINE THEROF 115.6 FT; TO THE INTERSECT THE NELY ROW LINE OF BASSS BROOK TOWNSHIP RD "E" TO THE POB OF THE PARCEL TO BE DESC; THE CONST S 89 DEG 21' 42" W A DIST OF 288.84 FT TO INTERSECT SAID TOWNSHIP RD; TH N 32 DEG 12' 27" W ALG SAID ROW LINE 371.76 FT TO POB, Section 29, 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 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/Casper to approve the variance 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). *Zeppelin said yes because no alternative location due to spacing between buildings, well, old septic, road, and where sewer leaves house. All agree.*

2. Are the circumstances which justify the variance unique to the property and not created by the applicant? *Lavalier said yes, see answer to one above. All agree*

3. If granted will the variance maintain the essential character of the locality? *Wheelock said yes because it is a dead end road so there is not much of a safety concern due to traffic with a decreased setback. All agree.*

4. If granted will the variance be in harmony with the general purpose and intent of the zoning ordinance? *Thompson said yes because a septic is not a structure and not subject to being run into. All agree.*

5. If granted will the variance be consistent with the comprehensive plan. *Zeppelin said yes because updating the septic is good for water quality. All agree.*

***Motion carried unanimously on a voice vote.*** There is a 15 day appeal period and afterwards the permit can be granted.

**8. Public hearing #3** to act on an Interim Conditional Use Permit (ICUP) request from Safety First and Todd Jaranson to stockpile up to 250 truckloads of tamarack chips at 36209 Columbus Avenue (PIN: 05-003-1420) and legally described as the SE of the NE less the North 250 feet and less the West 250 feet of the South 350 feet of the North 600 feet and less the East 450 feet of the South 525 feet, Section 3, township 55 North, Range 26 West, Itasca County, Minnesota.

Zoning Officer Greg Tuttle reviewed the informational packet including maps of the area and the operations plan. Notifications were sent to all adjacent properties within 1,500 feet of the subject property. Also reviewed were relevant sections of the zoning ordinance and comprehensive plan. An Interim Conditional Use is only good for one year with two – one year extensions allowed. Property Owner Todd Jaranson and Marissa Bauer, President of Safety First explained that the chips are an inert tamarack chip produced at Lonza in Cohasset, MN as a bi-product of their squeezing operation and are used for playground surfacing. The chips will be stored at a gated

and locked gravel pit at the edge of Jaranson's property until the market picks up next year. The chips will be hauled in by semi-trailers, maybe 2-4 truckloads a time and up to 2 truckloads in roughly every other day. The pile may reach 30 feet high at times with sloped edges. Since the chips are inert there is very little chance they could start on fire. It was noted that permission has already been obtained from Itasca County to cross their gravel pit for access from Pincherry Road.

Chair Steve Otto requested that anyone in favor of the variance request come forward. Applicant 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.

***After discussion a motion was made by Thompson/Wheelock to recommend the City Council affirm the Interim Conditional Use Permit as requested.***

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To approve a Conditional Use Permit, the City shall find that the establishment, maintenance, and operation of the use:

1. Will not be detrimental to the public health, safety, morals or general welfare. *Lavalier said yes and all agreed.*
2. Will not cause undue traffic congestion or hazards and will not result in an on-street parking shortage. *Wheelock said yes because a few trucks every other day is within road capacity and it is the shortest route. All agree.*
3. Will not be injurious to the use and enjoyment or result in a decrease in value of other property in the area. *Thompson said yes because the storage site is very remote and accessed through a gravel pit and one in the storage area can't see any residential structures. All agree.*
4. Will not impede the orderly development of other property in the area. *Zeppelin said yes because access is through the gravel pit and the area is secluded. All agree.*
5. Will not impose an excessive burden on parks, utilities and other public facilities and services. *Lavalier said yes and all agreed.*
6. Is consistent with the City Comprehensive Plan. *Wheelock said yes and all agreed.*

***Motion carried unanimously on a voice vote.*** This matter will go onto the City Council for final action.

#### **9. Ordinance Review (continuation):**

a. **Planned Unit Development (PUD), Resort, and Campground:** Zoning Officer Greg Tuttle reviewed the informational packet. Proposed changes from the previous meeting (included in the packet) were to clarify the size requirement for a PUD that it doesn't mean if you don't have the minimum required acreage you don't have to do the PUD but that you need more land and to reorganize that section, eliminate the Environmental Assessment Worksheet (EAW) requirement from the PUDs in shoreland while deferring to state EAW triggers, and add PUD to the uses Permitted tables. City Attorney Licke indicated that the

DNR suggested replacing the EAW requirement in section 10.2200C1 with language that a PUD can't be approved unless all applicable environmental reviews have been completed. Tuttle clarified that the state has EAW triggers that are less stringent than Cohasset's but also has a EAW trigger for 25 people to petition the local government to decide if one is needed. Tuttle added that neither Itasca County nor the DNR require EAWs beyond the state triggers. Section 10.027 Environmental Review of the zoning ordinance says the Planning Commission may require an EAW.

Tuttle said addendums 4 and 5 refer to a supposed campground development in the plat of Cedarwood Shores. The land in question has been sold contract-for-deed but no application for a campground has been made to the city. They also refer to plat covenants that prohibit commercial development. The city does not enforce plat covenants, the plat owners do. Addendum 6 is from Katie Firman comparing the DNR, state, Itasca County, and Harris Township ordinances.

Tuttle said the application on Tioga Beach Road which started this whole discussion has been withdrawn but there was enough confusion in the ordinance language for the PC to request it be put on this agenda for more discussion and possible changes. Currently resorts/campgrounds are allowed via the Conditional Use process. From the last meeting the PC determined that a PUD was also required and for a PUD in shoreland an EAW is required. So the first decision is if resorts/campgrounds should be allowed in Cohasset at all. If not, just prohibit them. If so, we already have rules in place but are they okay or do they need to be changed (EAW required or not).

Chair Otto asked people from the audience who wanted to address the PC to come up to the podium. John Gunther – 36564 Cedar Road wants to keep the PUD requirement and make it stronger by keeping the EAW requirement.

Tuttle clarified that an EAW provides the local government unit with environmental impact information for determining if an Environmental Impact Statement (EIS) is required. EISs are normally for really large projects like mines and utility projects or 50 unit housing developments. Otto added that we don't want to make our rules so stringent that we prohibit all development in Cohasset. City Attorney Licke added that it is about \$100,000 to \$200,000 to do an EAW. Wheelock said the state has EAW triggers via petition or size. Why does Cohasset need to be more stringent than the state especially when the DNR and county don't require an EAW beyond what the state does. We need development to preserve our tax base for the future with MP&L's tax contribution possibly diminishing in the near future.

James Bujold – 36091 Otter Way have applied to Cohasset to rent the home on this property plus moving in three cabins and he can't afford the project if an EAW is required. The total square footage would be about 2,500. The EAW isn't reasonable for very small developments which meet density requirements.

Attorney Licke reviewed zoning ordinance section 10.027 – Environmental Review and MN Rules 4410.4500 – Discretionary EAWs allows the local governmental unit (LGU) to require an EAW at their discretion based on the potential for significant environmental effects. Another way to trigger an EAW if the PUD trigger was not there. State law also allows for an

EAW to be triggered by a petition of 25 people to the LGU and the LGU decides if the EAW is required.

Tuttle clarified that a Conditional Use requires a public hearing by the PC allowing them to place conditions on the project and then it goes onto the City Council for approval.

Harry Corwin – 24345 Ingebo Road asked how many campgrounds, how much development do you want along the lakes in Cohasset? If you allow one in Cohasset, you allow them everywhere in Cohasset. Almost every lot in Cedarwood Shores could have a campground. In the beginning of the Zoning Ordinance it emphasizes maintaining and enhancing the quality of natural resources within the city and limiting traffic congestion in the right-of-way and protecting the health, safety, and welfare of the city. Corwin questioned if the proposed development would bring property values and the quality of natural resources down and recommended that the requirements not be loosened.

Tuttle clarified that any changes to the zoning ordinance would have to go through a public hearing at the PC and be finalized by the City Council.

Lavalier said the current ordinance language regarding these issues were adopted back in 1992 and times have changed. People used to buy on the lake to retire, now it is for investment. He added that the PC is all volunteer and receive no compensation. This review is about updating an old ordinance.

Lance Huebscher -37399 Loon Drive stated the regulations on a proposed development should benefit the neighborhood not be detrimental. He questioned what applicable environmental reviews are required. Licke said section 10.027 Environmental Review subsection B says this review may take the form of a discretionary EAW as per State rules.

Jack Schramm – 25571 Ingebo Road stated the Cedarwood Shores neighborhood has been the same for twenty years and questioned what is going on in Cedarwood Shores. He questioned what the process would be if forty campsites are planned on 41 acres.

Bob Mrowic – 37143 Loon Drive property stated that owners have a vested interest in their neighborhood but campground people do not. You've got to protect us. We've built or bought here, we shouldn't have to move. The big problem is we don't know the intent of the buyers.

John McCabe – 24217 Ingebo Road asked how many are opposed to this campground and stated that violations of the covenants are enforceable by any property owner in the plat.

Ron Hardy - 25596 Ingebo Road asked if rezoning is required for a campground. Tuttle responded that the zoning for a campground in this area already exists via a Conditional Use and PUD. Licke said talk is cheap but if action is taken in violation of the covenants any plat owner may take action to enforce those covenants. Hardy asked if a permit would be required for a campground. Tuttle said a Conditional Use permit and a PUD would be required including a public hearing but first the city needs to clarify exactly what the requirements of a campground are, and specifically, if an EAW will still be required. The whole process, clarification, EAW requirement or not, conditional use, and PUD, will likely

take more than a couple months. He questioned if City Council could overturn the Planning Commission. Tuttle and Licke said yes. Hardy asked if the current city manager is involved with this property. Licke said it has been reported that he is buying the property contract-for-deed so the property doesn't transfer until the contract is paid off. Hardy questioned if there is a conflict of interest and felt the City was assisting in breaking the covenants. Licke said the covenants and this process are independent of each other. Licke added that a contract for deed doesn't transfer until pay off and a closing, thus the covenants may not be disclosed until the closing. Hardy asked how he could prevent a campground from happening. Licke said enforce covenants and give input at the public hearing.

Tuttle reviewed an EAW citizen's petition. Petition by at least 25 individuals of significant environmental effects to the state Environmental Quality Board (EQB) which forwards it onto the Local Government Unit (LGU) for a determination of the need for an EAW. LGU determination appealable to district court within 30 days of LGU decision.

Corwin proposed that campgrounds not be allowed in residential platted areas. Tuttle suggested the easiest way to accomplish that is to make a change to the use tables prohibiting campgrounds/resorts in all residential zone districts. Tuttle added that all property along the lakes are zoned residential but not all property along the lakes are in plats.

Mike Rock - 36729 Day Break Drive, stated the campground/resort sounds commercial but the zoning is waterfront residential and recommends they be prohibited in residential zone districts. That moves them farther back as there is no lakeshore that isn't residential.

Brad Peterson - 24626 Ingebo Road recommends that the City follow Aitkin's example where they do include review of covenants. Why can't the City write into the ordinance to consider covenants. Tuttle said the city could not turn down an application based on plat covenants.

***A motion was made by Wheelock/Lavalier to table this item until the October PC meeting. Motion carried unanimously on a voice vote.***

**b. Minimum Lot Dimensions in Shoreland:**

***A motion was made by Wheelock/Lavalier to table this item until the October PC Meeting. Motion carried unanimously on a voice vote.***

Chair Steve Otto adjourned the meeting at 8:43 p.m.

Submitted by Deputy Clerk Karen Blair

Approved: