

**CITY OF COHASSET
PLANNING COMMISSION MINUTES
305 NORTHWEST FIRST AVENUE, COHASSET, MINNESOTA
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 11, 2019 – 6:00 P.M.**

1. **Call Meeting to Order:** Chair Steve Brown called the meeting to order at 6:02 p.m.

2. **Roll Call**

a. **Voting Members Present:** Steve Brown, Josh Casper, Johnnie Fulton, Lesley Kleveter, Steve Lavalier, and Steve Otto

b. **Absent with Notice:** Gary Wheelock

c. **Ex-Officio Members Present:** Zoning Officer Greg Tuttle, Finance Manager Max Peters, and City Council Liaison Jason Tabaka

d. **Others Present:** Patty Thielen - DNR, and Chris Fulton – resident.

3. **Review and Approve the Agenda**

a. **Additions:** None

b. **Deletions:** None

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

4. **Resident Input:** None

5. **Public Hearing** to act on a variance request by the City of Cohasset for 30 x 40 foot pavilion no closer than 75 (location moved to 81) feet from the Ordinary High Water Level (OHWL) of Tioga Pit (ordinance minimum is 150 feet) at the Tioga Recreation Area Trailhead located at 23946 Tioga Beach Road (05-026-2200) and legally described as Government Lot 3, Section 26, Township 55 North, Range 26 West, Itasca County, Minnesota.

Zoning Officer Greg Tuttle reviewed the informational packet which included the applicant's findings, an excerpt from the land lease, and maps of the area. Tuttle distributed three additional items which included a map, a letter from Patty Thielen, DNR, and a timeline of events relating to the hearing.

Finance Manager Max Peters summarized the project timeline highlighting that the original larger (40 feet x 60 feet) trailhead pavilion and location which also required a variance, similar to the one in the proposal, was in the lease and design documents from the start. After the bid came back in May of 2019 over budget, a redesign of the trailhead caused the pavilion to be downsized to 30 feet x 40 feet and relocated, which required a similar variance to the one required for the original pavilion to avoid cutting a lot of trees. He also fielded questions.

Fulton asked if the Planning Commission can give a variance if the city is the leasee. Tuttle said the City Attorney indicated the lease gives the city the ability to apply for the variance. Fulton asked if other locations within the trailhead had been considered. Peters said the original location had been approved by the DNR via the lease and design documents. This is just moving the location at the same setback.

Patty Thielen of the MN DNR explained that the exact setback of the original pavilion was not fully conveyed to them because in one (1 of 63) of the drawings the scale was wrong. Tuttle indicated he pointed out to Rian Reed – DNR at the site visit that even though the scale was wrong the proportions of the drawing made it obvious that the pavilion didn't meet the 150 feet pit setback. Peters added that the DNR looked very closely at a turnaround in the drawings but missed this. Thielen added that the person overseeing this project is a forester and not versed in shoreland setbacks and the proposed setback was not exactly conveyed to the DNR. They were only notified of the variance request as a neighbor even though they administer the land and weren't made aware of the location change until last Monday.

Thielen suggested working together to look at all location options within the trailhead for the pavilion. She also reported the DNR sent a letter today with three objections to the variance (handed out prior to the meeting): that the proposed and original pavilion setbacks have not been approved by the DNR, that the Cohasset ordinance requires the land owner (DNR) to apply for a variance, and that "practical difficulties" have not been met. It was indicated that communication between the DNR and the City needs improvement.

Brown indicated that "practical difficulties" changed in recent years to only need to demonstrate the reasonableness of the request. He also questioned whether the City can apply for a variance on land it does not own.

Planning Commission members suggested the City and DNR work together to find a solution that works for both parties. Chair Brown indicated he would like the City Attorney present to provide guidance on the issue.

The Planning Commission discussed an alternate location across the haul road for the pavilion which would require cutting more trees and/or take over some parking spots. Lavalier asked if a variance was also required for the cutting of trees on the steep slope to the pit. Brown asked if the variance runs with the land and the variance was granted, what happens when the lease runs out. Peters said the City would have to remove all improvements as per the lease.

Tuttle pointed out that due to the location of the haul road and parking, either it would be a variance at roughly the proposed setback or it would be on the other side of the road and parking, which may mean the pavilion is not built. Brown asked why the variance request was urgent and Peters said because the building season is coming to a close and if not done quickly, it would have to be put off until next year. The City did not think the DNR would be opposed to something that has been in the original documents. Tuttle added that the location wasn't changed until recently.

Implications of the 60-day rule were considered and about and both parties agreed to sign a waiver if negotiations are close to fruition and close to the 60 day limit

Lavalier indicated the number one emphasis of the Comprehensive Plan is to protect public waters. Tuttle indicated the Comprehensive Plan also encourages trails in natural/recreation areas. So this is a balancing act for the Planning Commission.

Ultimately, the Planning Commission decided they were not comfortable proceeding with a variance request since the City is leasing the property and are not the owners. The Commission would like the City to explore other locations, and also for the City and DNR to reach a resolution on the issue.

A motion was made by Otto/Lavalier to table this item. Voting in favor: Casper, Fulton, Kleveter, Otto, Lavalier, and Wheelock; Voting against: None; Absent: Wheelock; Motion carried.

Chair Steve Brown adjourned the meeting at 7:18 p.m.

Submitted by Deputy Clerk Karen Blair
Approved: 12/4/2019