



ITASCA COUNTY
PLANNING COMMISSION/BOARD OF ADJUSTMENT
123 NE 4th St
Grand Rapids, MN 55744
(218) 327-2857

Wednesday, 5/11/2022

9:00 A.M.

Itasca County Boardroom

The regular meeting of the Itasca County Planning Commission/Board of Adjustment (PC/BoA) was held on 5/11/2022 at 9:00 a.m. in the County Board Room of the Courthouse with the following in attendance:

MEMBERS PRESENT: Mike Bellomy, Richard Kortekaas, Dan Butterfield, Mike Oja, Lisa Maasch;
ABSENT: None;
EXOFFICIO: Environmental Services Director Dan Swenson, Environmental Services Coordinator Greg Stoltz;
GUESTS: Rob Sjostrand, Peggy Marshall, Bill Marshall, Mark Michalek, Rodney Ernhart, Andrew Shaw, Brian Lindsay, Sue Campbell.

Chair Bellomy called the Planning Commission/Board of Adjustment meeting to order, opening with the Pledge of Allegiance. Copies of the agenda and opening statement were available for the audience.

Minutes. Upon the motion of Kortekaas/Butterfield, which carried unanimously, the minutes of the 4/13/2022 hearing were approved as distributed.

Agenda. Upon the motion of Butterfield/Kortekaas, which carried unanimously, the agenda was approved as amended and motion carried unanimously.

David CUP Final Review for Junk/Salvage Yard/Update. Rob Sjostrand, with Itasca Economic Development Corporation, was present to provide an update. He is working with Gus David to bring his salvage yard into compliancy (Gus David was unable to attend due to health reasons) and noted progress has been made, but spring weather has slowed the process. He asked for a clarification on conditions and Mr. Swenson noted that there is a condition for a 500' setback from the Bigfork River. Mr. Sjostrand also commented that operations were moved from the adjacent parcel to the CUP approved parcel including the crusher which was moved in Sept. (and located as far as possible from river) and there has been significant progress in meeting the required river setback. It was suggested there be an accurate count of vehicles. Kortekaas/Butterfield motioned to table until the June meeting and motion carried unanimously.

Butterfield/Kortekaas motioned to close the Planning Commission meeting and open the Board of Adjustment meeting and motion carried unanimously.

Peggy Marshall/Muir Highland Lake Trust/Variance—Lot 6, Section 21, Unorganized Township 59-25 (Parcel #59-021-4400)—submitted a variance application for variance from Section 4.5.2A of the Zoning Ordinance for construction of a screen porch addition to be located 24' from the Ordinary High Water Level (OHWL) of Highland Lake, Recreational Development 1 Class. Staff has been to the site, PCBA members were unable to visit the site due to road conditions. An aerial GIS map (PCBA 8) was viewed on the overhead screen. Peggy Marshall was present and her discussion included that the cabin was constructed in the 1960s before zoning; located in a remote area; they also own the adjacent lot to the south; existing screen porch is 5'x16' and they would like to add a 7'x16' addition to make it more functional. The narrow driveway and steep hill on back side of the cabin limit other options. There is an existing shoreline buffer of grass/shrubs/trees and grass is only mowed a few times each year. Mr. Swenson suggested that any future boathouse be reduced by the size of the proposed screen porch addition (deducted from the allowed 250 SF for a boathouse). Chair Bellomy suggested to increase the size to 14'x16' (total screen porch) to allow for eaves. Bill Marshall, was

present in support, commenting it was only minimal addition. Oja/Kortekaas motioned to close the public portion of the meeting which carried unanimously.

Motion: Oja/Butterfield to approve the variance application submitted by Peggy Marshall as amended for construction of a 7'x16' screen porch addition to be located 24' from the OHWL as set forth in the 5/6/2022 staff report. Motion carried unanimously.

Condition/s: 1) Future construction of a water accessory structure be reduced by the footprint of the screen porch addition (deducted from the allowed 250 SF);
2) Comply with Best Management Practices;

Butterfield/Kortekaas motioned to adjourn the Board of Adjustment meeting and open the Planning Commission meeting and motion carried unanimously.

Mark Michalek/Rezone— SE SE Less Hwy, Section 7, Alvwood Township 149-28 (Parcel #01-007-4401)—submitted a rezone application for rezone from Farm Residential to Light Industrial Commercial. Mr. Stoltz displayed the GIS map (with zoning districts) on the overhead screen and noted a county garage was once located on the property. Mr. Michalek was present and discussed his rezone request and proposed plans for an RV campground and possible storage units/area. Butterfield/Kortekaas motioned to close the public portion of the meeting which carried unanimously.

Motion: Butterfield/Kortekaas motioned to recommend (to the County Board) approval of the rezone application submitted by Mark Michalek for rezone from Farm Residential to Light Industrial Commercial as set forth in the 5/6/2022 staff report. Motion carried unanimously.

(County Board hearing scheduled for 5/17/2022).

At 10:10 a.m., Chair Bellomy recessed the meeting for 10 min. and called the meeting back to order at 10:20 a.m.

Rodney Ernhart/Dream Life/CUP Amendment— Part of Lot 1, Section 28, Marcell Township 59-26, North Star Lake, Recreational Development 2 Class, Parcel #26-028-2203--submitted an application to amend conditions of previously approved Conditional Use Permit #190670. Rodney Ernhart was present and discussed his request to amend the previously approved CUP and the need to clarify where and what are the setbacks/buffer zones and define commercial use. He also commented the conditions in Mr. Shaw's letter need to be clarified—buffer should apply only to project area/RV sites not the entire property; the 138' was shown on the original map as the distance of septic from property line not as a buffer or setback. Mr. Ernhart proposes a 50' buffer (no trails, roads, cutting trees) from north property line south 350' (the deeded easement is located on the other properties but the easement road is actually on resort property) and 100' setback from property line for RV sites/buildings. In regard to "commercial use" (was not defined in Mr. Shaw's letter)—basically everything Mr. Ernhart does is commercial use—and he proposes to replace "commercial use" with "no RVs" on the north-south portion of North Star Lake Trail except for emergency egress and he noted there will be no development of any kind within the 50' buffer (including no walking trails). Member Butterfield read the buffer and setback definitions from Ordinance:

24.2.41 Buffer

A strip of land intended to create a physical separation between potentially incompatible uses of land.

24.2.236 Setback

The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level (OHWL), sewage treatment system, top of a bluff, road, highway, property line, or other facility. Distances are to be measured horizontally from the property line to the most outwardly extended portion of the structure.

There was discussion regarding the 50' buffer (from property line) and it was amended to be 50' in width and 400' in length (instead of 350') from the northwest corner to the south corner of the Grenson property. It was also clarified that within the 50' setback (on east side of buffer) there will be no structures/RV campsites (but there may be roads/trails). Several members agreed the 2019 CUP buffer was only applicable to the area east of the north-south portion of North Star Lake Trail and not intended for the entire property. It was clarified the buffer will be 50' east from property line and 400' in length (end at south corner of Grenson property) and there will be a 100' setback (from property line). There was discussion regarding roads and possibly gating the road (unlocked gate) at the bathhouse and Mr. Ernhart would be willing to do so.

Andrew Shaw was present (representing the Macumbers) and comments included there has been a lot of intentional confusion; a significant amount of information was provided with the original CUP; neighbors were aware the RV campground could fundamentally change the area and their concerns were discussed. Mr. Shaw submitted for the record (and provided copies to the Board): PCBA 19- CUP #190670 findings/Mr. Shaw's 8/9/2019 letter excerpts and PCBA 20 – 8/5/2019 survey. Mr. Shaw mentioned there was no previous discussion of emergency egress on the north-south portion of North Star Lake Trail; the conditions were specific—no commercial use of road; no commercial activity in 100' buffer area for protection for the neighbors and should not be removed. He further commented that commercial use is the RV park and all associated activities and there is no reason to amend the CUP (but could define where the 100' buffer is) and did note that his only concern in 2019 was on the west side. Brian Lindsay/Trenti Law Firm, representing the Davis family, was in attendance and comments included that the Board's decision was final (reference to res judicata) and it has been made more confusing than it needs to be. He mentioned that emergency egress does not need permission; there were previous concerns with commercial use/traffic on the road and the 100' buffer is intended to be from the centerline of the developed road (North Star Lake Trail) along the north-south and east-west portions and would maintain its historical use as a private driveway, keep the road quieter and create separation. He submitted an 8/21/2019 email and map from Rodney Ernhart for the record (PCBA 21) and copies were distributed to members. Sue Campbell was present, in opposition, with trespassing concerns. Mr. Ernhart commented the approved 2019 CUP was ambiguous and vague and wants to clarify the conditions including commercial use of road (campers cannot ride bikes/walk but resort guests can—proposes it should only be no RV use). Brian Lindsay questioned if this procedural process is correct—if there was thought to be an error it should have been appealed; referenced MS 462.361 and also a 2007 Court of Appeals case (Block) heard by Judge Randall and suggested to check with the County Attorney on this or ask for an interpretation. Mr. Swenson recommended obtaining a legal opinion from the County Attorney.

Maasch/Butterfield motioned to continue the meeting on Tuesday, 5/24/2022, at 9:00 a.m. in the County Boardroom of the Courthouse, 123 NE 4th St., Grand Rapids, MN, to allow staff to consult with the County Attorney's office and motion carried unanimously. (Member Oja left the meeting at 12:00 p.m. and Member Kortekaas left at 12:08 p.m. meeting.)

Criteria Questions Discussion. Mr. Swenson commented that applicants need to verbalize answers to criteria questions so PCBA members can make an informed decision and members agreed to continue to do this.

Meeting was recessed at 12:10 p.m. until Tuesday, 5/24/22, at 9:00 a.m. in the County Boardroom of the Courthouse, 123 NE 4th St., Grand Rapids, MN.

Chair Bellomy called the regular meeting (continued from 5/11/2022) of the Itasca County Planning Commission/Board of Adjustment (PC/BoA) back to order on Tuesday, 5/24/2022, at 9:00 a.m. in the County Board Room of the Courthouse with the following in attendance:

MEMBERS PRESENT: Mike Bellomy, Dan Butterfield, Mike Oja, Lisa Maasch, Richard Kortekaas;
ABSENT: None;
EXOFFICIO: Environmental Services Director Dan Swenson, Environmental Services Coordinator Greg Stoltz;
GUESTS: Rodney Ernhart; Brian Lindsay.

Chair Bellomy called the Planning Commission/Board of Adjustment meeting to order, opening with the Pledge of Allegiance.

Ernhart/Dream Life/CUP Amendment—A GIS map (PCBA 22) was distributed to members indicating a 100' buffer along the west and north property lines. There was discussion regarding the buffer condition from the previously approved CUP #190670 and its location. Mr. Shaw's 8/9/2019 email and proposed conditions were also reviewed. Mr. Ernhart was present and explained he is not asking for anything additional or for conditions to be removed just to be defined. He clarified that within the proposed 50' buffer there would be no roads/trails/trees cut and would like the condition of "no commercial use" to be replaced with "no RVs" on the north-south portion of North Star Lake Trail. It was noted the CUP #190670 conditions only apply to the RV campground/guests and do not apply to the resort/resort guests. Mr. Ernhart also mentioned he did not realize there was a need to amend until he submitted his new CUP application in January and conditions of the previously approved CUP #190670 seemed to need clarification. There was further discussion regarding buffer/setbacks, and it was noted the buffer shown on PCBA 22 extended to the south Mikkalson property line (not to the south Grenson property line as previously discussed).

Brian Lindsay, attorney representing the Davises, was present and discussed concerns since the Davis property abuts the resort property for 215' on north and has an extensive trail system. He also commented that providing interpretation could be allowed but not rewriting the original CUP to correct (or make the decision over again) and agrees the buffer shown in PCBA 22 is in agreement with the original CUP conditions. He also agreed that, once the approved 11 RV sites are completed and in operation for a time (so effects are known), then conditions can be reviewed/amended. It was again mentioned the conditions only pertain to the RV park and not the resort and Mr. Lindsay agreed that any historic use of the road (by the resort) may continue. Mr. Ernhart mentioned he planned to put in a road within the 100' buffer along the east-west portion of North Star Lake Trail (PCBA 04 - Exhibit C) which was in the previously approved original CUP and Mr. Lindsay said his client had no objection to this since it was approved in the original CUP. Mr. Ernhart will agree with the buffer condition at this time since it could be amended in the future when he requests additional campsites. Oja/Maasch motioned to close the public portion of the meeting and motioned carried unanimously. (Member Kortekaas left the meeting at 9:50 a.m.). There was further discussion, and it was the consensus of the board they would like the applicant to proceed with the 11 approved RV sites so the effects of the campground will be known and, when the applicant requests additional campsites in the future, the conditions may be reviewed/amended at that time; the GIS map (PCBA 22) will be used to reference/designate the buffer; and, as per Mr. Lindsay, there was the intent that the 100' buffer condition applies to the east-west portion of North Star Lake Trail in the original CUP.

Motion: Butterfield/Maasch motioned to deny the CUP #190670 amendment submitted by Rodney Ernhart/Dream Life as set forth in the 5/6/2022 staff report. The buffer, as stated in the 2019 CUP, shall be as designated on the GIS map (PCBA 22) along the east-west and north-south property lines.
Motion carried unanimously.

At 10:15 a.m., Chair Bellomy adjourned the meeting.

By: _____
Diane Nelson, Recording Secretary