The Lake County Planning Commission sat in session at 6:00 p.m. on this date and conducted hearings and other business.

**Members present:** Chair: Joe Skala, Blaine Fenstad, James Weinzierl, Nancy Mancini, Mabel Tarlton, Rich Sve and John Bathke

**Members absent:** Jim Linscheid

**Zoning staff present:** Christine McCarthy (Environmental Services Director) and Neva Widner (Planning and Zoning Technician)

Joe Skala called the meeting to order at 6:00 P.M.

The first item of business, **C-17-001**, was a conditional use application, filed by Bruce Larson which if approved, would allow the operation of commercial outdoor and indoor storage on private property described as that part (1.35 acres) out of NW ¼ of NW ¼ as desc in DOC A000183509 in Section 31, Township 52, Range 11, total of 1.35 acres AND that part of S 292 FT of E 839 FT of SW ¼ as desc in DOC A000183509 in Section 30, Township 52, Range 11, total of 4.27 acres, both parcels zoned R3/Residential District, 2 ½ acre minimum, Unorganized Territory 2.

Joe Skala introduced the application and the legal requirements were read by zoning staff. There were 7 letters of response received opposing the proposal.

Bruce Larson, owner of the property, explained he had been using the property for the use outlined in the application since 1999 and recently it was brought to his attention that he should have a permit for commercial storage. He had never received a complaint regarding the storage operation and wanted to secure the proper permit to continue his business.

General Discussion took place from the Planning Commission regarding the site, storage operation, safety, and privacy.

Skala asked if any of the audience members wished to speak. Several members of the audience were in attendance who lived near and around the property. Many people raised concerns regarding the lack of oversight of the storage activities, safety concerns, and potential attraction to vandalism. General discussion took place regarding concerns over traffic, visual impacts to neighbors, and safety concerns. Planning Commission members considered approving the conditional use for only indoor storage, however the applicant said that without outdoor storage the conditional use would not be sufficient for his business.

In response to the opposition from the neighbors, the applicant formally withdrew his application.

The next item of business, **I-17-001**, was an (initial) interim use application, filed by John Gregor which if approved, would allow a short term vacation rental home on property described as 10 acres out of Ely 708.69 Ft of SE ¼ of NE ¼ as desc in doc no A000163165 in Section 4, Township 53, Range 10, total of 10.0 acres, zoned R1/Residential District, ten-acre minimum, Silver Creek Township (outside of Sanitary District).

Joe Skala introduced the application and the legal requirements were read by zoning staff. There was 1 letter raising concerns but not in opposition of the application.

John Gregor, owner of the property, explained his vacation rental home proposal. He travels for work often and proposes to run the vacation rental home while his is traveling for work and he is still working to secure an agent to assist with the vacation rental.

General discussion took place inquiring details on the septic system size requirements. McCarthy said the system was sized for two bedrooms and unless the applicant could provide information from a qualified person stating otherwise, that is what the system should serve.

McCarthy also raised the topic of the Conditional Use Permit and asked Gregor when he moved into the building. Gregor explained over two years ago he moved into the building. McCarthy explained that since the time has passed the conditional use is now inactive and Gregor’s business falls under the home occupation standards.

General discussion followed regarding firearms
and property line demarcation. Gregor explained that his lot is very irregularly shaped and that he advises his guests to not go into the woods and instead to go to the nearby Superior Hiking Trail.

Motion by Bathke supported by Mancini recommending one-year County Board approval with the following findings and conditions:

Findings:
1. Safe access from the Highway 3 exists and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The lot is heavily wooded with natural vegetation. Rental activities should have no impact to site conditions.
4. There are no public water or wetland concerns at this location.
5. Utilities and infrastructure are in place and working
6. Normal rental activities should have no adverse impacts.
7. In general vacation rentals have not proven to be a harmful use throughout the county. Properties in this area including this one have large lots and landowners are accustomed to the privacy provided.
8. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:
A Health Department license must be obtained. Quiet hours from 10 PM to 7 AM must be observed. Guest capacity is limited to 4 guests until the septic system is inspected and adequately designed for 6 guests maximum.

Motion passed by unanimous vote in favor of the motion. (PCR-17-001).

The next item of business, I-17-002, was an (initial) interim use application, filed by Mary Sutton which if approved, would allow a short term vacation rental home on property described as SW 200 FT of Lot 2, Auditors Plat 14 30-57-6 SW ¼ of SW ¼ in Section 30, Township 57, Range 6, total of 2.0 acres, zoned R4/Residential District, two-acre minimum, Unorganized Territory 1.

Joe Skala introduced the application and the legal requirements were read by zoning staff. There were no letters of response received.

Mary Sutton, owner of the property, explained she started short term rental activity last summer unaware of the interim use permit requirements. She has had long term renters prior, but has found better results with short term rentals. She has two women that live nearby and assist with maintenance and cleaning. Mary explained the copy of the septic certificate of compliance provided by the planning and zoning office was not her system, although the address was the same. She said the system is over 25 years old.

Skala asked if any members of the Planning Commission had any questions. Mancini asked about what septic system details were known. Staff explained they did not have details regarding the septic system, but there was a signed compliance inspection agreement from the homeowner on file to have an inspection completed this summer.

Sutton explained the house is a 3-bedroom home and she typically has 6 guests. She lives in California and visits the property 3-4 times per year, she plans to keep the house until she can retire to it later.

Skala asked if any members of the audience had any comments, there were no responses. Sve inquired to what activity has been done on the septic since Ms. Sutton has owned the property. Sutton explained the system has been cleaned out once. The system was existing when she purchased the house about 25 years ago. Shortly after she purchased the house the drain field and drain tile around the house was replaced and currently there is no mound on the property.

McCarthy recommended the septic be operated as a holding tank until an inspection of the system can be conducted if rental activity was to take place prior. General discussion took place regarding the potential options to address the lack of information of the septic system and potential temporary operation of a holding tank until septic system inspections could take place.

Sve suggested an option to consider tabling the hearing until an inspection by planning and zoning staff could provide better information. Tarlton pointed out that due to the high cost of operating a holding tank the applicant could abstain from rental activity until the septic system
could be inspected. Weinzierl said the property in its current state is incompatible for rental activity without accurate information regarding the septic system.

Motion by Bathke supported by Fenstad recommending one-year County Board approval with the following findings and conditions:

Findings:
1. Safe access from Highway 61 exists and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The lot is wooded with natural vegetation. Rental activities should have no impact to site conditions.
4. There will be no impacts to public waters or wetlands at this location.
5. Utilities and infrastructure are established except for the outstanding issue with the septic system. There is no information regarding the current septic system.
6. Vegetation screens adjacent lots. Lighting and environmental issues are not significant concerns. The house is located along a noisy road corridor.
7. Vacation rentals have not proven to be a harmful use throughout the county. Normal rental activities should not diminish values or restrict other lot owner activities.
8. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:
A full inspection of the septic system must be completed by June 1, 2017. Prior to any rental activity the septic tank must pass initial inspection and be converted to a holding tank until a full septic system inspection can be conducted.

Motion passed by 4-2 vote in favor of the motion. (PCR-17-002). Weinzierl and Fenstad opposed the motion.

The final order of business was the Prospector’s Loop Environmental Assessment Worksheet (EAW). Travis Fristed with ISG, the consultant that developed the EAW, introduced the project. He explained the legal requirements met to date and comments received during the public comment period. Skala inquired about the wetland delineation process. General discussion followed regarding the potential wetland impacts by the project and the routing process to mitigate wetland impact.

Motion by Fenstad supported by Weinzierl to recommend the County Board make a negative declaration for the Prospector’s Loop EAW.

Motion passed by unanimous vote in favor of the motion. (PCR-17-003).

Motion by Bathke supported by Sve to approve the December 19, 2016 minutes with minor changes. Motion passed by unanimous vote.

McCarthy distributed proposed Planning Commission Rules and By-laws which would better reflect requirements in the Lake County Ordinance. She requested members review these proposed changes and consider them at the February meeting.

Being no further business, a motion was made by Fenstad, supported by Bathke to adjourn the meeting. Motion passed by unanimous vote.

Respectfully Submitted,
Christine McCarthy
Environmental Services Director