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

Members Present: Chair Joe Skala, Mike Hoops, James Weinzierl, Jim Linscheid Commissioner Rich Sve, John Bathke, Simbre Fosness

Members Absent: Mabel Tarlton

Zoning Staff Present: Christine McCarthy (Environmental Services Director), Neva Maxwell (Land Use Specialist) and Jill Paron (Environmental Services Specialist).

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

The first hearing, I-18-023 was a renewal interim use application filed by Shailesh Vasundhra which if approved would allow a vacation rental home on property described as: 2.55 acres out of NE ¼ of SW ¼ as described in Doc No A000159297 in Section 22, Township 55, Range 8, zoned R-4/Residential, two-acre minimum, Beaver Bay Township.

Skala introduced the application. McCarthy summarized the staff report. There was no correspondence for this application. She recommends 4 people maximum for rental on a 2-bedroom septic system.

The application was represented by Lavonne Christensen and Brian Kelly. Kelly stated rentals are going well. They had about 30 nights of rentals in the first year.

Sve asked what arrangements they have for garbage service. Kelly stated that John's Sanitary picks up bags that they put out on Mondays. He stated they had a dumpster, but a neighbor didn't like seeing the dumpster by the road.

Fosness asked if Christensen and Kelly are both local. Christensen stated she is local, Kelly is not.

Motion by Hoops supported by Weinzeirl to recommend five (5) year approval to the County Board with the following findings and conditions:

Findings:
1. A MN Department of Health license must be obtained and maintained.
2. Minimum vacation home rental requirements must be met (Section 6.16 of Lake County’s Land Use Ordinance).
3. Safe access from Liberty Road and off-street parking exists.
4. Clear demarcation of property lines.
5. Rental activities should have no impact on site conditions.
6. Utilities and infrastructure have been established and the septic system has passed a compliance inspection within the last three (3) years.
7. Vacation rentals have not proven to be harmful use throughout the county. Normal rental activities should not diminish values or restrict nearby lot owner activities.

Conditions:
1. Maximum occupancy of four (4) guests.
2. Quiet hours from 10:00 p.m. – 7:00 a.m.
3. All recreational vehicles must be on a trailer/truck bed and cannot touch property grounds.
4. No fireworks.
5. No discharge of firearms on the property.

Motion passed by unanimous vote. (PCR-18-037)

Motion by Hoops supported by Bathke to approve the minutes with corrections from the September 17, 2018 meeting. Motion passed by unanimous vote.

Other Business

McCarthy introduced discussion regarding the payment of per diems and mileage after 60 days. She stated mileage is subject to the 60-day deadline. Per diems can be submitted to the County Board after 60 days. Sve stated the County Board has spoken with the Auditor and County Attorney. He stated the County Board can approve a per diem after 60 days. The Board is waiting for more information from the County Attorney as to whether or not mileage will be paid. The final decision on the process has not been
made yet. The proposal is that after 60 days the request will be submitted to the Auditor who will then create the action item and send it to the Clerk of the County Board. Sve and McCarthy both encouraged that efforts be made to meet the 60-day time limit due to the extra work and time to approve after 60 days.

The second hearing, **I-18-024** was a renewal interim use application filed by Timothy Thornburgh which if approved, would allow a vacation rental home on property described as: SW ¼ of NE ¼ of NW ¼ in Section 20, Township 52, Range 11, 10-acres, zoned R-1/Residential, ten-acre minimum, Unorganized Territory 2.

Skala introduced the application. McCarthy summarized the staff report. There were two items of correspondence in favor of the application.

Maxwell explained to the Planning Commission that Mr. Thornburgh just recently complete the requirements for rental; she recommends another 1-year approval to determine compliance.

Timothy Thornburgh represented the application. Linscheid asked when he started renting. Thornburgh stated he hasn’t yet.

Hoops asked about the maximum occupancy. Maxwell explained that he has a 5-bedroom home, but a 3-bedroom septic system. She stated that the original approval [2017] was for 6 guests and 3 bedrooms unless he expands his septic system and is approved by Planning and Zoning, for 10 guests and 5 bedrooms. She also stated that due to concerns of overuse when he was renting without a permit, a compliance inspection was required before renting. The septic system passed inspection July 2018 for 3-bedrooms.

Sve asked if he plans to expand his system. Thornburgh stated he would like to see how the rentals go the first year before he decides.

Sve asked if he has improved his relationship with his neighbors. Thornburgh said he thinks he has. A neighbor has agreed to be his emergency contact.

Sve asked who is acting as the property manager. Thornburgh stated he has a cleaning service and neighbor Mark Falk. He stated the cleaning service is about 40 minutes away. They also take care of the garbage.

Skala asked if the conditions [of approval] would remain the same. Maxwell stated they could remove the condition regarding the septic compliance inspection.

Skala open the meeting to public comments. Sandra Bjorm spoke in opposition to the application. She stated that vacation rentals in residential areas are a disruption to the neighbors who live there. She asked if owners of vacation rentals are assessed taxes like a business or commercial property and if they pay the County lodging tax and sales.

McCarthy stated that the assessor determines if the property is commercial and the Planning and Zoning department does not check on payment of taxes.

Bjorm stated she can hear noise from the property and see the activity that is happening from her home. McCarthy asked if Bjorm is hearing noise from this residence. Bjorm stated it isn’t happening now, but was when Thornburgh’s first had the property.

McCarthy explained that no rental activity has been happening since Thornburgh’s began the process of following the County Ordinance. She stated the conditions of their approval includes limiting the number of people that can be there. She explained that the previous problems were from before the Thornburgh’s were following the vacation rental permitting process.

McCarthy explained the conditions that are set for vacation rental homes and if these conditions are not followed, approval will not be given at the next renewal hearing.

Bjorm stated the difference in use is that people in a vacation rental are using the property differently than the residents that live there and go to work and school and take care of their homes. She stated the only way to monitor the rentals were by neighbors having to call the sheriff when there are problems.

Maxwell explained there are currently about 50 permitted vacation rental homes in Lake County and there have been very few complaints. Neighbors can get the emergency contact
information. She also stated very few neighbors that express concern at a first hearing come back for the renewal hearing with complaints. Maxwell stated this applicant has been held accountable for problems at his rental home.

Thornburgh stated he has quiet hours in place from 9 PM to 9 AM. Maxwell stated this is more restrictive than what is usually required.

She also stated that Mark Falk, a neighbor that expressed concern about this rental before they had a permit, is now the Thornburgh’s emergency contact.

Bjorm asked if there is a limit to how many vacation rentals can be in a neighborhood. Maxwell said not at this time, but the lots must conform to the minimum lot size for the zoning district.

Skala stated that vacation rental Interim Use Permits must be reapplied for if the property is sold.

Motion by Linscheid supported by Hoops to recommend one (1) year approval to the County Board with the following findings and conditions:

Findings:
1. A safe entry from Cuttingwood Road and off-street parking exists.
2. Rental activities should have no impact to site conditions.
3. Utilities and infrastructure have been established and septic system has passed inspection for 3-bedrooms.
4. 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.
5. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:
1. Maximum of three (3) bedroom & six (6) renters until expansion of septic system is approved by Planning & Zoning for five (5) bedrooms & 10 renters.
2. Quiet hours 9 PM-9 AM
3. ATV’s/ snowmobile must be trailered while on the property.
4. No fireworks.
5. No discharge of firearms.

6. Fires must be in a designated fire ring.

Motion passed by unanimous vote. (PCR-18-038).

The third hearing, P-18-003, was a preliminary plat application filed by Mary Sutton which if approved, would allow an amendment to Lots 7 & 8, Gunsten Lake Development, named Block One, Lots 1, 2, and 3, Gunsten Ridge Addition on property described as: Lot 7 and 8 Gunsten Lake Development, Section 10, Township 60, Range 10, 12.72-acres, zoned R-R/ Residential-Recreational District, one-acre minimum, Stony River Township.

Skala reconvened the hearing which was tabled at the hearing on September 17, 2018.

McCarthy stated the peer surveyor letter has been submitted.

Sve made a motion to move the hearing off the table, supported by Hoops. Motion passed by unanimous vote.

Mary Sutton represented the application.

McCarthy gave a review of the request. She explained that this plat originally had Lots 7 and 8 and the lots were subdivided into 4 separate lots without going through the process of a plat amendment. McCarthy explained that platted plots cannot be divided through the Administrative Subdivision process. She also explained that the Ordinance does not include a process for plat amendments. She instead had the application meet the requirements of preliminary plat without going through the entire process. She stated everything that is necessary for a final plat will be completed. McCarthy stated the septic system designer could not find enough septic sites for the 2 lots owned by Sutton, so those lots will be combined into one.

Motion by Bathke supported by Weinzierl to recommend to the County Board to approve the plat amendment application. Motion passed by unanimous vote. (PCR-18-036)

Motion by Linscheid supported by Bathke to adjourn the meeting. Motion passed by unanimous vote.
Respectfully Submitted,

Christine McCarthy
Environmental Services Director