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, Mabel Tarlton, James Weinzierl, and Commissioner Rich Sve.
Members Absent: Vice Chair John Bathke, Nancy Mancini, and Jim Linscheid.

Zoning Staff Present: Christine McCarthy (Environmental Services Director), Neva Maxwell (Environmental Services Specialist)

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

The first hearing, I-17-020, was an (initial) interim use application filed by Teresa Anderson which if approved, would allow a vacation rental home on property described as 5.43 Acres Out of NE 1/4 of SE 1/4 as Desc in Doc No A000160009 in Section 23, Township 57, Range 7, total of 5.43 acres, zoned R-2/Residential District, five-acre minimum, Crystal Bay Township.

Skala introduced the application. Christine McCarthy summarized the staff report and shared that there were zero (0) comments from adjacent property owners and local government units.

Skala asked about minor septic repairs that were suggested from the most recent compliance inspection. Anderson said the septic installer she is working with has the parts he needs and will be doing recommended repairs when he can.

Sve asked if there was a property manager. Anderson said that she is the manager, and that she and her mother live in the lower level which is essentially an apartment.

Anderson expressed her idea that this was an initial thing to see how renting goes, and that eventually she may expand operations to include an “overnight retreat” type facility. McCarthy explained that to do retreats, Anderson would need to go through the conditional use application process. Anderson understood that was the case.

Sve asked why this was not a conditional use application, as it seemed more like a bed & breakfast than a vacation rental home. Anderson explained that she would not be serving any food, as is required by bed & breakfast operations.

McCarthy brought up the point that we will need other contact information for emergency maintenance or other situations if Anderson plans to be away. Anderson said that both of her brothers are her neighbors and she would get their contact information to Planning & Zoning when she is out of town and the home is being rented.

There was a general discussion about rental rules Anderson would require of her guests. Sve then asked what the septic was sized for. McCarthy explained that the system is sized for four (4) bedrooms, and went on to ask Anderson if that was right because it sounded like there are also two (2) bedrooms on the lower level. Anderson said yes, there are six (6) bedrooms total. McCarthy suggested the commission should either limit occupancy or monitor the flow closely to make sure the system is not overloaded.

There was a general discussion about what the maximum occupancy should be, and the commission concluded that 8 guests would be permissible if close monitoring of water-usage takes place.

Motion by Sve supported by Weinzierl to approve the (initial) interim use application 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 Highway 6 and off-street parking exists.
4. The lot meets current stormwater standards.
5. Rental activities should have no impact on site conditions.
6. Utilities and infrastructure are established.

Approved with minor corrections 12/18/17
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 eight (8) guests.
2. Quiet hours from 10:00 p.m – 8:00 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.
6. Numbers from flow meter to be checked by Planning & Zoning every three (3) months.
7. Homeowner must provide contact information to Planning & Zoning for the property manager or caretaker when owner is out of town and the home is being rented.

Motion passed by unanimous vote (PCR-17-032).

Motion by Sve supported by Weinzierl to approve the October 16, 2017 minutes with minor corrections. Motion passed by unanimous vote.

The second hearing, C-17-013 was a conditional use application, filed by Nancy Ensley & David Van Wyk which if approved, would allow for the operation of a dog kennel on property described as NW 1/4 of SW 1/4 of SW 1/4 in Section 9, Township 63, Range 9, total of 10.00 acres, zoned FR/Forest-Recreation district, 10-acre minimum, Fall Lake Township.

Skala introduced the application. McCarthy summarized the staff report and 12 comments of support.

Ensley explained that they have 10 “mostly sled dogs” that they consider pets, and that they do not intend to obtain any more dogs. She said they are providing the final home for the current dogs to age and pass away. Ensley included that all the dogs sleep in the house at night, and are only in their kennels during certain parts of the day or if she and her husband will be out running errands.

Skala said that his only concern is that the conditional use permit would be transferred if and when the property is sold to a new owner. He said that there doesn’t seem to be any issue with this application, however there could be an issue with a future owner of the property that is not as responsible. Maxwell explained that if there was a problem with a future property owner, the commission could have a revocation hearing to terminate the conditional use permit. Van Wyk said that they could inform the Planning & Zoning Office when they have less than four (4) dogs, at which time a conditional use permit would not be required.

Motion by Tarlton supported by Sve to approve the conditional use application as submitted with the following findings:

Findings:
1. Safe access from Lookout Road and off-street parking exists.
2. Dog kennel activities should have little impact on soils and vegetation.
3. The site is well vegetated and the proposed use should have no impact on wetlands or public waters.
4. Normal dog kennel activities should not diminish values or restrict nearby lot owner activities.
5. The proposed use is allowable under approved county guidelines.

Motion passed by unanimous vote (PCR-17-034).

The third hearing, I-17-021, was a renewal interim use application filed by Mark & Sarah Stevenson which if approved, would allow a vacation rental home on the property described as Lots 13, 14, & 15, Block 4, Lomton Johnson Subdivision in Section 28, Township 58, Range 7, total of 2.64 acres, zoned R-4/Residential district, two-acre minimum, Beaver Bay Township.

Skala introduced the application. McCarthy summarized the staff report and four (4) comments, with one (1) comment of concern from an adjoining property owner, and one (1) from Stevensons regarding a productive conversation with said adjoining property owner.

Sarah explained their renewal application and how their rental rules have changed to address specific concerns from the adjoining property owner.

Sve said he did speak with the adjoining property owner about their concerns with the road and people speeding. He told the neighbor that all the commission can do is inform the property owners
and the guests to please obey the rules of the road. Sve also explained to the adjoining property owner that enforcing the speed limit and posting signage would be up to the road authority.

Sve went on to suggest that the Stevensons post emergency contact numbers on the front door if people get locked out or need snow removal. Sve then asked about the garbage situation. Sarah explained they have two (2) bins for garbage and one (1) for recycling. She added that they do get an occasional black bear through the neighborhood that knocks the bins over. Sve suggested that they look into a bear proof garbage solution.

Motion by Tarlton supported by Weinzierl to approve renewal of the interim use application for five (5) years with the following findings & 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 Williams Drive and off-street parking exists.
4. The lot meets current stormwater standards.
5. Rental activities should have no impact on site conditions.
6. Utilities and infrastructure are established and the septic system has passed a compliance inspection within the last three (3) years.
7. Vacation rentals have not proven to be a harmful use throughout the county. Normal rental activities should not diminish values or restrict nearby lot owner activities.

Conditions:
1. All recreational vehicles must be on a trailer/truck bed and cannot touch property grounds.
2. No discharge of firearms on the property.
3. Property lines must be marked and guests may not trespass on adjoining properties.

Motion passed by unanimous vote (PCR-17-033).

The fourth hearing, I-17-022, was an (initial) interim use application filed by Jim Malwitz which if approved, would allow a vacation rental home on the property described as Part of Lot 6, Lot 7, & NW 1/4 of NE 1/4, Parcels 28675, 28850, 33075 & 25 Percent-Common Elements 1.0575 Ac, Unit A-4, Condominium No 3 in Section 28, Township 60, Range 9, zoned R-R/Residential-Recreational district, one-acre minimum, Stony River Township.

Skala introduced the application. McCarthy summarized the staff report and one (1) comment from the MN Department of Transportation (MNDOT) stating they have no issue with the proposed use.

Malwitz explained the application and that it is part of a four (4) unit condominium with each unit owned separately. He stated that the condo owners were not aware of this permitting process until they received a public notification for a vacation rental application from an adjacent property owner.

Skala asked about how they handle garbage for the four (4) units. Malwitz explained that they have a shed that fits a dumpster and recycling barrels that John’s Sanitary picks up every Tuesday. Skala then asked who the property manager is. Malwitz said that Barb Cooper is the current property manager and it has been working out very well.

Sve asked if Malwitz could elaborate on the septic system and if it is sized for 12 bedrooms. He then asked what the occupancy of the unit was. Malwitz explained that all four (4) units have three (3) bedrooms, that the septic system is serviced once a year, and that the system has had a recent passing compliance inspection.

Skala asked about hooking up the water meter. Malwitz explained that a plumber from Two Harbors would be hooking it up, but was not sure exactly where it would be located as the system uses gravity distribution to a trench treatment area. Malwitz explained that it is rare for all four (4) units to be occupied at the same time, and that early spring is the slowest time of the year. He said most of their renters come in the fall and early winter months.

Sve asked if the property is adjacent to any ATV or snowmobile trails, and if there was a fire ring. Malwitz explained that there are no trails nearby and that they do not allow ATVs or snowmobiles unless they are on a trailer. Malwitz said that they are cognizant of fire safety and have implemented
the fire wise program on their property. He said that the stone fire pit is located in a lawn area, away from potential wild fire fuel.

Motion by Tarlton supported by Weinzierl to approve the (initial) interim use application with the following findings & 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 Highway 1, National Forest Lodge Road, and off-street parking exists.
4. The lot meets current stormwater standards.
5. Rental activities should have no impact on site conditions.
6. Utilities and infrastructure are 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. Quiet hours from 10:00 p.m. – 8:00 a.m.
2. All recreational vehicles must be on a trailer/truck bed and cannot touch property grounds.
3. No fireworks.
4. No discharge of firearms on the property.
5. Bonfires must be in a designated pit and used in a safe manner.

Motion passed by unanimous vote (PCR-17-035).

The fifth hearing, I-17-023, was an (initial) interim use application filed by Sara & Boris Zuk which if approved, would allow a vacation rental home on the property described as Part of Lot 6, Lot 7, & NW 1/4 of NE 1/4, Parcels 28675, 28850, 33075 & 25 Percent-Common Elements 1.0575 Ac, Unit A-3, Condominium No 3 in Section 28, Township 60, Range 9, zoned R-R/Residential-Recreational district, one-acre minimum, Stony River Township.

Skala introduced the application. McCarthy summarized the staff report and one (1) comment from MNDOT stating they have no issue with the proposed use.

Sve asked if there was any difference between this application and the last application other than the unit number. Malwitz, authorized agent, said that there was no difference.

Motion by Weinzierl supported by Tarlton to approve the (initial) interim use application with the same findings and conditions stated for Unit A-4.

Motion passed by unanimous vote (PCR-17-036).

The sixth and final hearing, I-17-024, was a conditional use application filed by John Lind, Silent Sports Partnership, LLC which if approved, would allow a vacation rental home on the property described as Part of Lot 6, Lot 7, & NW 1/4 of NE 1/4, Parcels 28675, 28850, 33075 & 25 Percent-Common Elements 1.0575 Ac, Unit A-1, Condominium No 3 in Section 28, Township 60, Range 9, zoned R-R/Residential-Recreational district, one-acre minimum, Stony River Township.

Skala introduced the application. McCarthy summarized the staff report and one (1) comment from MNDOT stating they have no issue with the proposed use.

Sve asked if there was any difference between this application and the last application other than the unit number. Malwitz, authorized agent, said that there was no difference.

Motion by Sve supported by Tarlton to approve the (initial) interim use application with the same findings & conditions stated for Unit A-4 & Unit A-3.

Motion passed by unanimous vote (PCR-17-037).

Motion by Sve supported by Weinzierl to adjourn the meeting. Motion passed by unanimous vote.

Respectfully Submitted,
Christine McCarthy
Environmental Services Director