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, Vice Chair John Bathke James Weinzierl, Simbre Fosness, Mike Hoops, and Commissioner Rich Sve.

**Members Absent:** Mabel Tarlton and Jim Linscheid.

**Zoning Staff Present:** Christine McCarthy (Environmental Services Director), Neva Maxwell (Environmental Services Professional).

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

The first hearing, **I-18-004**, was an (renewal) interim use application filed by Julie Pearce, which if approved, would allow a vacation rental home on property described as: Lot 1, Block 1 – CIC No 29, The Village at Ninemile in S. 27, T. 59, R. 6, UT2.

Skala introduced the application. Christine McCarthy summarized the staff report. There was no correspondence.

Pearce reported that the rental has been successful with no issues or property damage. Bathke inquired about the number of guest. She said the capacity is 6 or less, but averages 2-4 guests with a 3 night minimum.

McCarthy expressed concern over the size of the septic system and whether it could handle flow from 6 people as it is sized for a 2 bedroom home which is assumed to be 4 people. McCarthy recommended tracking the flow on the meter.

Motion by Sve supported by Weinzierl recommending County Board approval of the 5 year renewal interim use application with the following findings and conditions:

**Findings:**
1. Minimum vacation home rental requirements have been met
2. Safe access from Cramer Road and off-street parking exists.
3. The lot meets current storm water standards.
4. Rental activities should have no impact on site conditions.
5. Utilities and infrastructure are established and the septic system has passed a compliance inspection within the last three (3) years.
6. 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 six (6) 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 discharge of firearms on the property.
5. Fires must be limited to a fire ring.
6. Flow meter readings to be reviewed and approved by Planning and Zoning Administrator each Fall.

Motion passed by unanimous vote. (PCR-18-004).

The second hearing, **C-18-001** was an after the fact conditional use application, filed by Mitchell Thomas, which if approved, would allow for two (2) wind turbines on property NE 1/4 of NE 1/4 of SE 1/4 & NW 1/4 of NE 1/4 of SE 1/4 of SE 1/4 S. 4, T. 53, R.10, Silver Creek Tsp.

Skala introduced the application. McCarthy summarized the staff report. Comments received from the Highway Dept. stating they had no problems with the application and a neighbor in support of sustainable electricity.

Sve inquired about the productivity and guy wires. Thomas stated they produce 7.5 kw and feed into his house and charge battery packs. Bathke asked when they were installed. Thomas stated 1 ½- 1 year ago. Question about type of batteries, where they are stored, and life. Thomas reported 6 volt, 8 for each 48 volt system with a 10 year life. They are recyclable.

Motion by Hoops supported by Bathke to approve the conditional use application with the following findings and conditions:

**Findings:**
1. Safe access exists from Highway 3 and
onsite parking is in place. The Highway Department provided confirmation that the towers are outside the road right-of-way.
2. The lot is wooded with natural vegetation and agriculture vegetation.
3. Towers are not visible from Highway 3 due to dense vegetation, very little, if any noise comes from operation.
4. The proposed use is allowable under approved county guidelines.

Conditions:
2. Batteries past useful life must be disposed of properly and not stored on the property.

Motion passed by unanimous vote (PCR-18-005).

The third hearing, I-18-005, was a renewal interim use application filed by Uta Wolfe which if approved, would allow a vacation rental home on the property described as All of NE ¼ of SW ¼ Lying W of Crown Cr Exc S 820ft & The W 600ft & All of NW ¼ of SE ¼ Lying W of Crown Creek Exc S 820ft in S. 2, T. 57, R. 8, Beaver Bay Tsp.

Skala introduced the application. McCarthy summarized the staff report and there was one comment in support of the application.

Bob Wolfe represented Uta Wolfe. There was one comment stating they have no problem with the rental.

Wolfe stated the rental is working well with no issues.

McCarthy stated this is another situation where the septic is sized for a 2 bedroom and should have a 6 guest maximum.

Motion by Bathke supported by Weinzierl to approve renewal of the interim use application for five (5) years with the following findings & conditions:

Findings:
1. Safe access from Crown Creek Road and off-street parking exists.
2. The lot meets current storm water standards.
3. Rental activities should have no impact on site conditions.
4. Utilities and infrastructure are established and the septic system has passed a compliance inspection within the last three (3) years.
5. 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. Maximum occupancy of six (6) guests.
2. Quiet Hours 10:00 p.m. to 7:00 a.m.
3. All recreational vehicles must be on a trailer/truck bed and cannot touch property grounds.
4. No discharge of firearms on the property.
5. Fires must be limited to fire rings.
6. Numbers from flow meter to be checked by Planning & Zoning every three (3) months.
7. Property lines must be marked and guests may not trespass on adjoining properties.

Motion passed by unanimous vote (PCR-18-006).

The fourth hearing, I-18-006, was a renewal interim use application filed by Mocha Moose which if approved, would allow a vacation rental home on the property described as Outlot 1 of Govt Lot 1, in S. 21, T. 52, R. 11, UT2.

Skala introduced the application. Christine McCarthy summarized the staff report and there was one comment in favor of the application.

Richard and Penny Agar represented the application. Bathke inquired about the septic system Certificate of Compliance. Staff confirmed that the system has been built but the septic contractor, Scott Robinson, has yet to provide an as-built, which is required for the Planning and Zoning Department to issue the Certificate of Compliance.

Motion by Hoops supported by Sve to approve renewal of the interim use application for five (5) years with the following findings & conditions:

Findings:
1. Safe access from Scenic Drive and off-street parking exists.
2. The lot meets current storm water standards.
3. Rental activities should have no impact on site conditions.
4. Utilities and infrastructure are established and the septic system has passed a
compliance inspection within the last three (3) years.
5. 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. Maximum occupancy of 4 guests.
3. Quiet Hours from 10 PM to 7 AM
4. No discharge of firearms or fireworks
5. All ATVs and Snowmobiles must be trailered while on the property.
6. All outdoor fires must be limited to use at a designated fire ring.

Motion passed by unanimous vote (PCR-18-007).

The fifth hearing, C-18-003, was conditional use application for a gift shop on 2.12 acres out of the existing 4.24 acres filed by Silver Creek Gifts on property described as 4.24 acres out of SW ¼ of NE ¼ as described in BK 119 of Deeds pg. 621 in S. 21, T. 53, R. 10, Silver Creek Tsp.

Skala introduced the application. Christine McCarthy summarized the staff report and there was no correspondence.

Maxwell explained the current CUP from 2008 is for a bed and breakfast, however it hadn’t met the definition of a bed and breakfast because the owner didn’t live in the house. Also, the previous application stated use for larger groups.

Ron Bailey represented the application. He explained the Health Dept. was looking for clarification which led to applying for this CUP. They will now have a full-time keeper living in the house. They will be renting 3 bedrooms.

General discussion took place regarding potential expansion options. McCarthy explained that the septic system is only sized for 4 bedrooms, so any expansion would require a larger system. She also explained that if the caretaker is living in a space above an unattached garage they no longer have a bed and breakfast, it would now be considered a resort. Maxwell also stated that an expansion would require a new CUP as it would constitute a change in use.

Motion by Bathke supported by Fosness to approve the conditional use application as submitted with the following findings:

Findings:
1. Safe access exists from Highway 61 and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The lot is vegetated with natural vegetation.
4. No construction is proposed and no impacts should occur to wetlands from this activity.
5. No utilities are on site besides a portable biffy and well.
6. No change in the gift shop operations is proposed.

Motion passed by unanimous vote. (PCR-18-009)

The sixth hearing, C-18-004, was a conditional use application filed by Superior Gateway Lodge, which if approved, would allow for a bed and breakfast on property described as: SW ¼ of SE ¼ in S. 17, T. 53, R. 11, UT2.

Skala introduced the application. Christine McCarthy summarized the staff report and there was no correspondence.

Maxwell explained the current CUP from 2008 is for a bed and breakfast, however it hadn’t met the definition of a bed and breakfast because the owner didn’t live in the house. Also, the previous application stated use for larger groups.

General discussion took place regarding potential expansion options. McCarthy explained that the septic system is only sized for 4 bedrooms, so any expansion would require a larger system. She also explained that if the caretaker is living in a space above an unattached garage they no longer have a bed and breakfast, it would now be considered a resort. Maxwell also stated that an expansion would require a new CUP as it would constitute a change in use.

Motion by Bathke supported by Fosness to approve the conditional use application as submitted with the following findings:

Findings:
1. Safe access from the public road exists and onsite parking is in place.
2. The lot is wooded with natural vegetation and has gentle slopes.
3. The property has a septic system and well.
4. Vegetation screens adjacent lots. Lighting and environmental issues are not significant concerns.

Motion passed by unanimous vote (PCR-18-010).

Motion by Sve supported by Bathke to approve the January 22, 2018 minutes. Motion passed by unanimous vote.

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

Respectfully Submitted,

Christine McCarthy
Environmental Services Director