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, Mabel Tarlton, James Weinzierl, Simbre Fosness, Jim Linscheid

**Members Absent:** Commissioner Rich Sve, John Bathke

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

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

The first hearing, I-18-009, was a (renewal) interim use application filed by **Craig Anshus** which if approved, would allow a vacation rental home on property described as: Lots 3 & 4 of F.M. Olson Crow Creek Plat, Section 1, Township 53, Range 10, total of 1.78 acres, zoned R-4/Residential two-acre minimum, Silver Creek.

Skala introduced the application. Christine McCarthy summarized the staff report and shared that there were 3 comments; one from MN DOT stating no issue, and 2 opposed over concerns with property boundaries, security, and garbage.

McCarthy explained concerns over advertised occupancy for 10 guests, approval was for 8, and septic is sized for 3 bedrooms. Also, the person listed on the application as Property Manager stated she is a caretaker/housekeeper for the property and does not want to be listed as the Manager.

Maxwell explained areas of concern from her site visit. The primary concern is that the property boundaries at the beach are not marked. Also, the path to the beach is not clearly marked. There are 2 paths, one leads to a bench and ends with a rocky ledge. Also, handrails along the path are not sturdy, and only serve a decorative purpose. Vegetation management is also needed on the mound.

Anshus explained people that stay overnight often want to invite people for the day, so it’s not ten overnight guests. Insurance company was okay with handrails. He put iron stakes in beach to mark property, but they were washed out. He will put up signs closer to vegetation line and identify the path to the beach.

Anshus believes the problem with renters began after he started renting with online vacation rental sites. He has asked neighbors to call him if there is a problem and has never had anyone call.

Linscheid recommended a line of markers further in for the beach boundary so that the line that extends to the water is clear.

There was general discussion about getting the boundaries marked, improving communication with renters and neighbors, and securing a property manager to help screen renters and keep an eye on rental activities.

Maxwell stated that he is lacking an emergency contact, which is required for the application. The person listed as such contacted our office to explain she is not working in that capacity, she does cleaning and will serve as the agent. Maxwell stated additional concerns with the occupancy limit not being followed as well as the property markers not being replaced when it was noticed that had washed out. She does not believe a full 5-year renewal is appropriate in this case and asked the Planning Commission to consider a different renewal length.

Linscheid and Skala explained the need to remove saplings from the mound system and keep it mowed.

Hoops inquired about the flow meter readings and guest log. Anshus stated he had those records. Maxwell requested those records be emailed to the Planning and Zoning office.

Motion by Hoops supported by Linscheid to recommend that the County Board approve the (renewal) interim use application for one (1) year, to determine compliance, with the following...
findings and conditions:

Findings:

1. A MN Department of Health license must be obtained and maintained.
2. Not all minimum vacation home rental requirements have been met (Section 6.16 of Lake County’s Land Use Ordinance).
3. Safe access from Highway 61 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 (COC: 4/13/2018; 3 bedrooms).
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 P.M. to 7 A.M.
2. No discharge of firearms or fireworks.
3. All ATV’s and snowmobiles must be trailered while on the property.
4. Occupancy limited to 4 guests maximum (per 2013 findings).

The second hearing, I-18-010 was a (renewal) interim use application, filed by Michael Tonder which if approved, would allow for the operation of a vacation rental on property described as: 1.57 acres out of SE ¼ of SE ¼ as described in Doc. No. A000174962 in Section 15, Township 55, Range 11, zoned R-R/Residential-Recreational, one-acre minimum, Unorganized Territory #2.

Skala introduced the application. McCarthy summarized the staff report and stated there was 1 comment against due to renters walking on their property.

Tonder responded to the comment against. He believes it may have to do with the road ending and the neighbor’s driveway beginning without a clear demarcation.

Hoops recommended marking the end of the road. McCarthy recommended a conversation with neighbor to resolve this issue.

Tonder explained he only rents through-word of-mouth.

Linscheid asked how easement to Thomas Lake was working. Tonder responded there have been no problems with renters using the easement.

Skala opened the meeting to public comments, there were none.

Motion by Weinzierl supported by Tarlton to recommend that the County Board approve the (renewal) interim use application for five (5) years with the following findings and conditions:

Findings:

1. Safe access from Bell-Air Drive and off-street parking exists.
2. The property meets impervious requirements
3. The property is well vegetated and meets stormwater standards.
4. There will be no impact on public waters or wetlands from rental activity.
5. A private well exists and the septic is compliant (COC just completed).
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.
7. Vacation rentals are permitted through Section 6.16 of the Lake County Land Use Ordinance.

Conditions:

1. Quiet hours from 10 P.M. to 7 A.M.
2. No discharge of firearms or fireworks.
3. All ATV’s and snowmobiles must be trailered while on the property.
4. Occupancy limited to 4 guests maximum (per 2013 findings).

The third hearing, C-18-008, was a conditional use application.
application filed by Roger Walsberg which if approved, would allow a small engine repair business on the property described as W ½ of W ½ of SW ¼ of NE ¼ in Section 30, Township 53, Range 10, 10.00 acres, zoned R-3/Residential District, 2.5-acre minimum, Silver Creek Township.

Skala introduced the application. McCarthy summarized the staff report and there was one comment against over concerns of additional traffic and increased taxes to her property.

Walsberg explained his plans are to open a shop in an existing 30-ft by 40-ft garage. All operations will be indoors and cannot be seen from the road. He will have no employees, operating 8:00 A.M. to 4:00 or 5:00 P.M. Monday through Friday.

McCarthy asked about if the septic was connected to the garage and how he would be disposing of hazardous waste and waste oil. Walsberg responded the septic is connected and he will dispose of hazardous waste with the county, batteries are recycled at local auto parts stores, and he has a parts washer that is filtered.

Walsberg has done a soft-opening doing work for friends to determine the volume he can handle and to source parts.

Hoops asked about volume of customers and traffic that would be generated and what type of engines he would be working on. Walsberg responded that he can handle about 5 customers a week, he will mainly be working on ATV’s, snowmobiles, and motorcycles. He will not be working on lawnmowers and not selling parts.

Skala opened the meeting to public comments. Judy Brown, a neighbor, asked if this would increase her property taxes. Walsberg responded it would only affect his property. Brown also stated her concerns over traffic were already addressed, so she had no opposition. Another neighbor on Cedar Road explained that Walsberg’s property is toward the front end of the road, so customers driving to his shop won’t affect most of the neighbors because they are past his driveway and it is a dead-end road.

Motion by Linscheid supported by Hoops to approve the conditional use application with the following findings & conditions:

Findings:
1. Safe access exists from Cedar Road and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The lot is wooded with natural vegetation and has gentle slopes.
4. No constructions is proposed and no impacts should occur to the unclassified waterway.
5. The property has a private well and septic system with a recent passing compliance inspection.
6. Proper disposal of hazardous waste has been arranged; Permit for a sign will be applied for.
7. The proposed use is allowable under approved county guidelines.

Conditions:
1. Hours of operation 8:00 A.M. to 5:00 P.M. Monday through Friday.

Motion passed by unanimous vote (PCR-18-018).

Motion by Weinzierl supported by Linscheid to approve the April 16, 2018 minutes as submitted. Motion passed by unanimous vote.

The fourth hearing, I-18-011, was an interim use application filed by Michael Lindberg which if approved, would allow a gravel pit/quarry on 20 acres (operations may include crushing, washing, blasting, screening, dewashing, quarrying, concrete/asphalt recycle, salt/sand storage, pit run, bituminous and/or concrete batch plant) on the property described as SE ¼ of NW ¼ & SW ¼ of NE ¼ in Section 17, Township 53, Range 11, 80-acres, zoned R-1/Residential, 10-acre minimum, Unorganized Territory #2.

Skala introduced the application. McCarthy summarized the staff report and there was one comment from the forestry department regarding having an easement across county land recorded as a condition of approval.

Dan Lindberg represented the application. He explained he has 20 acres and is planning to remove 2-3 feet of overburden, pushing it to the west side as a water barrier. He will start with a borrow operation until he can have a company to set-up. A retention pond will be on the west side as part of the washing operation.

Linscheid asked if sewer sand is present.
Lindberg responded there is on the west side. Linscheid asked because he had heard there is a need for it in the county.

Linscheid asked about the amount needed for the bond, if the $2500/acre was for the entire 20 acres. Maxwell explained the bond is for the acreage in operation.

Maxwell stated she does not see the need for a wetland delineation for this site as it is upland and dry.

Skala opened the hearing to public comments.

Ron Bailey, representing Joe Richter, owner of Superior Gateway Lodge, asked about the size of the pit and whether it would be expanding toward the eastern boundary. Lindberg answered that it would be expanding toward the western boundary. Maxwell stated anything not included in the current application would require a new permit.

Bailey and adjacent property owner, Bill Nixon, expressed environmental concerns and both opposed blanket approval of the application. Maxwell explained that additional state permits would be required and a bond is held to ensure reclamation happens. Lindberg further explained that the state permit process is more extensive.

Adjacent property owner, Dana Kollars, expressed concern over blasting and possible impacts to his well and the aquifer. McCarthy explained that blasting would require further scrutiny by the State, and the County permitting process allows the activity, but Lindberg still has to follow state regulations. Kollars questioned who would he go to should the proposed activities impact his well. McCarthy said that is regulated by the state.

There was general discussion over the plans to blast on the site and whether blasting could be excluded from the IUP approval. Brittany Lindberg explained crushing and washing would require 3-4 additional permits and blasting requires additional permits all of which are expensive and undergo extensive scrutiny.

Skala asked whether blasting was in the plans within the next 5 years. Lindberg responded within the next few years as there is a demand for ledge rock.

Concern was expressed about noise that would be generated from crushing at the pit. Maxwell explained there is 1500 feet between the operation and the closest house.

Skala expressed concern over blasting. Also wants time restrictions on crushing and blasting.

There was general discussion about road access to the proposed pit. Maxwell read a comment from Krysten Foster, County Highway Engineer, stating there were no planned improvements to Westover Road in order to serve the gravel pit.

Bailey had further questions from Joe Richter regarding how many years the pit would operate. Skala responded the permit would be reviewed after 5 years. Other concerns were noise and dust. McCarthy stated Richter’s letter was addressing State law, which Lindberg would have to follow. The County will enforce County Ordinance, and the State enforces State Statutes.

There was further discussion over blasting and crushing at the site. Lindberg stated he is willing to remove blasting from the permit as it may be 5 years or more before that would happen.

There was a question regarding the need for an Environmental Assessment Worksheet. McCarthy explained that the operation is only 2.5 acres at a time with reclamation happening before more land is put into operation, so this does not meet the threshold for an EAW.

McCarthy asked Lindberg which activities were most important at this time for his operation and specific hours of operation. Lindberg stated blasting, quarrying, and salt storage could be removed from his request.

Motion by Linscheid supported by Weinzierl to recommend that the County Board approve the interim use application with the following findings and conditions.

Findings:
1. Road access from Westover Road is being improved with coordination from the Lake County Forestry Department.
2. The property is fully vegetated and will have a state NPDES permit for soil disturbance.
3. The property is well vegetated, upland, and...
There will be no impact to public waters or wetlands from the proposed activity.
5. The proposed activity will not impact property values.
6. The proposed use is consistent with the Comprehensive Plan and gravel pits are recognized in the Land Use Ordinance and important for local road improvement and construction projects.

**Conditions**

1. Hours of operation 7:00 A.M. to 7:00 P.M. Monday through Saturday; no operation on national holidays.
2. Easement over county land to be recorded in Lake County Recorder’s office.
3. Bond of $2,500/acre in operation to be secured by operator.
4. Dust control on Westover Road to be performed by operator.
5. Prohibited activities: blasting, quarrying, and salt storage.

The fifth hearing, C-18-002 was a conditional use application filed by Prospector’s Alliance which if approved, would allow for the “Prospectors Loop” recreational ATV trail, class 1 and 2, and OHM trail using existing forest roads, routes, and trails (with 0.5 miles of new trail construction) within the townships of Fall Lake, Stony River, Crystal Bay and Beaver Bay. The Trail begins in the NE ¼ of the NE ¼ of Section 10, Township 59, Range 6, UT1, and ending in the SE ¼ of the SW ¼ of Section 30, Township 63, Range 11, Fall Lake Township.

Skala introduced the application, Ron Potter represented the application. The hearing was tabled at the April 16, 2018 meeting. Maxwell stated a meeting was held with the DNR April 17, 2018 regarding the proposed trail. She asked Nate Eide to summarize the decisions from that meeting.

Lake County Land Commissioner, Nate Eide, explained the DNR had questions of which many were answered by providing more detailed maps of the proposed project. It was determined a new EAW doesn’t need to be done. Many areas of the trail are forest roads where ATV use is already allowed.

McCarthy asked about private property easements. She would like to see finalized documentation for private landowner permission as a condition. Ron Potter, representing the application, explained many of the objections came from property owners on the Jack Pine Loop, which is already an ATV trail that’s been in use for several years. Potter stated Lake County will be the sponsor of the trail and will hold the documentation for permission to be on private property. Also, every effort was made to keep the trail on public land.

A motion was made by Weinzierl seconded by Fosness to approve the conditional use application with the following condition:

**Condition**

Private landowners’ permission to be submitted to Planning and Zoning before construction begins on that property.

Motion passed by unanimous vote.

The last item of business was for the Split Rock Bike Trail Environmental Assessment Worksheet, opening of the comment period which runs from May 7, 2018 until June 6, 2018. Any comments should be made in writing to Nate Eide, Lake County Land Commissioner.

Land Commissioner, Nate Eide, stated the trail would be designed for mountain bikers, but would be open in the winter to biking, hiking, and snowshoeing as conditions allow. In the summer it would be open to everyone to start unless there proves to be conflicts. Internal combustion engines will not be allowed. The intent is to make it a premiere Midwest mountain biking attraction that bikers would want to return to. The trail would be closed during hunting season. Wet areas would have boardwalk. The trail would be closed during the wet season. Eide explained etiquette is if you leave ruts you don’t ride.

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

Respectfully Submitted,

Christine McCarthy
Environmental Services Director