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, Mabel Tarlton, James Weinzierl, Jim Linscheid, and Commissioner Derrick Goutermont.

Members Absent: Commissioner Rich Sve, Blaine Fenstad, Nancy Mancini

Zoning Staff Present: Christine McCarthy (Environmental Services Director), Neva Widner (Environmental Services Specialist), Luke Champa (Planning & Zoning Technician).

Joe Skala called the meeting to order at 6:00 p.m.

The first hearing, I-17-015, was an (initial) interim use application, filed by Marc & Sarah Julien which if approved, would allow a vacation rental home on property described as Lot 6 Block 1 White Pine Ridge Plat in Section 14, Township 55, Range 8, total of 3.90 acres, zoned R-4/Residential District, two-acre minimum, Beaver Bay Township.

Joe Skala introduced the application. Christine McCarthy summarized the staff report along with five comments of concern regarding the application. Marc Julien opened by explaining how he notified neighbors via email to introduce himself and explain the potential vacation rental use of his property. He said he spoke with one neighbor whom informed him that there was not a formal home owner’s association, and that the neighbors within the plat agreed to share the road maintenance costs. Julien went on to explain that the road was not covered by any liability insurance, which is something that several of neighbors were concerned about.

Skala asked if there was a legal home owner’s association for the White Pine Ridge Plat. Julien said that there was not a legal association. Skala proceeded to inquire about if the road was plowed in the winter months. Julien explained that at one point it was plowed, however the past few years they had not been plowing the road. He went on to say that the plan is to rent the home year-round.

Linscheid added that he thought the road was dangerous, and asked who would be liable if an accident occurred due to the condition of the road. Bathke responded that most people driving on the road are going to be naturally more cautious because of its condition. He included that it should be up to the association to maintain the road and that there are examples of other vacation rental homes on similar roads in Lake County. Linscheid then brought up the scenario regarding ice on the road; he said it may not be as dangerous getting up to the home on an icy road however, coming back down on the icy road could be very hazardous. Goutermont said that as long as emergency vehicles can get up there, the road should be fine but he was still concerned with who carries the liability for it. Julien concluded by saying that it is common for steep roads and driveways in Lake County.

Skala said that there should be a turn-around in platted roads in Lake County and asked if there was one at the end of the road. Linscheid said that there was a very minimal turn-around area. McCarthy added that the applicants have said they will require guests to have 4-wheel drive, she then asked about garbage service. Julien said that as with their other vacation rental property, they will have garbage bins outside for guests to responsibly throw away their trash.

Gerald Nelson, a neighbor voiced his concern with the application due to the road being fragile and treacherous, the association has difficulty maintaining the road, and the White Pine Ridge Plat covenants says that no commercial activity is allowed. McCarthy responded to Nelson stating the County Attorney or Lake County cannot enforce the covenants and it will be up to the association and the Juliens to work it out on their own terms.

Geraldine Nelson then said that she and her husband Gerald, want to work with the Juliens in regards to the road. Nelson went on to say that she was under the impression that the County never approved the road and the lots should have never been sold. Widner responded to Nelson...
saying that if the plat was approved, the road was approved, and that the road is not maintained by the County and should be maintained by the association.

Motion by Weinzierl supported by Goutermont to approve the (initial) interim use application with the following findings & conditions:

Findings:
1. Off-street parking exists.
2. The site is well vegetated and impervious surface requirements are met.
3. Utilities and infrastructure are established and the septic system has passed a compliance inspection within the last three (3) years.
4. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:
1. Six (6) person maximum occupancy.
2. No fireworks.
3. No discharge of firearms.

Motion passed by split vote of 4 – 1 (PCR-17-023). Linscheid voted against, Bathke recused himself.

The second hearing, C-17-009, was a conditional use application filed by Jenny Reinertsen which if approved, would allow operation of a one-bedroom bed & breakfast on the property described as 11.48 Acres Out of Ely 708.69ft of SE 1/4 of NE 1/4 as Desc in Doc No A000163163 in Section 4, Township 53, Range 10, Silver Creek Township.

Skala introduced the application. McCarthy summarized the staff report. Reinertsen said that she had applied for a variance, but was denied due to her lot not meeting the minimum acreage requirements for an additional dwelling vacation rental home. She explained how the detached garage transformed into a one-bedroom, one-bathroom additional dwelling over the years and that she intended to attach the main house and the detached garage to create a single dwelling, then renting out the converted garage as a one-bedroom bed and breakfast.

Linscheid said the application looked good because it will clear up an existing violation on the property. He went on to say that the conditional use application was a feasible option for her to rent the converted garage, as long as Reinertsen connected the main dwelling to the additional structure.

McCarthy added that staff recommends approval of the application if the construction to connect the main house and the additional dwelling is completed prior to having guests. She added that the septic system would also need to be expanded to accommodate the additional bedroom & living space of the converted garage.

Motion by Linscheid supported by Bathke to approve the conditional use application with the following findings & condition:

Findings:
1. A safe entry from Highway 3 and off-street parking exists.
2. The bed & breakfast operation will need to meet Health Department standards.
3. If properly managed, this use should not be detrimental to the neighborhood.
4. Bed & breakfast operations reflect Lake County’s customs, traditions, and values.

Condition:
1. Construction to connect converted garage to house, and upgrade to the septic system to accommodate four (4) bedrooms, must be finished prior to any bed & breakfast operations.

Motion passed by unanimous vote (PCR-17-024).

Motion by Weinzierl supported by Linscheid to approve the August 21, 2017 minutes as submitted. Motion passed by unanimous vote.

The third, and final hearing I-17-016 was an (initial) interim use application, filed by Timothy Thornburgh which if approved, would allow a vacation rental home on property described as SW 1/4 of NE 1/4 of NW 1/4 in Section 20, Township 52, Range 11, Unorganized Territory #2.

Skala introduced the application. McCarthy summarized the staff report and two (2) comments with concerns about the interim use application. Thornburgh started by apologizing for the last time he applied for an interim use permit. He said he told himself that he would not apply again for an interim use permit until he was prepared to exceed
the minimum requirements of vacation rental homes. He went on to explain how previously, when he applied, the neighbors were strongly opposed, but now that he has spoken to them about the new and reorganized plan, they are all in support of the application.

Thornburgh said he is applying for a three (3) bedroom vacation rental, however the home has five (5) bedrooms so he would see how it goes at first and would eventually like to expand to include rental of all five (5) bedrooms. McCarthy expressed her concern about the current septic system being overused. She explained how the home had previously been rented illegally as a five (5) bedroom property, and the septic system is only rated for three (3). Kelley Pufpaff, co-owner of the property, said that he had investigated the expansion of the septic system and that there was no rush and that they were just planning on renting the three (3) bedrooms, even until the 12 month renewal hearing.

Skala said that he had an issue locating the property. Widner said that Google Maps brought her to the wrong location as well and it was confusing to find the house. Pufpaff said they will include detailed directions in the welcome packet. He went on to explain the welcome packet and that they even showed the neighbors the guest rules so they could make suggestions on what rules will be appropriate for guests. Pufpaff said guests will be required to sign the rule sheet that they will adhere to them, or they will not be allowed to stay.

Linscheid inquired about who the property manager would be. Thornburgh said that Mark Falk, a neighbor two (2) doors away, would be the property manager and Vicki Danielson, also a neighbor, would be in charge of housekeeping & cleanup.

Tarlton made the suggestion of having specific evening and morning quiet hours and to have rules pertaining directly to the existing fire pit. Linscheid added that they should also make sure guests are aware of when they can legally have fires, because in certain times of drought, fires are illegal. Bathke said it would be smart to include a link to a fire safety site and suggested bear-safe dumpsters.

Don Murray spoke with concerns about the non-residential activity. He said that in the past he was concerned about the number of guests at the home and the noise it brought to the neighborhood. Pufpaff reiterated that they are really just going to start with three (3) bedrooms with a six (6) guest maximum occupancy.

Tom & Marsha McCormick shared their concern with dogs, people, and noise coming from Thornburgh’s property and onto their’s. They said they would like to see the property clearly marked. Pufpaff said that one of their rules states that no guest pets, ATVs, or snowmobiles will be allowed on the property.

Motion by Bathke supported by Tarlton to approve the (initial) interim use application with the following findings & 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 are established and it is recommended that the septic system is inspected before the required inspection date.
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. No ATV or snowmobile use on the property.
3. Prior to renting, mound must be inspected to make sure it has not been compromised from potential overuse.
4. No fireworks.
5. No discharge of firearms.

Motion passed by unanimous vote (PCR-17-025).

General discussion about VRBO Campgrounds within Lake County.

General discussion about the Buffer Law within Lake County.
General discussion about reclamation bond amounts for gravel pits in Lake County.

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

Respectfully Submitted,

Christine McCarthy
Environmental Services Director