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

**Members present:** Chair: Joe Skala, Blaine Fenstad, James Weinzierl, Nancy Mancini, Rich Sve and John Bathke

**Members absent:** Jim Linscheid and Mabel Tarlton

**Zoning staff present:** Christine McCarthy (Environmental Services Director) and Neva Widner (Planning and Zoning Technician)

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

The first item of business, I-17-003, was a, interim use application, filed by Monika Bauerlein which if approved, would allow a short term vacation rental home on property described as the E ½ of E ½ of SE ¼ of SW ¼ LYING S of the Baptism River in Section 1, Township 57, Range 8, total of 6.0 acres, zoned R2/Residential District, five-acre minimum, Beaver Bay Township.

Joe Skala introduced the application and the legal requirements were read by zoning staff. There was one correspondence received for this hearing concerned with noise from dogs kept by guests during past rentals.

Elaine Loeffler, agent of the property, represented the property owner. She is the main caretaker for the rental activity.

Mancini inquired the frequency of the rental activity. Loeffler answered there have been renters weekly and the owners of the property visit May and September. Typical renters are couples; the house only has 1 bedroom with a couch so never more than 3 or 4 renters at a time. The applicants have allowed pets to stay at the cabin in the past and the agent has worked with neighbors to address any noise complaints. Many neighbors already have Loeffler’s phone number and contact her if needed.

A neighbor Steve Sigmund, who lives nearby requested information be provided to renters indicating private property is on the other side of the river to help prevent trespassing into his property. General discussion took place regarding the kenneling of pets and property demarcation.

Motion by Bathke supported by Mancini recommending one-year County Board approval with the following findings and conditions:

**Findings:**
1. Safe access from Highway 1 exists and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The lot is wooded with natural vegetation. Rental activities should have no impact to site conditions.
4. The structure meets setback requirements from the Baptism River and there will be no impacts to public waters or wetlands on this lot.
5. Utilities and infrastructure are established except for the outstanding issue with the septic system.
6. Vegetation screens adjacent lots. Lighting and environmental issues are not significant concerns.
7. 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.
8. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

**Conditions:**
1. Inspect septic system prior to June 1,
2. Property boundaries are marked.

Motion passed by unanimous vote in favor of the motion. (PCR-17-006)

Motion by Mancini supported by Bathke to approve the February 27, 2017 minutes with minor corrections. Motion passed by unanimous vote.

The second item of business, I-17-005, was an interim use application, filed by Joseph Richter which if approved, would allow a short-term vacation rental home on property described as the SW ¼ of SE ¼ of SE ¼ in Section 17, Township 53, Range 11, total of 10.0 acres, zoned R1/Residential District, ten-acre minimum, UT2.

Joe Skala introduced the application and the legal requirements were read by zoning staff. There was one correspondence received opposed to the application from an adjacent property owner with concerns regarding potential impacts to their Conditional Use Permit mine, quarry, blast and crush materials from their parcel.

Joseph Richter, owner of the property, explained their past conditional use permit for a bed and breakfast for the Superior Gateway Lodge has been operating for 8 years and now they would like to offer the lodge as a vacation rental so they do not have to be on-site during rental activity.

Mancini inquired if the owners live at the lodge. Richter explained their home is in Knife River, but the owners will remain the main contact for guests. The lodge accommodates 10 guests.

Commissioner Sve pointed out that the capacity of the septic system is for four bedrooms or 8 guests. Richter explained that a limit of 8 guests would be too restrictive. McCarthy stated that the septic system could be upgraded to accommodate a 10-guest capacity.

Motion by Mancini supported by Bathke recommending one-year County Board approval with the following findings and conditions:

Findings:
1. Safe access from the public road exists and onsite parking is in place.
2. The lot meets current stormwater standards.
3. Rental activities should have no impact to site conditions.
4. The lot is wooded with natural vegetation. Rental activities should have no impact to site conditions.
5. There will be no impacts to public waters or wetlands at this location.
6. Utilities and infrastructure are established accept for the outstanding issue with the septic system.
7. Vegetation screens adjacent lots. Lighting and environmental issues are not significant concerns.
8. 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.
9. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:
1. Inspect septic system prior to June 1, 2017 and upgrade if necessary.
2. A Health Department license must be obtained.
3. Occupancy is limited to 8 guests until the septic system can be designed and expanded for 10 guests (10 guests maximum).

Motion passed by unanimous vote in favor of the motion. (PCR-17-007)

The third item of business, I-17-006, was an interim use application, filed by Uta Wolfe which if approved, would allow a short-term vacation rental home on 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 Section 2, Township 57, Range 8, total of 5.51 acres, zoned R2/Residential District, five-acre minimum, Beaver Bay Township.

Joe Skala introduced the application and the legal requirements were read by zoning staff. There were two correspondences received for this hearing; one opposed to the application for short term rentals from an adjacent property owner and one with no specific concerns.

Uta Wolfe, owner of the property, explained they purchased the cabin about a year ago and have been renting it without a permit and have had no issues for several months.

General conversation took place regarding the ownership of the access road, Crown Creek Road. Mancini asked how many guests stay at the cabin, Wolfe explained the cabin is generally used for couples, but could accommodate 6 people including children.

Skala opened the hearing to the public. A nearby neighbor spoke up and did not have any objections however they wanted to encourage well marked property lines as in the past guests have gotten lost and needed direction back to the cabin.

Motion by Fenstad supported by Bathke recommending one-year County Board approval with the following findings and conditions:

Findings:
1. Safe access from Highway 1 and Crown Creek Road exists and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The lot is wooded with natural vegetation. Rental activities should have no impact to site conditions.
4. A special zoning agreement allowing a reduced setback was executed in 1994 however no impacts to Crown Creek have occurred as a result of this. There are no wetlands in the immediate vicinity of the cabin.
5. Utilities and infrastructure are established.
6. Vegetation screens adjacent lots. Lighting and environmental issues are not significant concerns.
7. 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.
8. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:
1. A Health Department license must be obtained.
2. Property boundaries are marked and a map of the property is provided for guests.

Motion passed by unanimous vote in favor of the motion. (PCR-17-008)

The fourth item of business, C-17-003, was a conditional use application, filed by Richard Agar which if approved, would allow the grandfathered gift/coffee shop to expand to an eating and drinking establishment and small event rental on property described as Outlot 1 of Govt Lot 1, in Section 21, Township 52, Range 11, total of 1.22 acres, zoned CR/Commercial-Rural, 2-acre minimum, Unorganized Territory 2.

Joe Skala introduced the application and the legal requirements were read by zoning staff. No correspondence was received for this hearing.

Richard Agar, owner of the property, explained the Mocha Moose coffee shop offers seating for 35 customers and operates year-round. They have had no issues with the well and septic system apart from an incident where utility services disrupted their septic system temporarily. The business has operated for 4 ½ years with no septic issues.
McCarthy provided background for the property as the business changed from a gift shop to a coffee shop and eating/drinking establishment with residential activity. Due to this growth in activity, the septic system is undersized for the current activities. The current septic system is sized for a 2 bedroom. Correspondence between the prior owners and the former Zoning Administrator addressed increased activity departing from a basic coffee shop would require improvements to the septic system.

General conversation regarding the current size of the septic system and how it could accommodate the business and/or upstairs apartment. McCarthy informed the applicants that a licensed septic designer would need to confirm the septic size requirements needed for the business and apartment. Commissioner Sve recommended if approved, a condition include final approval of the septic system is the discretion of the Environmental Services Director.

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

**Findings:**
1. Safe access exists from Scenic 61 and onsite parking is in place but limited.
2. The lot meets current stormwater standards.
3. The lot is relatively level and vegetated.
4. The business is not situated on or near a public water and infrastructure is in place.
5. The business has been operating at this site for decades with no known problems beyond the current septic system issue.
6. There are no historic environmental concerns associated with this site however the sewage treatment system needs attention.
7. Planning and Zoning has never received complaints regarding this business.
8. The proposed use is allowable under approved county guidelines.

**Conditions:**
1. Inspect onsite sewage system prior to June 1, 2017 and expand septic system to accommodate the commercial operation per the Planning and Zoning Administrators approval.

Motion passed by unanimous vote in favor of the motion. *(PCR-17-009)*

The final item of business, **I-17-007**, was an interim use application, filed by Richard Agar which if approved, would allow a short-term vacation rental home on property described as Outlot 1 of Govt Lot 1, in Section 21, Township 52, Range 11, total of 1.22 acres, zoned CR/Commercial-Rural, 2-acre minimum, Unorganized Territory 2.

Joe Skala introduced the application and the legal requirements were read by zoning staff. No correspondence was received for this hearing.

General conversation took place discussing the septic system conditions from the Conditional Use permit and the interim use permit application.

Commissioner Sve inquired whether the owners would be the primary contact for rental activity. The applicants confirmed they would be managing the vacation rental. Mancini inquired how many occupants the rental will host. The applicants responded the rental can accommodate 4 people.

Motion by Fenstad supported by Bathke recommending one-year County Board approval with the following findings and conditions:

**Findings:**
1. Safe access exists from Scenic 61 and onsite parking is in place but limited.
2. The lot meets current stormwater standards.
3. The lot is wooded with natural vegetation. Rental activities should have no impact to site conditions.
4. There are no wetlands or public waters impacted by this proposal
5. Utilities and infrastructure are established.
6. The site has a long history without known problems.
7. 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.
8. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:
1. A Health Department license must be obtained.
2. Inspect onsite sewage system prior to June 1, 2017 and expand septic system to accommodate the commercial operation per the Planning and Zoning Administrators approval.

Motion passed by unanimous vote in favor of the motion. (PCR-17-010).

Being no further business, a motion was made by Weinzierl, supported by Sve to adjourn the meeting. Motion passed by unanimous vote.

Respectfully Submitted,
Christine McCarthy
Environmental Services Director