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, Mabel Tarlton, John Bathke, Commissioner Rich Sve, and Jim Linscheid

**Members Absent:** None.

**Zoning Staff Present:** Christine McCarthy (Environmental Services Director), Neva Widner (Environmental Services Specialist), Russ Conrow (County Attorney).

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

The first item of business **I-17-009** was an (initial) interim use application, filed by **B.J. Hilton** which if approved, would allow a vacation rental home on property described as as .03 acres out of SW ¼ of NE ¼ as desc. in Doc. No. A000168128 and the N'ly 50 ft. of S'ly 200 ft. of Outlot 1 of Govt. Lot 2 as desc. in Doc. No A000168128 and 1.65 acres out of Outlot 1 of Govt. Lot 2 as desc. in Doc. No. A000168128, all in Section 20, Township 57, Range 6, total of 2.25 acres, zoned RC/Resort Commercial, two-acre minimum, UT #1.

Joe Skala introduced the application and the legal requirements were read by zoning staff. There were two comments received, one opposed and one concerned response to the application.

B. J. Hilton represented her application and acknowledged she was familiar with the hearing process.

Sve inquired if the trailer that was in place in the prior application had been relocated to meet the property setback requirements. Hilton acknowledged it was moved. Sve also reviewed concerns and questions submitted by Ray Churack. Sve suggested the Planning Commission consider conditions to address his concerns for quiet hours and property demarcation at the beach be clear. He also explained the Planning Commission has not found resorts to be negatively impacted by allowing vacation rentals and property damage is not tolerated through this process and permit renewal is a part of the permitting process to mitigate negative impacts to neighbors.

Mancini inquired why the applicant withdrew the original application a year prior and what happened since. Hilton explained she tried to sell the house but it did not sell. Mancini asked if she had spoken with her neighbors, Hilton said she had not but was aware of their concerns.

Linscheid asked how Hilton addresses pets at other vacation rental properties. Hilton stated she does allow pets at other properties. Linscheid suggested that due to the proximity to neighbors to consider a condition limiting pets. Tarlton suggested quiet hours of 10 PM to 8 AM.

McCarthy raised a concern regarding waste management at the property. General discussion took place regarding disposal options and Hilton stated that the renters will not be responsible for taking garbage from the property. The housekeeper will store garbage in the garage and bring the trash out for pickup.

Skala opened the hearing for public comments. Ray Churack, the adjacent neighbor was opposed to the application. Churack raised concerns regarding oversight of the property and inquired how the rules will be followed. General discussion took place explaining the application review process, rules and regulations that are involved with the interim use permit and the renewal process if the application is approved.

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

**Findings:**
1. Safe access from HWY 61 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. There is no evidence of impacts to Lake Superior.
5. Utilities and infrastructure are established and the septic system has passed a compliance...
inspection within the last 3 years.

6. 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.

7. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

**Conditions:**

1. Quiet hours are observed from 10:00 PM to 8:00 AM.
2. Renters are not allowed to bring pets.
3. No discharge of firearms/fireworks.
4. Property boundaries are clearly marked along boundaries, with special attention to the beach area.
5. Trash service is provided on site and brought out for pick up on the morning of trash pickup.

Motion passed by unanimous vote. (PCR-17-013).

The second item of business C-17-005 a conditional use application, filed by Valerie Bolen which if approved, would allow for a 2 bedroom bed and breakfast on property described as SW ¼ of SW ¼ of SE ¼, in Section 3, Township 53, Range 11, total of 10.0 acres, zoned R1/Residential District, 10-acre minimum, UT #2.

Joe Skala introduced the application and the legal requirements were read by zoning staff. There were no responses received for this application.

Valerie Bolen explained the application and her proposed bed and breakfast. She had rented out two rooms for short term rental the year prior without knowing permits were required. When they were notified of the permits needed, she stopped rental activity.

Skala inquired if the vegetation management on the septic mound had been addressed. Bolen explained she had taken steps to maintain the septic mound. Sve suggested a follow up inspection by county staff to confirm the vegetation management was conducted. McCarthy confirmed that would be done.

Motion by Linscheid supported by Bathke approving the conditional use application as submitted with the following findings:

**Findings:**

1. A safe entry from Holm Road and off street parking exists.
2. The lot meets current stormwater standards.
3. Bed and Breakfast activities should have little impact on soils and vegetation.
4. The site is well vegetated and the proposed use should have no impact on wetlands or public waters.
5. A complying SSTS is in place and a well is on site.
6. The bed and breakfast operation will need to meet Health Department standards.
7. If properly managed this use should not be detrimental to the neighborhood.
8. Bed and Breakfast establishments are permitted through the conditional use permit and small lodging establishments reflect Lake County’s customs, traditions, and values.

Motion passed by unanimous vote. (PCR-17-014)

Motion by Sve supported by Mancini to approve the April 17, 2017 minutes. Motion passed by unanimous vote.

The final item of business was the public hearing for the proposed amendments to the Lake County SSTS Ordinance #11 and Land Use Ordinance #12.

- The first proposed amendment change was the Removal of the Type III System Requirements outlined in Lake County SSTS Ordinance, Article IV, Section 2.05, per the Minnesota Pollution Control Agency’s direction. General discussion took place.

- The second proposed amendment change, Planning Commission Powers revision, Article 24: Section 24.02 & Article 27: Section 27.06 corrected language to state the County Planning Commission is to make recommendation for approval, denial or terminations to the County Board, who has final authority over Interim Use Permits. General discussion took place.

- The third proposed amendment change, Variance Language Revision, was to replace “Hardship” with “Practical Difficulties” in sections 3.96 and 25.05 of the Land Use
Ordinance relating to Variance definition and Criteria for Decisions. General discussion took place.

- The fourth proposed amendment change, Hotel/Motel/Resort/Campground Definitions in Section 3.37 & Section 26.07 (G) of the land use ordinance was to provide consistent definition. The definition in both sections will meet the definition in section 3.37, “A lodging facility under single ownership containing four (4) or more individual sleeping rooms, suites or cabins used primarily for providing accommodations for pay for periods of less than thirty (30) days.” General discussion took place.

- The fifth proposed amendment change, Guest Quarter Definition, would meet the state size requirements outlined in MN Statue 612.0330 Zoning Provisions, defined as “A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.”

- The sixth proposed amendment change, Potential Rental of Additional Dwellings, would permit short term rental of additional dwellings. General discussion took place explaining the difference between guest quarters on shoreland and additional dwellings on non-shoreland. Fenstad stated opposition to further allowances for short term rentals. Linscheid stated that although non-conforming lots are a minimum requirement, there is the variance process available for allowing rentals on a non-conforming lot. General conversation took place regarding allowing the rental of the primary dwelling in addition to the additional dwelling. Widner stated that a current minimum requirement exists that states no more than one dwelling per parcel. McCarthy confirmed that the proposed amendment change would allow rental of the additional dwelling, but not allow the rental of more than one dwelling per parcel. General agreement followed supporting the rental of only one dwelling per parcel. Bathke stated he supported the rental of both dwellings.

Skala opened the hearing for comments from the public. Jenny Reinertsen stated her lot has an unpermitted additional dwelling and she does not have enough acreage for a second dwelling. She had rented it without knowing the rules and would like to permit it for short term rental and is interested in the variance process. McCarthy stated that she could connect the two structures to create one structure or the variance process could be considered to permit the structure, then potential short term rental through the interim use permit process for rental of the additional dwelling.

Skala stated the proposed change to the ordinance is that within shoreland only the primary dwelling can be rented and in non-shoreland the house or an additional dwelling can be rented on a conforming lot.

Motion by Bathke supported by Linscheid recommending County Board approval of the proposed amendments to the Lake County SSTS Ordinance #11 and Land Use Ordinance #12 as proposed. Motion passed by 6-1 vote, Fenstad opposed. (PCR-17-015).

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

Respectfully Submitted,
Christine McCarthy
Environmental Services Director