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, Nancy Mancini, James Weinzierl, Jim Linscheid, and Commissioner Rich Sve.

Members Absent: Mabel Tarlton.

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, C-17-010, was a conditional use application, filed by Jonathan Hanel which if approved, would allow a seasonal operation to sell Christmas trees & wreaths on property described as S 495ft of NW 1/4 of SW 1/4 in Section 22, Township 53, Range 11, total of 15.00 acres, zoned R-1/Residential District, ten-acre minimum, Unorganized Territory #2.

Joe Skala introduced the application. Christine McCarthy summarized the staff report along with one comment of concern in regards to impacting the Little Knife River.

Hanel explained how they buy from certified Christmas tree farms in the area and usually sell their trees & wreaths near the Culver’s parking lot in Two Harbors. He said that they are not able to use the space they usually do this year so they would like to sell from their house. Hanel also included that they grow about 1/2 an acre for naturally grown trees which some customers are interested in.

Sve asked if there would be any spraying of the trees on the property. Hanel said they do spray a natural evergreen resin in the garage to avoid the needles from drying out and dropping. He explained the evergreen resin is a natural, chemical-free product that will not impact the environment. Hanel said that the trees are not sprayed, and the resin is only applied to the branches used to make wreaths. Sve asked about where they get the trees from. Hanel said that the trees come from licensed sellers from the local area.

Mancini asked Hanel about how many trees they expect to sell from the property. Hanel said they typically sell 250 retail trees, 200-300 retail wreaths, and around 1000 wholesale wreaths. He went on to explain that those numbers may be down because they won’t have the highway exposure that they had last year when they operated in the City of Two Harbors. Hanel said even when they were operating in the city they would only have four (4) cars parked at the busiest time.

Mancini inquired about how they advertise. Hanel said they will advertise in the local newspaper and include a sign on their property that would not encroach into the right-of-way. The sign would be up during the selling season only.

McCarthy asked about the hours of operation. Hanel said typically during the day light hours but probably 9:00 a.m. – 6:00 p.m. Monday through Saturday, and 12:00 p.m. – 5:00p.m. on Sundays.

Motion by Linscheid supported by Weinzierl to approve the conditional use application with the following findings:

Findings:
1. Safe entry from Highway 12 and off-street parking exists.
2. Christmas tree & wreath sale activities should have little impact on soils and vegetation.
3. The site is well vegetated and the proposed use should have no impact on wetlands or public waters.
4. If properly managed, this use should not be detrimental to the neighborhood.
5. The trees & wreaths may be sprayed with natural resins so they do not dry out as quickly, and no environmentally harmful chemicals or fertilizers are used on site.
6. On-site signage will be lit with simple
Christmas lights and will adhere to the lighting ordinance.
7. Seasonal hours of operation will be 9:00 a.m. – 6:00 p.m. Monday through Saturday, and 12:00 p.m. – 5:00 p.m. on Sundays.

Motion passed by unanimous vote (PCR-17-026).

Motion by Bathke supported by Sve to approve the September 18, 2017 minutes with minor corrections. Motion passed by unanimous vote.

The second hearing, I-17-017, was an (initial) interim use application filed by Judith Lykins which if approved, would allow a vacation rental home on the property described as S 250 ft of N 550 ft of Lot 1 E of TH No 61 & S 50 ft of N 250 ft of Lot 1 E of TH No 61 in Section 23, Township 54, Range 9, total of 6.00 acres, zoned RC/Resort-Commercial district, two-acre minimum, Silver Creek Township.

Skala introduced the application. McCarthy summarized the staff report and two comments of concern in regards to the vacation home rental.

Andrew Beavers, of Cascade Vacation Rentals and the owner’s authorized agent, spoke about the plan to use the home as a vacation rental. Beavers addressed the comments of concern and said they are very respectful of neighbors and have very extensive agreements that must be signed prior to guests staying at the property. He said he understands the neighbors’ concerns about trespassing and knows how important it is to have a good relationship with adjacent property owners.

Linscheid asked if they will post no trespassing signs in the locations where people are most likely to cross onto neighboring properties, such as the beach. Beavers said yes, and that they would have specific instructions included with check-in material so that every guest is aware they cannot trespass on the neighbor’s beach, and also post it indoors with the house rules. Linscheid said that the neighbors should not have to call the sheriff and that the trespassing should be addressed before it happens.

Linscheid asked who the neighbors or guests would call if there were problems. Beavers said that his number would be provided as well as a 24/7 line for Cascade Vacation Rentals if there were an immediate issue for maintenance or other concerns. Linscheid then asked how far away the property manager would be if there were any issues with guests. Beavers said that maintenance and housekeeping are 15 minutes away and could arrive at the property quickly to address any concerns.

Mancini inquired about the garbage service provider. Beavers explained that John’s Sanitary would be providing recycling and garbage service to the property. He also said that they would be on-call so would come and empty the dumpster/recycling any time housekeeping called. Beavers added that the trash receptacle is bear-proof and that there would be instructions in the house so guests know how to unlock it to throw their trash away.

Sve asked about snowmobiles and ATVs, as they were not addressed in the house rules. Beavers said they will not allow them and make it part of rules, and said that people looking for a snowmobile or ATV friendly rental property would not see this particular property on the website as it is not recreational vehicle friendly.

Greg Plumb, an adjoining property owner, spoke about his concerns with the property and was especially concerned about liability if a guest were to get injured on his beach. Beavers said that there would be posted “no trespassing” signs and with those in place, Plumb would not be liable if someone were to be injured on his property. Kathy Plumb added her concerns regarding the vacation rental on the neighboring property. Beavers said he would be more than happy to work with the Plumbs in order to ease everyone’s mind about the proposed activity.

Motion by Bathke supported by Mancini to approve the conditional use application with the following findings & conditions:

Findings:
1. A MN Department of Health license must be obtained and maintained.
2. Safe access from HWY 61 and off-street parking exists.
3. The lot meets current stormwater standards.
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 three
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 nearby lot owner activities.

Conditions:
1. Maximum occupancy of six (6) guests.
2. All recreational vehicles must be on a trailer/truck bed and cannot touch property grounds.
3. Very clear demarcation of property lines and instructions regarding the severity of renters trespassing on neighboring properties.
4. Garbage is taken care of in a timely & responsible manner.
5. No intrusive lighting on the property.
6. Quiet hours from 10:00 p.m. – 7:00 a.m.
7. No fireworks.
8. No discharge of firearms on the property.

Motion passed by unanimous vote (PCR-17-028).

The fourth hearing, l-17-019, was an (initial) interim use application filed by Shailesh Vasundhra which if approved, would allow a vacation rental home on the property described as 2.55 Acres Out of NE 1/4 of SW 1/4 as Desc in Doc No A000159297 in Section 22, Township 55, Range 8, total of 2.55 acres, zoned R-4/Residential district, two-acre minimum, Beaver Bay Township.

Skala introduced the application. McCarthy summarized the staff report and four (4) comments of concern from adjoining property owners in regards to existing covenants and neighborhood privacy. She reminded the Planning Commission that the county cannot enforce covenants, as that document is created by the neighborhood association and is not formally approved or reviewed by the county.

Lavonne Christensen, authorized agent, and Brian Kelly, property manager, talked about the application and how the previous owner had five-year approval for vacation rental and that the current owner, Shailesh Vasundhra, would like to continue the rental operations. Christensen said that Vasundhra and she did not know there were covenants on the property and therefore had not signed them. She also said she did not know commercial activity was not allowed in the neighborhood per the association’s covenants.

Linscheid asked how many residences are part of the plat. Lavonne said there are eight (8) lots and five (5) homes currently.
There was a general discussion about covenants, the specific covenant document, and why this was just coming to light now and no one complained the first and second time the property had been approved for vacation home rental by the previous owner.

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

**Findings:**

1. A MN Department of Health license must be obtained and maintained.
2. Minimum vacation home rental requirements must be met (Section 6.16 of Lake County’s Land Use Ordinance).
3. Safe access from Liberty Road and off-street parking exists.
4. Clear demarcation of property lines.
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.
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. Maximum occupancy of four (4) 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 fireworks.
5. No discharge of firearms on the property.

Motion passed by unanimous vote (PCR-17-029).

The fifth hearing, C-17-011, was a conditional use application filed by Jim Blauch, Moose Track Adventures which if approved, would allow for the continued use, and expansion of the resort on the property described as 5.52 acres Out of Lot 1 as Desc in Bk 52 of Titles Pg 158 in Section 4, Township 62, Range 11, total of 5.52 acres, zoned R-R/Residential-Recreational district, one-acre minimum, Fall Lake Township.

Skala introduced the application. McCarthy summarized the staff report. Blauch summarized his plan to expand the resort which would help him increase the revenue of the operation.

Skala asked about the plan to remove the campground and replace it with a cabin. Blauch said that they are doing that to avoid getting large recreational vehicles camping there. He said that the resort and camping operations do not mix very well, and he would rather focus on the resort and outfitting portion of the business.

Maxwell explained that the property meets the requirements for resort expansion and has been a resort prior to the land use ordinance which is why it has operated under a “grandfathered” status; but due to the expansion, a conditional use is required.

McCarthy asked about the septic system and if the system would be expanded. Blauch said that the existing system would stay and a new system would be installed for the expanded operations.

There was a general discussion about the resort and outfitting operation. Linscheid said he was thrilled to see this resort needing to expand.

Motion by Linscheid supported by Weinzierl to approve the conditional use application with the following findings:

**Findings:**

1. Safe entry from Kawishiwi Trail and off-street parking exists.
2. The lot meets current stormwater standards.
3. The site is well vegetated and the proposed use should have no impact on wetlands or public waters.
4. If properly managed, this use should not be detrimental to the neighborhood. Where lakefront cabin is being removed, natural vegetation will be planted.
5. Utilities and infrastructure are established and the septic system will be expanded as needed for the proposed expansion of the resort.
6. Planning & Zoning has never received complaints regarding this business, and the property-owner/manager lives on site.
7. Resort operations have not proven to be a harmful use throughout the county. Normal resort activities should not diminish values or restrict nearby lot owner activities.

Motion passed by unanimous vote (PCR-17-030).
The sixth and final hearing, C-17-012, was a conditional use application filed by Amy Pekkala which if approved, would allow operation of a dog kennel on the property described as E 1/2 of SE 1/4 of NE 1/4 in Section 32, Township 53, Range 11, total of 20.00 acres, zoned R-1/Residential district, ten-acre minimum, Unorganized Territory #2.

Skala introduced the application. McCarthy summarized the staff report and summarized the one comment from an adjoining property owner with concerns about noise level. Pekkala spoke about her application and explained that when she moved from Washington state, she did not know that she could not keep her six (6) adult dogs. She said that she wants to keep them. Pekkala said that she visited most of her neighbors to share her plans for a kennel and that most neighbors were surprised that the dogs were existing. She went on to say that one neighbor did complain about the noise and that she appreciates honesty so she can focus on different ways to keep the dogs quiet.

Skala asked about the stream that ran through the property and why the vegetative buffer was cut down. Pekkala said that she and her husband had cut it down for a better view of their property, and have a future appointment with the Soil & Water Conservation District to re-establish the vegetative buffer.

Maxwell asked for clarification about whether or not puppies would be raised on the site. Pekkala said yes, one (1) or two (2) litters may be on the property at a single time, however the operation will be a “closed kennel”, which is not open to the public and will not increase vehicular traffic. Pekkala then explained that a closed kennel is better for the dogs because if it were an open kennel people would expose the dogs to more bacteria & viruses. She also said that the puppies are sold after they reach 8 weeks of age, so they never reach their adult size on the property.

There was a general and lengthy discussion about how to reduce the noise of the kennel and keep the dogs from disturbing the neighbors. Some of the neighbors also spoke about their concerns over barking dogs and how it could impact their property value.

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

Findings:
1. Safe entry from Valley Road and off-street parking exists. Kennel is a “closed kennel” and the public is not allowed on the property to look at the dogs and parking will not be required.
2. 10 – 20 puppies may be on the property after a maximum of two (2) litters are born. Puppies are sold and typically find new homes after eight (8) weeks.
3. The lot meets current stormwater standards.
4. The site is well vegetated and the proposed use should have no impact on wetlands or public waters.
5. If properly managed, this use should not be detrimental to the neighborhood. Pekkala is working with the Soil & Water Conservation District to revegetate a 50-foot buffer from the Knife River Tributary that is located on the property.
6. Utilities and infrastructure are established and the septic system passed a compliance inspection within the last three (3) years.
7. Dog waste is cleaned up and disposed of on a daily basis, and removed from the property with trash service.
8. Kennel operations have not proven to be a harmful use throughout rural properties in the county. Normal kennel activities should not diminish values or restrict nearby lot owner activities.

Conditions:
1. With dog kennel, the property must remain a 20.00 acre parcel & cannot be subdivided.
2. Maximum of ten (10) adult dogs are allowed on the property.
3. No sled dogs.
4. Quiet hours are from 10:00 p.m. – 7:00 a.m., at which time dogs must be indoors.

Motion passed by unanimous vote (PCR-17-031).

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

Respectfully Submitted,
Christine McCarthy
Environmental Services Director