

**Official Lake County Planning Commission  
Minutes  
Two Harbors Law Enforcement Center  
February 25, 2019**

Approved with  
corrections  
3/18/2019

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, John Bathke, Simbre Fosness, Dan Zeimet, Mabel Tarlton, and Commissioner Rich Sve.

**Members Absent:** Jim Weinzierl, Mike Hoops

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

**Other Lake County Staff Present:** Russ Conrow (Lake County Attorney) arrived at 6:45 for the Fisher hearing.

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

The first hearing, **I-19-002**, was an initial Interim Use application filed by **Marguerite Cutchey**, which if approved, would allow a vacation rental home at 1615 Hwy 3, Two Harbors, on property described as: that part of Lots 1 and 2 as described in BK 45 of Titles Pg 243; that part of Lot 2 as described in memorial in Cert. of Titles 34 pg. 72; in Section 29, Township 53, Range 10, 5.12 acres, zoned R-4/Residential, two-acre minimum, Silver Creek Township.

Joe Skala introduced the application and McCarthy read the legal requirements. There was no correspondence for this application.

Ms. Cutchey represented the application. She explained it was her parents' home and she wants to keep it in the family. Renting it would help cover the expenses. She has arranged for John Bathke to be the property manager. Bathke stated he would be recusing himself from the vote due to the conflict of interest.

Bathke mentioned public snowmobile trails are nearby and can be accessed from Hwy 3. Maxwell suggested a note to guests instruct them to use the Hwy 3 right-of-way and not Hwy 61, as it is prohibited.

Sve asked when rentals would begin. Cutchey stated she would like to start as soon as the process for permitting and licensing is complete.

Cutchey stated she has continued plowing service with her parents' previous service. She will only be allowing fires with a propane or gas type outdoor fireplace which she hasn't yet installed. Tarlton suggested her house rules state "no fires" as there will not be a fire ring provided.

Motion by Tarlton supported by Fosness to recommend County Board approval for the interim use application for one (1) years with the following findings & conditions:

Findings:

1. Safe access from Hwy 3 exists and there is appropriate parking available.
2. The property meets impervious surface requirements.
3. The property is well vegetated.
4. There will be no impact to public waters or wetlands from the proposed activity.
5. The septic system passed a compliance inspection on 5/23/2017 for 3 bedrooms.
6. Vacation Rental activity has not proven to be harmful on neighboring properties if conditions are met.
7. Vacation rentals have not proven to be detrimental to neighboring properties.
8. Vacation Rentals are permitted through Sections 6.16 and 27.06 of the Lake County Land Use Ordinance.

Conditions:

1. Quiet hours from 10 PM to 7 AM.
2. NO discharge of firearms or fireworks.
3. ATV's/Snowmobiles may access public trails from the property using the HWY 3 right-of-way. ATVs/snowmobiles are prohibited in the Hwy 61 ROW.
4. All outdoor fires are limited to propane/gas fireplace provided by the owner.
5. Occupancy limited to 6 guests maximum.

Motion passed by a 5-0 vote, Bathke abstained. **(PCR-19-002).**

Motion by Sve supported by Fosness to approve the December 17, 2018 minutes as submitted.

Motion passed by unanimous vote.

Other Business:

McCarthy updated the Planning Commission on a project to identify the status of all gravel pits in Lake County. This is being done along with the Assessor's Office due to a change in tax classification requirements from State Statute.

McCarthy also gave an update from the Moratorium Committee [for short-term vacation rental of non-traditional structures]. The Committee will be meeting with the Department of Labor and Industry and also meeting with an inspector from Aitkin County.

The second hearing, **I-19-001** was a renewal of an Interim Use application, filed by **Mike & Ann Guldán** which if approved, would allow a vacation rental home at 584 Riverview Rd., Ely, on property described as: Lot 3 Block 1 Farm Lake Estates in Section 28, Township 63, Range 11, 2.4 acres, zoned R-R/Residential-Recreational, one acre-acre minimum, Fall Lake Township.

Joe Skala introduced the application and McCarthy read the legal requirements. There was no correspondence for this application.

Mike and Ann Guldán represented the application. They explained they rent from about June 15<sup>th</sup> - September 15<sup>th</sup> and stay nearby when their house is rented.

Sve asked about the permitting of the water accessory structure and cabin. Maxwell stated these structures were now properly permitted. Ms. Guldán stated both structures were built with an additional 5 feet added to the setback requirements.

Maxwell read the recommended conditions of approval. She explained this is the Guldán's second 5-year renewal; no conditions were given with their original approval and first 5-year renewal.

Ms. Guldán stated Timber Trail Lodge serve as the property managers.

Motion by Bathke supported by Sve to recommend County Board approval for the renewal of the interim use application for five (5) years with the following findings & conditions:

Findings:

1. Safe access exists from Riverview Rd and

there is appropriate parking space available.

2. The property meets impervious surface requirements.
3. The property is well vegetated.
4. There will be no impact to public waters or wetlands from the proposed activity.
5. The septic system is sized for 3 bedrooms. An updated compliance inspection is required. Flow meter reading have not been provided to Planning and Zoning due to the meter being replaced. Meter readings required during rental period.
6. Vacation Rental activity has not proven to be harmful to neighboring properties if conditions are met.
7. Vacation Rentals have not proven to be detrimental to neighboring properties.
8. Vacation Rentals are permitted through Sections 6.16 and 27.06 of the Lake County Land Use Ordinance.

Conditions:

1. Occupancy limited to 6 guests maximum (number of bedrooms on septic system design times 2).
2. SSTS compliance inspection required prior to June 1, 2019.
3. Flow meter readings collected and recorded by owners during rental periods.
4. Quiet hours 10 PM to 7 AM.
5. No discharge of firearms or fireworks.
6. All ATV's/snowmobiles must be trailered while on the property.
7. All outdoor fires must be limited to use at a designated fire ring and extinguished before guests leave the property or go to bed.

Motion passed by unanimous vote (**PCR-19-001**).

The third hearing, **Revocation-19-001**, was to determine compliance with the requirements of Land Use Ordinance #12, Article 6, Section 6.16, Vacation Rental Home minimum requirements for the Interim Use Permit (I-18-020) for vacation rental granted to **William Fisher** at 10030 Jensen Trail, Isabella, on property described as That part of Govt. lot 2 lying south of a line drawn parallel to and 450 ft south of the north line of Govt. lot 2 in Section 28, Township 60, Range 9, 17 acres, zoned RR/Residential-Recreational, one-acre minimum, Stony River Township.

Joe Skala introduced the hearing and McCarthy

read the legal requirements. There was no correspondence for this hearing.

Fisher provided a copy of the Lake County Health Department license issued earlier that day by John Weidner, Lake County Environmental Health Specialist. He also provided the rules he posts for cabin guests.

Skala asked Fisher why he hasn't complied with the requirements of his permit approval. Fisher states he is frustrated by the process. He stated he had a conversation with Planning and Zoning in 2014 and was told he could rent the cabin as part of his resort [National Forest Lodge]; he did not have anything in writing. McCarthy responded that there was no correspondence in the office or the Conditional Use file for National Forest Lodge that referenced this conversation.

McCarthy explained to the Planning Commission that this rental was brought to her attention by John Weidner from Lake County Health Department, as he had never inspected the cabin. She stated she and Planning and Zoning staff tried to work with Mr. Fisher to bring him into compliance with the Ordinance. She explained that staff has had to dedicate much more time to bringing his property into compliance than is necessary and this takes away from helping other people.

McCarthy also reminded Mr. Fisher that if his Interim Use Permit is not revoked, he still has to appear before the Planning Commission in September to renew his permit.

Bathke asked what the Planning Commission's options are regarding the revocation. McCarthy stated they could vote to recommend to the County Board to revoke the permit, they could table the hearing, or dismiss the revocation. Mr. Conrow explained that an option would be to dismiss with conditions that state what still needs to be done by Mr. Fisher to come into compliance with his permit and gives a deadline to meet the conditions. If he does not meet the deadline, they could proceed with a new revocation hearing.

Fisher questioned the need to supply Planning and Zoning with a copy of his guest records upon request. He stated it is against his privacy policy. McCarthy explained that keeping a record of guests is a minimum requirement for vacation rental homes as well as providing it when Planning and

Zoning requests to see it. She also stated the list isn't distributed to anyone else. Maxwell explained it may be necessary if there are complaints against the property. Paron explained records have been requested when there were questions about the number of guests or questions about the flow meter readings for the septic system. Fisher stated he would only provide it to the sheriff because the MN State Statute [327.10] says law enforcement can request it. Mr. Conrow explained that the Planning and Zoning Administrator is the person charged with enforcing the Land Use Ordinance, which is law.

McCarthy stated her goal was a resolution. Sve asked Fisher if he would give his word to follow the decision made tonight. He stated he will.

Motion by Sve supported by Bathke to dismiss the revocation of Interim Use Permit I-18-020 with the following findings & conditions:

Findings:

- The requirements of the permit have not been met; specifically, rental has taken place without the required Lake County Health Department License and Land Use Permit for Change of Use to Vacation Rental Home.

Conditions:

1. All conditions set by the Planning Commission in the original approval of Interim Use Permit I-18-020 must be met within 30 days of this hearing.
2. If these conditions are not met by March 27, 2019, the Planning Commission will proceed with a hearing to recommend to the County Board revocation of Interim Use Permit I-18-020.

Motion passed by unanimous vote **(PCR-18-003)**.

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

Respectfully Submitted,

Christine McCarthy  
Environmental Services Director