

**Official Lake County Planning Commission**  
**Minutes**  
**Silver Bay Service Center**  
**March 18, 2019**

Approved as  
submitted  
4/15/2019

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, Jim Weinzierl, Mike Hoops, John Bathke, and Dan Zeimet.

**Members Absent:** Simbre Fosness, Mabel Tarlton, Commissioner Rich Sve

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

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

The first hearing, **I-19-003**, was an initial Interim Use application filed by **Right Path LLC**, which if approved, would allow a vacation rental home at 513 Salakka Rd, Knife River, MN 55609 on property described as: All that part of the SW1/4 of the SW1/4 lying S of the S line of the NLY 339.76' thereof; & N of the N line of W 330' of the S 600' thereof & W & N of Line A & N of line B desc in Exhibit A Bk 135D pg 345; & W of centerline desc. In Exhibit D of said Bk/pg less the W 293.18 ft. in Section 20, Township 52, Range 11, 2.7-acres, zoned R-3/Residential, 2.5-acre minimum, Unorganized Territory 2.

Joe Skala introduced the application. Chad Scott represented the application as an agent for the owners of the LLC: his sister, long-time friends Todd Bruce and Larry Olson, and himself. Scott has lived in the Knife River area for 25 years. Friends and family visit regularly. The LLC is also building a small home on the lot behind 513 Salakka Rd. which he will rent long term. Scott will manage the vacation rental and they will use VRBO for their reservation calendar and to receive payment. The 2<sup>nd</sup> home will be built this summer and then Scott will move there.

McCarthy read the legal requirements. Four items of correspondence were received, one from the Lake County Highway Department, and 3 items representing 5 different property owners in opposition.

McCarthy asked if they plan to rent both homes. Scott explained that the home to be built at 515 Salakka Rd. will be owned by the LLC and he will rent from the partnership to live there. He stated they do not intend do short-term rental at 515 Salakka Rd.

Hoops asked if these lots were part of a plat and about maintenance of the road. Larry Olson explained the 2 lots were a subdivision of a 5-acre parcel. Olson explained the neighbors take care of the [private portion] of the road. He would like to see a group formed to take care of road maintenance. McCarthy clarified that this is not a platted road, and therefore, not constructed to those standards.

Neighbor Bill Hermanson explained the road was built by himself and Frank Wright. There have been issues since it was built. Everyone shares in the responsibility. The road wasn't designed for traffic but for use as a driveway. It washes out in spring. Due to these issues, he stated he doesn't believe this proposed use should be allowed.

Bathke asked about the construction schedule. Scott stated the interior is done. The materials for the deck are on site and plan to start on that in 3-4 weeks.

Bathke asked about timing for issuing the permit; is there a deadline for completing the permit process. McCarthy stated a Lodging License is needed from the Lake County Health Department before the Land Use Permit for Change of Use to Vacation Rental can be issued. McCarthy stated the approval first has to go to the County Board. There isn't a time limit for obtaining the Lodging License, but rental cannot take place until the Land Use Permit is approved.

Zeimet explained he drove out to the site today and he has concerns about the road. As a septic pumper he has been stuck on that road. Also, it is very narrow, cars cannot pass. He has concerns over emergency vehicle getting there when the road is muddy. He stated his concerns over lack of a road association and thinks that should be considered.

McCarthy clarified that the County does not own or maintain this portion of the road.

Hermanson added that a Waste Management truck got stuck on the road. Also, an intermittent stream runs through the [Right Path] property and now goes through the driveway, adding to the run-off issues.

Olson showed where the stream is located on the property. Maxwell stated this is not a public watercourse. This is not considered shoreland property.

Mr. Scott stated he didn't think Salakka Rd. was any better or worse than many roads in the area. He referred to John Schlangen's comment from the Highway Department that the traffic stress would not be a significant increase from a regular residence.

Bathke asked how many homes are on the road. Hermanson listed ten property owners.

Maxwell stated she spoke to John Schlangen that morning regarding emergency vehicle access, as he is also a volunteer firefighter for Two Harbors. He didn't see Salakka Road as being a problem for emergency vehicles, the fire department is accustomed to different road conditions.

Maxwell suggested a condition could be added that guests be told they need 4-wheel drive, which has been done for another vacation rental with a steep road.

There was general discussion about septic systems and how they are sized. McCarthy explained how flow meters are interpreted based on each individual system. McCarthy also explained this is a low flow system for a 3-bedroom, so water use has to be limited.

McCarthy read recommendations from staff report. The applicant stated he was agreeable to these conditions.

Hermanson expressed concerns over rental of second cabin when it is finished. Skala explained the approval is for this cabin only. If they want to rent the other cabin they will need to apply for that.

Maxwell stated that this approval is being made

with the understanding that Scott will be living next door and managing this property. A local manager has been a requirement for vacation rentals. She stated that if the applicants change their plans and wish to rent the second cabin, then that changes the findings for this approval. She explained in a year, when the applicant renews, if they haven't been operating within the conditions of approval, they will be denied. Also, after a denial, an applicant must wait a year to reapply.

McCarthy further explained that the Land Use Permit for Change of Use to Vacation Rental also has a list of requirements that must be met.

Motion by Bathke supported by Weinzierl to recommend County Board approval for the interim use application for one (1) year with the following findings & conditions:

Findings:

1. Safe access from Salakka Road exists and there is appropriate parking available.
2. The property meets impervious surface requirements.
3. The property does not have established vegetation yet from construction in 2018.
4. There will be no impact to public waters or wetlands from the proposed activity.
5. The septic system was installed in 2018 and received a Certificate of Compliance on 10/29/2018 for 3 bedrooms. Septic system is designed for limited water use.
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 of the Lake County Land Use Ordinance.

Conditions:

1. All exposed soils stabilized (seeded/mulched) by June 1, 2019.
2. Quiet hours from 10 PM to 7 AM.
3. No discharge of firearms or fireworks.
4. ATV's/snowmobiles of guests must be trailered while on the property.
5. All outdoor fires are limited to designated fire ring.
6. Occupancy limited to 6 guests maximum.

Motion passed by unanimous vote. **(PCR-19-004)**.

Motion by Bathke supported by Zeimet to approve

the February 25, 2019 minutes with corrections.  
Motion passed by unanimous vote.

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

Respectfully Submitted,

Christine McCarthy  
Environmental Services Director