

**Official Lake County Planning Commission
Minutes
Two Harbors Law Enforcement Center
June 17, 2019**

Approved as
submitted
7/15/19

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 Wienzierl, Simbre Fosness, Dan Zeimet, and Mike Hoops.

Members Absent: Mabel Tarlton, Commissioner Rich Sve, John Bathke

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

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

The first hearing, **I-19-008**, was an initial Interim Use application filed by **Jenni & Justin Viken**, which if approved, would allow a vacation rental home at 878 Old North Shore Rd, Two Harbors, on property described as: 2.53 acres out of that part of SE ¼ of NE ¼ lying S of D&IRRR CO ROW as Desc. in Doc. No. A000166103 in Section 10, Township 52, Range 11, zoned R-4/Residential, two-acre minimum, Unorganized Territory 2. PID: 25-5211-10214

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

Jenni and Justin Viken represented the application. The rental is above the garage where they live, so they will be on site when they have renters. Maxwell recommended two (2) guests maximum. McCarthy read the recommended conditions; the applicants agreed to these conditions.

Motion by Hoops 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 Old North Shore Rd. and off-street parking exists.
2. The lot meets impervious requirements.
3. The property is well vegetated.
4. There will be no impact to public waters or wetlands from the proposed use.

5. The septic system passed a compliance inspection on 8/13/2018 for 3-bedrooms.
6. Vacation rental activity has not proven 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 though section 6.16 of the Lake County Land Use Ordinance.

Conditions:

1. Quiet hours from 10 P.M. to 7 A.M.
2. Renters shall not discharge firearms or fireworks.
3. Renters ATV's and snowmobiles must be trailered while on the property.
4. All outdoor fires must be limited to a designated fire ring.
5. Rental occupancy limited to 2 guests.

Motion passed by unanimous vote. **(PCR-19-009)**.

Motion by Hoops supported by Fosness to approve the May 20, 2019 minutes as submitted. Motion passed by unanimous vote.

Other Business:

McCarthy shared other Planning and Zoning business with the Planning Commission:

- Update on unpermitted campsites and tiny home rentals
- Castle Danger Sanitary District will be holding a public hearing for returning zoning authority to Lake County.
- Looking into how to permit vacation rental homes on adjacent properties when under the same ownership.
- Update on discussion on potential moratorium on vacation rentals in Lake County. McCarthy would like to see this addressed by municipalities as Lake County vacation properties are not typically housing for lower-income owners.
- The Highway Department will be hosting an open house in the new Highway Building on Hwy 2 in Two Harbors on June 24th. Planning and Zoning and other

departments will also be there.

The second hearing, **C-19-001** was a Conditional Use application, filed by **Lake County Forestry Department** which if approved, would allow for a natural surface trail for mountain biking, hiking, snowshoeing and other non-motorized winter uses on property described as: multiple quarter-quarter sections in Sections: 10, 15, 16, 21, 22, 28, 29, & 30, Township 55, Range 8, 21.46 miles of trail, zoned F-R/Forest-Recreation District, 10-acre minimum, Beaver Bay Township.

Joe Skala introduced the application and McCarthy read the legal requirements. There was one item correspondence in favor for this application.

The application was represented by Lake County Land Commissioner, Nate Eide, and David Cizmas, Lake County Recreation Forester. Eide explained that this plan is a result of the Comprehensive Trail Plan completed about 10 years ago. There are no mountain bike trails in Lake County. A mountain bike trail master plan was created due to the success of these types of trails in other communities. This location was chosen for its rugged terrain, views of the lake, and proximity to Beaver Bay, Silver Bay, and Split Rock Lighthouse. It will also connect to the paved Gitchee Gami State bike trail, which will allow for the option of doing a looped trail route.

Eide referred to the map provided stating the route was flagged by professional mountain bike trail designers. The route was chosen for areas easiest to build in, best views, and to avoid wetlands. Eide stated the wetland delineation is partially done, the archeology study will be done this summer, and the Stormwater Protection Plan (SWPP) is complete.

McCarthy asked for further explanation on the Split Rock Lighthouse State Park campground expansion as it relates to this project. Eide explained had been put on hold, but when this bike trail project came up, they prioritized the campground and received Legacy Fund grant money and other grant money to help pay for the expansion, the road to the campground, and the trailhead.

Eide explained Cove Point is also interested in having a trailhead. Cove Point has granted permission to use their road during construction.

Hoops asked about the southwest area of trail. Cizmas explained this area features a rocky knob which will provide more technical trail for advanced riders.

Eide explained near the campground will be a loop trail for beginners. He expects that portion of the trail to receive heavier use.

Skala opened the hearing to public comments.

Ed Dee asked how close the trail would be coming to his property [Section 15], would it impact Superior Hiking Trail, and is it being paid for by property taxes.

Eide explained that the trail is being funded by grants and won't affect property taxes. The new trail will share a portion of the Superior Hiking Trail over a beaver dam crossing; the SHT is happy to have help with the crossing.

McCarthy asked what the setback would be from the Dee property. Cizmas stated the flags in that area are marking the required 50-foot setback, so the trail will not be closer than that. He also stated the area has dense Balsam growth, which reduces visibility to about 15 feet. Eide added that the property wasn't surveyed, but the GPS used for flagging are very accurate, within an inch or two.

Maxwell asked if the trail would have rest stops. Eide said it would. Maxwell asked the Planning Commission to consider requiring buffers between rest stops and private property.

Bruce Beidelman, adjoining property owner [Section 14], also concerned with close proximity to his property as well as Cove Point's involvement. He asked whether campsites would be provided on the trail like they are on the Superior Hiking Trail? He has had issues with trespassing from Superior Hiking Trail. He is also concerned with the phase that includes Cove Point.

Eide stated campsites are planned along the trail. Eide also stated bikers are not going to leave their very expensive bikes to explore through the woods and wander onto private property. Beidelman stated his concern is with others that will see this as a walk-in access point. He requested to move the trail further from private property.

There was no further public comment.

Cizmas explained that campsites would not be near private property. They would be further away on high spots. Eide agreed that it would make sense to keep campsites and rest stops away from private property.

Maxwell stated Superior Hiking Trail will not be used for biking. Respecting private property needs to be emphasized in signs.

Weinzierl asked if there would be distance markers along the trail. Cizmas stated there would be maps at intersection; he stated most cyclists are using cellphone apps that allow them to see where they are on a trail.

Motion by Fosness supported by Zeimet to approve with conditions the Conditional Use application with the following findings & conditions:

Findings:

1. Safe access and a trailhead will be constructed as part of the project.
2. Stormwater Protection Plan will be in place and monitored by the MPCA.
3. The property is well vegetated.
4. There will be no impact to public waters or wetlands from the proposed activity; a wetland delineation has been completed.
5. SWPP will be completed.
6. Conditions have been set to address concerns of nearby property owners.
7. The proposed use or development will not be detrimental to the rightful use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
8. The proposed use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:

1. Trail, campsites, and rest sites must be 50 feet or more from private property.
2. Signage must be placed to educate users about respecting private property.

Motion passed by unanimous vote (**PCR-19-010**).

The third hearing, **I-19-009** was a renewal of an Interim Use application, filed by **Monika Bauerlein** which if approved, would allow a vacation rental home at 4770 Correll Rd., Finland, on property described as: E ½ of E ½ of SE ¼ of SW ¼ lying S

of the Baptism River in Section 1, Township 57, Range 8, zoned R-2/Residential, five-acre minimum, Beaver Bay Township. PID: 26-5708-01675

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

Elaine Loeffler represented the application. She is the manager of this property and a few other vacation rentals in the Finland area.

Maxwell asked for the standard conditions. Skala asked if conditions were met after last year's approval. Maxwell said the conditions were met.

Motion by Hoops supported by Zeimet 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 Hwy 1 and there is appropriate parking space available.
2. The property meets current stormwater standards.
3. The property is wooded with natural vegetation. Rental activity should have no impact on the site.
4. The structure meets setback requirements from the Baptism River and there will be no impact to public waters or wetlands from the proposed activity.
5. The septic system passed a compliance inspection on 5/30/2017 for 2 bedrooms.
6. Vegetation screens adjacent lots. Lighting and environmental issues are not significant concerns.
7. Vacation Rentals have not proven to be detrimental to neighboring properties.
8. The proposed use is allowable under approved county guidelines and recreational use of rural property is a Lake County tradition.

Conditions:

1. Quiet hours 10 PM to 7 AM.
2. No discharge of firearms or fireworks.
3. ATV's/snowmobiles may be untrailerred only to access trail on Correll Rd.
4. All outdoor fires must be limited to use at a designated fire ring and used in a safe manner.
5. Maximum occupancy of 4.

6. Property boundaries must be marked.
7. You must communicate all Planning and Zoning correspondence you receive regarding this rental to your property manager/agent.

Motion passed by unanimous vote **(PCR-19-011)**.

The fourth hearing, **I-19-010** was an initial Interim Use application, filed by **Ruth Schmidt-Baeumler**, which if approved, would allow a vacation rental home at 2604 W. Castle Danger Rd., Two Harbors, on property described as: SW ¼ of SE ¼ in Section 31, Township 54, Range 9, zoned R-3/Residential, 2½ -acre minimum, Silver Creek Township. PID: 29-5409-31850

Joe Skala introduced the application and McCarthy read the legal requirements. There was no correspondence for this application. McCarthy stated this is an approval for rental in an additional dwelling.

Ruth Schmidt-Baeumler represented the application. She stated they would be present when they have renters.

Skala read the conditions of approval. Schmidt-Baeumler agreed to these conditions.

Motion by Hoops supported by Weinzierl to recommend County Board approval for the initial Interim Use application for one (1) year with the following findings & conditions:

Findings:

1. Safe access from W. Castle Danger Rd. and off-street parking exists.
2. The property meets impervious requirements.
3. The property is well vegetated.
4. There will be no impact to public waters or wetlands from the proposed activities.
5. The septic passed a compliance inspection on 5/6/2019 for 3 bedrooms.
6. Vacation rental activities have 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 of the Lake County Land Use Ordinance.

Conditions:

1. Quiet hours from 10 PM to 7 AM
2. No discharge of firearms or fireworks on the property.
3. All outdoor fires must be limited to use at a designated fire ring.
4. Maximum occupancy of 4 guests.

Motion passed by unanimous vote **(PCR-19-012)**.

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

Respectfully Submitted,

Christine McCarthy
Environmental Services Director