

Official Lake County Planning Commission
Minutes
Silver Bay Service Center
July 15, 2019

Approved as submitted
8/19/19

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, John Bathke, Dan Zeimet, and Mike Hoops.

Members Absent: Mabel Tarlton, Commissioner Rich Sve

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

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

The first hearing, **I-19-011**, was a renewal Interim Use application filed by **John and Nancy Diley**, which if approved, would allow a vacation rental home at 4267 Hwy 61, Two Harbors, on property described as: That part of Lot 1 N & W of State Hwy 61 Exc. .01 acres as desc. in BK 115 of Deeds Pg. 386 in Section 28, Township 55, Range 8, 21.94 acres, zoned R-4/Residential, two-acre minimum, Beaver Bay Township. PID: 26-5508-28205

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

John and Nancy Diley represented the application. Nancy Diley stated that they have had a great experience with lots of rental activity. They have had positive renter reviews on *VRBO*. They keep in regular contact with the property manager. Plowing happens every 2" snowfall.

John Diley stated it was a lot more work than they anticipated to get started. He said the hardest part is going through the County process, but at the same time it is reassuring to know that everything has been looked at for safety.

Skala stated no one in attendance to make a statement.

Nancy asked to be able to amend their request to allow year-round rental. Their concern at their initial approval was the condition of the road. Nancy

stated with their new plowing service it hasn't been a problem. John Diley said plowing is done by Steve Josephson. He stated with four-wheel drive in the winter, there shouldn't be a problem. McCarthy did not have a problem with this request.

Motion by Bathke supported by Weinzierl to recommend County Board approval for the year-round Interim Use application for five (5) years with the following findings & conditions:

Findings:

1. Safe access from Hwy 61 and there is appropriate parking space available. The driveway is steep and gravel; it is the homeowners' responsibility to caution guests regarding accessibility given weather conditions (high precipitation events or icy conditions).
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 5/30/2018 for 4-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. No discharge of firearms or fireworks.
3. All 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 8 guests maximum.

Motion passed by unanimous vote. **(PCR-19-013)**.

Motion by Hoops supported by Fosness to approve the June 17, 2019 minutes as submitted. Motion passed by unanimous vote.

The second hearing, **I-19-012**, was a renewal

Interim Use application filed by **Martin and Julie Anderson**, which if approved, would allow a vacation rental home at 640 Old North Shore Rd., Two Harbors, on property described as: NW ¼ of SE ¼ S of RY ROW in Section 16, Township 52, Range 8, 5.0 acres, zoned R-C/Resort-Commercial, two-acre minimum, Unorganized Territory #2. PID: 25-5211-16840

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

Martin Anderson represented the application. He asked to be able to continue to rent to 8 guests [there was no occupancy set at first approvals in 2013 and 2014]. He stated they haven't had any issues with the septic system and it passed inspection.

McCarthy stated they have only had more than 6 people 2 times [4 times/ the guest log]. McCarthy stated she was not in support of 8 guests. There was general discussion about the SSTS sizing and requirements.

McCarthy said she was apprehensive to approve for 5 more years at occupancy of 8. She stated other IUP applicants have had to comply with occupancy based on septic size. Maxwell stated that the first 5-year renewals are just starting to come back for a second 5-year approval. She explained since those first 5-year approvals were made the list of conditions, including occupancy, have been somewhat standardized as we have learned what the usual concerns are. Zeimet suggested a one-year approval to allow time to have the system expanded. Anderson stated he didn't want to spend that much money. Skala suggested McCarthy could verify the flow meter readings more frequently. McCarthy stated Planning and Zoning staff can work with the owners on monitoring the septic flow meter readings.

Maxwell asked about the status of the well water. Anderson stated that the issue with the water has been corrected. The water is tested annually.

McCarthy read the proposed conditions. The applicant was agreeable to the conditions. He stated he has a special fire ring that reduces smoke.

Motion by Fosness supported by Hoops to recommend County Board approval for the Interim

Use application for five (5) years 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 5/30/2019 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. No discharge of firearms or fireworks.
3. All ATV's and snowmobiles must be trailered while on the property.
4. All outdoor fires must be limited to a designated fire ring.
5. Occupancy limited to 8 guests. Flow meter readings will be taken and reported to Planning and Zoning after each stay through September 2019. If readings exceed capacity of the system, occupancy will be reduced to 6.

Motion passed by unanimous vote (**PCR-19-014**).

The third hearing, **I-19-0013** was an initial Interim Use application, filed by **Nathan and Angela Hoffman** which if approved, would allow a vacation rental home at 5997 Hwy 61, Silver Bay, on property described as: That part of Gov't Lot 4 Lying W of C/L of Hwy 61 Section 36, Township 57, Range 7, 12.0 acres, zoned RC/Resort-Commercial, two-acre minimum, Beaver Bay Township. PID: 26-5700-36673.

Joe Skala introduced the application and McCarthy read the legal requirements. There was one item of correspondence from the MN DNR stating the driveway is on School Trust Land without an easement. McCarthy stated this doesn't affect the approval process, but the applicant can expect to hear from the DNR about this. Hoops stated that driveway has been there a

long time; he used to live in that area.

Angela Hoffman represented the application. Skala asked if the septic was inspected. She stated it was. McCarthy asked about the housekeeping arrangements. Hoffman stated Jenny Mattson will do housekeeping and does this for other properties in the area. Hoffman stated she has agreed to be available as emergency contact.

Maxwell asked about snowplowing arrangements. Hoffman stated she thinks her husband had made arrangements with John's Sanitary. Maxwell cautioned about the importance of having a close emergency contact, especially in winter.

Skala read the findings and conditions. McCarthy stated there is a trail right off the property that ATV's and snowmobiles can access. Renters need to know they cannot go onto neighboring properties.

Maxwell stated she had a difficult time finding the property. She advised the applicant to clearly mark their driveway.

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

Findings:

1. Safe access exists from Hwy 61 and there is appropriate parking space available.
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 activity.
5. The septic passed a compliance inspection on 6/7/2018 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 Section 6.16 of the Lake County Land Use Ordinance.

Conditions:

1. Quiet hours 10 PM to 7 AM.
2. No discharge of firearms or fireworks.
3. All outdoor fires must be limited to use at a designated fire ring and used in a safe manner.

4. Occupancy limited to 6 guests maximum. Motion passed by unanimous vote (**PCR-19-015**).

The fourth hearing, **I-19-014**, was an initial Interim Use application, filed by **Ryan and Nicole Jaide**, which if approved, would allow a vacation rental home at 4392 Wood Ridge Dr., Beaver Bay, on property described as: Lot 5 Block 1 White Pine Ridge Plat in Section 14, Township 55, Range 8, 3.96 acres, zoned R-4/Residential, two-acre minimum, Beaver Bay Township. PID: 26-5544-01050.

Joe Skala introduced the application and McCarthy read the legal requirements. There was no correspondence for this application. McCarthy also stated that this property is next to another Vacation Rental owned by Marc and Sarah Julien. McCarthy stated there were concerns from neighbors with the Julien application regarding the condition of the road and the driveway in winter.

Nicole Jaide represented the application. She stated they had another washout on the road this spring. A homeowners' meeting is planned to discuss options with the road. She stated they do not have plans for winter rental as the house isn't winterized.

Skala asked about the toilet and water source. Jaide stated they have an incinerating toilet in the house. She explained water will have to be carried in by renters.

Fosness asked how occupancy should be set with no septic system. McCarthy stated that would then be determined by the Lake County Health Department. Jaide stated she had spoken to John Weidner [Lake County Health Department] and she thinks it would fit 6 guests based on space requirements.

Maxwell recommended a condition that no outdoor fires be allowed until pressurized water is onsite. She explained this site is on a high ridge, high winds can dry it out, and fire is a risk. There was general discussion about options for outdoors fire. John Bathke proposed no outdoor wood fires until the Fire Chief approves a fire prevention plan. Jaide requested that she be able to have a gas fireplace until a wood fireplace is approved.

Motion by Zeimet 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 Hwy 61 and Wood Ridge Dr. exists and there is appropriate parking space available.
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. Dwelling is served by an incinerating toilet. There is no water supply on the property.
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 ATV's and snowmobiles must be trailered while on the property.
4. All outdoor wood fires prohibited until a fire plan is approved and submitted to Planning and Zoning. An outdoor gas fireplace may be used.
5. Occupancy limited to Lake County Health Dept. guidelines.
6. Vegetation removal around the fire number for easy visibility for guests and emergency services.

Motion passed by unanimous vote **(PCR-19-016)**.

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

Respectfully Submitted,

Jill Paron
Environmental Services Specialist