

Official Lake County Planning Commission
Minutes
Silver Bay Service Center
September 16, 2019

Approved as submitted
10/21/2019

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 Wienzierl, Dan Zeimet, Mike Hoops, Commissioner Rich Sve, and John Bathke

Members Absent: Mabel Tarlton, Simbre Fosness

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-19-020**, was a renewal Interim Use application filed by **William Fisher**, which if approved, would allow a vacation rental home 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, 17.0 acres, zoned RR/Residential-Recreational, one-acre minimum, Stony River Township. PID: 20-6009-28135.

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

William Fisher represented the application. He asked the Planning Commission about the rationale that doesn't allow guest quarters to be used for vacation rental. It was explained that the decision to put that restriction in the Ordinance was part of the public hearing process in 2011 when the Ordinance was changed to allow vacation rentals through the Interim Use Permit process. It also included the restriction that only one dwelling per parcel can be used as a vacation rental.

McCarthy asked if he was using the basement for sleeping quarters. Fisher said the issue was whether or not 2 forms of egress were available and there is a window. He said it was worked out with John Weidner [Lake County Environmental Health Specialist].

There was no one present to comment on this hearing.

Motion by Wienzierl 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 and efficient access, off-street parking, and loading space exists.
2. The use will comply with hydrology and impervious surface requirements of the Ordinance.
3. The structures are already existing and will not impact public waters or wetlands.
4. There will be no impact to public waters or wetlands from the proposed use.
5. Adequate utilities are already existing.
6. There have been no complaints regarding this rental; no comments were received.
7. Vacation Rental Homes have not proven to be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
8. The use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:

1. No rental activities in the guest cottage.
2. Occupancy maximum of 6.
3. Quiet hours from 10:00 p.m. to 7:00 a.m.
4. All ATVs/Snowmobiles must be trailered while on the property.
5. No fireworks or discharge of firearms on the property.
6. Fires must be in a designated pit and used in a safe manner.

Motion passed by unanimous vote. **(PCR-19-024)**.

Motion by Sve supported by Bathke to approve the August 19, 2019 minutes as submitted. Motion passed by unanimous vote.

The second hearing, **I-19-016**, was a renewal Interim Use application filed by **Brien Getten/ Two**

Harbors Hideaways which if approved, would allow a vacation rental home at 1240 Lindgren Rd., Two Harbors, on property described as: E ½ of SW ¼ of NE ¼ in Section 12, Township 53, Range 11, 19.96-acres, zoned R-1/Residential, ten-acre minimum, Unorganized Territory #2.. PID: 25-5311-12130

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

Brien and Shelley Getten represented the application. Brien Getten stated they have had a steady number of rentals, with full booking since July; they have a 5-star rating.

There was general discussion about the privy. Getten stated there is no well on the property.

Hoops asked if solar electric was being considered. Getten stated it has. They are currently reducing the number of propane lanterns.

There was no one in attendance to comment on this hearing.

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

Findings:

1. Safe and efficient access, off street parking, and loading space exists.
2. The use will comply with hydrology and impervious surface requirements of the Ordinance.
3. The topography, vegetation, and soil conditions are adequate to accommodate the proposed use.
4. There will be no impact on public waters or wetlands.
5. There is no well on site; outdoor privy with regular pumping schedule.
6. No electricity on site. Must post inside cabin that ponds are in the area. No complaints have been received.
7. Vacation Rental Homes have not proven to be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity. No comments or complaints were received.
8. The use is consistent with the

Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:

1. Maximum occupancy four (4) guests.
2. Quiet hours from 10 P.M. to 7 A.M.
3. All ATV's and snowmobiles must be trailered while on the property.
4. No fireworks or discharge of firearms on the property.
5. Fires must be in a designated pit and used in a safe manner.
6. Boundaries must be clearly marked.
7. Renters must be informed of nearby ponds and told to stay on the rental property.

Motion passed by unanimous vote. **(PCR-19-020)**.

Other Business:

McCarthy brought forward an item of discussion regarding Silver Creek Gifts' Conditional Use Permit. She explained this business is a grandfathered use. This is now zoned R-4/Residential which does not allow commercial activity. She explained in Spring of 2018 the CUP was updated to allow the owner to subdivide the property so a residence could be built behind the gift shop. McCarthy explained in Fall of 2018 the owner of Silver Creek Gifts hosted a craft fair that was very successful. However, there was not enough parking which led to people parking on Hwy 61 and neighboring property. She explained this is a safety hazard on Hwy 61 as well as an expansion of a grandfathered use, which is not allowed. McCarthy brought the issue to the Planning Commission's attention as another craft fair is being planned and she would like the issue of the expansion of a grandfathered use to be addressed. She also stated the Lake County Sheriff's Office has been contacted and she will be contacting MN DOT regarding the safety issue on Hwy 61.

Maxwell stated her concern was that adding 40-50 vendors to the small shop was an intensification of use. She also stated that with other recent Conditional Uses very clear conditions were set for events, including limiting the number of attendees and providing adequate parking and traffic control.

The third hearing, **I-19-018**, was a renewal Interim Use application filed by **Chris Wright/ Arrowhead Vacation Properties LLC**, which if approved, would allow a vacation rental home at 446 Old North Shore Rd., Two Harbors, on property

described as: Those parts of Lot 1 & Lot 2 & the NW ¼ of SE ¼ as desc. in BK 53 of Titles pg. 135 in Section 20, Township 52, Range 11, 10.93-acres, zoned R-C/Resort-Commercial, two-acre minimum, Unorganized Territory #2. PID: 25-5211-20920

Joe Skala introduced the application and McCarthy read the legal requirements. There was one item of correspondence for this application noting the gazebo was not shown on the site map.

Chris Wright represented the application. He stated he has strict rules for his guests; he wants to be a good neighbor. He explained the gazebo has been there at least since the 1970's. It is a screen porch with no plumbing or electricity. He explained it used to be about 20 feet from the water, but with the recent higher lake levels, it is now at the water's edge.

Motion by Zeimet 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 and efficient access, off street parking, and loading space exists.
2. The use will comply with hydrology and impervious surface requirements of the Ordinance.
3. The topography, vegetation, and soil conditions are adequate to accommodate the proposed use.
4. The home is already existing and will not impact public waters or wetlands.
5. Adequate utilities are already existing.
6. Lighting will not shine onto neighboring properties. Gazebo is a grandfathered, nonconforming water-oriented structure.
7. Vacation Rental Homes have not proven to be detrimental to the rightful use and enjoyment of other properties in the immediate vicinity, nor substantially diminish or impair values within the vicinity.
8. The use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Conditions:

1. No rental activities in the guest quarters
2. Quiet hours from 10:00pm – 8:00am.
3. All ATV's/snowmobiles must be trailered while on the property.
4. No discharge fireworks of firearms on the

property.

5. Fires must be in a designated pit and used in a safe manner.
6. Occupancy maximum 8.

Motion passed by unanimous vote. **(PCR-19-022)**.

The fourth hearing, **I-19-017**, was an initial Interim Use application filed by **Raymond and James Sundberg**, which if approved, would allow a vacation rental home at 272 E. 2nd St., Knife River, on property described as: Lots 29-32, Block 25, McFee's First Addition, Knife River in Section 31, Township 52, Range 11, zoned R-4/Residential, 10,000 sq.ft. minimum, Unorganized Territory #2. PID: 25-5240-25300

Joe Skala introduced the application and McCarthy read the legal requirements. There was one item of correspondence in opposition for this application. Paron stated she responded the questions in the correspondence and provided the Interim Use and Vacation Rental Ordinance. Maxwell added that people often see vacation rentals as commercial activity and see it as being undesirable in neighborhoods. Maxwell stated the application is for nightly rental and most vacation rentals have a 2-night minimum.

Raymond Sundberg represented the application.

Skala asked about property management. Sundberg stated his company is managing the property and also the emergency contact.

Hoops asked if he would be renting nightly. Sundberg said they planned a 2-night minimum.

Skala asked if outdoor fires were allowed in Knife River. Maxwell said yes. Sundberg stated there is a fire pit.

Skala asked about occupancy. McCarthy stated they are on the Knife River Sanitary District; it is a 3-bedroom home, so occupancy of 6. Sundberg asked if this included children. McCarthy explained it is the total number of people, adults and children. Sve asked if they allowed more in the sanitary district. Paron stated they may have had John Weidner determine the occupancy. Sundberg stated he was thinking of allowing up to 10 people. McCarthy stated she is not comfortable with that many people. McCarthy stated this is a small lot. Sve stated they would be concerned

about disruption to neighbors; that has been the greatest concern with vacation rentals. Skala suggested they try 8 people for the first year. McCarthy stated that John Weidner would also have to approve that number.

Maxwell asked if he was close by as the emergency contact. He stated he is about 10 minutes from there and will be using electronic entry.

Maxwell asked the Planning Commission to consider a vehicle limit. She stated the roads are narrow and it appears the proposed parking area is in the right-of-way. Sundberg stated there is room for 4 vehicles.

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

Findings:

1. There is safe access from 2nd St. and parking space is available.
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 Knife River Sanitary District provided a written statement that this property is connected to the sanitary sewer and did not make any other comment on this application.
6. Vacation rental activity has not proven harmful on neighboring properties if conditions are met; occupancy is limited to 8 due to small lot size and close neighbors.
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 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 use at a designated fire ring.
5. Maximum occupancy of 8 guests (adults and children), this number must meet Health Dept. requirements for sleeping space.

Motion passed by unanimous vote. **(PCR-19-021)**.

The fifth hearing, **I-19-019**, was an initial Interim Use application filed by **Tony and Jeni Robb** which if approved, would allow a vacation rental home at 604 North Shore Rd., Two Harbors, on property described as: 7.57 acres out of Gov't Lot 2 as desc. in Doc # A000173199 in Section 16, Township 52, Range 11, 7.57-acres, zoned R-C/Resort-Commercial, two-acre minimum, Unorganized Territory #2. PID: 25-5211-16850

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

Tony and Jeni Robb represented the application. Tony Robb stated they are planning to rent when they are not using the house. North Shore Management Company/Janelle Jones is the property manager and emergency contact.

Sve asked if the chimney was functional. Robb stated it is and they will allow use of the fireplace. The chimney also has a new insert.

Sve asked about the septic system. Robb stated there was a recent compliance inspection and the flow meter has been installed.

McCarthy asked about lake access. Maxwell stated there is access to the beach. Sve stated the importance of clearly marking property boundaries at the beach and to communicate these boundaries to guests. Sve stated trespassing onto neighboring beaches can be a contentious issue with vacation rentals.

Bathke asked about whether there was trail access for ATVs or snowmobiles. There was general discussion. No one knew of easy access to trails. Paron stated this is the fourth vacation rental permit on Old North Shore Rd.; none of them allow ATV or snowmobile use on the property.

Motion by Hoops supported by Bathke 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. exists and there is appropriate parking space available.
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 property is served by a 4-bedroom septic system; compliance inspection on July 26, 2019.
6. This is a large lot with vegetative screening on both sides of the lot. Safe access to the lake exists. There is a lockable dumpster on site that will be emptied weekly.
7. Vacation rentals have not proven to be detrimental to neighboring properties. Beach property boundaries must be clearly marked and communicated to guests.
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 use at a designated fire ring.
5. Maximum occupancy of 8 guests maximum (number of bedrooms (4) times 2); this number of sleeping units to be approved by John Weidner.

Motion passed by unanimous vote. **(PCR-19-021)**.

The sixth hearing, **C-19-003** was a Conditional Use application, filed by **Wolf Ridge ELC** which if approved, would allow for an environmental education, outdoor recreation, and science research facility limited to 100 people on site at a time or 30 people overnight on property described as: Gov't Lot 2 and that part of NW ¼ of SE ¼ lying SEly of Hwy 61 in Section 16, Township 57, Range 6, 67.9 acres, zoned R-C/Resort Commercial, two-acre minimum, Unorganized Territory #1. PID: 24-5706-16850

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

Pete Smerud, Director of Wolf Ridge ELC, represented the application. Smerud explained that Wolf Ridge is a private, non-profit education facility with the main campus in Finland. The purpose of this site is to serve as an outpost for program participants to either be bussed to or hike to from

the Finland campus. The occupancy limit is part of the 99-year and 40-year lease agreements Wolf Ridge has with the private property owners. Smerud stated that the MN Department of Natural Resources began conducting biological surveys of properties; this property received the highest ranking for biodiversity. This was previously MN School Trust Land and has had very little human activity in recent years. It is classic North Shore ledge rock shoreline with unique plant populations. Smerud explained the goal is to use the site to teach about rare environments, not to create something similar to the Finland campus. The lease agreement protects two-thirds of the property from development for 40 years.

Smerud explained the only structure on-site now is a vault privy. There are plans for a 3000 sq. ft. classroom. Skala asked about a yurt being on the property. Smerud stated there would be; a variance was just received for the yurt. He stated there are no plans for a kitchen facility. He stated the classroom room building would have composting toilets and also a septic system.

Skala opened the hearing to public comments. John Priem spoke in support of this use over another commercial use. Jeremy Messerer also spoke in support.

Motion by Bathke supported by Hoops to approve the Conditional Use application with the following findings:

Findings:

1. Safe access exists from Hwy. 61 and onsite parking is in place.
2. The lot meets current stormwater standards.
3. The property is well vegetated.
4. Appropriate measures will be taken to protect public waters and wetlands during construction.
5. A vault privy is in place; composting toilets, septic system, and well will be installed for classroom facility.
6. Wolf Ridge has a good track record of environmental stewardship in Lake County; occupancy and use is limited by the lease agreement.
7. This is a large property (68 acres) zoned Resort-Commercial. The eastern half is protected from development for 40 years under the lease agreement.
8. The only plans are for a classroom,

woodshed, and camping. The property is only open to Wolf Ridge program participants. Land Use Permits are required for all buildings and driveways.

Conditions: None

Motion passed by unanimous vote (**PCR-19-025**).

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

Respectfully Submitted,

Jill Paron
Environmental Services Specialist