

**Official Lake County Planning Commission**  
**Minutes**  
**Silver Bay Service Center**  
**November 25, 2019**

Approved as corrected  
12/16/2019

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:** 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-19-022**, was a renewal Interim Use application filed by **David Hendren**, which if approved, would allow a vacation rental home at 714 Stanley Rd., Two Harbors, on property described as: NW ¼ of NW ¼ exc. N 330 ft & exc. WLY 360 ft in Section 10 Township 52, Range 11, zoned R-3/Residential, 5-acre minimum, Unorganized Territory 2. PID: 25-5211-10315

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

Sherry Hendren represented the application. Sve asked how the rentals were going. She responded they were booked throughout the summer, and now bookings are mostly over the weekend. She stated renters have been couples, often for birthdays and anniversaries and that the renters enjoy the quiet setting.

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

Findings:

1. Safe access exists from Stanley Road and adequate parking is available.
2. Impervious surface requirements will be met.
3. The lot has established vegetation.
4. The activity will not impact public waters or wetlands.

5. Water is carry-in only, a pit privy exists, and gray water will be dispersed on the ground.
6. Quiet hours will be a condition of approval, external lighting will be spotlighting, not floodlights, and directed downward.
7. The rental is setback from adjoining properties.
8. The proposed use is consistent with the Comprehensive Plan and allowable under the Ordinance.

Conditions:

1. Quiet hours from 10 PM to 7 AM
2. No discharge of firearms or fireworks
3. All ATV's/snowmobiles must be trailered while on the property
4. All outdoor fires must be limited to use at a designated fire ring
5. Occupancy limited to 4 guests

Motion passed by unanimous vote. **(PCR-19-027)**.

Motion by Bathke supported by Hoops to approve the October 21, 2019 minutes as submitted. Motion passed by unanimous vote.

The second hearing, **I-19-023**, was a renewal Interim Use application filed by **Jessica & Brian Flotterud** which if approved, would allow a vacation rental home at 3812 Hwy 3, Two Harbors, on property described as: S ½ of SW ¼ of NE ¼ in Section 35, Township 55, Range 10, 20-acres, zoned R-1/Residential, ten-acre minimum, Silver Creek Township. PID: 29-5510-35130

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

Brian Flotterud represented the application. He stated that rentals were decent over the summer. He has boundaries marked. He also looked at the septic flow readings and estimates usage is about 8 gallons per guest. He requested that since this is well below the design limit, that he be allowed to have 5 guests rather than 4. He stated 5 is the maximum he would be allowed under the Health Department rules.

McCarthy had no objection to this request. She stated he is required to keep monthly flow records, so she would want to have a condition added that she will review the readings in a year to be sure that the system is not being overused.

Maxwell asked if he knew how many renters were using local trails. Flotterud stated he didn't know but was expecting he would have snowmobilers this winter. Maxwell explained the U.S. National Grid Trail Marker system which is now in place in Lake County. She recommended he provide information to his renters as a tool that would be useful on trails, especially if emergency services are needed. She said our office will send him information.

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

Findings:

1. Safe access exists from Hwy 3.
2. Impervious surface requirements will be met.
3. There is adequate vegetation on the lot.
4. The proposed use will not impact surface waters or wetlands.
5. Utilities are in place with a compliant septic system.
6. Adjoining properties are public land, with one adjoining private owner to the South.
7. Proposed use will not impact the value or enjoyment of neighboring properties.
8. The proposed use is consistent with the Comprehensive Plan and Vacation Rental Homes are allowable under the Land Use Ordinance.

Conditions:

1. Quiet hours from 10 PM to 7 AM
2. No discharge of fireworks
3. All outdoor fires must be limited to a designated fire ring
4. Occupancy limited to 5 guests maximum; Environmental Services will review flow meter readings in one year.

Motion passed by unanimous vote. **(PCR-19-028)**.

The third hearing, **I-19-024**, was an Initial Interim Use application filed by **Tim & Sandra Oliver**, which if approved, would allow a vacation rental home at 1564 Burlington Rd., Two Harbors on property described as: 2.5 acres out of Gov't Lot 4 as Desc. in Doc. No. 000168557 in Section 32,

Township 53, Range 10, zoned R-4/Residential, two-acre minimum, Silver Creek Township. PID: 29-5310-32638

Joe Skala introduced the application and McCarthy read the legal requirements. There were 4 items of correspondence for this application, all in opposition. McCarthy stated that one comment mentioned Olivers were renting without a permit the 2 previous summers.

Timothy and Sandra Oliver represented the application. McCarthy asked when they stopped renting. Mr. Oliver stated they stopped renting in October 2018. Paron stated Olivers received a violation notice in October 2018. Mr. Oliver stated they live next door and will be available as the emergency contact and for housekeeping.

Maxwell stated the house has a new 3-bedroom, low flow septic system. She explained that as a new mound, care should be taken to not overuse it.

Skala asked who their target renters are. Mr. Oliver stated mainly friends and family. They had been renting out for 3-months at a time. In 2018 they started using AirBnB and Craigslist for advertising short-term rental. Their main rental market is to families.

Mr. Oliver provided a written statement addressing concerns in the comments from neighbors. He stated the house is not visible from neighboring homes. He stated they have not had any problems with their renters and weren't aware of any trespassing. He said they caution renters that they are on a private drive. He also met with Rhodes [the neighbors] the day before about road maintenance and snowplowing. He stated they pay the Rhodes for snowplowing.

Sve asked if the house has low-flow fixtures such as showers, faucets, and toilets. Oliver stated the fixtures are older, but they could replace them. Sve stated it would be in their best interest.

Sve asked if the Oliver home and their rental are on 2 separate parcels. Mr. Oliver provided a survey showing the 2 parcels, both 2.5 acres, which are conforming lots. It was clarified that the rental would not be considered "guest quarters" because it is on its own conforming lot.

Sve asked if the easement through the Rhode property has any restrictions. Oliver stated he wrote the easement when he subdivided the property and there are no restrictions.

Sve explained the [Lake County Land Use] Ordinance requires that vacation rental properties have the boundaries demarcated. He stated this is especially important on the beach. Oliver explained the position of the cabin and limitations of accessing neighbors' beaches from his property due to a cliff. Sve explained the intent of the Ordinance is that neighbors shouldn't know a home is a vacation rental. Oliver said he informs guests that the road is private with other homes.

Skala opened the hearing to public comment. Joanne Church expressed concerns with trespassing along the beach and also with snowmobiles. Skala stated snowmobiles would be addressed in the conditions, that snowmobiles must be trailered on the property.

Skala asked what the septic was sized at for gallons per day. Maxwell stated 300 gpd. Zeimet recommended mulching the septic to prevent freezing. Hoops recommended using concrete blankets to cover the tank.

Skala read the conditions and the applicants were agreeable to the conditions.

Motion by Weinzierl 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 Burlington Rd. exists and there is appropriate parking space available. Easement exists across neighboring property to access VRH property.
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. A new septic system was installed in 2019 for low flow water use, three bedrooms. This is a new system that should be used periodically before the ground freezes.
6. Vacation Rental activity has not proven to be harmful on neighboring properties if conditions are met. Conditions and

requirements were discussed with the applicant.

7. Vacation rentals have not proven to be detrimental to neighboring properties. Owners live next door full-time.
8. Vacations Rentals are permitted through section 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
3. All ATVs and Snowmobiles must be trailered while on the property.
4. All outdoor fires must be limited to use at a designated fire ring.
5. Occupancy limited to 6 guests maximum. (number of bedrooms (3) times two)

Motion passed by unanimous vote. **(PCR-19-029)**.

The fourth hearing, **I-19-025**, was an initial Interim Use application filed by **David Nobbe**, which if approved, would allow a vacation rental home at 4622 Crown Creek Spur, Finland, on property described as: That part of the SE ¼ of SW ¼ as desc. in Doc. A000189417 in Section 2, Township 57, Range 8, zoned R-1/Residential, ten-acre minimum, Beaver Bay Township. PID: 26-5708-02440

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

David Nobbe represented the application. He explained he recently purchased the property from Jerry Correll on Contract for Deed. He stated he closed on a mortgage last week, so he now is the owner. He had been renting on VRBO and to friends and family until he received notice that he needed a permit.

Maxwell stated this is a 2-bedroom system and the inspector notes on the compliance inspection state the system is susceptible to freezing and should be mulched. Nobbe stated he has put down straw and hay.

Maxwell asked if he had tried finding information on rental requirements before he began renting. He stated he hadn't contacted the County but had spoken to his neighbors. Paron stated he has been cooperative in the permitting process once

he was notified he needed a permit for short-term rental.

Sve asked if he had low-flow fixtures in the cabin. Nobbe stated he did. He stated the cabin has been completely remodeled.

Sve asked about garbage disposal. Nobbe stated that due to bears and other animals, garbage is kept indoors and then taken directly to John's Sanitary for disposal rather than having cans or a dumpster outside.

Skala read the conditions of approval. Nobbe was agreeable to the conditions.

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

Findings:

1. Safe access from Crown Creek Spur 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 activity.
5. The septic passed a compliant inspection on 4/27/18 for 2 bedrooms with limited water use. The property owner should add insulating material over the mound and treatment area and take preventative steps to reduce the risk of the septic system freezing.
6. Vacation Rental activity has not proven to be harmful on neighboring properties if conditions are met. The area has large lots with no close neighbors.
7. Vacation rentals have not proven to be detrimental to neighboring properties.
8. Vacations Rentals are permitted through section 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
3. All outdoor fires must be limited to use at a designated fire ring.
4. Occupancy limited to 4 guests maximum. (number of bedrooms (2) times two)

Motion passed by unanimous vote. **(PCR-19-030)**.

Other Business:

McCarthy gave an update on the moratorium on non-traditional structures for short-term rental. An extension will be requested for another year.

McCarthy also discussed potential ordinance language changes for resorts. She explained that the Land Use Ordinance, Health Dept. Lodging Ordinance, and State definitions currently don't line up very well. The goal is to have the language in agreement.

She explained part of the goal in both the moratorium and resort language is getting structures inspected for safety before they can be rented short-term.

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

Respectfully Submitted,

Jill Paron  
Environmental Services Specialist