

**Official Lake County Planning Commission  
Minutes  
Two Harbors Law Enforcement Center  
December 16, 2019**

Approved as submitted  
1/6/2020

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, Dan Zeimet, Mike Hoops, Simbre Fosness, Commissioner Rich Sve, and John Bathke

**Members Absent:** Jim Weinzierl

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

**Other County Staff Present:** Russ Conrow, County Attorney (Rezone hearing only)

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

The first hearing, **I-19-026**, was a renewal Interim Use application filed by **Charles and Barb Egeberg**, which if approved, would allow a vacation rental home at 7185 Hwy 1, Finland, on property described as: W¼ of NE¼ of SW¼ S of State Hwy 1 & 3.77 acres in SE corner of NW¼ of SW¼ as desc in Bk 108 of Deeds pg. 271 & SW¼ of SW¼ N of Baptism River & W¼ of SE¼ of SW¼ N of Baptism River in Section 1, Township 57, Range 8, 13.77 acres, zoned R-1 & R-2/Residential, ten-acre and five-acre minimums, Beaver Bay Township. PID: 26-5708-01700

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

Egeberg's represented the application.

McCarthy reported that the septic flow readings are well within acceptable limits. Egeberg's stated that the 2 cabins are on separate systems.

Motion by Hoops supported by Bathke to recommend County Board approval for the Interim Use application for five (5) years with the findings & conditions of the 2018 initial approval:

Findings:

1. Safe access exists from Hwy 1 and appropriate parking is available.

2. The property meets impervious requirements.
3. The property is well vegetated.
4. There will be no impact to the Baptism River or wetlands from the proposed activity.
5. The septic passed a compliance inspection on 7/31/2018 for 2-bedrooms for limited water use, class 2.
6. Vacation Rental activity has 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 Section 6.16 of the Lake County Land Use Ordinance.
- 9.

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
4. Occupancy 4 guests maximum
5. Only the main cabin may be rented. NO RENTAL OF LOG CABIN.

Motion passed by unanimous vote. **(PCR-19-031)**.

Motion by Bathke supported by Hoops to approve the November 25, 2019 minutes as corrected (spelling error). Motion passed by unanimous vote.

Other Business:

Christine McCarthy discussed Planning Commission member needs due to terms expiring. She stated both Jim Weinzierl and Joe Skala will be retiring from the Planning Commission at the end of the year (Skala's last hearing will be January 6<sup>th</sup>). She stated that the alternate position held by Mabel Tarlton will also need to be filled. McCarthy will be proposing Sue Smerud to fill one position at the December 17<sup>th</sup> County Board Action meeting. She will talk to the Fall Lake Township Board about possible candidates to represent that area. An ad will be placed in the Ely paper if needed. She also stated that one new member will

be needed on the Board of Adjustment to fill Bob Sander's position.

McCarthy stated the moratorium on short-term rental of non-traditional structures has been extended for one year. She stated they are working on Ordinance language revisions, which will be followed by public hearings.

The second hearing, **RZ-19-001**, was a rezone application filed by **Environmental Services Director, Christine McCarthy and Lake County Planning Commission**, which if approved, would allow rezoning in certain areas of the Castle Danger Subordinate Service District on property described as: Part of SE ¼ of NW ¼ & SW ¼ of NE ¼ & part of Lots 3 & 4 in Section 27, part of SE ¼ of NE ¼ & SW ¼ of NE ¼ & NE ¼ of SE ¼ & NW ¼ of SE ¼ & SW ¼ of SE ¼ & SE ¼ of SW ¼ & part of Lot 1 Section 28; part of SW ¼ of NE ¼ & NW ¼ of SW ¼ & NE ¼ of SE ¼ Section 31; part of SE ¼ of NW ¼ & part of Lot 1 & 2 Section 32; part of Lots 1, 2, & 3 of Section 33 all in Township 54, Range 9, Silver Creek Township.

Joe Skala introduced the application and McCarthy read the legal requirements. There were 3 items of correspondence for this application. One item was asking if this would affect their property taxes. Paron sent them an email response explain zoning does not affect tax classification and directed them to the Assessor's office for tax related questions. The other was a request to exclude a parcel from the Resort-Commercial (RC) to Residential-4 (R-4) change. The parcel is currently vacant and has been zoned Residential by CDSSD. McCarthy stated this would be considered spot-zoning and did not support the exclusion. The third item was a map submitted by Jamie MacFarlane outlining parcels that were shown as a change from RC to R-4, however, those parcels are part of the Castle Haven Cabins.

McCarthy explained that Silver Creek Township Board wants zoning in CDSSD to remain similar under Lake County zoning, which has mainly been residential.

Maxwell presented the proposed zoning changes with a power point. She explained each proposed change and time was allowed for public comment. She explained how the changes are in line with the existing land use and zoning under CDSSD.

There were 2 property owners in the audience, as well as Greg Hull, Supervisor, Silver Creek Township Board.

Public comment was made by Jamie MacFarlane, owner of Castle Haven Cabins. She had spoken to our office about 3 of their parcels being included in the rezone from RC to R-4. She explained these parcels are part of their resort and should remain in the RC zone. McCarthy explained this was possibly an error made when Planning and Zoning created the map. McCarthy asked the Planning Commission to note the exclusion of those 3 parcels from the RC to R-4 change when making a motion.

Sve asked about the zoning Stone's parcels adjacent to Grand Superior Lodge. McCarthy explained the parcels would be changed from RC to R-4. Sve asked Peggy Stone, in the audience, if she was okay with that change. She stated she was.

Motion by Bathke supported by Hoops to recommend County Board approval of the rezoning changes, with the exception of the 3 MacFarlane parcels noted during the hearing, with the following findings:

- A. The proposed zoning is consistent with the Comprehensive Plan.** The proposed changes are consistent with the Comprehensive Plan and similar to zoning under the CDSSD.
- B. A mistake was made or substantial changes have occurred in the community since the adoption of the Comprehensive Plan.** Substantial changes were made in the community when CDSSD assumed zoning authority in 1999. Also, Lake County Ordinance and North Shore Management Zone became more restrictive and similar to CDSSD zoning since 1999.
- C. There shall exist a clear public need or benefit from additional zoning of this type, which shall be above and beyond any benefit or convenience to the land owner.** The public will benefit from having Lake County Zoning that is similar to CDSSD zoning and more closely matching the existing land use.
- D. Beyond a public need, there shall be a**

**showing that the public interest would be best served by rezoning the property in question rather than other property in the community.** The proposed changes are intended to match, as closely as possible, the Zone Districts of CDSSD and the current land use. Also, an extensive public process has happened with Silver Creek Township leading up to the transfer of zoning authority to Lake County.

- E. In the case of down zoning, which is the changing of a zone district from a higher or more intensive use, the proposed zoning shall allow the property owner a reasonable use of his property under the terms of this Ordinance, as well as serve the public interest.** Down zoning occurred when CDSSD assumed zoning authority in 1999, as the CDSSD overlay was more restrictive than Lake County zoning. The proposed changes are intended to match the CDSSD overlay as closely as possible.

Motion passed by unanimous vote. **(PCR-19-032).**

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

Respectfully Submitted,

Jill Paron  
Environmental Services Specialist