

**Official Lake County Planning Commission
Minutes
Two Harbors Law Enforcement Center
August 17, 2020**

Approved as corrected
9/21/2020

The Lake County Planning Commission sat in session at 6:00 p.m. on this date and conducted hearings & other business.

Members present: Mike Hoops, John Bathke, and Commissioner Rich Sve.

Members present via Zoom: Sue Smerud and Dan Zeimet

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

Staff present via Zoom: Jill Paron (Environmental Services Specialist)

Chairman Mike Hoops opened the meeting at 6:00 p.m.

The first hearing, **I-20-011**, was a renewal interim use application for a vacation rental home filed by **Vimal Natarajan** on property described as: That part of Lot 4 as desc. in Bk 53 of Titles pg 47 in Section 22, Township 55, Range 8, zoned R-4/Residential, two-acre minimum, Beaver Bay Township. PID: 26-5508-22670.

McCarthy read the legal requirements. There was no correspondence.

The application was represented by agent, Janelle Jones. There was discussion about whether or not Jones was the authorized agent. Paron stated Jones is the authorized agent; she would be sure to get the updated signature page in the file.

Hoops stated this was eligible for a 5-year renewal. He stated that since the last 5-year renewal, the Planning Commission has added standard conditions for vacation rental homes that will be added for this approval.

No one was present in the audience to comment.

Sve noted that occupancy was not set 5 years ago. They have been renting to 8 on a 3-bedroom septic system which is a 6-person occupancy. The property boundaries are not well demarcated, especially at the beach. He asked about the issues with the lake water system.

Jones stated that the lake water system has been fixed.

Sve asked about the outhouse. Jones stated that the outhouse is locked and not used by renters. Sve asked how they were addressing COVID-19. She explained the changes they have made and additional sanitizing steps they are taking.

McCarthy mentioned she had an email from Don Runnberg, septic inspector. The outhouse is non-compliant due to lack of soil separation. McCarthy stated that the hole needs to be filled and an abandonment form completed and submitted to our office.

There was discussion about trespassing and clearly marking property boundaries.

The conditions of approval were read and accepted by Jones.

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

Findings:

1. Safe access from Hwy 61 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. The privy will need to be removed.
5. The septic passed a compliance inspection on 7/23/2020 for 3 bedrooms. The lake water system has been repaired. The privy is non-compliant due to lack of soil separation.
6. The privy will be removed; it was not being used by renters.
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
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). Occupancy was not set in prior IUP approvals. The septic system is sized for 3 bedrooms
6. The privy (outdoor toilet) did not pass inspection. It must not be used. It must be removed and a septic abandonment form submitted to Planning and Zoning by the end of the year.
7. Property boundaries must be clearly posted at beach locations.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed (**PCR-20-019**)

Motion by Sve supported by Bathke to approve the July 20, 2020 minutes as corrected. Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed.

The second hearing, **I-20-012**, was a renewal interim use application for a vacation rental home filed by **Heather Bray** on property described as: Lot 7, Block 1, Birch Cliff Estates Plat, in Section 31, Township 57, Range 6, zoned R-C/Resort-Commercial, two-acre minimum, Unorganized Territory #1. PID:24-5724-07010.

Elizabeth and John Runyan represented the application on Heather Bray's behalf. The applicant was present via phone to state the Runyan's would be representing her. Runyans attended the meeting remotely.

McCarthy read the legal requirements. There was no correspondence.

Hoops stated the application is eligible for a second 5-year renewal.

Maxwell stated that no occupancy had been set 5 years ago. There were issues with the septic pump, so it is difficult to interpret the flow meter readings. She stated this is a class-2, low flow, 3-bedroom system.

John Runyan stated Scott Robinson, a licensed

septic contractor, inspected the system and replaced the pump.

Maxwell asked how they were disposing of pet waste, since they allow renters to bring pets. There was no one in the audience to comment.

Sve recommended they consider the standard conditions of vacation rental. It is a 3-bedroom septic system and there have been a few rentals of 8 people. This would typically be a 6 person occupancy.

Mr. Runyan stated pet waste is disposed in the garbage and that the rules for pets are posted in the house.

McCarthy read the conditions of approval and they were accepted by the Runyans.

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

Findings:

1. Safe access exists from Birch Cliff Rd. and there is appropriate parking space available.
2. The property meets impervious surface 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 pump has been fixed. The septic system passed a compliance inspection on 7/16/2020 for a 3-bedroom, Class 2, low-flow system.
6. There have been no complaints over the last 6 years.
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 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 per septic design (3) times two). The Health Department license

is issued for 3 units.

6. Pet waste must be landfilled.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. **(PCR-20-020)**

The third hearing, **I-20-010**, was an initial interim use application for a vacation rental home filed by **Mark Olson** on property described as: That part of Lot 10 S of Fernberg Rd., exc. 5.51 acres as desc. in Bk 34 of Titles pg. 93 in Section 19, Township 63, Range 11, zoned R-R/Residential-Recreational, one-acre minimum, Fall Lake Township. PID: 28-6311-19810.

McCarthy read the legal requirements. There was no correspondence.

Mark and Molly Olson represented the application. This is their first experience with vacation rental.

Maxwell stated there is no pressurized plumbing, so fire precautions should be addressed.

There was no one in the audience to comment.

Hoops stated the woodshed could be pushed over and should be taken down or stabilized. For fire suppression they should have a tank of water, bucket, rake, and shovel available.

There was discussion about the well, privy, and utilities.

Maxwell stated the privy is not in shoreland and did not require a compliance inspection.

There was discussion about having the driveway identified as the fire number hasn't been put up yet by the Sheriff's Department.

There was discussion about allowing firearms on the property as hunting could possibly be allowed in this remote location. Sve cautioned that if renters are not respectful, that neighbors will complain.

McCarthy read the conditions and they were accepted by the applicant.

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

Findings:

9. Safe access exists from Fernberg Rd. and there is appropriate parking space available. A temporary fire number should be placed at the road until the permanent sign is placed by the sheriff's department.
10. The property has very little impervious surface.
11. The property is well vegetated.
12. There will be no impact to public waters or wetlands from the proposed activity.
13. There is no plumbing; there is a privy and there will be a well with hand pump.
14. There are no close neighbors.
15. Vacation Rentals have not proven to be detrimental to neighboring properties.
16. Vacation 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 fireworks.
3. All ATV's must be trailered while on the property.
4. All outdoor fires must be limited to use at a designated fire ring.
5. Occupancy will be set by the Health Department.
6. A 250-gallon water tank, buckets, rakes, and shovels shall be provided for fire suppression. Signage should be posted for guests explaining tools available for fire suppression. Contact Emergency Management for Firewise recommendations.
7. Property boundaries must be demarcated.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. **(PCR-20-021)**

The fourth hearing, **C-20-008**, was a conditional use application for 1.3 miles of new public trail for non-motorized, foot traffic only, year-round filed by **Lake County Forestry and Knife River Recreation Council** on property described as: NE ¼ of NW ¼, SE ¼ of NW ¼, SW ¼ of NW ¼, & NW ¼ of SW ¼ in Section 30, Township 52, Range 11, 160 acres, zoned R-3/Residential District, 2.5-acre minimum, Unorganized Territory #2. PID: 25-5211-30260, 30370, 30430, 30550.

McCarthy read the legal requirements. There were 3 items of correspondence. One in favor, but with concern, one with comment about ATV use

on County Land, and one from BJ Kohlstedt, Lake County Emergency Management Director, regarding wildfire concerns and recommendations.

The application was represented by Anne Skadberg, the Chair of the Knife River Recreation Council (KRRC), and Nate Eide, Lake County Land Commissioner.

Eide explained the trail will be located on County land. Most will remain public land for the foreseeable future. The southernmost 20 acres with the trail spur and overlook will be auctioned, so an easement has been recorded to preserve that portion of the trail.

Skadberg explained that the KRRC will be maintaining the trail. She gave background on the history of the trail.

Maxwell gave the staff analysis. She stated there is off road parking, but the area is small. She asked if there would be a platform at the overlook. Maxwell explained that a platform can help to demarcate the overlook area and prevent wandering off trail.

The meeting was opened to public comment.

David Olin spoke in favor but with concerns he would like to see addressed regarding campfires and trespassing. He stated this is a high fire risk area and the neighboring properties have higher homeowners' insurance premiums because of the risk level. He also asked what the process would be if there are problems from trail users.

McCarthy responded that if there are a number of complaints, Planning and Zoning would request the Planning Commission to have a revocation hearing to address the issues.

Neighbor across from parking area spoke in favor.

Bill Russell commented on the parking areas; more parking is needed. He said local residents use the trail and it is also promoted by local resorts as a close place to hike.

Hoops closed public comments.

Hoops stated he was happy to see that this would create a loop trail, as that is what many people are looking for over an out-and-back and trail. He stated signage should be limited, as people ignore

signs when there are too many. He stated it is best to call the Sheriff if there are problems, often it is just a few troublemakers. He also liked the idea of a platform at the overlook to keep people from wandering and keeps people off the plants.

Sve discussed the easement on the trail, posting of hours, no campfires, and the possible platform.

There was general discussion about the posting of hours. Discussion included sunrise to sunset. However, this would limit access winter use when sunset is early and people like hike and snowshoe in the moonlight. Discussed no overnight parking or camping.

Motion by Sve supported by Bathke to approve the Conditional Use application with the following findings and condition:

Findings:

1. Safe access exists off Hawk Hill Rd. and there is adequate parking.
2. Natural trails for foot traffic will comply with impervious surface requirements.
3. The site is well vegetated.
4. The operation will not impact public waters or wetlands; Boardwalks will be used for wetland crossing. foot traffic only. No stream crossings.
5. There is no need for utilities.
6. Knife River Recreation Council will post hours and rules.
7. There is no evidence that hiking trails diminish property values.
8. Outdoor recreation and trails are included in the Land Use Ordinance and Comprehensive Plan.

Conditions:

1. Hours to be set by the KRRC.
2. KRRC will post hours and rules.
3. No camping.
4. KRRC will submit their rules and hours to Planning and Zoning for the CUP file.
5. KRRC will work with Forestry Dept. and Planning and Zoning on platform construction.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. **(PCR-20-022)**

The fifth hearing, **C-20-010**, was a conditional use application for seven (7) commercial cold/self-storage buildings filed by **North Harbor Properties, LLC/Margaret Helen Casady Estate**

on property described as: 2.42 acres out of SE ¼ of SW ¼ as desc. in Doc. No. A000171679 in Section 25, Township 53, Range 11, 2.42 acres, zoned M/Manufacturing District, one-acre minimum, Unorganized Territory #2. PID: 25-5311-25680.

The application was represented by agent Ken Wood. He stated he has a contract to purchase and wants to bring the use into compliance and add 2 buildings. He will be removing small sheds and adding 2 storage buildings in the same footprint, for a total of 7 storage buildings.

Maxwell stated this is in the Manufacturing Zone.

No one was in the audience to comment.

There was discussion about impervious surface requirements and road setbacks.

Hoops stated that there is a need for more storage units in Two Harbors.

McCarthy read the legal requirements. There were no items of correspondence.

Motion by Bathke supported by Smerud to approve the Conditional Use application with the following findings and condition:

Findings:

1. Safe access exists off 10th St. and there is adequate parking and room for vehicles.
2. There will be no new impervious surface.
3. The lot is flat and well vegetated around the building area.
4. Non-shoreland property. The operation will not impact public waters or wetlands.
5. Utilities are in place. No water on property. City water and sewer are available if needed.
6. The Land Use Ordinance addresses signage and lighting requirements. This is in an industrial park.
7. This is in an industrial park. No impact on residential area.
8. This use an acceptable use with a Conditional Use Permit in the Manufacturing Zone District.

Condition:

1. No hazardous materials may be stored on site.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. **(PCR-20-023)**

The sixth hearing, **C-20-009**, was a conditional use application for expansion of a resort filed by **John Swenson** on property described as the following all in Gov't Lot 6: as desc. as the exception in Doc. No. A000179407; as desc. in BK 90 of Deeds pg. 476 less that part in BK 91 of Deeds pg. 36; 1.01 acres as desc. in Doc. No. 168216; 13.5 acres as desc. in Bk 108 of Deeds pg. 481 all in Section 31, Township 64, Range 9, 24.48 acres, zoned R-R/Residential-Recreational, one-acre minimum, Fall Lake Township. PID: 28-6409-31499/ 31510/ 31512/ 31520

McCarthy read the legal requirements. There were several items of correspondence. Five were in favor, one was against, one with concerns, and also recommendations from Soil and Water Conservation District, and Emergency Management.

The application was represented by agent, Chris Clay. He explained his plans for expanding the resort and growing the customer base. His plans are to add a commercial kitchen on to the existing lodge, add a central heating plant, a new well, build 10 octagon cabins, rebuild or remodel existing buildings, replace the existing septic system with a 20,000 gallon per day commercial system, and expand available parking. He stated he believes these are the minimum changes needed for the resort to be successful.

John Swenson stated the plans are to make the customer base more diverse. Clay stated the resort changes are to attract the changing demographic of Boundary Waters Canoe Area users.

Lighting was discussed. Clay stated lights will be LED and downlit.

He will not be allowing snowmobilers on the property. The winter use will be for skiers.

The was discussion about the proposed septic system. Hoops asked who did the design; Clay couldn't remember. Clay stated the designer has the required credentials for this size system which will require permitting through the MPCA due to its size. Hoops asked about the 20,000 gallon per day (GPD) flow requirement. One concern is that this is all on Canadian Shield. Hoops stated he operates the sanitary system for Castle Danger [in

Silver Creek Township] which is 60,000 GPD. Knowing the size of the Castle Danger System, he has concerns with the area needed for this system. However, that will be approved by the MPCA and designed by a licensed engineer. Hoops asked about the required secondary site location. McCarthy stated she has concerns about the system as she hasn't seen a design from a licensed designer to back up his plans. She has spoken to a local designer and he does not think there is enough room, and she shares the concern. She stated she is a licensed inspector and calculated a need for 14,800 GPD, which is a substantial discrepancy.

Hoops asked how the cabins will be built with all the rock and where will the storm water runoff go?

McCarthy stated she would like to see a professional analysis of the total area of impervious surface.

McCarthy stated that Planning and Zoning has been working with Mr. Clay for several months to get a complete application. She still doesn't think enough information has been presented to make a decision. She also thought it was important for the application to come to hearing so the Planning Commission could ask questions.

Hoops stated that pencil sketches do not give the detail that is necessary and that is why a professional analysis is needed.

There was discussion about impervious surface and storm water runoff in the project area. McCarthy expressed concerns that there isn't adequate open space for stormwater management. She said she doesn't have enough information from what was provided with the application. She stated an engineer will provide that analysis. Maxwell reviewed the Ordinance requirements. She stated it needs to be established that this is within the spirit and intent of the Ordinance. Even though he has the acreage, the south 2/3 is undeveloped and the development is concentrated within 300 feet of the lake. She stated the current storm water control is a cement area that drains into a pipe that goes straight to the lake. She said the parking area drains to the road, not the wetlands. She showed a map created by the Lake County GIS Analyst showing slopes over 18% slope on the site. She stated building on steep slopes requires a professionally engineered plan.

Clay stated he met the density requirement for his acreage. Hoops stated that the point made by Maxwell was his project isn't spread out over the whole property, it is concentrated along the lake and that is the acreage that should be used to calculate density.

Zeimet expressed concerns with the existing septic system. Clay stated the house is on its own 3-bedroom system. Zeimet expressed concerns over the dark green grass around the mound for the resort and directly downhill as that indicates nutrients leaking from the mound. Also, he stated Clay's septic plan shows five 100-foot beds for his system. He stated one 100-foot bed is a 4-bedroom mound. He stated the availability of a septic site needs to be established before he makes his other plans.

Smerud expressed concerns for the logistics of his plan to put utilities and the heating system underground with so much rock. She also asked if there was adequate space for trucks to come in a drop off the wood pellets needed for the heating plant.

There was discussion about the lack of information needed to make a decision and the need for professionally developed plans for the septic system, storm water management, and impervious surface calculations. Also, the floor plans for the proposed cabins should be evaluated for capacity by the Health Department.

Motion by Bathke supported by Sve to table the hearing until the October 19, 2020 meeting.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed.

Motion by Sve supported by Bathke to adjourn the meeting. Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. Meeting adjourned at 10:10 p.m.

Respectfully Submitted,

Jill Paron
Environmental Services Specialist