

**Official Lake County Planning Commission  
Minutes  
Two Harbors Law Enforcement Center  
September 21, 2020**

Approved as corrected  
10/19/2020

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, Sue Smerud and Commissioner Rich Sve.

**Members present via Zoom:** Dan Zeimet

**Planning and Zoning Staff present:** Christine McCarthy (Environmental Services Director),

**Present via Zoom:** Jill Paron (Environmental Services Specialist)

**Other County Staff Present via Zoom:** Russ Conrow (County Attorney)

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

The first hearing, **I-20-013**, was a renewal interim use application for a vacation rental home filed by **Tony and Jeni Robb** on property described as: 7.57 acres out of Gov't Lot 2 as desc. in Doc. No. A000173199 in Section 16, Township 52, Range 11, zoned R-C/Resort-Commercial, two-acre minimum, Unorganized Territory #2. PID: 25-5211-16850.

McCarthy read the legal requirements. There was no correspondence.

The application was represented by owner/applicant Jeni Robb. They plan to do year-round rental. Will begin renting in October.

McCarthy recommended one-year approval due to the Robbs not renting during first year of approval.

No one was present to give comments. The public comment period was closed.

Hoops stated staff recommends no mowing at top of the eroding lake shore bank.

Motion by Sve supported by Bathke to recommend County Board approval for the Interim Use application for one (1) year with the findings & conditions of the initial approval in 2019:

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.
6. No mowing the top of the eroding bank. Contact the Soil and Water Conservation District for shoreline stabilization information.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed (**PCR-20-024**)

Motion by Bathke supported by Smerud to approve the August 17, 2020 minutes as corrected. Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed.

The second hearing, **I-20-014**, was a renewal interim use application for a vacation rental home filed by **J & R Sundberg Construction** on property described as: Lots 29-32, Block 25, McFee's First Addition, Knife River in Section 31, Township 52, Range 11, 13,446 sq. ft, zoned R-

4/Residential, 10,000 sq. ft. minimum, Unorganized Territory #2. PID: 25-5240-25300.

McCarthy read the legal requirements. There were 8 items of correspondence against and reports from a Lake County Sheriff Deputy and a Two Harbors Police Officer in response to a neighbor complaint.

The application was represented by owner/applicant Ray Sundberg. He responded to the neighbor complaints. He believes the complaints are more about people being against vacation rental homes and not about any violations on his property. The complaint made to the Sheriff's Office on August 22<sup>nd</sup> was not supported by the reports made by the responding officers. He also contacted the guests that night by text and drove by shortly after 10 p.m. He saw 4 vehicles, there was no noise, there were no people outside, so he didn't disturb the guests. The THPD officer and Sheriff's Deputy arrived later and also found no noise issue or problems with vehicles. He has spoken to the neighbors who live next door and they have had no problems. He stated none of the complaints are from adjacent owners to the property or even live on the street.

Hoops asked if they had a tent camper set up. Sundberg stated other people were there during the day and they were pulling a camper, but they didn't have it set up that he was aware of. They weren't spending the night in the camper.

Sundberg also explained they have added Covid-19 cleaning protocols.

McCarthy had concerns about parking in the road right-of-way and having additional daytime guests at the house, beyond the occupancy limit of 8.

Sundberg stated they have added cameras outside so they can see what is happening on the property. Guests are informed of the cameras. There are no cameras inside.

There was no one in the audience to comment. The Public comment period was closed.

The Planning Commission discussed the comments that were submitted.

Hoops stated the goal of the interim use permit has been to make sure neighbors are not disturbed by rental activity. Hoops stated the occupancy implies

the rental is for registered guests. He stated it is no different than being at a hotel, you can't use a guest room to throw a party.

Smerud didn't see a problem with having some people at the vacation rental during the day.

Sve stated one concern with vacation rentals has been "party houses". He stated that the extra people had left by the time Sundberg arrived at 10:20. This means that people were gone around 10 p.m. when quiet hours began and law enforcement didn't find a problem either. He didn't think the applicant should be punished for one night out of 170 rental nights.

There was general discussion about parking. Parking is allowed on that street. Zeimet stated when he drove by, neighbors had cars parked in their driveways right up to the road.

Motion by Smerud supported by Bathke to recommend County Board approval for the Interim Use application for five (5) years with the findings & conditions, as amended from the 2019 initial approval:

Findings:

1. There is safe access from 2<sup>nd</sup> 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. There was one complaint out of 170 rental nights; law enforcement reports did not substantiate neighbor's complaint of a noisy party and excessive cars in the road. Applicant also contacted guests immediately.
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.
6. Guest vehicles must be parked in carport and driveway only.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. **(PCR-20-025)**

The third hearing, **C-20-011**, was a conditional use application for approximately 5 miles of non-motorized, winter-use, 4' wide trail for fat-tire biking, hiking, snowshoeing, and cross-country skiing filed by **Two Harbors Recreational Trail Club** on property described as: NE 1/4 of SW 1/4; SE 1/4 of SW 1/4 less Sly 200ft & exc. The Nly 360ft ex Wly 50 ft; NE 1/4 of SE 1/4; SE 1/4 of SE 1/4 all in Section 30, Township 53, Range 10, 20.00 acres, 143.5 acres, zoned M/Manufacturing District, 1-acre minimum, & R-3/Residential, 2.5 acre minimum, Silver Creek Township. PID: 29-5310-30490/30670/30730/30910

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

The application was represented by agent for the Two Harbors Recreational Trail Club, Leon Pitzen. He gave history of the project and obtaining approval to use the land for the trail. The purpose is to provide non-motorized winter use and keep those users off the snowmobile trail.

McCarthy stated the Neva Maxell did a site visit but was unable to follow the proposed trail as it wasn't geo-located and what was flagged didn't follow what was on the map.

Pitzen stated the trail would be available on Avenza [an app for geo-located trails]

Greg Hull, Silver Creek Township Supervisor, explained the township's involvement in providing easements and agreements for the trail. He stated the north 20 acres of Township property are set aside for the Stewart River sanitary system, should

it ever be built.

Hoops closed the public comment period. Hoops was part of the planning process when he was on the Town Board. He thinks the trail is a great idea. Bathke also stated his support.

Smerud stated she likes the idea but is concerned that if the trail is visible in summer, that it will be used year-round. She is concerned then that there could be wetland issues.

Sve stated trails are part of the Lake County Comprehensive Trail Plan, and this fits into that plan. He asked how the trails would be maintained.

Pitzen stated there is minimal maintenance needed. There is grooming equipment available that they use for the ski trail. He mentioned using donations and possibly help from the City of Two Harbors, since the trail is partially on City land.

McCarthy recommended posting the U.S. National Grid Trail Markers. She also asked to be provided with a final map. Pitzen stated they would be using GPS to complete the final map.

There was discussion about parking. Sve and Zeimet expressed concern over parking only being on Fairgrounds Rd., and whether that would be suitable in winter. Conrow asked if there would be parking on Cedar Rd. Hoops stated that could also be an issue if people park on the road and plow trucks can't turn around.

Motion by Bathke supported by Sve to approve with conditions. Hoops led discussion of the findings. After additional discussion, and concerns about having enough information to make a decision, Bathke withdrew his motion.

Motion by Sve supported by Bathke to table the hearing until the October 19, 2020 Planning Commission meeting. The Planning Commission needs additional information:

- Contact Road authority about plowing.
- Identify off-street parking and the number of vehicles it will accommodate.
- Identify who will plow parking, also is the road plowed to the end of the road.
- Provide staff with a Geo-located map.
- US National Grid markers should be installed. Contact Emergency

Management for information.

- Plan for pet-waste stations with SWCD.

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

The fourth hearing, **P-20-001**, was a preliminary plat application for, *Superior Landing*, proposing re-platting the existing Block One of Gooseberry Village Plat to create 3 lots filed by **Gooseberry Property, LLC** on property described as: Lots 1-4, Block 1, Gooseberry Village Plat, Section 28, Township 54, Range 9, 43.7-acres, zoned RC/Resort-Commercial, 2-acre minimum, Town of Silver Creek. PID: 29-5409-01010/01020/01030/01040.

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

The application was represented by Chad Conner, agent. Their plans are to re-plat 4 lots and create 3 lots out of an existing plat that was never developed. They will be eliminating unnecessary easements and creating new easements where needed.

Hoops asked about the dedication of Nester Grade, an existing road, so that lots behind the plat are not landlocked. Conner said they plan to dedicate an ingress and egress easement through the plat on Nester Grade. Hoops asked Conrow if that would be acceptable under County requirements. Conrow stated there are questions about the status of Nester Grade. He believes this is a County Forest road. Conner said they would create a 66' wide easement for the portion of the road through the plat. Sve asked how lots 2 and 3 would be accessed. Conner stated they would be accessed off Nester Grade, not Hwy 61.

McCarthy explained the owners plan to use the cabin (lot 1) for vacation rental. The plans for a campground or RV park would require a Conditional Use permit through a hearing with the Planning Commission.

Motion by Zeimet supported by Smerud to approve the Preliminary Plat application with the following findings and condition:

Findings:

1. Safe access exists off Hwy 61. Road must be "irrevocably dedicated to the public, but not a public road", per Lake County

Subdivision Ordinance #9, Article 8.

2. A wetland delineation has been completed. Impervious surface will be addressed when Land Use permits are applied for.
3. The land meets the requirements of a plat. Development will require Land Use permits and possibly a Conditional Use permit.
4. Wetland delineation is complete. Permitting for construction will address stormwater run-off.
5. Property is in Castle Danger Sanitary District. Stormwater plans will be addressed at time of permit application.
6. Vacation Rentals will not cause issues when following conditions of the Ordinance and Interim Use Permit
7. The lots are in the Resort-Commercial Zone District, which allows development with a Conditional Use permit. Vacation rentals have not proven to be diminish or impair property values.
8. This plat is consistent with the Comprehensive plan and in the spirit of the Ordinance for a property that is zoned Resort-Commercial.

Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. **(PCR-20-026)**

Other Business:

McCarthy briefly explained the history of the Kawishiwi Trails Summer Homes plat and the need for the Planning Commission to review and approve changes to the Covenants and Bylaws due to a condition of approval during the resort-conversion preliminary platting process. The documents will be discussed at the October hearing.

Motion by Sve supported by Bathke to adjourn the meeting. Motion carried. Sve, Bathke, Smerud, Zeimet voting in favor. None opposed. Meeting adjourned at 8:34 p.m.

Respectfully Submitted,

Jill Paron  
Environmental Services Specialist