

**Town of Duluth
Planning Commission
Meeting Minutes
May 24, 2018**

The meeting was called to order at 7:04 pm by Chair Jo Thompson.

Present: Jo Thompson, Wayne Dahlberg, John Schifsky, Jerry Hauge, and Liz Strohmayer.

Absent: Larry Zanko and Dave Edblom.

Also present: Sue Lawson, Planning Director and Rolf Carlson, Town Board liaison to the Planning Commission.

The agenda was approved as presented.

Lewis Subordinate Residential Dwelling CUP Hearing

Sue introduced the hearing and the process for the hearing.

The hearing is for an application for a conditional use by Dale Lewis for a subordinate residential dwelling located at 2081 E Pioneer Road, Duluth MN. The zone district is FAM-3. Sue read the definition for FAM-3:

This district is intended to recognize and promote the development of the Township's forestry and agricultural industry, to maintain and promote the rural character of the Township, and to prevent urban and suburban encroachment on the area. A low level of development is important in this district since the uses encouraged in FAM-3 would be less compatible in a more urban setting.

A variance was granted in 2004 for impervious surface over that allowed by the Ordinance. A site plan was submitted at that time that included the proposed primary residential structure. All setbacks were met under the Ordinance at that time.

Sue showed the vicinity map, the site map, and a sketch of the site and the proposed house.

Dale noted that the mound system is built into the side of the hill where it drops off sharply to the northwest.

Sue read the description of the proposed use from the application: "We propose to construct the main living quarters for the farm. The stable has a second-floor apartment that is intended for farm workers' quarters." She read the definition for a subordinate residential dwelling from the Ordinance: "A secondary residential structure to accommodate family members."

Sue went through the questions from the application regarding the use and the applicant's answers to those questions. The hours of operation will be 24 hours a day as the home will be occupied full time. There will be no employees associated with the new structure. There will be no increase in traffic because they already have employees. No additional parking will be required. There will be no signage. Activity at the site will not generate dust, smoke, smells, pollution, etc. Noise from the operation will not be heard on adjacent properties. The proposed structure will be 30 ft by 38 ft and 22 ft in height. There will be no outdoor work or storage areas. The only wet area on the property is the retention pond in place for stormwater control. Wastewater will be handled by a holding tank and septic system. The system is sized for two two-bedroom homes. Water will be supplied by the existing wells. The only waste will be household garbage which will be collected by North Shore Sanitary.

Sue read the summary of the Community Participation report as submitted by the applicant.

On May 1, 2018, a letter was sent from Planning and Zoning signed by Beth Mullan to 17 neighboring property owners within one quarter mile of the parcel identified above. On May 7, Dale Lewis mailed invitations to the 17 property owners to invite them to a Site Information Session on May 14 at the property identified above. Ms. Lewis' phone number was also provided in that invitation in the event they were unable to attend but wanted to understand the project or to voice any concerns they may have. (Invitation is included in this report.) Three property owners attended our gathering. Bradley Jackson and Lynn Jackson, Heather Isle, and Kristi (Ryan) Maki. Terry Torgerson, neighboring property owner not on the list [attended]. No concerns were voiced at this gathering. In fact, all parties were in support of the project. There were no issues to which Ms. Lewis must respond. We received no calls from any other neighboring property owners not in attendance to the Site Information Session.

Jo asked if the site plan for which the variance was granted in 2004 included the proposed home. Dale said that it did, in a slightly different location.

Wayne asked if, when the variance was granted for impervious surface area, a restriction was placed on building size. Dale said the plan was for the amount of lot coverage. The proposed home was originally for 2500 sq ft. The home they are proposing now is 1140 sq ft in a slightly different location. The retention pond is working great; they have had it dug out once and will have it dug out again.

John asked if the water from the new house will go to the retention pond.

Dale said that it would not, the slope is different.

Wayne asked for clarification. They will have one residence in the upper level of the barn which will be the secondary residence and the new home they are going to build will be the primary residence. Is this correct?

Dale said that was correct.

Public Testimony

No one signed up to provide testimony. Three emails had been received. These are attached.

Sue read the decision criteria for an interim use as opposed to a conditional use. She read the requirements from the Ordinance for subordinate residential dwellings. She then read the 12 criteria for making a decision for a conditional/interim use from the application and Dale's responses to those criteria. A conditional or interim use permit can be granted only upon meeting all of the criteria.

1. The proposed use is consistent with the Comprehensive Plan and within the spirit and intent of this Ordinance. *Applicant states:* Yes. We are not changing the use of the property with this proposed structure. We will continue to use the property as developed in 2005 as a small horse farm. We simply need more housing for up to two people to live on the farm and help us take care of the animals. It will continue to be maintained as a rural farm; preserving as much open space on the property as possible, preserving the lake view without blocking anyone else's view, providing one FTE for a township resident, and providing valuable compost for multiple township residents. This structure will allow us to stay in the township as active participants in the community. Without it, we would probably have to find housing outside the township eventually, but we want to stay on the farm we built and love. We are in a FAM-3 district: "This district is intended to recognize and promote the development of the Township's forestry and agricultural industry, to maintain and promote the rural character of the Township, and to prevent urban and suburban encroachment on the area. A low level of development is important in this district since the uses encouraged in FAM-3 would be less compatible in a more urban setting." We comply with the spirit and intention of the above definition. A variance was approved in 2004 for this structure proposed in this

request. We simply want to build what was originally planned and approved as the primary residence of the farm.

2. The use is compatible with the existing neighborhood.

Applicant states: Yes. There is no change to the use of the property. We intend to continue to provide housing for 4 to 6 of our own horses and live on the farm as taxpaying residents of the township. This use is entirely compatible with the definition above of the FAM-3 area. We want to add what will become the primary residence of the property.

3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.

Applicant states: No. There will be no change to the original plan for the Farm Development. The new structure will not be visible from the road or from the homes of our two adjacent neighbors.

4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

Applicant states: Yes. In fact this will make the entire development more compatible with the surrounding neighborhood as there is no separate house now. Many horse farms have a need for multiple structures on the property to facilitate the safety and security of the animals, the preservation of quality feed (hay storage), and to keep necessary equipment (tractors, mowers, and snowblowers) out of the weather. None of our structures are noticeable from Pioneer Road by passersby.

5. The proposed use will comply with the wetlands requirements in Article III, Section 6 of this Ordinance.

Applicant states: Yes.

6. The total amount of impervious surfaces will not exceed that allowed in the zoning district where the conditional/interim use would occur.

Applicant states: Yes. A variance permit was issued in 2004.

7. The topography, vegetation and soil conditions are adequate to accommodate the proposed use.

Applicant states: Yes.

8. The proposed use will not impact public waters during or after construction or impact wetlands without appropriate mitigation measures.

Applicant states: Mitigation measures will be implemented.

9. Adequate utilities (water supply, wastewater treatment), access, drainage, stormwater retention, and supporting facilities have been provided or are being provided backed by appropriate financial assurance.

Applicant states: Existing systems were designed for this new construction.

10. The proposed use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems.

Applicant states: No.

11. The location of the site is appropriate with respect to existing or future access roads.

Applicant states: No additional access roads required.

12. The demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities, which would be affected by the proposed use, and the adequacy of existing services to meet the increased demand can be met.

Applicant states: No additional services will be necessary.

Dale said that it is still only a total of four bedrooms on the property.

John moved to hear the request as a conditional use. Wayne seconded.
The motion passed unanimously.

Wayne made a motion to approve a conditional use for a subordinate residential dwelling located at Dale Lewis's property at 2081 E Pioneer Road. Liz seconded.

John made a motion to split the motion to examine the individual criteria. Liz seconded.
The motion passed unanimously.

Liz made a motion that the proposed use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance because the applicant is not changing the original plan that they had for the property. She believes the proposal will enhance the property, which is consistent with the spirit and intent of the Ordinance. Wayne seconded.
The motion passed unanimously.

John made a motion that the proposed use is compatible with the existing neighborhood because the change to the use of the property is compatible with other uses in the neighborhood. Liz seconded.
The motion passed unanimously.

Wayne made a motion that the proposed use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district because it will in fact enhance the surrounding area as it will complete the farmstead with the addition of a stand-alone residence. John seconded.
The motion passed unanimously.

Liz made a motion that the location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area because the proposed use will make it more compatible with the area and will increase the marketability as well. Jo seconded.
The motion passed unanimously.

Jo made a motion that there are no natural wetlands on the property so the wetlands requirements in Article III, Section 6 of the Ordinance do not apply. The only wetland on the property is the constructed stormwater retention pond for stormwater control. Liz seconded.
The motion passed unanimously.

Wayne made a motion that the total amount of impervious surfaces will not exceed that allowed in the zoning district where the conditional/interim use would occur because a variance was granted in 2004 for impervious surface and the owner has been and is in compliance with the terms of that variance. Jerry seconded.
The motion passed unanimously.

John made a motion that the topography, vegetation and soil conditions are adequate to accommodate the proposed use because the additional building will not have a significant impact on vegetation or soil. Jerry seconded.

Jo said that the existing buildings are holding up well to the topography and soil conditions and the stormwater management plan has been effective.

John asked what has happened on the property when there have been significant rain events. Dale said that in the 2012 flood the driveway washed out but since then they have installed two culverts to prevent that from happening again. In addition, the County has also filled the ditch with piles of riprap to slow flow. Jo said that an extreme event like 2012 is not applicable. The Ordinance requires a stormwater plan to retain runoff for a one-inch rainfall event.

The motion passed unanimously.

Jo made a motion that the proposed use will not impact public waters during or after construction or impact wetlands without appropriate mitigation measures because mitigation measures are already in place. Liz seconded.

Wayne said that there should be silt fences in place to control runoff during construction of the new structure. The motion passed unanimously.

John made a motion that there are adequate utilities (water supply, wastewater treatment) because the existing systems were designed for the existing use as well as the proposed use. Wayne seconded. The motion passed unanimously.

Liz made a motion that the proposed use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems because they are not going to significantly change how they will be using their property. John seconded. The motion passed unanimously.

Jerry made a motion that the location of the site is appropriate with respect to existing or future access roads because no additional access roads are required. Wayne seconded. The motion passed unanimously.

Jo made a motion that the demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities would not be increased by the proposed use. Jerry seconded.

Liz noted that if they are adding an employee, there could be an increase in traffic. Often, over time an accumulation of small things ends up increasing traffic. But this individual project will not be an impact in and of itself.

The motion passed unanimously.

John asked about adding a condition regarding mitigation measures for runoff during construction. Sue said that they will be disturbing less than 5000 sq ft so a land disturbance permit will not be required. But the Ordinance says the Planning Director can stipulate mitigation measures even if a land disturbance permit is not required.

Jo made a motion that the conditional use be granted dependent upon approval of the septic treatment system by St Louis County. John seconded. The motion passed unanimously.

The main motion to approve a conditional use for a subordinate residential dwelling located at Dale Lewis's property at 2081 E Pioneer Road, including the condition above, was approved unanimously.

Jo made a motion that the variance that was granted in 2004 for the entire site plan is applicable to this conditional use request for the implementation of the house that was included on the original plan. Liz seconded.

Wayne said that he believed that the setbacks that are in place when the land use application is submitted are the ones to be adhered to. He believes the setback requires a variance now. He said he didn't see how the Commission could proceed on that at tonight's meeting because of notification issues.

Jo said that she could see the issue either way. They had a master plan at the original variance hearing.

Wayne disagreed. He said that the process for the land use permit process is happening now under a new Ordinance and the setback for the house should go through the variance process.

Dale said when they developed the property layout, the buildings were in a row in a village-like concept. The location of the house is consistent with that concept. All of the other buildings are precisely 50 ft from the property line. The front of the house will line up with the other buildings and will be 60 ft from the property line because it will be a narrower building. If they were to try to make it compliant with the current Ordinance, it would bump into the outdoor arena.

Jo said that she is comfortable with not going through a variance for the setback because the original site plan included the house. But she thinks it is important to have it in the record why the Commission is not requiring that variance.

John said that he was comfortable with not requiring a variance since the site plan was reviewed at the original variance hearing and the change happened between that original decision and now.

The motion passed unanimously.

The Commission took a five-minute break.

Boyce-Schimpff Short-Term Rental CUP Hearing

Sue introduced the hearing and the process for the hearing.

The hearing is for an application for a conditional use by Hillary Boyce-Schimpff and Ansel Schimpff for a high-frequency short-term rental located at 5820 Alseth Road. The zone district for this property is SMU-6. The description of SMU-6 from the Ordinance is: "This district is intended to provide residential and mixed uses consistent with the recreational and natural attributes of Lake Superior, on a suburban-scale lot size." The property and structure meet all of the dimensional requirements for the use.

Sue showed the vicinity map for the property, an aerial photo of the site and a sketch of the site with dimensions.

The definition for a high-frequency short-term rental from the Ordinance is: "A rental of a single family dwelling for less than or equal to thirty days at a frequency greater than four times per calendar year."

Sue read the description of the proposed use from the submitted application:

Our proposed use if we are able would be a vacation rental. We have some flexibility in our current workplaces/life and want to be able to make the most of this flexibility. We can't afford to have our house sitting empty while we are staying elsewhere, so if we could rent it out during those times, then we'd be able to come back full time to our house when we no longer have flexibility. We will be living at my parents' house in Duluth throughout the summer. If we are out of town my parents will be available to come to the house within 30 minutes.

Sue read through the questions from the application regarding the use and the responses to those questions. The hours of operation would be 24 hours a day with check in at 11 am and checkout at 3 pm. The number of visitors to the site will vary, with a maximum of 6 to 12 visitors per day. Ansel said that there are 2 bedrooms in the house so the maximum occupancy would be 6, 3 per bedroom. There will be no increase in traffic to the site. No additional parking will be required. There will be no signage. Activity at the site will not generate dust, smoke, smells, pollution, etc. Ansel said that there will not be a fire pit. They will provide a gas grill. Noise from the operation will not be heard on adjacent properties. Ansel said that they have not yet considered quiet hours. There will be no additional structures. There will be no outdoor work or storage areas besides the existing propane tank. There is sometimes standing water on the property from rain and snow melt running on the east and west sides of the lot to the lake until it is absorbed. Wetlands will not be affected. Wastewater will be handled by D/NSSD. Water will be supplied by the existing well. Waste will be household garbage which will be collected by North Shore Sanitary. A larger bin will be provided, if necessary.

Sue said that for the community participation report, 29 property owners were contacted by mail. There were no responses as a result of the mailing. One email, from Bette Alseth, was received by the Town. Beth read that email: "I support issuing the permit. I cannot attend the meeting because I work that night."

Wayne asked if they anticipated renting the property year around. He said that typically with a short-term rental there is a set number of days it will be available for rental per year.

Ansel said that they would probably move back into the house in the fall so they would plan to rent it from June through September.

Public Testimony

Lorna Voit spoke. She asked if the time frame for renting is in writing.

Jo said that if the permit is approved, it will be established in writing.

Lorna said that she was devastated by the prospect of this short-term rental. She and her husband, Marvin, will hear the noise. They already hear the dogs barking. They will hear the parties. There will be outdoor fires. She and her husband moved from another location because of a rental at that location and took a huge loss on the property because of the rental, according to the realtor. Allowing this rental would devalue their property and destabilize the neighborhood.

Marvin Voit spoke. He said that renters are not like owners. They might say there will be four people but more people often come along. They will have fires. What about fireworks? Who are they supposed to call if there are violations? The owners? The cops? It is not a good idea to have a rental mixed in with a residential neighborhood. He said that the last neighborhood they lived in opened the door to one rental and set a precedent. The neighborhood was opened up to rentals and they ruined the whole neighborhood. Renters don't care about the property. They are there for a week or weekend and they don't care. People on vacation drink a lot and have fires. Whose responsibility would it be to stop that?

Vernon Christiansen spoke. He said that the whole neighborhood is comprised of families living in their own homes. Allowing this rental would open the door for more rentals. The reason they own land in that neighborhood is to have privacy and to know who their neighbors are. He opposes allowing the rental. He lives on Stoney Point where the fish house is and that is where the renters will go to get to the lake.

End of Public Testimony

Sue reviewed the options before the Commission. The request can be denied or it can be granted as a conditional use or as an interim use. Generally, an interim use is granted for a certain amount of time and if there are issues that come up during that time, the Town will have a record of those issues. If the owners want to renew the interim use that record will be taken into consideration in the decision whether or not to renew.

Sue read the decision criteria for an interim use as opposed to a conditional use. She read the requirements from the Ordinance for short-term rentals. She then read the 12 criteria for making a decision for a conditional/interim use from the application and the applicants' responses to those criteria. A conditional or interim use permit can be granted only upon meeting all of the criteria.

1. The proposed use is consistent with the Comprehensive Plan and within the spirit and intent of this Ordinance. *Applicant states:* I believe that giving small groups of people the opportunity to experience the beauty and natural wonders of the North Shore is consistent with the spirit and intent of the Zoning Ordinance. Our log cabin will remain as it was built – providing a home base that is peaceful, private, and the perfect opportunity to introduce newcomers to our wonderful community. As the homeowners, we will continue to be a part of our community, sharing the Lake with our friends and neighbors. It will not be injurious to our neighborhood as we intend to run it.

Our short-term rental directly aligns with the 2021 Community Vision for the Town of Duluth and is consistent with the Intent and Purpose of the Zoning Ordinance.

Given the flexible nature of a short-term rental, we will continue to call the Town of Duluth home. We will continue to work within the greater community and be one of the “several hundred home-based occupations/businesses” that allows for “low impact tourism activities.”

The diverse natural beauty of our property will remain an “open space.” And continue to be the perfect habitat for the animals that have lived here long before us. From the end of our driveway we're still able to see the lake on a clear day, and it remains as beautiful as ever. “Tourism is not a dominant economic activity,” but it is an activity that helps bring awareness about a community's needs and interests to light. By utilizing our small, private log house as a rental unit, we will be able to encourage that atmosphere that is “not over commercialized.” We will encourage visits from those people who are “attracted to its natural beauty” and not those looking for a strip mall. Because we will be able to show others the beauty and solitude of the North Shore, there will be increased interest in ensuring that the Great Lakes and their surrounding communities remain healthy.

Because we will continue to live in our house when it is not occupied by short-term rentals it will remain our home and in this way, we will be able to continuously assess the impact of the rental itself. We want to protect the “rich and diverse natural resources for future generations.” Because our children *are already* learning, growing, and loving in this area. Our 8-month old, Hank, did his first ever Nordic ski race on my back at Korkki, and his first few days were spent sitting on the rocks at Stoney Point with me. Sharing this area in a low impact way, encouraging our visitors to explore our land, visit local businesses, support small events, and be a part of the Town of Duluth while they are here is a unique but powerful way to build a “sustainable community.”

We spent the last week in a short-term rental in a small, rural community. We walked almost everywhere we went, spent time enjoying public shore land, shared meals with the locals in the town center, bought local made and grown items and shopped at small businesses. I know that I felt more connected to that community because I was living in it instead of in a hotel room. I felt comfortable asking the community members questions about the area and learned from them every day.

I believe we will be able to achieve the same thing through short-term rentals at our home. Visitors will be able to walk or bike along the Scenic to Emily's, the Mocha Moose, the Scenic Café, and endless other small businesses. They will be able to sit on our porch and listen to the birds and watch for deer – just as I sat and listened this past week in a different community. Our world seems to always be getting smaller, and I think this is an opportunity to allow for that in a healthy, positive way that continues to make life even better here.

2. The use is compatible with the existing neighborhood.

Applicant states: Absolutely. There will be no foreseeable changes to our principle or accessory structures, and as both of our structures are set back on our lot, I don't think anyone will ever notice a change to who is sleeping in our house. Those that choose to stay here (and who we permit to stay) will most likely be individuals who are looking to experience the North Shore as much as possible – which is what we do, too.

3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.

Applicant states: Not that we can think of. We intend to continue to live in our home when we aren't renting it to short-term renters – so there isn't a huge change that we would expect.

4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

Applicant states: At this time I do not believe that future development patterns in the area will conflict with this requested conditional use. We will not be changing anything about our current house.

5. The proposed use will comply with the wetlands requirements in Article III, Section 6 of this Ordinance.

Applicant states: We don't have any wetlands on our property. We comply with state and federal wetland regulations by default. There will be no net loss of wetlands.

6. The total amount of impervious surfaces will not exceed that allowed in the zoning district where the conditional/interim use would occur.

Applicant states: No.

7. The topography, vegetation and soil conditions are adequate to accommodate the proposed use.

Applicant states: Yes – we aren't building anything new – we are maintaining our existing vegetation and using the natural topography.

8. The proposed use will not impact public waters during or after construction or impact wetlands without appropriate mitigation measures.

Applicant states: No.

9. Adequate utilities (water supply, wastewater treatment), access, drainage, stormwater retention, and supporting facilities have been provided or are being provided backed by appropriate financial assurance.

Applicant states: Yes there are adequate utilities – we pay for all utilities (sewer, trash, recycling) and have a working well.

10. The proposed use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems.

Applicant states: If for some reason our guests are creating any issues, we will be close by and more than willing to deal with issues by whatever way we must – discussion, asking them to leave, getting police involved, etc.

11. The location of the site is appropriate with respect to existing or future access roads.

Applicant states: The current road works just fine with our driveway – there shouldn't be any issue and there's no need for a new access in the foreseeable future from our standpoint.

12. The demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities, which would be affected by the proposed use, and the adequacy of existing services to meet the increased demand can be met.

Applicant states: There won't be that big of a change in use of these things for our short-term guests. I think our current infrastructure will work just fine.

Ansel added that they would like to be able to pay their mortgage while they live on their boat this summer. They would like to introduce people to the area and have them enjoy it in the same way they do.

Liz moved to hear the request of Hillary Boyce-Schimpff and Ansel Schimpff for a conditional use for a high-frequency short-term rental located at their property at 5820 Alseth Road as an interim use because there is a potential for heightened concern for public health and safety and the Commission would like to monitor the impact of the use on the community during that interim time. Wayne seconded.

The motion passed unanimously.

Sue explained interim use and the how the Commission was going to proceed for the audience. Marvin asked how long the interim use would be for and if it can be pulled at any time. Can it be pulled if there is one fire? How many violations do there have to be before a permit is pulled? Ansel said to please call him if there were any issues. Sue said that the length of the interim use would be determined if approved.

Liz made a motion to approve the interim use. Jo seconded.

Liz made a motion to split the motion. Jo seconded.

The motion passed unanimously.

John made a motion that the proposed use is consistent with the Comprehensive Plan and within the spirit and intent of this Ordinance because, SMU-6 is "intended to provide residential and mixed uses consistent with the recreational and natural attributes of Lake Superior, on a suburban-scale lot size." Liz seconded.

The motion passed unanimously.

Jo made a motion that the use is compatible with the existing neighborhood because it will be used as a rental home and is on a large lot that will provide a buffer between the neighbors. If it is managed well it will maintain the character of the neighborhood. Wayne seconded.

John noted that if the use is approved the Commission will put conditions on the use to address neighborhood concerns.

The motion passed unanimously.

Liz made a motion that the use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district because there will not be any additional development and any impact will be minimal. Jerry seconded.

The motion passed unanimously.

John made a motion that the location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area because SMU-6 is "intended to provide residential and mixed uses

consistent with the recreational and natural attributes of Lake Superior, on a suburban-scale lot size.” Jo seconded.

Liz noted that it is using an existing structure

The motion passed unanimously.

Jo made a motion that criteria 5 thru 8 are not applicable. There are no wetlands on the property and there is no construction. Liz seconded.

The motion passed unanimously.

Liz made a motion that there are adequate utilities (water supply, wastewater treatment), for accommodation of guests during the rental period and also for the owners when not rented. Jo seconded.

The motion passed unanimously.

Liz made a motion that the proposed use will not create significant potential health and safety, environmental, lighting, noise, signing, or visual problems due to existing natural screening on the property and also because it is being heard as interim use so the impact can be monitored. John seconded.

The motion passed unanimously.

John made a motion that the location of the site is appropriate with respect to existing or future access roads because Alseth Road is a public road and the entrance from Alseth Road to the property meets the need for the use. Jo seconded.

The motion passed unanimously.

Jo made a motion that the demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities would not be increased by the proposed use because the rental will not be different from the owner living there. Jerry seconded.

The motion passed unanimously.

Jo said that the Commission has determined that all 12 criteria have been met or are not applicable.

John moved that the interim use be granted for one year because it will be an intensive use over a short period of time and there has been some community concern expressed. Liz seconded.

The motion passed unanimously.

Jerry made a motion that the rental period be from June 1 to September 30 and, with just two bedrooms, that the maximum number of guests be limited to 6. Jo seconded.

The motion passed unanimously.

Liz made a motion to add quiet hours from 10 pm to 8 am. Jerry seconded.

Sue said that Ansel indicated on his application that guests could register up until 11 pm. Ansel said that it could be set to 10 pm.

The motion passed unanimously.

Wayne made a motion that campfires not be allowed. John seconded.

Liz said that she understands the concerns regarding campfires, but she enjoys having a campfire sometimes at rentals and thinks fires should be allowed if quiet time is enforced. She suggested the owners provide information

relating to fire conditions or bans from the DNR. Jo said in the past the Commission has required rentals to have a notebook or brochure with rules for the rental and other information. The DNR information could be included in this. Liz said that a screen could be required over the fire pit. Wayne said that noise around a campfire is a common issue. The owner would need to have very defined policies for guest conduct if fires were to be allowed.

The motion passed with Liz opposed.

Jo made a motion that any guests with pets will keep the pets under control at all times, that pets be leashed, and that renters be aware that there is a barking dog ordinance in the Township. John seconded. The motion passed unanimously.

Liz made a motion that in the guest policy there be a reminder to guests that they are renting in a single-family home neighborhood and that they are guests and need to be respectful of neighbors and others they encounter. Jo seconded.

The motion passed unanimously.

Jo made a motion that no motorized recreational vehicles be used on the property during rentals. Liz seconded.

Jerry said that it's legal to own an ATV and to ride ATVs on the roads. He thought it would be too restrictive to not allow ATVs. Wayne asked how much property they owned? Ansel said 16 acres. John thought it was reasonable to not allow ATVs. Liz made a motion to amend the motion to include drones. She said that national parks have banned drones and many state parks are banning them as well. Jo said it is an issue of maintaining a reasonable quietness. Liz withdrew her amendment to the motion. The motion failed with Wayne voting in favor because he felt the property was too small for ATV use.

Jerry made a motion that discharge of firearms on property not be allowed during rentals. Jo seconded. The motion passed unanimously.

The main motion to approve an interim use for a high-frequency short-term rental at 5820 Alseth Road, including the conditions as set above, was approved unanimously.

The minutes from the April meeting were approved with two typographic corrections.

New Business

Sue presented a list of possible Zoning Ordinance changes to be discussed at the June meeting. She said that a public hearing would be planned for July at the regular Commission meeting. The delineation for LIU-3 at the BOMARC site has been changed to exclude one parcel and needs to be changed on the Zoning Map. In Article III, the requirement for a variance for a driveway when a legal easement exists needs to be discussed. The County no longer requires a variance. Should the Town follow suit? There is also a proposed fee change for a site entry permit off of a Town road. The addition of Commercial Use the Commission made needs to be added to the Ordinance. There are also a number of needed clarifications to language in parts of the Ordinance that Sue has identified and has proposed changes for. If there are other things Commission members would like to look at, they can be added. Sue intends to write a summary of the proposed changes for the July newsletter. Following the July public hearing, the Commission will make a recommendation to the Town Board regarding the proposed changes and the Town Board will consider those recommendations at a subsequent Board meeting.

Jo suggested clarifying the language in Article IV regarding combining contiguous lots. If you legally combine non-conforming lots of record into one parcel, your parcels are no longer considered lots of record. The Commission decided to leave that as it is for now.

John asked about splitting lots. Sue said the County now requires the Town to approve a lot split and make sure that the lots resulting from the split meet the requirements for the zone district.

Director's Report

Sue said that she, Clint Little and Beth met to look at data needs for updating the Comprehensive Land Use Plan. They will continue to meet and work on that. Sue is writing a grant application to the Coastal Program that is due at the beginning of June.

Sue said that Corlis held a road forum the previous night that was attended by about 20 people. Jim Snell said it was a good discussion.

Sue said that she met with Lakewood Township. They wanted to hear what our Township's experience with short-term rentals was.

Wayne asked about the comments regarding short-term rentals from the April Commission meeting. With the rising frequency of short-term rental requests in the Town, at what point are we saturated, or are we proactive before saturation occurs?

Sue said that she hoped the coming update to the CLUP would help guide the Town in this matter.

Sue said that there might be a variance hearing in June from the McQuade Road near the Sucker River.

One of the lots at Stoney Point has been sold and the driveway is currently being completed.

Jerry said that he presented the proposal for the whole audiovisual system, including sound, to the Board, but it was fairly expensive and not met with much enthusiasm. Then he presented the proposal for just the screen and projection and they approved that. They wanted to know what a manual screen would cost as opposed to the proposed electric screen. It was \$500 to \$600 less. He sent that info on, but hasn't heard anything yet.

Wayne said that he has a lot of trouble hearing people. He thinks the sound component shouldn't be delayed.

Jerry said that it can be added later.

Concerns from the Audience

None.

The Decision and Findings of Fact for the Lewis Conditional Use were reviewed and approved.

The Decision and Findings of Fact for the Boyce-Schimpff Interim Use were reviewed and approved.

The meeting adjourned at 10:12.

Attachments:

- 1) Adam Hastings email to Planning & Zoning re: Lewis CUP
- 2) Heather Ilse email to Planning & Zoning re: Lewis CUP
- 3) Bradley Jackson email to Dale Lewis re: Lewis CUP