

DRAFT
PLANNING COMMISSION MEETING
October 5, 2016 at 7:00 PM
Carlton County Transportation Building

(1) Chairperson Ezell called the meeting to order at 7:00 PM.

Members Present: Jack Ezell, Erik Abrahamson, Byron Kuster, Sam Huhta and Dennis Lundin

Members Absent: Jim Gottschald, and District 1 (Vacant)

Ex Officio Members Present: Commissioner Susan Zmyslony and Zoning Representative and Acting Recording Secretary Jody Meyer

Ex Officio Member Absent: Heather Cunningham, Zoning and Environmental Services Administrator

(2) Motion by Huhta, seconded by Abrahamson, and supported by all yeas votes to approve the minutes of the September 7, 2016, meeting.

(3) Chairperson Ezell indicated there was no old business.

(4) The public hearing was called to order at 7:05 PM.

(5) Chairperson Ezell read a statement that the legal ad was sent to the legal newspaper, the Star Gazette, on September 15, 2016, and published on September 22, 2016.

(6) Chairperson Ezell read a statement regarding Finality of Decisions. The Finality of Decisions was placed on the projector screen.

(7) Public Hearing Permit Requests:

(A) Conditional/Interim Use Request #416005 – Richard Hatanpaa

Richard Hatanpaa of PO Box 932, Monarch, MT 59463 has requested a Conditional/Interim Use Permit to operate a vacation rental by owner (VRBO) on his property described as Lot 15 of Lake Park Plat in the Southeast ¼ of the Southeast ¼ of Section 31, Township 46 North, Range 19 West in Moose Lake Township. The property address is 4890 Mirror Way (63-190-0300). This request was tabled at the September 7, 2016, Planning Commission meeting because the applicant could not make it to the public hearing.

Richard Hatanpaa was present to speak on his own behalf. He indicated his request was to obtain the conditional use or interim use permit to use property as a Vacation Rental By Owner (VRBO) for families or groups of 8-10 people. The reason is to keep the home and retire there someday. The vacation rental pays for the mortgage, upkeep and cleaning. The property has ample parking for 2-4 vehicles in driveway and could hold 6 vehicles comfortably. There are two garages that are not used by any prospective renters.

Ezell asked how long he has been using the property for rental.

Hatanpaa responded that this is the third year. He had one renter at first and had issues with non-payment and damage. He feels his better option now is VRBO.

Ezell asked Hatanpaa if the lower level of house is used for rental occupancy and if the garages are used by renters.

Hatanpaa explained the floor plan of the house and that the lower level is only used for handicap purposes. The other structures are not used for occupancy.

Abrahamson asked if he has used the lower level for renters in the past three years.

Hatanpaa responded that the caretaker resided in the lower level in the past, but not currently.

Abrahamson asked if the house is used as two rental units.

Hatanpaa said no. Zoning Administrator Heather Cunningham informed him that duplex rental is not allowed.

Ezell asked if watercraft is available to the renters.

Hatanpaa said there is a plastic paddleboat and canoe that renters can use. There is no motor available and there is a dock they can use. Renters can bring their own watercraft and the dock space would allow maybe 3-4 watercrafts.

Kuster asked about ATVs.

Hatanpaa responded that he provides none. He doesn't know if renters using their own.

Lundin asked what the typical rental period is.

Hatanpaa said the most popular is 3-day periods, but they have had renters up to 3 weeks.

Kuster asked if Hatanpaa is aware of any police calls or disturbances from rental.

Hatanpaa said not to his knowledge. The neighborhood is pretty quiet at night.

Ezell asked if the VRBO website was his principle way to advertise.

Hatanpaa said yes.

Meyer played the video while Hatanpaa narrated.

Ezell asked if there is plenty of off street parking.

Hatanpaa stated yes, and that trailers and boats can also be parked across the street.

Chairperson Ezell read the development review and the suggested conditions submitted by Cunningham dated September 26, 2016.

Chairperson Ezell asked if Hatanpaa understood the conditions.

Hatanpaa said yes.

Chairman Ezell asked if there were any questions from the Planning Commission. There were none.

Ezell read the Findings of Facts and Justifications portion of the development review.

Chairperson Ezell asked if there was anyone neutral or in support of the request in the audience. There were none.

Ezell asked if there was anyone in the audience that was opposed.

Patricia Poylio of 34560 Chestnut Circle, Moose Lake, MN 55767 spoke that she was not against the request, but had two concerns. The first concern was garbage and a dead rat because of the garbage. The second concern was about noise control because there have been several occasions when there have been considerable noises from renters until 1-2 AM.

Ezell said it was good the applicant/owner hears these comments so he can act accordingly with neighbor concerns.

Kuster asked what garbage service was in place.

Hatanpaa stated he has North Star do weekly garbage pickup. He has owned the property since 1997 and his grandmother before that since 1967. When he tore down an old building a long time ago he found a dead rat under the building. He was unaware of the recent dead rat that neighbor mentioned. There is lots of wildlife around the area: fox, deer, and skunks.

(Staff notes: There is a North State Services company that is licensed to haul within Carlton County, but not North Star.)

Ezell asked if Hatanpaa had adequate containers.

Hatanpaa indicated there are 3 large containers by the road. His rental conditions allow 2-32 pound garbage bags per rental period. Any more than that and the renters are responsible for disposing of it themselves at a disposal facility. If there are 2 different rental parties during the week, the 3 cans should be adequate. If there is more garbage left than allowed, the caretaker will let him know. The 3 cans are sized: 1-52 gallon; 1-32 gallon; 1-40 gallon.

Kuster asked if the garbage containers had covers on them and commented that if there are 8-10 persons during rental period for a 6-day stay, there could be more garbage than 2-32 pound garbage bags.

Hatanpaa said there are covers with the containers, and is aware that sometimes the renters don't place the covers on tight or they are left on the ground near the cans. The average size rental party is 4 people twice per week and he limits the number of garbage bags allowed per renters.

Lundin asked if it is possible to have a dumpster on-site.

Hatanpaa said it may be an option and he will look into it. He doesn't know how the neighbors will feel about looking at a dumpster.

Ezell said that alternative could be researched and added that the VRBO website has conflicting information in the advertisement and comments by renters. The advertisement states that jet skis and snowmobiles are provided to renters. He questioned whether the property across the street is part of the rental. The conditions suggested by Cunningham in the development review would restrict some of the things listed on the website. Will he change his advertising to reflect the conditions if granted?

Hatanpaa stated he does not have jet skis and snowmobiles for rent, but he does provide contact information to renters on where they are available to rent. The only time he has allowed his property across the street to be used was when a church asked him if a homeless family could live in a camper on the property. They were there for about 5 weeks and it was a one-time thing.

Kuster asked what happened to the camper's garbage.

Hatanpaa said the campers were advised to take their garbage to a disposal facility.

Ezell read a phone message record from the Zoning Office from Tod Perron who received notice and lives 5 doors down from property. He approves and has not had any issues with VRBO.

There were no more comments or questions from the audience or Board.

(8) The Public Hearing was closed at 7:43 PM and the Planning Commission meeting was reopened at 7:49 PM.

(A) Conditional/Interim Use Request #416005 – Richard Hatanpaa

Motion by Abrahamson, seconded by Lundin, and supported by all yeas votes to recommend approval of Interim Use #416005 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the 14 conditions listed in the development review and a 15th condition added by the Planning Commission.

Findings

IS THE USE REQUESTED TEMPORARY?

Yes. The request should be processed as an interim use, valid for five years in order to determine the compliance level of the owner and the conditions of approval, including Minnesota Department of Health licensing.

IS THE USE OWNER SPECIFIC?

Yes. The license with the Minnesota Department of Health is user specific as well.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

No. The use requires specific infrastructure.

IF YOU ANSWER ANY OF THE ABOVE QUESTIONS YES, CONSIDER PROCESSING AS IUP. PLEASE DESCRIBE WHY THE USE SHOULD BE CONSIDERED AN IUP OR CUP: The request should be processed as an interim use permit and shall terminate in five years or shall terminate at the sale of the property.

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? No. It is not specifically listed.

If the answer is no, you must make the following findings:

A.) THE USE IS SIMILAR IN NATURE TO OTHER USES LISTED IN THE SAME ZONING DISTRICT. WHY OR WHY NOT? Yes. Carlton County Zoning Ordinance #27 specifically lists bed and breakfast homes as requiring a Conditional/Interim Use Permit.

B.) THE PROPOSED USE DOES NOT CREATE A GREATER POTENTIAL FOR IMPACTS THAN OTHER USES LISTED THAT CANNOT BE MITIGATED WITH APPROPRIATE CONDITIONS. WHY OR WHY NOT? Yes. Potential impacts can be mitigated with conditions such as limiting the number of guests; designating parking; limiting the number of docks and boats; prohibiting the use of additional sleeping quarters such as recreational vehicles and tents; prohibiting the use of the property as a duplex; and prohibiting the use of the property for events.

C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT? Yes. The adjacent land uses are residential. If appropriate conditions are placed on the use, there should be little impact to adjacent properties and the use should be compatible.

D.) THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT? Yes. The purpose of the plan and the ordinance are to promote public health, safety, morals and general welfare throughout Carlton County. The proposed use is consistent with those ideals if the appropriate conditions are placed on the permit.

If the answer to 1 is yes or if A – D are all yes, proceed to question 2. If not, the request should not be approved.

2. THE USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES. Yes. If appropriate conditions are placed on the permit, there should be little impact to adjacent properties nor would property values be impaired.

3. THE ESTABLISHMENT OF THIS USE WILL NOT IMPEDE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING VACANT PROPERTY FOR USES PREDOMINANT IN THE AREA. Yes. If appropriate conditions are placed on the permit, the use will not impede normal or orderly development of surrounding vacant properties.

4. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. The utilities available for the dwelling should be adequate. The MDH requires the well is tested. The property is served by municipal sewer.

5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. There should be adequate off-street parking for the proposed use provided the number of guests is limited.

6. ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PREVENT OR CONTROL OFFENSIVE ODOR, FUMES, DUST, NOISE AND VIBRATION SO THAT NONE OF THESE CONSTITUTE A NUISANCE. Yes. Noise could be a potential issue with vacation rental properties but can be addressed in a condition.

7. ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes. No lighted signs or other lights are proposed.

Special Conditions

1. As a vacation rental by owner requires a license by the Minnesota Department of Health and is user specific, this permit request shall be processed as an Interim Use Permit. The use shall terminate in five years or at the sale of the property or the termination of license with the Minnesota Department of Health, whichever occurs first.

2. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as modified by the Planning Commission.

3. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, the permit and permit conditions. The permit may be modified or revoked if the permittee violates one or more of the conditions of the permit.

4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
5. The applicant shall apply for and be granted a license from the Minnesota Department of Health within 60 days of the issuance of the Interim Use Permit. The applicant shall apply for the license annually and shall provide a copy of the license to the county.
6. The dwelling cannot be occupied as a duplex unless a variance is applied for and granted to exceed density standards.
7. The accessory structure located on 63-205-0700 shall not be used for habitation and this parcel is not considered part of the business.
8. The occupancy shall be limited to no more than two persons per bedroom plus two additional persons.
9. No more than 4 cars will be on site at one time. Parking areas must be setback a minimum distance of five feet from the property lines.
10. Attempting to obtain additional occupancy by use of recreational vehicles, tents, accessory structures or fish house(s) is prohibited.
11. On-premise advertising signs are prohibited.
12. The owner shall provide a visual demarcation of the property lines.
13. The property shall be limited to two (2) docks.
14. No loud party-type noises shall be permitted between 10:00 PM and 6:00 AM.
15. The applicant shall provide adequate level of garbage service (covered container(s)) to accommodate maximum occupancy.

(9) Other Business: None

(10) Motion by Kuster, seconded by Abrahamson and supported by all yea votes to adjourn at approximately 7:51 PM.

Respectfully submitted,

Jody Meyer
Zoning and Environmental Services Representative/
Acting Recording Secretary