

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY ON THURSDAY, APRIL 8, 2021.

9:02 AM – 10:20 AM

Planning Commission members in attendance: Dave Anderson
 Daniel Manick
 Commissioner Keith Nelson
 Dave Pollock
 Roger Skraba, Chair
 Ray Svatos
 Diana Werschay

Planning Commission members absent: Steve Filipovich

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Keith Johnson, a conditional use permit to allow residential use in a Commercial zone district.
- B. Loy and Mindy Adkins, a conditional use permit for Event Center as a Public/Semi Public Use.
- C. David Coughlan, a conditional use permit for a Short Term Rental as a Residential Use - Class II.
- D. Amo Enterprise LLC, a conditional use permit for a Short Term Rental as a Residential Use - Class II.

OTHER BUSINESS:

Motion by Svatos/Manick to approve the minutes of the March 11, 2021 meeting.

In Favor: Anderson, Manick, Pollock, Skraba, Svatos, Werschay – 6

Opposed: None – 0

Abstained: Nelson - 1

Motion carried 6-0-1

Jenny Bourbonais, Acting Secretary, shared a resolution from Fredenberg Township repealing the gravel pit moratorium. The Fredenberg Town Board previously voted to not take back their zoning authority.

Jenny Bourbonais summarized the Planning Commission workshop from April 1 for the Commission members not in attendance.

NEW BUSINESS:

Keith Johnson

The first hearing item was for Keith Johnson, a conditional use permit to allow residential use in a commercial zone district. The property is located in S15, T58N, R15W (White). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval to establish residential use on property that is currently zoned commercial.
- B. The applicant is proposing to build individual homes on three platted lots.
- C. The parcels are part of a large subdivision plat that was established in the 1920's.
- D. The lots have frontage on a public road and are serviced by municipal sewer.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5 E, allows a residential use in a commercial district with a conditional use permit.
 2. The property is located within the Community Growth area identified in the St. Louis County Comprehensive Land Use Plan. These are preferred areas for the expansion of communities that have potential growth in the next 20 years. The intent of this land use category is to help communities guide future growth that would be most advantageous given environmental constraints, and various development opportunities (such as road access or proximity to existing development). This property consists of three platted lots that are located adjacent to existing residential properties with public road frontage and municipal sewer.
- B. Neighborhood Compatibility:
 1. The majority of the neighborhood is zoned residential and is part of a large subdivision approved in the 1920's.
 2. The use should be allowed because it is part of the platted property that was intended for residential development. The current zoning is most likely due to adjacent parcels with established commercial activity.
- C. Orderly Development:
 1. The neighborhood consists of residential development to the north, south and west. The property to the east is also owned by the applicant.
 2. As stated in the St. Louis County Comprehensive Land Use Plan, this is an area that is intended for community growth. The new homes will provide additional housing and tax base for both local and county governments.
- D. Desired Pattern of Development:
 1. The pattern of development is residential which is consistent with the proposed request.
 2. The property falls under the community growth area of the St. Louis County Comprehensive Land Use Plan which is intended for residential growth.

E. Other Factor:

1. The parcels are platted lots that are part of a large subdivision plat. The majority of the lots within this plat are zoned Residential (RES)-7 which would allow residential use with a standard land use permit if all ordinance requirements are met. Each lot is considered a lot of record per St. Louis County Ordinance 62, Article IV, Section 4.4, D2. It is recommended that the township consider a future zoning map amendment for the area zoned commercial. This entire area is within a subdivision plat intended for residential development.

Mark Lindhorst noted one item of correspondence from Patricia L. (Watson) Mineheine in opposition. This correspondence was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow residential use in a commercial zone district the following conditions shall apply:

1. The applicant shall comply with all county, state and federal regulations.
2. If the zone district remains commercial, no additional conditional use permits shall be required for future residential uses.

Keith Johnson, the applicant, stated he wants to build individual residential homes to compliment the area, to create housing and add to the community.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked if there are other commercial zone districts within residential communities. *Mark Lindhorst* stated that it is possible within the city of Aurora. White Township could look for a zoning map amendment to change this area to residential use.
- B. Commission member *Svatos* asked if there was any correspondence from White Township. *Mark Lindhorst* stated White Township commented on the municipal sewer which they administer.

DECISION

Motion by Manick/Anderson to approve a conditional use permit to allow residential use in a commercial zone district, based on the following staff facts and findings:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5 E, allows a residential use in a commercial district with a conditional use permit.
 2. The property is located within the Community Growth area identified in the St. Louis County Comprehensive Land Use Plan. These are preferred areas for the expansion of communities that have potential growth in the next 20 years. The intent of this land use category is to help communities guide future growth that would be most advantageous given environmental constraints, and various development opportunities (such as road access or proximity to existing development). This

property consists of three platted lots that are located adjacent to existing residential properties with public road frontage and municipal sewer.

B. Neighborhood Compatibility:

1. The majority of the neighborhood is zoned residential and is part of a large subdivision approved in the 1920's.
2. The use should be allowed because it is part of the platted property that was intended for residential development. The current zoning is most likely due to adjacent parcels with established commercial activity.

C. Orderly Development:

1. The neighborhood consists of residential development to the north, south and west. The property to the east is also owned by the applicant.
2. As stated in the St. Louis County Comprehensive Land Use Plan, this is an area that is intended for community growth. The new homes will provide additional housing and tax base for both local and county governments.

D. Desired Pattern of Development:

1. The pattern of development is residential which is consistent with the proposed request.
2. The property falls under the community growth area of the St. Louis County Comprehensive Land Use Plan which is intended for residential growth.

E. Other Factor:

1. The parcels are platted lots that are part of a large subdivision plat. The majority of the lots within this plat are zoned Residential (RES)-7 which would allow residential use with a standard land use permit if all ordinance requirements are met. Each lot is considered a lot of record per St. Louis County Ordinance 62, Article IV, Section 4.4, D2. It is recommended that the township consider a future zoning map amendment for the area zoned commercial. This entire area is within a subdivision plat intended for residential development.

The following conditions shall apply:

1. The applicant shall comply with all county, state and federal regulations.
2. If the zone district remains commercial, no additional conditional use permits shall be required for future residential uses.

In Favor: Anderson, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 7

Opposed: None - 0

Motion carries 7-0

Loy and Mindy Adkins

The second hearing item was for Loy and Mindy Adkins, a conditional use permit for Event Center as a Public/Semi Public Use. The property is located in S12, T57N, R19W (Cherry). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to operate a wedding/event venue for both indoor and outdoor events.
- B. The house will also be available for use, but will not be used as overnight lodging.
- C. No onsite food services are being requested. Food will be catered.
- D. No request for a liquor license. Furnished liquor will be the responsibility of the renter.
- E. No outdoor music is being proposed.
- F. The applicants will remove a few outbuildings to create a parking area.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5, allows a Public/Semi-Public use in a Forest Agricultural Management district with a conditional use permit.
 - 2. The property is not identified under a future land use category in the St. Louis County Comprehensive Land Use Plan; however, Goal LU-4 states that development shall proceed in an orderly, efficient and fiscally responsible manner. When development opportunities arise in isolated areas, ensure such development is self-supporting. The request is for a wedding venue on an existing property that will utilize the current buildings on the property. No request for public services are being requested.
- B. Neighborhood Compatibility:
 - 1. The area consist of large tracts of agricultural and forested land. The dominant zoning in the area is Forest Agricultural Management with a minimum lot size of 9 acres.
 - 2. There are four residential properties within a quarter mile, the closest being located across the road approximately 400 feet to the northwest.
 - 3. The proposal will have no impact on the neighborhood in terms of development. There are no new proposed structures associated with the wedding venue.
 - 4. The proposal has the potential to impact the residential properties in the area with added noise and traffic during events.
- C. Orderly Development:
 - 1. Many of the parcels in the area are currently undeveloped with only a few that have residential development. It is anticipated that the uses in this area will largely remain the same in the future.
- D. Desired Pattern of Development:
 - 1. The desired pattern of development is not anticipated to change significantly in the near future.

Mark Lindhorst noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow an event center as a public/semi-public use, the following standards shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. St. Louis County on-site sewage treatment regulations shall be followed.

Conditions Concurrent:

1. The applicant shall comply with all county, state, and federal regulations.
2. If liquor is allowed at an event, it shall be furnished by licensed and insured event supplier and follow St. Louis County ordinances on liquor licensing.
3. Lighting shall be directed in accordance with dark sky standards.
4. There shall be no on-street/road parking during events.

Loy Adkins, the applicant, stated he has spoken with the St. Louis County On-Site Wastewater Division in Virginia. They are aware they need to do something for a septic. Their current plan is to install a holding tank. They would also consider portable privies if they need to. The event center will be a good use for the area. They will hire out for clean-up. There is only one bedroom inside of the dwelling.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Pollock* asked why there was no recommended condition regarding music. *Mark Lindhorst* stated that applicants had said there would be no outdoor music. If any of their guests would like to have music, they would need to have it indoors.
- B. Commissioner *Nelson* stated he is concerned about the wastewater component of this. Some sort of facilities will need to be provided. There is also no information on the well or water source. Commission member *Skraba* agreed that this should be a part of this request. *Mark Lindhorst* read the SSTS record review report. There is a septic system for the home and a well located on the property. There could be a holding tank or there would need to be a number of privies with a contract with a licensed septic business. Commissioner *Nelson* added that the existing SSTS is sized for a home, which might be used as a staging area for a wedding. That might also need to be addressed.
- C. Commission member *Manick* stated there are portable handwashing stations in addition to portable privies. Commission member *Svatos* agreed that portable privies may be suitable for events.

DECISION

Motion by Manick/Svatos to approve a conditional use permit to allow an event center as a public/semi-public use, based on the following staff facts and findings:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5, allows a Public/Semi-Public use in a Forest Agricultural Management district with a conditional use permit.
 2. The property is not identified under a future land use category in the St. Louis County Comprehensive Land Use Plan; however, Goal LU-4 states that development shall proceed in an orderly, efficient and fiscally responsible manner. When development opportunities arise in isolated areas, ensure such development is self-supporting. The

request is for a wedding venue on an existing property that will utilize the current buildings on the property. No request for public services are being requested.

B. Neighborhood Compatibility:

1. The area consist of large tracts of agricultural and forested land. The dominant zoning in the area is Forest Agricultural Management with a minimum lot size of 9 acres.
2. There are four residential properties within a quarter mile, the closest being located across the road approximately 400 feet to the northwest.
3. The proposal will have no impact on the neighborhood in terms of development. There are no new proposed structures associated with the wedding venue.
4. The proposal has the potential to impact the residential properties in the area with added noise and traffic during events.

C. Orderly Development:

1. Many of the parcels in the area are currently undeveloped with only a few that have residential development. It is anticipated that the uses in this area will largely remain the same in the future.

D. Desired Pattern of Development:

1. The desired pattern of development is not anticipated to change significantly in the near future.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. St. Louis County on-site sewage treatment regulations shall be followed.

Conditions Concurrent:

1. The applicant shall comply with all county, state, and federal regulations.
2. If liquor is allowed at an event, it shall be furnished by licensed and insured event supplier and follow St. Louis County ordinances on liquor licensing.
3. Lighting shall be directed in accordance with dark sky standards.
4. There shall be no on-street/road parking during events.

In Favor: Anderson, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 7

Opposed: None - 0

Motion carries 7-0

David Coughlan

The third hearing item was for David Coughlan, a conditional use permit for a Short Term Rental as a Residential Use-Class II. The property is located in S8, T63N, R17W (Unorganized 63-17). *Donald Rigney*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to use the property as a short term rental.

- B. The property has been used as a short term rental prior to St. Louis County adopting short term rental standards.
- C. This property requires a conditional use permit due to the lot being zoned residential and not meeting zoning minimums.
- D. Zoning minimum acreage is 2.5 acres and the subject property contains 1.32 acre.
- E. The proposal states that the property will be rented 35 days out of the year.
- F. This does not constitute a commercial use and would be allowed with proper permitting in a residentially zoned area.
- G. The property contains two dwellings. The applicant is proposing that when the property is rented, guests will have access to one of the two dwellings and the other dwelling will remain closed.

Donald Rigney reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. St. Louis County Zoning Ordinance 62 Article III, Section 3.2 states minimum lot dimensions for each zone district.
 - a. Residential (RES)-5 requires a minimum of 2.5 acres and 200 feet in width.
 - b. The subject parcel is zoned RES-5 and is 1.32 acre and 228 feet of width at the building location.
- 2. St. Louis County Short Term Rental standards state that for a property to be rented out as a short term rental, a performance standard permit or a conditional use permit is required.
 - a. St. Louis County Short Term Rental standards require additional standards in residential zoned areas; if the residential standards cannot be met, a property owner may apply for a conditional use permit.
 - b. The subject property has not met the additional standard for residential zoned property that states the parcel must meet zoning minimum requirements.
- 3. The subject property contains two principal dwellings.
 - a. Both dwellings exceed accessory dwelling standards and therefore are considered principal dwellings.
- 4. St. Louis County Zoning Ordinance 62 Article VI, Section 6.32A 2.b states that no more than one rental dwelling unit per parcel may be rented.
 - a. Additional occupancy, other than by the owners of the property, by use of recreational vehicles, tents, accessory structures, garages, boathouse, pole barn, shed, fish houses or similar structure is not allowed.
 - b. The applicant is proposing that when the property is rented, guests will have access to only one of the two dwellings and the other will remain closed.
- 5. Objective ED-2.1 of the St. Louis County Comprehensive Land Use Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.

B. Neighborhood Compatibility:

- 1. The subject parcel is zoned RES-5. The surrounding riparian parcels are zoned RES-5.
 - a. A short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.
- 2. Life of Riley Resort is located within 300 feet to the southeast of the subject parcel.

- a. The resort is zoned SMU-5 and within the Lakeshore Commercial Overlay.
- 3. The adjoining parcel to the east is under the same ownership as Life of Riley Resort.
- 4. The adjoining parcel to the west is a public boat landing and is owned by the Minnesota Department of Natural Resources.
- 5. The subject property and Life of Riley Resort utilize the same access off of Cedar Road.

C. Orderly Development:

- 1. The subject parcel is located in Norwegian Bay on Lake Vermilion.
- 2. A majority of parcels in Norwegian Bay are zoned residential.
 - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which could include other short term rentals.
- 3. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents as well as contributing to the County lodging tax base.

D. Desired Pattern of Development:

- 1. Development in the surrounding area is primarily residential use with the exception of an adjacent resort.
- 2. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
- 3. Development patterns in this area are expected to primarily be residential.
 - a. Proposed short term rental uses are expected to be part of development patterns.
- 4. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.
- 5. The proposed intended days for rental of 35 does not constitute a commercial use.

E. Other Factor:

- 1. The property has been used as a short term rental prior to St. Louis County adopting standards.
 - a. The applicant is applying for a conditional use permit in order to fulfill new St. Louis County requirements.

Donald Rigney noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit on property that does not meet the minimum zoning requirement to allow Short Term Rental as a Residential Use-Class II, the following conditions shall apply:

- 1. All other short term rental standards shall be met.
- 2. All SSTS requirements shall be met.
- 3. All other local, state, and federal standards shall be met.

David Coughlan, the applicant, stated they would like to be able to use one dwelling or the other dwelling to rent out. He did not want it restricted to use one or the other. They only have room for two bedrooms on the septic system.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Svatos* asked if both buildings will be rented out, one at a time? How does the septic system work with this? *Donald Rigney* stated a record review was done and the system was sized for two bedrooms and is currently serving four; the applicants would only be able to rent out to four people at a time. This means they could only have one dwelling to rent at a time.
- B. Commission member *Manick* asked if the other dwelling will be vacated during the 35 days the other is rented. *David Coughlan* stated yes, they prefer not to stay on the property when there are renters.

DECISION

Motion by Manick/Svatos to approve a conditional use permit on property that does not meet the minimum zoning requirement to allow Short Term Rental as a Residential Use-Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. St. Louis County Zoning Ordinance 62 Article III, Section 3.2 states minimum lot dimensions for each zone district.
 - a. Residential (RES)-5 requires a minimum of 2.5 acres and 200 feet in width.
 - b. The subject parcel is zoned RES-5 and is 1.32 acre and 228 feet of width at the building location.
 - 2. St. Louis County Short Term Rental standards state that for a property to be rented out as a short term rental, a performance standard permit or a conditional use permit is required.
 - a. St. Louis County Short Term Rental standards require additional standards in residential zoned areas; if the residential standards cannot be met, a property owner may apply for a conditional use permit.
 - b. The subject property has not met the additional standard for residential zoned property that states the parcel must meet zoning minimum requirements.
 - 3. The subject property contains two principal dwellings.
 - a. Both dwellings exceed accessory dwelling standards and therefore are considered principal dwellings.
 - 4. St. Louis County Zoning Ordinance 62 Article VI, Section 6.32A 2.b states that no more than one rental dwelling unit per parcel may be rented.
 - a. Additional occupancy, other than by the owners of the property, by use of recreational vehicles, tents, accessory structures, garages, boathouse, pole barn, shed, fish houses or similar structure is not allowed.
 - b. The applicant is proposing that when the property is rented, guests will have access to only one of the two dwellings and the other will remain closed.
 - 5. Objective ED-2.1 of the St. Louis County Comprehensive Land Use Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.

B. Neighborhood Compatibility:

1. The subject parcel is zoned RES-5. The surrounding riparian parcels are zoned RES-5.
 - a. A short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.
2. Life of Riley Resort is located within 300 feet to the southeast of the subject parcel.
 - a. The resort is zoned SMU-5 and within the Lakeshore Commercial Overlay.
3. The adjoining parcel to the east is under the same ownership as Life of Riley Resort.
4. The adjoining parcel to the west is a public boat landing and is owned by the Minnesota Department of Natural Resources.
5. The subject property and Life of Riley Resort utilize the same access off of Cedar Road.

C. Orderly Development:

1. The subject parcel is located in Norwegian Bay on Lake Vermilion.
2. A majority of parcels in Norwegian Bay are zoned residential.
 - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which could include other short term rentals.
3. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents as well as contributing to the County lodging tax base.

D. Desired Pattern of Development:

1. Development in the surrounding area is primarily residential use with the exception of an adjacent resort.
2. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
3. Development patterns in this area are expected to primarily be residential.
 - a. Proposed short term rental uses are expected to be part of development patterns.
4. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.
5. The proposed intended days for rental of 35 does not constitute a commercial use.

E. Other Factor:

1. The property has been used as a short term rental prior to St. Louis County adopting standards.
 - a. The applicant is applying for a conditional use permit in order to fulfill new St. Louis County requirements.

The following conditions shall apply:

1. All other short term rental standards shall be met.
2. All SSTS requirements shall be met.
3. All other local, state, and federal standards shall be met.

In Favor: Anderson, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 7

Opposed: None - 0

Amo Enterprises LLC

The fourth hearing item was for Amo Enterprise LLC, a conditional use permit for a Short Term Rental as a Residential Use-Class II. The property is located in S20, T63N, R18W (Beatty). Commission member *Manick* disclosed that he knows and is friends with the applicant, Steve Amundson and added he has no financial interest in this case. The Planning Commission did not ask him to recuse himself. *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to use the property as a short term rental.
- B. The use requires a conditional use permit because the property is located in a Residential zone district and the property does not conform to the minimum zoning standards.
- C. The development on the property consists of a dwelling, accessory dwelling (bunkhouse) and a small garage. There is also a driveway that would provide parking.

Jared Ecklund reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62, Article III, Section 3.2 states that the minimum lot dimensions for a Residential (RES)-9 zone district is 1.0 acre and 150 feet of width.
 - a. The subject property meets the minimum width requirements, but does not meet the minimum acreage requirement.
 2. St. Louis County Zoning Ordinance 62, Article VI, Section 6.32 A. 7. states that a conditional use permit is required for a short term rental dwelling unit that is located in a residential zone district parcel that does not meet the minimum zoning requirements.
 - a. St. Louis County Short Term Rental standards require additional standards in residential zoned areas; if the residential standards cannot be met, a conditional use permit is required.
 - b. In this case, the subject property does not meet the additional standard for residential zoned property that states the parcel must meet zoning minimum requirements.
 3. Objective ED-2.1 of the St. Louis County Comprehensive Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.
- B. Neighborhood Compatibility:
 1. The subject parcel is zoned RES-9. The surrounding parcels are also zoned RES-9.
 - a. Short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.
 2. The majority of the surrounding parcels are used residentially including both parcels adjacent to the subject parcel.

C. Orderly Development:

1. The subject parcel is located on Lake Vermilion which has a wide variety of uses, including residential and resort type uses.
 - a. There are several resorts along Vermilion Drive in this general area.
2. The majority of the parcels along Vermilion Drive in this area are zoned residential.
 - a. Few of the parcels in this area meet both the minimum acreage and width requirements.
 - b. Due to the underlying zoning, future development is expected to consist of primarily residential use, which could include other short term rentals.
3. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents as well as contributing to the County lodging tax base.

D. Desired Pattern of Development:

1. Development in the surrounding area is primarily residential use.
2. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
3. Development patterns in this area are expected to primarily be residential.
 - a. Proposed short term rental uses are expected to be part of development patterns.
4. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.
5. The proposed intended days for rental as a short term rental does not constitute a commercial use.

E. Other Factor:

1. The property has been used as a short term rental prior to St. Louis County adopting standards.
 - a. The applicant is applying for a conditional use permit in order to fulfill new St. Louis County requirements.

Jared Ecklund noted one item of correspondence from John W. Webster in support. This correspondence was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow conditional use permit for a Short Term Rental as a Residential Use-Class II, the following conditions shall apply:

1. All other short term rental standards shall be met.
2. All SSTS requirements shall be met.
3. All other local, state, and federal standards shall be met.

Steve Amundson, the applicant, stated he had nothing further to add.

No audience members spoke.

The *Planning Commission* discussed the following:

1. Commission member *Pollock* asked about the number of guests allowed. He asked if the four bedrooms would be approved by the St. Louis County On-Site Wastewater division. *Jared Ecklund* stated that, based on the record review, the request for ten guests on the site may not be allowed. Based on the size of the septic system, the maximum allowed may be limited to eight guests. This will need to be addressed with the applicant.
2. Commission member *Manick* asked if the number of days rented was included in the application and if this is the applicant's principal dwelling. *Jared Ecklund* stated the number of days is below the 50 percent threshold (six months). Commission member *Skraba* stated there were 120 days on the application. *Steve Amundson* added he rents monthly, not weekly, to avoid wear and tear.

DECISION

Motion by Svatos/Manick to approve a conditional use permit for a Short Term Rental as a Residential Use-Class II, based on the following staff facts and findings:

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Article III, Section 3.2 states that the minimum lot dimensions for a Residential (RES)-9 zone district is 1.0 acre and 150 feet of width.
 - a. The subject property meets the minimum width requirements, but does not meet the minimum acreage requirement.
2. St. Louis County Zoning Ordinance 62, Article VI, Section 6.32 A. 7. states that a conditional use permit is required for a short term rental dwelling unit that is located in a residential zone district parcel that does not meet the minimum zoning requirements.
 - a. St. Louis County Short Term Rental standards require additional standards in residential zoned areas; if the residential standards cannot be met, a conditional use permit is required.
 - b. In this case, the subject property does not meet the additional standard for residential zoned property that states the parcel must meet zoning minimum requirements.
3. Objective ED-2.1 of the St. Louis County Comprehensive Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.

B. Neighborhood Compatibility:

1. The subject parcel is zoned RES-9. The surrounding parcels are also zoned RES-9.
 - a. Short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.
2. The majority of the surrounding parcels are used residentially including both parcels adjacent to the subject parcel.

C. Orderly Development:

1. The subject parcel is located on Lake Vermilion which has a wide variety of uses, including residential and resort type uses.
 - a. There are several resorts along Vermilion Drive in this general area.
2. The majority of the parcels along Vermilion Drive in this area are zoned residential.

- a. Few of the parcels in this area meet both the minimum acreage and width requirements.
- b. Due to the underlying zoning, future development is expected to consist of primarily residential use, which could include other short term rentals.
3. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents as well as contributing to the County lodging tax base.

D. Desired Pattern of Development:

1. Development in the surrounding area is primarily residential use.
2. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
3. Development patterns in this area are expected to primarily be residential.
 - a. Proposed short term rental uses are expected to be part of development patterns.
4. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.
5. The proposed intended days for rental as a short term rental does not constitute a commercial use.

E. Other Factor:

1. The property has been used as a short term rental prior to St. Louis County adopting standards.
 - a. The applicant is applying for a conditional use permit in order to fulfill new St. Louis County requirements.

The following conditions shall apply:

1. All other short term rental standards shall be met.
2. All SSTS requirements shall be met.
3. All other local, state, and federal standards shall be met.

In Favor: Anderson, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 7

Opposed: None - 0

Motion carries 7-0

Motion to adjourn by Manick. The meeting was adjourned at 10:20 a.m.