

MINUTES OF THE TOWN OF SILVER CREEK PLANNING COMMISSION  
SILVER CREEK TOWN HALL  
CONDITIONAL USE HEARING  
September 12, 2016

The Town of Silver Creek Planning Commission sat in session on Monday, September 12, 2016 and conducted a Conditional Use Hearing. Chairman Larry Guentzel called the hearing to order at 7:00 p.m.

Members present were: Supervisor & Chair – Larry Guentzel; Supervisor – Greg Hull; Supervisor – Mike Hoops; Clerk – Kristina Pirsig. Others in attendance were the applicant – Ramona Linden, Rich Sve, Al Peterson, Ronald Linden, Chuck Linden, Barbara Linden, Larry Ronning, Peggy Stone, Tom Opfer, LeRoger Lind, Jon Norine, Barbara Norine and Ellen Peterson.

Motion by Guentzel, seconded by Hull, to have Vice Chairman Hoops chair the meeting. Motion carried unanimously.

The purpose of the hearing was to consider the Conditional Use application by Ramona Linden – for the property described as: the West Two Hundred Eight (208) feet of the East Three Hundred Thirty-three (333) feet of Lot Two (2) lying northwest of centerline of Trunk Highway No. 61, Section Thirty-two (32), Township Fifty-four (54) North, Range Nine (9) West of the Fourth Principal Meridian, Town of Silver Creek, Lake County, Minnesota, zoned Residential Service.

The applicant requested the following consideration: to operate a Bed & Breakfast.

Legal notice was published on 09/02/2016 in the Northshore Journal. 85 notices were sent as follows; the applicant, 80 Castle Danger Subordinate Sewer District property owners, Lake County Planning & Zoning, Town of Silver Creek Supervisors, County Commissioner. There were 5 returned notices; all of which are owners at Grand Superior Lodge Resort. There was one email response received from LeRoger Lind. Hearing was posted at the Silver Creek Town Hall and Town Website on 08/22/2016.

Hoops requested applicant Ramona Linden to speak to her application. Linden explained she would like to rent her home as a Bed and Breakfast. For the last ten years, off and on, she has rented it as a monthly rental.

Hoops explained that this conditional use is acceptable under the ordinances for Castle Danger Subordinate Service District (CDSSD).

Hoops asked for questions from Board members. The Board requested the public speak first. Hoops asked for anyone in the public who would like to speak in favor of the Conditional Use Permit.

Al Peterson voiced his support of the Conditional Use Permit (CUP).

Chuck Linden expressed his support of the CUP.

Discussion occurred about CDSSD ordinances and the CUP process.

Barb Norine stated that she was neither in support of, nor opposition to the CUP. However, she was concerned about trespassing. Hoops suggested the way to address that is by identification of property boundaries. In addition Ramona Linden can post property boundaries as well as have a set of rules, so that when guests arrive they are available to them.

Tom Opfer recounted that when the ordinances were set up there was a desire to not have a lot of short term rentals. He explained further that he believed that by allowing this CUP it would set a precedent for short term rentals.

County Commissioner Rich Sve expressed his support of the CUP. He explained that he believed that it meets the intent of the ordinance.

Discussion occurred about the uniqueness of the CDSSD ordinances in that a CUP can be revoked by the Board. An explanation of ways the CUP could be revoked was given.

Ellen Peterson expressed her support of the CUP.

LeRoger Lind sent an email. Hoops asked if he wanted to read it into the record. Lind said that he was opposed to the CUP and explained his concerns included: the effect on the sewer system, specifically water consumption; setting a precedent of starting a commercial business on a residential property; the growth plan of the sewer system and the possibility of a decline in real estate value.

Discussion occurred that addressed Lind's concerns.

Discussion occurred about adjacent property owners posting No Trespassing signs and ensuring that guests are aware of property boundaries.

Hoops closed the public portion of the meeting and opened it up to the Board.

Discussion ensued about the limitations and concerns surrounding the CUP. The following conditions were agreed upon:

1. Property will be operated as a Bed & Breakfast.
2. Owner or resident manager shall live on premise.
3. No more than 4 bedrooms may be used as bedrooms for Bed & Breakfast.
4. Bed & Breakfast shall offer a breakfast to guests.
5. Owner shall sign property boundaries.
6. Flowmeter shall be installed on water supply. Monthly flows shall be recorded and records maintained. Recorded figures shall be submitted to The Town of Silver Creek Clerk. Annually the CDSSD operator shall physically record flows. When flows exceed those of a single-family residence, based on MN 70-80 rules, commercial rates will apply.
7. A health department inspection shall be required.
8. Signage shall meet requirements of CDSSD ordinances and MN DOT regulations.
9. No usage of off road vehicles, ATV's or snowmobiles on the premises.
10. Quiet hours are 10pm – 8am.
11. No Fireworks
12. Pets will be kept on a leash.
13. Records of guests (rental dates, names, addresses) will be kept and available at the request of the Board. Records shall be kept for 3 years.

Hull asked if there were any issues because this is after the fact. Hoops explained that those had already been addressed.

The Board went through the findings of fact:

#1 - Measures have been taken, financially assured by the applicant, and approved by the road authority to provide safe and efficient access, off-street parking and loading space to serve the proposed use.

Yes, there is good parking.

#2 - The proposed use will comply with the hydrology and impervious surface requirements of the Ordinance.

Yes, there is no change.

#3 - The topography, vegetation and soil conditions are adequate to accommodate the proposed use.

Yes

#4 - The proposed use will not impact public waters during or after construction or impact wetlands without appropriate consideration.

No changes

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

Yes

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

No, it won't be a problem.

#7 - The proposed use or development will not be detrimental to the rightful use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair values within the vicinity.

No, it has been adequately proven.

#8 - That the proposed use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance.

Yes, it is an allowed use.

Motion by Hull, seconded by Guentzel, to approve Conditional Use Permit CU-16-01 with the above stated conditions. Motion carried unanimously.

Conditional Use Permit CU-16-01 approved by yea vote of Supervisors Mike Hoops, Larry Guentzel and Greg Hull this 12<sup>th</sup> day of September.

Motion by Hull, seconded by Hoops, to adjourn the meeting at 7:56 pm. Motion carried unanimously.

Respectfully submitted,  
Kristina Pirsig, Clerk