MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday March 28, 2019

The Planning Advisory Commission convened in regular session on Thursday, March 28, 2019 at the Pope County Courthouse Community Room.

Members Present: Dave Henke, Ronald Feigum, Ivie Cooley, Mark Halls, John Messenger, Brian Jergenson and Larry Lindor (County Commissioner)

Other Officials Present: David Green (Land & Resource Management Director), Shelley Cameron (Sr. Administrative Associate) and Cody Rogahn (C.C. alt)

The meeting was called to order by Chairwoman Ivie Cooley at 6:32 p.m.

The following items were addressed by the chair:

Additions and Corrections to the Agenda
There were no additions or corrections to the agenda.

Review Minutes of February 28, 2019
The minutes of the Planning Advisory Commission meeting held on Thursday February 28, 2019 were submitted for approval. Motion by Henke to accept the minutes as written. Feigum seconded. Motion carried.

CUP-Lisa Heieie

Chairwoman Cooley introduces the item. Applicants Lisa and Brian Heieie are present. Director Green presents staff report referencing that the applicant is seeking the right to operate a commercial business relating to the leasing or rental of an existing onsite residential structure (such as Airbnb or VRBO) on Lake Minnewaska. In the narrative that was provided by the applicant there were quite hours stated and staff has adjusted those quiet hours to be from 10 p.m. until 8 a.m. Staff received comments from Horizon Public Health indicating they would license the property for an overnight capacity maximum of 12 pending approval of the Conditional Use. Staff received comments from Pope County Assessor that the property could be classified as Commercial depending use. Staff has also received verbal and written comments from the public with the primary concerns relating to the road and the possible increase in traffic. The applicants have noted in their narrative provided that parking will be located on the property in a designated area near the house. With this being a 2 ½ acre parcel it is much larger than any lots near it and there are a lot of trees and other vegetation that offer natural screening from neighboring properties. Horizon Public Health issues and performs inspections for compliance. Commissioner Lindor asks if the septic system will need to be inspected. Director Green responds "the septic was put in a while ago and when there is a change in its use, such as a Conditional Use Permit, will trigger a compliance inspection to be done." Chairwoman Cooley asks Director

David Green "do you think there are some of these (VRBO's/Airbnb's) out there that are not coming before us and are not permitted?" Director Green states "it would be foolish for me to think there is not. When and if our office becomes aware of it we would send out a letter." Chairwoman Cooley asks for any additional comments from the applicants. Applicant Lisa Heieie states "she is the daughter of Shirley Jenkins and we are seeking a permit to run an Airbnb. The operation will be mainly seasonal from May 1, to September 30 with possible rentals sporadically in the winter months to allow for ice fishing enthusiasts. There will be no pets allowed and the closest neighbor is approximately 300 feet from the house which will give separation from the nearest neighbor and will provide privacy for the guests. There are also evergreens to provide some additional privacy. The guests must agree to our house rules. They must have a government issued ID. As far as the travel down the road our terms would be that is a 15 M.P.H. speed zone and guests will be advised that it is a narrow road with one lane traffic. They will be required to use caution for oncoming vehicles and/or pedestrians and children playing. There will be no large RV's or larger sized boats or trailers allowed. There will be no smoking or any loud parties and no additional guests for overnight lodging. Our maximum overnight lodging is 12 with a maximum daytime guests of 36. There is a lot of room for parking and will be in a designated area. If a neighbor has complaints I will have a contact numbers to reach us as the hosts first and you can also scroll onto the Airbnb and submit complaints. We want to have a great rapport with neighbors. We live on the lake ourselves and would want to give the same kind of respect to neighbors as we expect from them. We would hope our guests would be on the front side of the house enjoying the lake. I will be screening the guests and we are going to ask a price that would keep a nice clientele. We did notice the quiet hours were changed in the staff report compared to my narrative and I don't see that as a problem. The only time that it may come up is the 4th of July with the lighting of fireworks but everyone does that all along the lake. If any guests violate our policies they will be evicted and we will call law enforcement." Applicant Brian Heieie states "we would be very up front with the road and express that it is a narrow road with only one lane traffic and the need to control your speed." Messenger address the applicants to explain more about the daytime visitors being 3 times the amount of overnight guests. Applicant Brian Heieie responds "Horizon Public Health is the one who approved this number. This would be daytime visitors and/or family. They would not be allowed to stay the night. This again, would not always be the norm, but there are times when guests will have family in town that may come to visit and this would accommodate for that. For example if you were to take our family my wife and me with our children and grandchildren is a total of 15." Messenger asks "do you plan to have a dock?" Applicant Brian Heieie states "yes." Messenger asks "is there a boat landing?" Applicant Brian Heieie states "no." Messenger asks "how many boats do you think could be at your dock at a time?" Applicant Brian Heieie states "two probably." Messenger states "this would limit the amount of boats or trailers." Chairwomen Cooley opens to the public asking if there is anyone speaking for this. Dean Peterson states "I'm not really for or against but I just think this is the most unique property in Pope County. I have a rental myself half way down Priest Point that I have rented now for 11 years and I didn't even know I needed a permit. I live on the east end of the lake and I know for a fact within a mile on each side of me there are four VRBO's and I know for a fact that not one of them has a permit. These people are just trying to do the right thing here." Director Green states "that as Mr. Peterson pointed out there are some that are out there that we need to get in front of but the

reason we don't know about them is because there are not a lot of complaints." Chairwoman Cooley asks if there is anyone speaking against this. Pat Ascheman states "I am next door neighbors and I bought my place 18 years ago. It is a quiet neighborhood and they refer to it as a road and it is more of a cart path and my concern is the safety of the road." Mike Lambrecht states "I have lived in the neighborhood for 10 years and we are right next to Pat (Ascheman). It costs me money when people turn around from by concrete being busted up in our driveway. I feel more people will be more issues." John Richard states "I have a question as to what is the duration of this permit if approved?" Director Green responds "a Conditional Use Permit is attached to the property as long as the conditions are adhered to. If violations or changes are made we can call them back in." Bob Listerud states "I have been there 20 years and I feel this is going to be a lot of people we don't know. It is a relatively quiet area so I am concerned with speed boats and jet skis as far as noise." Donita Ascheman states "I appreciate Lisa's (Heieie) demonstration but the reality is very different. The 36 day time guests is a great concern as far as the road safety and for a quiet residential road. You can only have so much control of the guests." Leigh Grabowski states "my concern is the 36 daytime guests is a lot of traffic." John Richard asks "what will be the duration or length of stay for your guests?" Applicant Lisa Heieie responds "it is a seasonal rental and we are proposing May 1st to September 30th primarily. We are putting a limit of a four night stay to possibly a week." Applicant Brian Heieie adds "it doesn't have to be 36 daytime guests, this is just what Horizon Public Health suggested and this wouldn't be all the time." Chairwoman Cooley closes the public hearing. Chairwoman Cooley asks for comments from the site team. Feigum states "it looks like a nice location and it is at the end of the road with 2 ½ acres which gives them plenty of room to roam around." Messenger suggests on the subject of the narrow road that it may be helpful to have a very low speed limit be suggested like 10 M.P.H. Director Green states "I would ask to add one more condition that we have a phone number to get ahold of the hosts for our office or the sheriff's department to contact the hosts if needed." Chairwoman Cooley seeks a motion. Feigum makes a motion to approve with conditions. Messenger seconded. Motion carried with no dissenting votes noted.

CUP-Nicholas Bullick

Chairwoman Cooley introduces item. Applicant Nicholas Bullick is present. Director Green presents staff report and indicates that the applicant is seeking the right to operate a used vehicles sales business on a parcel located adjacent to the community of Lowry and with frontage on State Hwy 55. However, the parcel is located in the Non-Intensive Agricultural zoning district which requires a conditional use permit to be issued for commercial uses. The site has previously been in commercial use but had not been properly permitted by Pope County. As a commercial use the structure and use need to be ADA compliant. Staff recommends approving with conditions. We (staff) did reach out to the township and they did not have any concerns. Chairwoman Cooley asks if the applicant has any comments to add. Applicant Nicholas Bullick states "I have been in business for five years and we have outgrown our current location. This is perfect for our needs. I was in the city of Lowry and now will be considered under the jurisdiction of Pope County. I have started clean up and will continue to clean up the property completely. Chairwoman Cooley opens to the public asking if there is anyone speaking for this. None noted. Chairwoman Cooley asks if there is anyone speaking against this. None noted. Chairwoman Cooley closes the public hearing. Chairwoman Cooley asks for comments from the site team.

Messenger states "he has already made a lot of progress on the cleanup. It is a good location and a good use for that location. There will be no repairs on site." Feigum "states yes, it makes a good spot for the business and there has been a lot of cleanup done already." Chairwoman Cooley seeks a motion. Feigum makes a motion to approve with findings and conditions. Henke seconded. Motion carried with no dissenting votes noted.

CUP-Jeremy Armstrong

Chairwoman Cooley introduces item. Applicant Jeremy Armstrong is present. Director Green presents staff report and indicates that the applicant proposes to operate a small firearms and related accessories business based out of his property located near Lake Amelia. The business will consist of light gunsmithing, buying and selling (transferring) of small firearms and accessories (no ammunition). This business venture will require a Federal Firearms License. Staff has proposed conditions to mitigate impact to the neighborhood. The conditions by staff are difficult standards. The business has to have a bathroom in addition to parking on sight which all have to be ADA compliant. Staff recommendation is to approve with conditions based on the provided findings of fact. Comments received by the Assessor is that the gunsmithing shop will be a commercial use. We did not get any comments from the township however we did get a lot of comments from the neighborhood. We have supplied a list of signatures that are in opposition. Staff would like to point out one more thing and it this did come up in our conditions that a Code Compliance inspection be performed by a certified architect or engineer licensed and practicing pursuant to Minnesota Statutes. This is a conversion of use in which it goes from residential to commercial sales and this automatically triggers this Code Compliance Inspection. Commissioner Rogahn asks "if there is no on street parking allowed will you be able to have enough room for ADA parking as well?" Applicant Jeremy Armstrong responds "that I have enough room to do this I would just have to widen my driveway as such." Chairwoman Cooley asks if the applicant has any comments to add. Applicant Jeremy Armstrong states "this will be a very small scale operation. One to three possibly a week as a customer basis maybe. There will not be a whole lot of sales because I can't compete with the big box stores. The Federal Firearms licensee allows you to buy and sell as well as do gunsmithing. The biggest emphasis for me is the light gunsmithing. There is a 3rd generation family member that is about to retire and I just want to pick this up and carry this on. There will be no ammunition or test firing because that would be illegal. It will be light gunsmithing or gun cleaning and again on a very small scale. It is a hobby for me. I just really want to keep up a family tradition. I won't be putting up any signage. I really do not want to upset my neighborhood. In our society everyone is scared of guns and I am not trying to create a panic here. I would be very discreet. It will be regulated and I have to follow the ATF. The federal government keeps very close tabs on you. The FFL requires anything sold has to be registered and must pass legal background check to obtain. It is taken very seriously. You are subject to compliance inspections whenever they are in the area. This FFL license is the very least that you can get. I would really like the opportunity to do this." Messenger asks the applicant "in reference to the gun sales will it be shot guns, long guns, pistols? Any particular limitations in that regard?" Applicant Jeremey Armstrong responds "The FFL that I will be applying for will allow me to sell any kind of gun that you can buy here such as long guns, rifles and handguns." Chairwoman Cooley opens to the public asking if there is anyone speaking for this. Lowell Rohloff states "he talked to me about it and I don't have any concerns. I own

guns myself and I may want to get them cleaned and would utilize his service." Jason Hagen representing the Township states "as he explains it being small in scale and is basically a hobby and remains small scale I wouldn't have any concerns about it." Axeen Armstrong states "I am his spouse and I just want to add that he really wants to keep this a small business and would be his hobby. If this were to get larger it would put an impact on our family. Jeremey works full time and our family needs that income." Chairwoman Cooley asks if there is anyone speaking against. Jay Matykiewicz states "my concern is the storage of these guns on site. Do you have proper storage from theft? I'm not against the gunsmitthing it is the location that I am against. Secondly, how are you disposing of the chemicals to clean the guns." Morley Frantzick states "I'm not for or against. I am just generally against a commercial business that is not geared to specifically benefit the lake. I have a hard time relating guns to the lake. I'm not against a business on the lake but a gun shop on our shoreline I would be against it." Bill Wussow states "I have submitted a letter with 15-16 home owners that own property on Southwest Amelia Road that signed a petition against a commercial business in our residential area. The issue here is the sale of firearms and the actual sale and gun transfer is what has us concerned." Bernice Oerter states "the road is very busy as it is. The safety is also a concern. With these background checks, you can't guarantee who you are getting in your neighborhood and my last point is that I don't think it is an appropriate place for this kind of business. Not everyone appreciates guns and if we were to try and sell our property what will that do to our property values." Chairwoman Cooley closes the public hearing. Commissioner Lindor asks "will the guns be in a gun safe?" The applicant Jeremy Armstrong responds "I have a 40 gun safe which is in that building. The brand is called Safari and it will withstand fire and it will be under lock and key. Commissioner Lindor asks about the cleaning solvents as far as disposal. Applicant Jeremey Armstrong states "we have Pope Douglas Solid Waste take care of this for us." Mark Halls asks "can you limit the size if you were to grow?" Applicant Jeremey Armstrong responds "my license will allow me to operate to about the size of a local hardware store." Messenger asks "have you explored any other possible locations?" Applicant Jeremy Armstrong responds "to keep it as small scale as I want it wouldn't be lucrative for me at all as far as to pay rent on another facility." Chairwoman Cooley seeks a motion. Henke makes a motion to approve with conditions. Jergenson seconded. Messenger and Cooley opposed. Henke, Jergenson, Halls, Feigum and Commissioner Lindor voted in favor. Motion passed.

Tabled/Old Business

Director Green passes out septic system ordinance and has discussion about the ordinance and references that the changes are in red is what we are proposing to change.

Adjournment 8:38 p.m. Motion by Henke to adjourn the Planning Advisory Commission meeting. Motion seconded by Jergenson. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Cameron

Shelley Cameron
Sr. Administrative Associate
Pope County Land & Resource Management