MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday May 28, 2020

The Planning Advisory Commission convened in regular session on Thursday, May 28, 2020 via telephone conference call in an effort to comply with MDH recommendations issued with the declared Peacetime Emergency in response to the spread of COVID-19 (coronavirus) in MN.

Members Present: Roger Isdahl, Ronald Feigum, Ivie Cooley, Mark Halls, John Messenger, Brian Jergenson, Larry Lindor (County Commissioner) and Cody Rogahn (C.C. alt)

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

The meeting was called to order by Chairman Jergenson at 6:20 p.m.

The following items were addressed by the chair:

Additions and Corrections to the Agenda
A motion was made by Halls to move item #3 Ordinance Amendment Public Hearings and Discussion to be the last on the agenda. Messenger seconded. Motion carried with no dissenting votes noted.

Review Minutes of April 23, 2020
The minutes of the Planning Advisory Commission meeting held on Thursday April 23, 2020 were submitted for approval. Motion by Messenger to accept the minutes as written. Cooley seconded. Motion carried with no dissenting votes noted.

CUP-Josh Boyer
Chairman Jergenson introduces the item. Applicants Josh Boyer and Michael Scrafford are present (electronically). Director Green presents staff report with a recommendation to approve the application with conditions and to consider a Motion to Table until the next regularly scheduled meeting so as to allow for public input to be submitted and considered. Director Green also goes through comments submitted through the routing sheets specifically Leven Township who states they are opposed and references a fair number of communications both written and verbally received by neighbors that are also against with similar concerns stated. Chairman Jergenson asks for any additional comments from the applicant. Applicant Josh Boyer states "basically Michael & Roxanne (Scrafford) want to do this legitimately. My company manages over 150 properties. I have spoken with Horizon Public Health. We manage our properties very professionally. I will give my personal number or my staff's number to every neighbor so that if anyone has any issues to reach out to me. We meet them on site when they arrive unlike some VRBO's. We are physically there to meet with them and cover all

the bases so that everyone is on the same page." Applicant Michael Scrafford states "my wife and I have five children and we have tried to book a vacation rental place ourselves and have found it difficult to find a booking that is open and can accommodate. We saw a need for this and this and did extensive research. We bought the property for our own families use and thought it would be a great idea to use as a VRBO so that people can enjoy what Pope County has to offer. We are trying to follow the process. It was expressed in comments from the neighbors that another rental place on Lake Leven is not following the proper process and this is not our intent at all." Cooley points out that there is usually a damage deposit to cover incidentals such as garbage left behind and such. Applicant Josh Boyer states "yes they have a damage deposit and we do manage the garbage and ensure it is being collected. If we were to get any complaints, we would be addressing them immediately. We have the ability to make them leave if they are not abiding by the rules and we will do it if necessary." Commissioner Lindor asks if there is any stipulations on Lake Leven as far as ski boats or jet skis. Director Green states "Pope County Land & Resource is responsible for land use. Public waters would be the DNR. We sent a routing sheet to them and received no comments." Applicant Josh Boyer states "I have discussed this with Michael (Scrafford) and they would not have a problem with having no jet skis and no boats over a certain size." Halls asks staff "what about the VRBO that is currently not permitted on the lake?" Director Green states "we just became aware that there was another operating rental. We have sent out a cease and desist notification. Chairman Jergenson opens the public meeting and asks "is there anyone speaking for this?" None noted. Chairman Jergenson asks "is there anyone speaking against this?" Randy Kremin states "I live on the neighboring property on the south side. We have concerns with this being a Natural Environment Lake. I believe this would not be a good situation. The shrubs do not block sufficiently and it would be new groups of people every week. Quiet time or not it will change everything including property values. We are opposed to this. We listed several reasons in a two page letter that is part of the prepared staff report that you have." Dennis Stark states "the enjoyment of our property is dwindling and we are considering selling it. With the increased traffic it has just completely changed from the natural environment ascetics and why we purchased our property. I would hate to see another VRBO and I have also submitted my written comments as part of the staff report." Chairman Jergenson closes the public hearing. Chairman Jergenson asks for comments from the site team. Cooley states "it is quite a spacious lot and has defined parking space and property lines clearly defined. There seems to be a lot of outdoor area to enjoy. I do however feel that more input from the DNR would be valuable." Chairman Jergenson seeks a motion. Cooley makes a motion to table to acquire more information from the DNR and other public comments." Halls seconded. Motion carried with Cooley, Isdahl, Halls, Lindor, Messenger and Jergenson in favor. Feigum had technical difficulties thus his vote is not recorded.

Tabled/Old Business

CUP-Benjamin Zenner

Chairman Jergenson introduces the item. Applicant Benjamin Zenner is having electronic difficulties and is not able to be present. Director Green states "on April 23rd the Planning Advisory Commission was presented with this application and staff report. With no additional comments from the public relating to this application staff recommends approving the application with conditions." Cooley asks for clarification on number of guests or bedrooms. Messenger references the narrative provided by the applicant that states it has 3 bedrooms that will sleep 6-8 guests. Chairman Jergenson seeks a motion. Messenger states "based upon the Findings of Fact as presented in the staff report, I move to offer a recommendation of approval of the Conditional Use Permit with conditions identified in the staff report." Cooley seconded. Motion carried with no dissenting votes noted. Feigum had technical difficulties thus his vote is not recorded.

CUP-Robbie Hyland

Chairman Jergenson introduces the item. Applicant Robbie Hyland is not present. Director Green states "on April 23rd the Planning Advisory Commission was presented with this application and staff report. With no additional comments from the public relating to this application staff recommends approving the application with conditions." Messenger states "I would like to propose a consideration that no fireworks and no noise or music after 10:00 pm be entertained." There is discussion about quiet time after 10:00 pm that is currently referenced in the conditions that should address this. Commissioner Lindor asks staff "what would happen if there is a violation of the conditions?" Director Green states "it could be brought back to the Board. I would like to reference section (11.8) Enforcement and Penalties of the Land Use Control Ordinance that states any violation of the provisions of this ordinance or conditional uses shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes. The County would be able to assess up to a $1000 a day for cost to enforce." Chairman Jergenson seeks a motion. Halls states "based upon the Findings of Fact as presented in the staff report, I move to offer a recommendation of approval of the Conditional Use Permit with conditions identified in the staff report." Cooley seconded. Motion carried with no dissenting votes noted. Feigum had technical difficulties thus his vote is not recorded.

Ordinance Amendment Public Hearings and Discussion

Director Green gives a brief update and asks for any comments or feedback. There is open discussion by the board and Director Green. Chairman Jergenson seeks a motion. Halls makes a motion to move the ordinance amendments to the Board of County Commissioners for consideration. Cooley seconded. Motion carried with Cooley, Isdahl, Halls, Lindor, Messenger and Jergenson in favor. Feigum had technical difficulties thus his vote is not recorded.

Adjournment 8:06 p.m. Motion by Cooley to adjourn the Planning Advisory Commission meeting. Motion seconded by Messenger. Motion carried with no dissenting votes noted. Feigum had technical difficulties thus his vote is not recorded.

Special Note: The Land & Resource Management Office received a verbal voice message from Commissioner Rogahn stating "I support the comments from the neighbors and the Leven Township Board. Our residents should have a right to quiet enjoyment without potential problems. We have a responsibility to our citizens of Pope County and we do not have a responsibility to people outside of the county to damage the quiet enjoyment of our people who are already citizens here. I know that I would not want to live where there would be 12 different people living there and the renters would potentially change after every four days. As a Commissioner form District 5, which includes Leven Township and the city of Villard, I cannot support this application. I would suggest they withdraw their application in light of the fact that there is no support in the neighborhood for this project."

Respectfully submitted,

Shelley Cameron

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