

CITY OF EAST GULL LAKE
AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, July 30, 2019 – 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to the Agenda /Adoption of Agenda
5. Approval of Minutes
 - a) June 25, 2019 Regular Meeting
6. Public Hearing
None
7. Open Forum*
8. P&Z Administrator’s Report
 - a) Statistics

New Permits:	10
New Variances:	0
New Conditional Use:	0
Potential Permits:	4
Inspections:	52
Completion Letters:	6
New Violations:	0
Total 2019 Permits to date:	39

- b) 2013 through 2018 Existing Permits Update
 - One remaining open 2013 permit: Owen Trout garage
 - One remaining open 2014 permit: Thomas Deans shed
 - 3 remaining open 2016 permits
 - 3 remaining open 2017 permits
 - 27 open out of 55 total 2018 permits
9. Old Business
Zoning Ordinance Discussion
10. New Business
Short Term Rentals
11. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

***OPEN FORUM** allows the public to speak to the Committee regarding issues that are not on the agenda.

Prepared by East Gull Lake Administrative Assistant
Kathy Schack

***City of East Gull Lake
Planning and Zoning
Regular Meeting***

Tuesday, June 25, 2019 – 6:30 PM

I. Call to order

Chairman Bruce Buxton called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission at 6:30 PM on Tuesday, June 25, 2019 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Paul Tollefson, Nate Tuomi, Eunice Wiebolt, Rocky Waldin

Staff Present: City Administrator Mason, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: Rick Braunig, MnDOT Office of Aeronautics, Brett Anderson, Mitch Brock, Doug Schieffer, David Turnberg, Nealna Gylling, Don Gylling

IV. Adoption of Agenda/Additions or Deletions to the Agenda

Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to approve the agenda as presented. All present voted in favor thereof. Motion carried.

V. Approval of Minutes

Motion by Commissioner Waldin, second by Commissioner Tuomi to approve the minutes of the Tuesday, May 31, 2016 meeting. All present voted in favor thereof. Motion carried.

VI. Public Hearings

None

VII. Open Forum

Doug Schieffer – Helipad on private property

Mr. Schieffer addressed the Commission regarding the request for the ability to land his helicopter onto his property around half a dozen times a year. He discussed the options as to where he could land on his property. He described an option of landing on a knoll on his property. He noted that another option would be to land on the roof of a newly constructed home. He also noted that if he opted to use a patio for landing, he could then move it to the garage.

Rick Braunig, MnDOT Office of Aeronautics manager of aviation safety and enforcement addressed the Commission. He noted he looked at the sight and agreed with the options presented by Mr. Schieffer. He stated that the restrictions the City chooses to place on Mr. Schieffer would be upheld by MnDOT.

Discussion ensued regarding the concern of noise and disturbance of the neighbors and the fact that this is a residential area. There was also discussion regarding the fact that there are other options for landing, such as the East Gull Lake Airport and the Brainerd Airport.

A commissioner pointed out the fact that it would be perfectly legal for him to put floaters on the helicopter and land on the lake like planes already are doing.

It was noted that the helicopter will fly in on a pre-determined day so that the neighbors can experience the noise that it makes to help them make a decision as to whether or not it would be a disturbance.

VIII. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	6
New Variances:	0
New Conditional Use:	0
Potential Permits:	0
Inspections	40
Completion Letters:	8
New Violations	0
Total 2019 Permits to date:	30

B. 2013 – 2018 Existing Permits Update

- One remaining open 2013 permit: Owen Trout garage
- One remaining open 2014 permit: Thomas Deans shed
- 4 remaining open 2016 permits
- 5 remaining open 2017 permits
- 30 open out of 84 total 2018 permits

Administrator Mason reviewed the inspections that took place during the last month.

IX. Old Business

A. Zoning Ordinance Update Discussion

Chair Buxton noted that the ordinance zoning section has been available online all month for the commissioners to comment. Discussion ensued regarding several of the comments that have been made over the last month. It was decided to take up next month where the discussion left off at this meeting.

X. New Business

None

IX. Adjournment

Motion by Commissioner Tuomi and seconded by Commissioner Tollefson to adjourn. All present voted in favor thereof. Motion carried.

Transcribed by East Gull Lake Administrative Assistant
Kathy Schack

These minutes are paraphrased and are not written word for word.



Administrator's Report

New Permits:

	PERMIT #	PARCEL ID	LAST NAME	PROPERTY ADDRESS	DESCRIPTION	PERMIT TYPE	PERMIT FEE
1	2019-30	87-020-3104	Erickson	1456 Pike Bay Rd	move constructed storage shed onto property	LUA	\$50.00
2	2019-31	87-021-4401	Vobejda	10987 Gull River Rd	construct 32x56 steel pole building	LUA	\$400.00
3	2019-32	87-357-0110	Will	10310 Sq Pt Rd	shoreline restoration	LUA	\$150.00
4	2019-33	87-020-3126	Christofferson	1404 Pike Bay Rd	Demo existing deck and rebuild deck based on new configuration	LUA	\$150.00
5	2019-34	87-356-0150	DK Investments	TBD Shady Ln L5, B1, 1st Addn Ruth Lake Est	New residence construction	LUA	\$400.00
6	2019-35	87-367-0010	Harstad/HARBOR	1181 Poplar Dr	Construct 2nd Storage Building per PUD specs	LUA	\$2,000.00
7	2019-36	87-369-0040	Wilson	1274 Gull Lake Ln	construct new residence, tear down existing cabin after construction is complete	LUA	\$400.00
8	2019-37	87-029-3413	Remmick	11511 Lower Gull Lake Ln	construct an accessory garage	LUA	\$400.00
9	2019-38	87-347-0150	Domogalla	1072 Green Gables Rd	Construct a detached garage	LUA	\$400.00
10	2019-39	87-377-0050	Legacy Village	Legacy Court	Construct well house for Cragun's Legacy Village	LUA	\$250.00
							\$4,600.00

2013 -2016 Permits Update:

	PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	STATUS	PERMIT TYPE
1	2013-32	87-410-0400	Trout	Owen	only has very small amount of siding under the eaves and eave lighting	LUA
2	2014-38	87-376-0238	Deans	Thomas	10 x 10 shed yet to be built, no hurry	LUA
3	2015-43	87-016-1302	Lind	Gerald & Nanci	few railings remaining for deck	LUA
4	2016-12	87-425-0115	Wavereck	Mark & Charlene	cement slab is 1 foot to close to Line, cut it, not removed	LUA
5	2016-21	87-376-0120	Gregory	Richard	landscaping, still working on it	CUP/LUA
6	2016-22	87-343-0050	Ruttger	Jim	will be changing scope of project	LUA

Completion Letters:

	PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	DESCRIPTION:	DATE:
1	2018-38	87-367-0144	JBAD, Inc	Barratto Bros.	new residence construction	06/26/19
2	2018-50	87-016-2113	Echternacht	Jean	build new storage unit connected to current cabin and move 12x23 cabin to connect to new storage unit	06/26/19
3	2018-74	87-367-0140	Grant, Peter	Balkan,Shelley	construct new residence with attached garage	06/26/19
4	2019-06	87-347-0150	Domogalla	Kraig & Jayne	Shoreline Restoration	06/26/19
5	2019-23	87-347-0120	Williams	Tom	Construct shed on backside property	06/26/19
6	2019-13	87-029-3201	Cragun's	Resort	Construct vestibule to current marina entrance	07/17/19

Inspections/Site Visits:							
PARCEL ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	COMMENTS/STATUS	DATE INSPECTED	PERMIT #	
1	multiple	Craguns PUD	multiple	Turning lane being installed	06/19/19	2018-34	
2	87-020-3106	Brock/Buettner	Mitch/Anne	1480 Floan Pt Rd	takes pics of site for new shed	06/19/19	2019-27
3	87-379-0040	Funk	John & Cheryl	1388 Pike Bay Rd	floor is poured and ready for framing	06/19/19	2018-71
4	87-029-1413	Urbanski	Joe	11437 E SteamboatBay	shed moved to 33' of Lake, called to move back to 50' away	06/19/19	N/A
5	87-020-3123	Schiefer	Doug	1474 Sunset View Rd	Looked over Helicopter sites	06/20/19	N/A
6	87-376-0104	Hylton	Carol	10859 PBP Rd	Foundation in, ready to build frame	06/21/19	2019-19
7	87-377-0310	Legacy Homes I	Meyer	11360 Legacy Dr	Home ready for shingles, windows in	06/24/19	2019-14
8	87-377-0330	Legacy Homes I	Phillips	11368 Legacy Dr	Foundation ready to go	06/24/19	2019-15
9	87-377-0570	Legacy Homes I	Model Home	11304 Dutch Cir	1st level of framing installed	06/24/19	2019-16
10	multiple	Craguns PUD	multiple	Look over road, ditches, stormwater,	06/24/19	2018-34	
11	87-021-4401	Vobejda	Ed	10987 Gull River Rd	look over site for setback, new storage building	06/24/19	2019-31
12	87-021-4401	Vobejda	Edward	10987 Gull River Rd	House and porch are finished, Landscaping now	06/24/19	2017-50
13	87-367-0134	Finch	Brian & Pat	1239 Harbor Place	Framed, nearly ready roofing	06/24/19	2019-09
14	87-357-0108	Will	Andrew	5027 Scrow River RD	Beach Permit to clean up shoreline	06/24/19	2019-32
15	87-367-0144	JBAD, Inc	Barratto Bros.	1219 Harbor Pl	home is complete other than landscaping	06/25/19	2018-38
16	87-367-0140	Grant, Peter	Balkan,Shelley	1227 Harbor Pl	home is complete other than landscaping	06/25/19	2018-74
17	87-357-0110	Will	Andrew	10310 Sq Pt Rd	needs some seed and a little raking	06/25/19	2019-32
18	87-357-0128	Anderson	Wallace	10346 Squaw Pt Rd	son had accident and recovering, could be awhile	06/25/19	2018-47
19	87-357-0255	Leonard	Bob	1248 Green gables	Cement in for patio, inside is very slow, not in a hurry	06/25/19	2017-59
20	87-347-0120	Williams	Tom	1092 Green Gables Rd	garage is in place	06/25/19	2019-23
21	87-347-0150	Domogalla	Kraig & Jayne	1072 Green Gables Rd	landscape project is complete on shoreline	06/25/19	2019-06
22	87-347-0140	Thome	Scott	1080 Green Gables Rd	working on landscape, house nearly done	06/25/19	2018-37
23	87-347-0140	Thome	Scott	1080 Green Gables Rd	framed and roofed	06/25/19	2019-20
24	87-016-2113	Echternacht	Jean	10436 Shady Ln	up painted and grass growing	06/25/19	2018-50
25	87-340-0030	Loschko	Mark	10052 Birch Grove Rd	foundation finished, start backfill, then basement floor	06/25/19	2019-24
26	87-016-1105	Velasco	Jeremy	807 Green Gables Rd	ready for blacktop, still decks to finish	06/25/19	2018-42
27	87-029-3201	Cragun's		11000 Cragun's Dr	Vestibule and building are done	06/28/19	2019-13
28	87-372-0151	Doerr	William	10717 PBP Loop	Cleaning up lot from storm, may be building in fall	07/07/19	20013-07
29	87-377-0310	Legacy Homes I	Meyer	11360 Legacy Dr	Windows in and roof on	07/08/19	2019-14
30	87-377-0330	Legacy Homes I	Phillips	11368 Legacy Dr	Framing up	07/08/19	2019-15
31	87-377-0570	Legacy Homes I	Model Home	11304 Dutch Cir	roof on and windows in	07/08/19	2019-16
32	87-383-0130	PELPHREY	MATTHEW	985 Gull Meadow Lane	House looks done, lots of landscape to do.	07/08/19	2018-36
33	87-369-0040	Wilson	Blair	1274 Gull Lake Ln	review site plan and set backs	07/08/19	2019-36
34	87-369-0040	Wilson	Blair	1274 Gull Lake Ln	Observe footings dug and installed	07/11/19	2019-36
35	87-029-3413	Remmick	Dillon	11511 Lwr Gull Lake Ln	review garage Site	07/12/19	2019-37
36	87-377-0310	Legacy Homes I	Meyer	11360 Legacy Dr	Review	07/12/19	20013-07
37	87-377-0330	Legacy Homes I	Phillips	11368 Legacy Dr	Review	07/12/19	2019-14
38	87-377-0570	Legacy Homes I	Model Home	11304 Dutch Cir	Review	07/12/19	2019-15
39	multiple	Craguns PUD	multiple	observe drainage after large 2 3/4 inch rain	07/16/19	2018-34	
40	87-376-0430	Mehaffey	Jack	11115 PBP	review shoreline for potential sale, perenial Ice Ridge	07/18/19	n/a
41	87-410-0461	Sandkamp	John	11657 Fairway Rd	Wants gate in driveway for privacy, measured and pics	07/18/19	n/a
42	87-376-0246	Madden's	Ben	11266 PBP	look over potential CUP for remodeled Cookout area	07/18/19	n/a
43	87-021-4401	Vobejda	Ed	10987 Gull River Rd	site plan has started for new garage	07/19/19	2019-31
44	87-340-0030	Loschko	Mark	10052 Birch Grove Rd	review parking and foundation is being back filled	07/19/19	2019-24
45	87-356-0150	DK Investments		TBD Shady Ln	foundation being dug by Rasinski Excav		2019-34
46	87-009-4315	Espenson	Robert	939 Green Gables Rd	wants to replace an old boat ramp destroyed by ice	07/19/19	n/a
47	87-347-0140	Thome	Scott	1080 Green Gables Rd	review storm plan, spoke to Adam of Yard Creations	07/19/19	2018-37
48	87-376-0246	Madden's	Ben	11266 PBP	look at survey markers of new building	07/20/19	n/a
49	87-020-3127	Schieffer	Doug	1478 Sunset View Dr	observe Helicopter taking off and landing	07/21/19	n/a
50	87-356-0110	Ranweiler	Joe	3537 Shady Lane Cir	per Councilor check on lawn condition per CUP, Violation	07/22/19	n/a
51	87-356-0150	DK Investments		TBD Shady Ln	dicussed with Rasinski: dirt off adjoining lot? No permit	07/22/19	2019-34
52	87-028-2301	Craguns		11402 EGL Dr	took pictures of building under construction	07/23/19	2108-34E

**ORDINANCE NO. 2018-_, FIRST SERIES
AN ORDINANCE DEALING WITH SHORT TERM
RENTAL PROPERTY
WITHIN THE CITY OF LAKE SHORE
COUNTY OF CASS, STATE OF MINNESOTA**

The City of Lake Shore ordains:

Section 1. **Intent.** To amend the City of Lake Shore Land Use and Subdivision Ordinance concerning the short term rental of property within the City of Lake Shore..

Section 2. **Amendments.**

Section 47 of Chapter IV shall be amended will be added as follows:

47. Short-Term Rentals of Property.

47.1 **Purpose.** The purpose of this section is to allow short-term vacation rentals where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the area's neighborhood as well as protect the general public health, safety, and welfare.

47.2 **Requirements.** It is unlawful for any person to use property for a short-term vacation rental unless it complies with all of the provisions of this paragraph and ordinance.

47.2.1 **Annual Permit Application.** An application for an annual short-term vacation rental permit must be submitted on the form prescribed by the Planning Commission. To be considered complete, the application must contain all the information requested on the application form and all of the following:

47.2.1.1 A site plan, drawn to scale, showing locations and dimensions of property lines, showing parking, driveways, garbage disposal, all structures and outdoor recreational areas that guests will be allowed to use, which shall include, but not be limited to, deck/patio, barbeque grill, recreational fire, pool/hot tub or sauna, and any other information which may be reasonably required by the Planning and Zoning Administrator to evaluate the request;

47.2.1.2 A floor plan of the home, which shall identify those rooms which will be used as guest bedrooms. Dining rooms and kitchens shall not be counted or used as a guest bedroom. In each bedroom and any room used for sleeping, show the dimensions of egress windows on the drawing and the style (double hung, sliding or casement).

47.2.1.3 The owner shall keep on file with the City the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24 hour basis at all times that the short-term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short term rental.

47.2.1.4 Certificate of Compliance. A current certificate of compliance shall accompany the application. A certificate of compliance is valid for three years.

47.2.1.5 Water test. A current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria.

47.2.1.6 Parking. A parking layout must accompany the rental application. At a minimum, at least one parking space shall be provided for each bedroom up to three (3) bedrooms. Properties with four (4) or more bedrooms shall have the number of parking spaces equal the number of bedrooms, minus one space.

47.2.2 Permit Fee. The application for a permit shall not be deemed complete unless it is accompanied by payment in full of the required annual short-term vacation rental permit application fee. The permit application fee amount will be as determined by the City Council in its fee schedule.

47.2.3 Issuance. Short-term vacation rental permits shall be issued administratively by the Planning and Zoning Administrator. The Planning and Zoning Administrator may place conditions on the permit as the Planning and Zoning Administrator determines are reasonable and appropriate. Every short-term vacation rental permit is conditioned on compliance with the standards and requirements of this section, this Ordinance, and all applicable federal, state, and local laws, rules, regulations, and ordinances. Each short-term vacation rental permit shall indicate the number of bedrooms which are on the property, as determined at the time of application. No property may be rented to a number of individuals greater than the structure's bedroom and septic capacity.

47.2.4 Permit Renewal. Annual short-term vacation rental permits expire on December 31 each year regardless of when it was issued in the year. No short-term vacation rental of a property may occur in the subsequent year until a new annual short-term vacation rental permit has been issued for that year.

47.3 General Standards. The following general standards shall apply to all annual short-term vacation rental permits issued under this section. Failure to comply with the general standards in this paragraph, or any other provision in this section, may result in the revocation of the short-term vacation rental permit as provided in this section.

47.3.1 Maximum occupancy will be based on two (2) adult people per bedroom or the number compliant with septic capacity, whichever is smaller

47.3.2 Properties may not be rented or leased to more than one separate party six times in a 12 month period

47.3.3 Properties may not be leased or rented to more than one separate party in a seven day period

47.3.4 Additional occupancy by use of recreational vehicles, tents, accessory structures, garages, boathouse, pole barn, shed, fish houses or similar structure is not permitted.

47.3.5 The dwelling unit must meet all residential building, health department, and safety codes.

47.3.6 Parking shall not encumber the minimum greenspace requirements for that particular zoning district and no on-street parking is allowed for guests. Parking must be setback a minimum of 5' from a property line.

47.3.7 Non-Transferable. Annual short-term vacation rental permits are non-transferable and any such permit shall automatically terminate upon the sale or other conveyance of the property.

47.3.8 No Vested Right. Annual short-term vacation rental permits issued under this section constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right in the short-term vacation rental of the property.

47.3.9 Number of Bedrooms. No permittee shall advertise the property as containing any more than the number of bedrooms identified in the short-term vacation rental permit. The number of bedrooms, as indicated on the permit, shall be used for all calculations required herein.

47.3.10 Guest Records. Each permittee shall maintain a transient guest record for the property. At a minimum, such guest record shall include the following information on all guests staying at the property:

47.3.10.1 Name;

- 47.3.10.2 Address;
- 47.3.10.3 Phone number;
- 47.3.10.4 Number of guest per stay; and
- 47.3.10.5 Record of sales tax collected.

47.3.11 Annual Report. Each permittee shall annually provide the city with a written report at the end of every permit term. The report shall include a copy of guest records for each stay.

47.3.12 Guest Disclosures. Each permittee shall provide a written disclosure to each short term vacation rental guest. Such written disclosure shall include, at a minimum, the following information:

- 47.3.12.1 Name, phone number, and permanent address of the owner; and operating lessee or managing agent/representative;
- 47.3.12.2 The maximum number of guests permitted to stay at the property pursuant to the short-term vacation rental permit;
- 47.3.12.3 The maximum number of vehicles permitted to be parked upon the property, as well as a visual display showing the permitted parking locations on the property;
- 47.3.12.4 A visual display along with a staked out area showing where the property's septic system is located, if not served by municipal services, to reduce the potential of the system being damaged;
- 47.3.12.5 Property rules related to use of outdoor features such as decks, patios, grills, recreational fires, pools, hot tubs, saunas, and other recreational facilities;
- 47.3.12.6 Notice that all city nuisance ordinances will be enforced by the Lake Shore Police Department or the Cass County Sheriff's Department, including reduced noise levels between 10 PM and 7 AM.

47.3.13 Display of Permit. Each permittee shall post or publish their annual short-term vacation rental permit number upon all print, poster, or web advertisements offering the property for short-term vacation rental.

47.3.14 Garbage. All garbage must be kept in suitable containers that are stored out of view of a public street and shall be disposed of at least once a week or as guest depart the property.

47.3.15 Additional Inspections. The City of Lake Shore may conduct ongoing compliance inspections of every short term rental property.

47.3.16 All short term rentals operating prior to the effective date of these standards, shall be in compliance with this section by February 1, 2109.

47.4 Enforcement and Permit Revocation. In the event of a violation of this ordinance the first substantiated and relevant complaint or violation shall be \$500. The administrative fine for the second shall be \$1000. The administrative fine for the third violation shall be \$1500. In addition, upon a finding that a permittee has violated a provision of this section, this Ordinance, or the City of Lake Shore's Code on three (3) separate occasions within a twelve (12) month period, the Planning Commission may revoke the annual short-term vacation rental permit. Prior to such revocation, city staff shall mail written notice of the permit violations to the permittee. The permittee shall have ten (10) days to request a hearing regarding such revocation before the Planning Commission. Failure to request such a hearing shall constitute waiver of the right to be heard on such revocation. If a timely request for a hearing is received, the Planning Commission shall hold a hearing at a regular meeting, provide the permittee an opportunity to be heard, and shall then act on whether to revoke the annual short-term vacation rental permit. If the Planning Commission does not revoke the permit, it may add conditions to the permit as it determines is appropriate to mitigate further violations.

47.4.1 Effect of Revocation. . Upon revocation of an annual short-term vacation rental permit, the permittee shall be ineligible to apply for a new short-term vacation rental permit for a period of twelve (12) months from the date of revocation. Such prohibition shall apply not only to the property for which the permit was revoked, but also to any other property held or owned by the permittee within the City of Lake Shore.

47.4.2 Violation. Each violation of any term of this section is punishable by an administrative citation and or misdemeanor. Each day that such violation occurs shall constitute a separate offense. Failure to license as a short term rental is considered a violation.

47.4.3 Complaints. All complaints against a short-term vacation rental shall first be directed to the managing agent or a local contact. If the managing agent or the local contact fail to respond to the complaint, then the complaint shall be addressed to either law enforcement or Lake Shore city staff. A complaint shall include the type of violation, along with the date and time it occurred.

47.4.3.1 Any person who makes a false complaint regarding a short-term vacation rental is guilty of a misdemeanor.

Section 3. **Repeal.** This ordinance shall supercede and repeal all ordinances or policies inconsistent herewith.

Section 4. **Effective Date.** This ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City of Lake Shore Council this ____th day of _____, 2018 by a 5/5ths vote.

Kevin Egan, Mayor

Attest: _____
Patti McDonald, City Clerk