

**Town of Duluth  
Planning Commission  
Meeting Minutes  
October 28, 2021**

The meeting was called to order at 6:40 by Chair Liz Strohmayr.

In attendance: Liz Strohmayr, Dave Edblom, Angela Wilson, Pam West, Justin Osadjan, Blane Tetreault and Dave Meyer.

Absent: No one.

Also attending: Sue Lawson, Planning Director and Michael Kahl, Town Board liaison to the Planning Commission.

The agenda was approved as presented.

The minutes from the September 23<sup>rd</sup> meeting were approved unanimously.

**Hoffman Conditional Use Hearing**

The applicant, Nathan Hoffman, was present. Sue introduced the hearing and described the process. Nathan is requesting a conditional use to use his home at 1690 Aho Rd as a high-frequency short-term rental.

Sue showed maps of the area and of the site. The property is located in FAM-3 and all of the required dimensional standards for the zone district and for a high-frequency short-term rental are met except for the road setback. She read the proposed use from the application:

I would like to use the property for personal use as a vacation home for me and my family. I would also like to rent it out as a vacation rental. I have teenage children and we cannot use the place as much as I would like at this time. I would like the flexibility of renting it as a vacation home to general tourists, hikers, bikers, x-county skiers, etc.

Sue went over the operational details as given in the application. For hours of operation, Nathan intends to use the property 24 hours a day as a rental. For visitors to the site per day, he indicated that there would be a cleaner once per week and renters would be once every two days. For traffic, Nathan said that he intends to rent the property around 120 days per year and he and his family would use it another 10 to 20 days per year. He said there will be times when there will be more traffic and times that there will be less traffic. Some rentals will be two people and a few could be as many as eight people, with most being in between. There will be an increase from the previous owner as they were rarely there, but overall, he didn't foresee much of a difference compared to someone living there year around. There is adequate parking. For signage, Nathan said that there will be a sign right at the driveway reading Superior Woods. It will be used to help identify the property and prevent people from driving past it. He would also like to put a reflector on it to make sure it is easier to see at night if it's allowed. Regarding the potential for dust, smoke, smells, pollution, etc. Nathan said that there will be an outdoor fire pit in a location such that

the fire will not be visible from neighboring homes. It will be over 300 ft from the closest neighbor and blocked by the home. He didn't think neighbors would be able to smell smoke from the fire pit, but it is possible. They are also taking out the indoor wood fireplace and the wood stove from the sauna, so the overall impact from smoke should be reduced. Nathan said that noise would potentially be heard by one neighbor approximately 300 feet away with 100 feet of woods between the properties. There are no other nearby residences. They will not allow renters to have guests; parking is facing away from the neighboring property; the firepit will be located on the other side of the house; and walking trails lead away from the neighboring property. These factors will mitigate the amount of noise. The structure to be used for the rental already exists; there will be no new structures. There will be no outdoor work or storage areas. There will be a propane tank outside and a dumpster for garbage. He felt a dumpster with a bar over the lid to prevent animals from getting in would be better than smaller garbage cans that might overflow. No wetlands will be affected. A septic system is in place for wastewater and water is supplied by well.

Liz asked how many nights per year he intended to rent. Nathan said around 120 nights with a 2 or 3 night minimum.

Sue asked how many bedrooms there were. Nathan said there were four.

Nathan said that he could hear the dogs on his closest neighbor's property, so he thought that neighbor would likewise probably be able to hear some things from the rental. He indicated on the map where he plans to place the fire pit.

A new Community Participation Report had not been required for this application since Nathan had prepared one for the previous application just two months ago. Beth read the email previously received from Robert Brasel:

My only concern about such use is noise/parties. Because of my distance from this property, I don't envision it would be a problem, however if it was next door my feelings would be different. Non-residents don't have much impetus to respect a neighbor's peace and quiet.

She also read the comments Bruce Aho made for the Community Participation Report. He was concerned that renters may turn around in his driveway, and about the possibility that pets might enter his property and harass his chickens, etc.

There was no one present to provide public testimony.

Sue read the criteria for a conditional use and the applicant's responses from the application.

*Is the proposed use consistent with the Comprehensive Plan and with the spirit and intent of the Ordinance?*

*Applicant response:* Yes, I do not believe it will affect the land and area in any significant way. We are on the edge of 40 acres surrounded by properties with large acreage as well. I appreciate the time and outline of the Comprehensive Plan's short- and long-term goals. It is the type of community that I want to be a part of. I currently do not have time to be as actively engaged as I

would like to be. Cabins and land are currently very expensive. I am hoping to be able to use the cabin for our family's use and offset some of the costs by renting it out other times.

My eventual plan would be to spend significantly more time at our place in the future – in 4 to 8 years after my kids are mostly and all the way through high school. We enjoy privacy and access to North Shore activities. I want to create a place where like minded guests will stay as well. I want to make it a nice place inside and out. I think I can accomplish all of this easier using it as a short-term rental compared to a long-term rental.

If we do not rent it at all the place will be left unoccupied for long periods of time, placing it at a higher risk for unwanted visitors and other risks (pipe or septic freezing).

With long-term renters, we would not be able to use the place ourselves which would be unfortunate (for us).

I have already had a few conversations with my closest neighbor. I believe that I will likely be even more neighborly (getting updates from my neighbor, making sure he is happy and not disturbed by guests) than I would be if we were there ourselves or a long-term renter.

With Heirloom Property Management, they have cleaners, lawn maintenance, and plowing. Several sets of eyes to note changes or problems that have or could occur that may not be noticed in other situations (minimal observation with a long-term renter).

There are always unknowns. I am not sure how many nights of the year it will be rented for. I will have a minimum of a 2 night rental. There have been reports of parties at some Airbnb locations on the national news and Twin Cities. These are typically in larger cities. They are rare and they would be illegal at my location. I personally have not heard or read about an episode like this occurring on the North Shore. There have been reports of parties for one night rentals in the Twin Cities suburbs where a large number of people can easily meet up at a specified location. We do have an age limit (23) on our rentals and Airbnb does prescreen clients before and after use. There is also a deposit that helps deter this and it would be very unlikely for someone to seek out a 2 day rental on the North Shore for this to happen. We also have quiet hours in place. North Shore renters are typically renting in the area as a home base to then explore the North Shore.

This is temporary – long-term it will fit very well and short-term it can have some perks.

Other considerations for short-term rental use to benefit the community:

1. Possibly add a community 1% rental tax for the Township on short-term rentals that could help fund the school, local fire department, skating rink, community center, senior housing, etc.
2. Consider having owners (or family members of the owner – teenage kids, etc.) of short-term rentals volunteer a set number of hours within the community. It would foster more direct involvement and understanding of the community all around.

*Is the proposed use compatible with the existing neighborhood?*

*Applicant response:* Yes, we will still have a large area of land that allows privacy for everyone involved. I am taking steps to avoid noise, light pollution, smoke, etc. as listed on other questions.

I do not think that having multiple rentals in the area would be fitting with the community plan, but a few scattered ones wouldn't detract from the neighborhood.

*Will the proposed use impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district?*

*Applicant response:* It will not impede the normal and orderly development and improvement in the surrounding area. I have no plans to split the land or add additional sheds or buildings. I do not have a need or want for this. I have a one car attached garage with extra storage which is more than what I need. We will still use it in the winter in the future, but it will not have heavy enough use for me to want to add on another garage, etc.

*Is the location and character of the proposed use considered to be consistent with a desirable pattern of development for the area?*

*Applicant response:* We are off of a gravel road. We have 40 acres surrounded by other large lots. The Comprehensive Plan wants to keep the character of the area with gravel roads, etc. and I do not see this changing in any way.

We will use our place with family and friends as a base to explore and enjoy the North Shore. I see other renters using it in the same manner.

*Will the proposed use comply with the wetlands requirements in Article III, Section 6 of the Ordinance?*

*Applicant response:* We do not have any wetlands, so this should not be affected in any way.

*Does the total amount of impervious surfaces exceed that allowed in the zoning district?*

*Applicant response:* Really no impervious surface. We have a gravel driveway and parking area, no tar or cement. The property is slightly elevated above the surrounding land so any runoff (over gravel or grass) would drain directly into the 40 acres to the south and east. I have no desire to add any tar or cement for the driveway.

*Are the topography, vegetation and soil conditions adequate to accommodate the proposed use?*

*Applicant response:* Yes. We have a full 40 acres. I am making some walking/hiking/cross country ski trails. These trails are minimal and should have very limited impact on the surrounding vegetation. My main trail is along what appears to be an old logging trail so most of my activity has been clearing trees that have fallen over the trail, not even making a new trail for most of it.

*Will the proposed use impact public waters during or after construction or impact wetlands without appropriate mitigation measures?*

*Applicant response:* This should not be affected in any way. The septic system will be used. We will not water our lawn or use any chemicals on our lawn.

*Are there adequate utilities (water supply, wastewater treatment), access, drainage, stormwater retention, and supporting facilities?*

*Applicant response:* We have a well that has been fully functional since our place was built. The house is slightly higher than the surrounding area. The stormwater would drain into the woods area (our woods, not the neighbors').

*Will the proposed use create potential health and safety, environmental, lighting, noise, signing, or visual problems?*

*Applicant response:* Health and safety: Guests will mostly be out and about during the day. I do not think it will change anything in regards to health and safety compared to a long-term rental that is there on a nightly basis.

Environmental: I do not foresee any environmental concerns for the land use. We have a well and septic. There will not be any construction or chemical use on the property that would contaminate the water or surrounding area.

Lighting: We have lights on our place where cars pull up. The lights shine in the opposite direction of our closest neighbor and should not be visible for any other neighbors. We do have a fire pit. I moved it so the light from the fire would be blocked by our place in regards to the closest neighbor.

Signing: A sign identifying our place will be used to identify our place and prevent someone from driving past and disturbing our neighbor. I have labeled our sign Superior Woods and I believe it is fitting with the area.

Visual problems: We will not alter the landscape in any significant way to affect the vision. We will not be clearing any trees for viewing purposes. We will not be adding any structures (sheds etc.). We will not use it as a storage site for cars, boats, trailers or other equipment.

*Is the location of the site appropriate with respect to existing or future access roads?*

*Applicant response:* We are off of a gravel road. There is a desire to keep gravel roads to maintain the character of the area. This would not be affected in any way.

*Will the demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities increase?*

Applicant response: Demand for police and fire: I foresee almost all of our guests being out and about and fairly active during the day. Guests on the North Shore are often physically active with hiking, etc., possibly lowering the risk of medical issues. In regards to fire, having someone there most of the time will likely reduce the risk of a major fire burning the place down. Other factors that will reduce the fire risk: It currently has a wood burning fireplace (will be removed) and a wood burning sauna (not functional and will be replaced by an electric one).

In talking with Heirloom, they currently have more issues with their long-term rentals in the City of Duluth compared to their short-term rentals with neither one a major issue.

Solid waste disposal: North Shore Sanitary. After talking with several people, I think a dumpster will be the best solution. At the last meeting there was a mention that bears might be a problem. I think bears will be less of a problem with a dumpster. I see the Town Hall has dumpsters with bars across the top to prevent animals from getting in. If there were smaller garbage bins guests may be more tempted to leave some garbage alongside the garbage making it more of an issue than a dumpster would be. Happy to switch if we find this is not true moving forward.

Schools: They should not be affected in any way.

Road maintenance: There will be normal wear and tear of the road. We will not have continuous guests staying there.

Sewer: There have not been any septic issues in the past. We will have information in a packet as well as a small sign in the bathroom in regards to prohibiting sanitary napkins, etc. in the toilet.

Water facilities: Well on site – I do not foresee any changes.

Angela moved to approve the request as an interim use. Pam seconded.

Sue explained the difference between and interim use and conditional use. She outlined the requirements from the Ordinance regarding short-term rentals, highlighting those that needed to be included as conditions.

Angela moved to split the motion to assess the criteria individually. Liz seconded. The motion to split the question passed unanimously.

Liz moved that the proposed use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance because the CLUP encourages tourism that complements our rural area and supports having some short-term rentals in the Township. Angela seconded. The motion was approved unanimously.

Pam moved that the use is compatible with the existing neighborhood because there are not going to be any changes. It is going to continue as it has been. The changes with the wood stove will make it safer. Blane seconded. The motion was approved unanimously.

Angela moved that the use will not impede the normal development of the surrounding area because the use is permitted by right and does not exceed the use by a person who is living on the property year around. Dave Edblom seconded. The motion was approved unanimously.

Dave Edblom moved that the location and character of the proposed use is consistent with a desirable pattern of development for the area because it is one house on forty acres and there will not be any changes to the property so it will be pretty low impact. Liz seconded. The motion was approved unanimously.

Justin moved that Items 5, 6, 7, and 8 do not apply: Compliance with wetlands requirements; meets impervious surface requirements; adequate topography, vegetation and soil conditions; and no impact to public waters during or after construction are all met or do not apply. Pam seconded. The motion was approved unanimously.

Pam moved that adequate utilities already exist because there are adequate facilities in place and nothing will change. He has addressed rainwater on the property and the dumpster is adequate for garbage. Angela seconded. The motion was approved unanimously.

Angela moved that the use will not create potential health and safety, environmental, lighting, noise, signing, or visual problems as the homeowner has taken adequate steps to assure that the neighbors will not be impacted and no one in the vicinity has expressed concerns about any of those factors. Pam seconded. The motion was approved unanimously.

Justin moved that the location of the site is appropriate with respect to existing or future access roads because there is currently a road in place that is maintained by the Township and no other roads will be constructed. Liz seconded. The motion was approved unanimously.

Liz moved that current public services are adequate and will continue to be adequate for this use because the impact will be fairly minimum. An interim use gives opportunity to address issues if use of public services proves to be a problem. Other utilities, sewer and water are adequate. Blane seconded. The motion was approved unanimously.

Angela moved that the term for the interim use be for one year. Liz seconded. She noted that one year seems adequate for this particular situation because this owner lives out of town and plans to use a property management company. The motion passed unanimously.

Dave Edblom made a motion that the property be rented for a maximum of 120 nights for the interim use term. Blane seconded. The motion passed unanimously.

Angela moved that the one year interim use commence on December 1, 2021 and go through November 30, 2022. Blane seconded. The motion passed unanimously.

Angela moved that conditions 4, 6, 7, and 8 from Article IX be included as conditions. Justin seconded. The motion passed unanimously.

Justin noted that Bruce Aho is concerned that the Aho Road terminates at his home and that people may be turning around in his driveway if they go past the rental. People value their privacy. Is there anything else we can do to allay those concerns?

Mike Kahl said that the fact that Nathan will put up a sign at the rental should help. There are similar situations on other Town roads. Mike said that he sometimes turns around at the end of a Town road at night when he is inspecting the roads. It is part of having a public road. He said that he will likely hear if there is a problem.

Nathan said that he plans on putting up reflectors and maybe another sign at the beginning of the 40 acres. He said that Bruce said that if it turns out to be a problem, he would put up a gate. Nathan said he can put it in the directions to the rental, as well. Liz suggested that he put it in the house rules, too, to stay off other people's properties and driveways.

Sue asked Mike about a dead-end road sign. Mike said that there wasn't a dead-end sign on Aho. Sue said that if a gate were to be put up it would affect the Town and all the folks on Aho Road because the snowplow turns around at that point. If a gate were in place there, there would not be room for the snowplow to turn around and the road may not be plowed.

Angela said that she appreciated that Nathan opened a dialog with Bruce and is willing to address potential impacts.

Justin said that given Bruce's concerns regarding dogs and chickens, would Nathan consider not allowing dogs? He said that he didn't have to decide now. He was just worried that Nathan might be setting himself up for a complaint.

Liz said that most VRBOs require that a dog be leashed when it's outside.

Justin made a motion that dogs be required to be leashed when outside. Pam seconded. The motion passed unanimously.

Nathan said that they have two dogs themselves. They don't usually go down the road towards the dead-end and their trails lead away. Would this requirement apply to him? Sue said that it would apply only to renters.

Angela moved that the interim use for a period of one year, commencing December 1, 2021 and running thru November 30, 2022, inclusive for 120 nights of rental, with the aforementioned conditions, be approved. Pam seconded. The motion passed unanimously.

The conditions:

- 1) The rental will be allowed for a maximum of 120 days during the next year.
- 2) The Interim Use will commence on December 1, 2021 and run through November 30, 2022.
- 3) Dogs will be required to be leashed when outside.

- 4) The owners shall obtain any and all licenses, permits, or other governmental approvals required by any governmental agency, board, department, or other governmental entity with jurisdiction.
- 5) Property oversight and complaint response. Thirty (30) days prior to rental of the property in any calendar year and anytime the contact information changes, the property owner shall provide to the Township Planning Director the name and phone number of a contact person with the capability and authority to address complaints or concerns regarding the property. This phone number shall also be provided to all other property owners within five hundred (500) feet of the lot boundary. The contact person must be available at all times during rental periods, and able to be at the property within thirty (30) minutes.
- 6) The allowable rental frequency for high-frequency short-term rentals will be established as part of the conditional use / interim use permit.
- 7) A log shall be kept of the renter, date of arrival, date of departure, and number of guests for all rentals. A copy of the log shall be provided to Planning Director upon request.
- 8) Off street parking shall be provided.

### **Zoning Ordinance Update**

Commission members' impressions from the Draft Zoning Ordinance open house were that most folks they talked to were very positive and many were very appreciative of the work involved. Having Clint there was helpful and he's a real asset to the Town. Having the maps he provided and the overlay was helpful. The handout highlighting changes to the Ordinance provided good talking points. People were interested in their properties and there were a number of questions regarding setbacks and trout streams, as well as what watercourses were included in the stream overlay.

One participant said that many people felt that the 300 ft setback from streams would prevent them from using their property. That setback has been in place for almost 20 years without an issue. We need to look at this issue.

Sue also said that she has had a lot of questions over the past couple of years regarding truck gardening and crafting and selling. Are these considered commercial ventures? It would be good to think about what farming is in the Township. There are many small farms in the Township. How does a pick-your-own farm, or selling a value-added product from your farm fit with our Zoning Ordinance? The CLUP indicates that farming is a preeminent activity. There are new kinds of small farming and a growing awareness towards locally grown food as well as visiting farms as a form of tourism. She will send out an article on "agritourism."

Justin noted that the "Fruit Loop" in Bayfield County has become a thing. It is a grouping of farms in the area that are open to visitors and customers. He said that is happening here on its own without coordination.

Liz said that she would look at ordinances from areas with dense agritourism.

Angela said there are often things that follow from something like this – say hay rides or a corn maze. It will be important to consider the desired parameters and define it well.

Dave Meyer said that it was something that could be modified as it evolved.

Liz asked about comments regarding short-term rentals.

Sue said she has not seen written comments yet regarding STRs but has had a number of voiced concerns. The Town needs to be proactive and looking forward.

### **Director's Report**

Sue said that an opening for a planning assistant has been announced. Applications are due by November 25.

Mike said that the Town Board has been dealing with budgeting issues. The Town has received \$111,000 from the American Rescue Plan Act and will receive the same amount next year. Guidelines for using the money are pretty liberal. The Board is also looking at making the Town Hall more firewise.

### **Old Business**

None.

### **Concerns from the Audience**

None.

The meeting adjourned at 8:26.