

**Town of Duluth
Planning Commission
Meeting Minutes
March 25, 2021**

The meeting was called to order at 6:34 pm by Liz Strohmayer. The meeting was held primarily via video conference.

In attendance: Liz Strohmayer, Jerry Hauge, Larry Zanko, Dave Edblom, Pam West, Angela Wilson and Blane Tetreault.

Absent: No one.

Also attending: Sue Lawson, Planning Director.

The agenda was approved as presented.

Boerboom High-Frequency Short-Term Rental Conditional Use Hearing

Sue introduced the hearing. Jane Boerboom was present via video conference. Sue outlined the hearing process and presented the proposed use. Jane and Terry Boerboom have applied for a conditional use for a high-frequency short-term rental (HFSTR) for their home at 1754 Old North Shore Road, in MUNS-4. The home and property meet all of the requirements for a HFSTR. She showed a vicinity map and a photo of the site. The home is on a dead-end road. The applicant stated in the application that

We would like to rent the property on airbnb on a more frequent basis than provided for in the low-use permit. The renters would be family groups. We would not rent to commercial interests (e.g., a construction crew who might have big trucks or other equipment). ATV or snowmobile use would not be permitted on the premises.

Sue read through a summary of the questions about the use from the application.

- Hours of operation: Rental would be around the clock.
- Employees, deliveries, etc. visits per day: None.
- Visitors to site per day: Visitors would presumably make a few trips to visit tourist destinations. Average per day – 2
Maximum per day - 4
- Additional traffic: There should be no more traffic than if we were living here. Snowmobiles and ATVs will not be operated on or near property.
- Additional parking: There is sufficient existing parking space on property hidden behind a screen of trees, same as occupied by owners.
- Noise that can be heard on adjacent properties: None.
- Proposed structures: None. All existing.
- Outdoor work areas or storage areas: No outdoor work areas or storage areas.
- Wetlands: None. No wetlands impacted. House exists.
- Wastewater: Passed inspection in 2019.
- Water supply: Well.
- Household garbage: Commercial garbage service.
- Signage: None.
- Generate dust, smoke, smells, pollution, etc.: No

Sue asked what the maximum capacity for the rental would be. Jane said that the home had 3 bedrooms and 2.5 baths, so the maximum capacity would be 6.

Sue read the criteria for deciding a variance and the Boerbooms' responses to those criteria from the application.

Is the proposed use consistent with the CLUP and with the spirit and intent of the Ordinance?

Applicant states: Yes. Short-term rental is permitted with the proper permit.

Is the proposed use compatible with the existing neighborhood?

Applicant states: Yes. The renters will be small family groups consistent with the widely-spaced family housing on the street.

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 states: No. There is no development or improvement going on in the surrounding area, and if there was the used proposed here would have no impact on it.

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

Applicant states: Yes. The renters will be small family groups consistent with the widely-spaced family housing on the street.

Sue summarized the additional questions from the application.

- Does the proposed use comply with the wetlands requirements? Yes.
- Does the total amount of impervious surface exceed that allowed? No.
- Are topography, vegetation and soil conditions adequate to accommodate use? Yes.
- Will there be an impact to public waters during construction? NA.
- Are there adequate utilities (water supply, wastewater treatment), access, drainage, stormwater retention, and supporting facilities? Yes. Our home has 385' well with pump at 250'. We have a mound system that was put in with a large family in mind.
- Will the use create potential health and safety, environmental, lighting, noise, signing or visual problems? No.
- Is the location of the site appropriate with respect to existing future access roads? NA.
- Will the demand for public services be increased by the use? No.

The community participation report had been received by all Commission members. There was an additional response from Paul Simonson after the report was submitted. Four emails were received by the Town; all were included in the community participation report.

Jane said that it had been nice reaching out to their neighbors for the community participation report. It was a wonderful experience to meet neighbors she hadn't met yet. They want to be good neighbors. They love their house and plan to be careful with renting it. Their neighbors are very important to them and they do not want to cause problems for them.

Liz asked how they plan to manage the rental since they don't live in the area and if they will be using other companies between rentals for cleaning, etc.

Jane said that they live about 2 hours away. They have a friend that lives 15 to 20 minutes from the property who will be the contact. If they need to hire someone for cleaning, they will.

Liz asked how often they plan to rent the property.

Jane said that she has been living there and working out of the home. She hopes to continue to live there during the week and rent it out on weekends if there is a demand. There will also be some weekends they will use it for family vacations.

Sue explained the difference between a conditional use and an interim use. She said that most of the HFSTRs that have been granted by the Commission have been interim uses. If an interim use is granted, the applicant can reapply at the end of the allotted time. The reason most HFSTRs start out as interim uses is to provide for a trial period to see how the rental fits with the community. The Commission decides whether to hear the use as an interim use or a conditional use.

Liz made a motion to hear the proposal as an interim use. Pam seconded.

Jerry suggested that the use be granted for a period of 2 or 3 years. He said that what the Commission has done in the past is to grant a shorter-term interim use to start with and then, if the rental goes well, the use is extended at a subsequent hearing – sometimes for as long as the home is owned by the current owner.

Pam said that the community participation report got a good response. There was good support from the neighbors for the rental.

Larry noted that a lot of the neighbors responded positively to their not allowing snowmobiles.

Jerry made an amendment to the motion that the interim use be for a period of 24 months. Pam seconded.

The motion to hear the request as an interim use for 24 months passed unanimously.

Liz made a motion that the interim use be approved. The proposed use is consistent with the Comprehensive Plan and within the spirit and intent of the Ordinance in that it encourages a small amount of tourism in our natural surroundings. It is compatible with the existing neighborhood because the owners will be living there most of the time and when not living there will be renting to families similar to those in the neighborhood. The use will not impede the normal and orderly development and improvement in the surrounding area because there will be no additions or construction. The proposed use and character of the proposed use is consistent with a desirable pattern of development for the area because it is a neighborhood of single-family homes and the owners will be living there and using it as their home between rentals. Criteria 5 thru 12 are not applicable because there will be no construction, there are adequate utilities, there are not likely to be health and safety issues, the site has adequate and appropriate road access as is, and there will not likely be an increased demand for public services.

Larry seconded.

The motion passed unanimously.

Liz moved to put a condition on the interim use that the rental be limited to 200 rental days per year. Pam seconded. The motion passed unanimously.

A short break was taken while the findings were drafted.

Angela moved to approve the findings. Liz seconded. The motion passed unanimously.

The minutes were approved without changes.

Director's Report

Sue said that the meeting for updating the Zoning Ordinance will be after the Commission meeting in April due to the calendar.

There may be 3 public hearings at the April Commission meeting. The DeSutters want to renew their interim use for their bed and breakfast, Dryco may need a side yard variance for an accessory structure, and a property owner on Korkki may need a variance for the road setback for a pole barn if he chooses to place the pole barn where originally proposed.

Sue asked if Commission members wanted to continue to meet by video conference for the time being. It was agreed to continue to meet virtually in April.

The Planning Commission terms for Larry and Jerry will be over after this meeting. Everyone thanked them for their participation over the past years. They will be missed. Applications are being accepted for the vacancies.

Applications for land use permits and for splitting parcels continue to come in. It looks like it might be another busy year.

Concerns from the audience. None.

The meeting adjourned at 7:50.