



**REGULAR PLANNING COMMISSION MEETING MINUTES**  
**December 10, 2020 6:30 PM**

*Note: All motions were carried by a roll-call vote through the video conference meeting, this meeting was recorded and will be kept in electronic records with the minutes.*

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL:** Chair Dave Johnson called the meeting to order at 6:30 PM and the Pledge of Allegiance was said. Roll Call: Those present: Dave Johnson, Terry Quick, Vickie Kettlewell through Zoom video, Dave Skogen, Board Liaison Yvette Adelman-Dullinger, and Colleen Putnam, Deputy Clerk. Excused Absence: Scott Hendrickson. Sign-In sheet attached (no signatures due to covid, Deputy Clerk signed residents in).

**Agenda:** Terry Quick moved **to approve the amended agenda**, seconded by Dave Skogen and the motion carried.

**Minutes:**

**November 12,2020 PC Meeting amend/approve:** Terry Quick **moved to approve the minutes**, seconded by Vickie Kettlewell and the motion carried.

**Public Input:**

**Rod Kohout, 1563 Harrison Drive, Brainerd MN** – Rod is present tonight as he is interested in purchasing the property next to his for the purpose of building a shed to be used as boat storage and mini storage. He is wondering if that would be possible. There was discussion regarding permitting if the lots are separate there needs to be a primary residence on the lot so he would have to join both lots which he would have to do through Cass County. The building can only be 2,000 sq. ft. if built in a residential area. Rod stated he would want to build a bigger shed than 2,000 sq. ft. There was also discussion regarding more traffic in a residential area. The Planning Commission suggested looking in the commercial park. Rod thanked the Planning Commission for their time.

**Mike Frank, 3367 Crow Wing River Drive, Pillager MN – Home Occupation B:** Mike is present as he has submitted an application to start a business at his residence. The business would consist of the sale of miscellaneous household and yard products, estate sales. The items would be in the attached garage, accessory building. His intent is to have everything inside other than trailers and if something sells he will put it outside. Mike stated he has had his items previously at the Pillager Fairgrounds but feels there would be more traffic by him coming and going to the fairgrounds. There was discussion regarding the amount of traffic that is coming and going from his residence when he has items at his residence. He stated he could have the sales held at the fairgrounds during the summer months other than July, he would want it at his residence.

At this time Sue Opsahl, Kaye Edgeton and Rose Nelson who are residents from the neighborhood spoke expressing their concerns: A petition had been submitted with the previous application which was signed by 16 neighbors back in May. They were asking the PC not to approve his application at that time. The Home Occupation would be detriment to the quality of life and welfare to the surrounding residents, the noise level exceeds 60 decibels at the property line, changes the character of the neighborhood, the traffic has increased and exceeds 10% of normal traffic as stated in the SCO. Outside storage is an issue and should be screened. Parking on the road has been a problem and does not meet the SCO standards regarding adequate off-street parking. People are coming and going from 7:00 am to 9:00 pm., there needs to be set hours.

Comments from the Planning Commission members are: the home occupation business would change the character of the neighborhood, question the setback from the river, others stated it was to big of an operation for the neighborhood, does not fit our Ordinance, wondering about noise and amount of traffic coming and going. Discussion on the possibility of screening the area in question. There was discussion on the possibility of doing a traffic count and measuring the noise levels. After further discussion Terry Quick **moved to recommend the Town Board deny the application from Mike Frank as it doesn't fit the neighborhood**, seconded by Vickie Kettlewell. The question was called with Dave Skogen, Terry Quick and Vickie Kettlewell voting to deny the application and Dave Johnson voting for the application. Motion carried.

**Sally Volner – Via Zoom - Short Term Rental Ordinance:** See under New Business, Short Term Rental Ordinance.

#### **Correspondence Received:**

**Cass County Permit Log – November 2020:** There was 1 building permit issued for the month of November 2020.

#### **Correspondence Sent:**

**Letters to 3 Prospective Businesses:** Letters had been sent to 3 possible businesses in the Township. One of the residents called back and stated it was not a business that her husband liked to buy vehicles and work on them but he passed away this summer so she would be removing the vehicles. Another resident called and stated he would come to a PC meeting and discuss this, possibly in January. We have not heard back from the other resident.

#### **Reports:**

**Yvette Adelman-Dullinger, Town Board Liaison:** Yvette Adelman-Dullinger gave a report on their previous meeting:

1. Sally Volner was under public input via zoom regarding the STR.
2. Roads: 17<sup>th</sup> Ave. and Zebroski Acres is now complete.
3. Purchased business permits required signs for the Township and they still need to be put up.
4. Still working on the Shared Road Agreement with the City of Pillager.
5. MHS Heritage Grant meeting was held but Yvette could not attend but has notes on it. There is another meeting coming up.

**Previous Board Minutes:** You received in your packets, please read them over for your information.

**Old Business:**

**Sylvan Lake Park:** There is another DNR grant available for the park and will need to take a look at that. There was discussion regarding having the park committee meet again, possibly getting together after our meeting in January. Will also start looking at getting donations.

**Right of Way Permit Ordinance:** Yvette had checked out the town whose Ordinance we are using to see if they had their fees posted, she stated they did not, so she had copies of different cities with their Ordinances and fees. Yvette stated some of the cities have now separated their ordinances, one for placement of obstruction in right of way and the other is right of way management ordinance. Yvette stated there is quite a difference in fees from each city. The Planning Commission members discussed the different fees that will need to be addressed yet. We would not be looking at franchise fees. The fees we are looking at are permitting to cover administrative cost and also for restoration. The Town Board will set the fees. There was also discussion on the different plates that will be added to the Ordinance as addendums and on the application. Another item that needs to be addressed and added to the ordinance is the advance warning signs. The Planning Commission members need to look over the ordinance again. After further discussion Dave stated he would take the Planning Commission's suggestions and work on the ordinance and bring back to the Planning Commission meeting in January.

**New Business:**

**Short Term Rental Ordinance:** The Town Board has shown some interest in having the Planning Commission address the issue of the percentage of setback required. Currently the Ordinance requires 75% of the setback required by Cass County. When the Ordinance was first being worked on there was discussion on going with the 100 % but the PC members felt it would eliminate nearly all lake and river properties. Therefore the 75% was decided. Any new homes built and used as short-term rentals after the ordinance came into effect would need to meet the 100% required setback. There has been some confusion by some Board members as to what the intent of the 75% setback was.

**Sally Volner** – via zoom - comments and concerns: Sally feels it is discriminatory to other existing property owners and the PC is picking and choosing which property can be a short-term rental. Sally stated it was her understanding the question presented to the Planning Commission from the Town Board was the Ordinance should meet Cass County rules and regulations, ones everyone in Cass County need to abide by not just certain ones. Sally would like to see the setback go back to what it was – must meet 100% of the setback required by the Cass County Land Use Ordinance. That it is fair and equitable to all property owners. Sally stated she feels the Planning Commission allowed one certain property to become a STR (Short Term Rental) and should not have. Sally stated she is not the only one on the lake with these concerns. Other concerns are people coming and going from the short-term rentals all summer, boat traffic and people not knowing the DNR regulations on the lake.

After discussion the Planning Commission members felt they were not picking and choosing who the setback would pertain too. They had concerns that short term rentals may become an

issue in the Township and wanted to have control of the rentals to protect the neighborhood on the lakes and rivers.

**Greg Bennett** – Town Board member – via zoom comments: Greg stated he had brought up at a previous Board meeting to have the PC look over the STR Ordinance again in order to have the STR Ordinance along with our other ordinances consistent with Cass County's Ordinance.

Greg's opinion is current homes should have the same setbacks as new construction and consistent with Cass County setbacks without any variance.

At this time the Planning Commission members discussed if the 75% setbacks should be left in the Ordinance. Some PC members would like it removed and other PC members would like it left in. After further discussion Terry Quick **moved to recommend the Town Board leave the 75% of shoreline setback as written in the Short-Term Rental Ordinance**, seconded Dave Skogen. The question was called with Dave Skogen and Terry Quick voting for the motion and Vickie Kettlewell and Dave Johnson opposed. Due to the tie vote PC Liaison Yvette Adelman-Dullinger voted to oppose the motion. Motion failed.

Another item discussed that is not in the Ordinance is a walk through by the MN Dept. of Health which should be included as part of the annual renewal. Dave Skogen **moved to recommend the Town Board add verbiage that a short-term rental must be inspected annually by the MN Department of Health**, seconded by Vickie Kettlewell. The question was called and the motion carried.

At this time Sally Volner stated she would like to see the guest records from a short-term rental given to Sylvan Township which we do not require just they need to maintain one if an issue were to arise. The Planning Commission stated it could cause data privacy issues. Greg Bennett stated he would check with the Township attorney regarding this.

**Jana Keefe – Email:** We received an email stating she and her husband own a small auto repair shop; Wisemen Auto and are currently out growing their current location at their residence in Crow Wing county. They would like to purchase property on Alfalfa Trail to build a small 2-3 stall auto repair shop with a 2 bed 2 bath apartment attached and would live on site. The property is zoned commercial. They are wondering if that is a possibility. Dave did ask Cass County about it and Jessica stated it was in the commercial area and a lot of record. The PC members stated they thought it would be permissible but could add conditions and restrictions to the permit. A letter will be sent to Jana by email stating the Planning Commission's thoughts.

**David Abele – Email:** We received an email from David regarding purchasing land on Sylvan Lake near Sylvan Lake Park. His plans for developing this land are two things: Lot 34 - Build a cabin with attached garage, storage garages and water access / dock on the property, one well, one septic system. The cabin would be built with the intent of four season use by him, friends and also used as a short-term rental which would generate revenue to help offset the costs of the project on Lot 33. Lot 33 (working title is The Birchwood Project). His intent for this lot is to build 3 to 4 smaller cabins funded by donations from friends of his and revenues generated by the short-term rental use of the cabin on Lot 34.

These cabins would be used only seasonally. There would be one well and a separate septic system for them that is not part of the cabin on lot 34. Due to the steep elevation to the water, there will be a path allowing guests to access and utilize the dock area of Lot 34.

Initial focus for guests of these cabins are children who are going through some type of serious medical treatment, such as chemotherapy, and their parents. He is hoping to build a network off

interested guests through the Ronald McDonald house and CCRF Children's Cancer Research Fund. He wants to give these kids, at no cost, a break between treatments or to assist as part of their recovery therapy To have some time in the woods to relax and enjoy a wilderness experience that they may not ever have access to at no cost to the parents who are likely undergoing significant financial burden due to health care costs.

The Planning Commission stated he would have to go to Cass County first to get his permits to build. If he decides to go through with a short-term rental, he would then go through here but he could only have one short term rental. A letter by email will be sent to him stating that.

**Annual Reviews:** None

**Announcements:** Read

**Adjournment:** Terry Quick **moved to adjourn**, seconded by Dave Skogen and the motion carried with the meeting being adjourned at 9:50 PM.

Minutes submitted by:

\_\_\_\_\_  
Colleen Putnam, Deputy Clerk

PC Member \_\_\_\_\_ approved the minutes as amended/ presented  
seconded by \_\_\_\_\_ and the motion carried.

Date: