

**LE SUEUR COUNTY PLANNING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
February 13, 2023

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Shirley Katzenmeyer, and Al Gehrke

**MEMBERS ABSENT:** Pam Tietz, Doug Krenik, and Commissioner Gliszinski

**OTHERS PRESENT:** Aaron Stubbs

1. **Call to Order:** The meeting was called to order at 7:32 pm by Chairperson Jeanne Doheny.

2. **Agenda:** Additions/Corrections: NONE.  
Motion to approve the agenda was made by **DON REAK**.

Second by **AL GEHRKE**.

**MOTION APPROVED. MOTION CARRIED.**

3. **Minutes:** **December 8, 2022** Meeting, Additions/Corrections: NONE.  
Motion to approve the minutes was made by **SHIRLEY KATZENMEYER**.

Second by **AL GEHRKE**.

**MOTION APPROVED. MOTION CARRIED.**

4. **Applications:**

**ITEM #1: TRACY NELSON, MONTGOMERY, MN (APPLICANT/OWNER):**

Request that the County grant an Interim Use Permit to allow the applicant to use their property for Short-Term Private Lodging Rental in a Recreational Residential "RR" Shoreland District, Lake Pepin, a Natural Environment "NE" Lake. The subject property is described as Lot 9 of Benson's Subdivision, Section 28, Lanesburgh Township.

Aaron Stubbs presented the PowerPoint presentation.

Tracy Nelson was present for the applicants.

**INITIAL COMMENTS FROM THE APPLICANT:**

The applicant stated the residential structure has 2550 square feet of useable space, including the outside deck. She also stated the house is a three bedroom / three bathroom home. Ms. Nelson stated the septic had recently been updated and the foundation for the home had been repaired.

When she first purchased the home, she looked into rental licensing requirements through the city and the county but was unable to find anything. She began renting the house but stopped when she was contacted by the County's Environmental Services Department.

Ms. Nelson stated there was heavy traffic when she first purchased the home but that was due to the condition of the home and the different contractors that were working to improve the property.

Ms. Nelson also stated she met with the Township earlier in the evening to discuss her request. She stated the Township expressed no concerns with her proposed use.

#### INITIAL QUESTIONS FROM THE PLANNING COMMISSION:

The applicant was asked if she had experience renting Short-term Private Lodging Rentals previously. Ms. Nelson stated she had been involved in this type of activity previously. She explained the business was in a different area and involved a previous partner.

The applicant was asked about the requirements of a manager being onsite or being available as required by the Ordinance. The applicant stated she would use an 800 number service for all mechanical issue. She also stated she would employ a property management company to meet this requirement when she is away from the property. Ms. Nelson stated she could not be certain the management company would respond within 30 minutes. In her experience, they typically give a 60-minute guarantee.

Member Katzenmeyer clarified the concern of needing the property manager was for issues beyond mechanical problems within the house. She stated the Planning Commission was more concerned with noise, unruliness, etc. The applicant stated in the event one of those situations presented itself, the Sheriff's office should be contacted.

#### PUBLIC CORRESPONDENCE:

Mr. Stubbs stated there was no written correspondence; however, he did receive a call from someone claiming to be a neighbor that wished to remain anonymous. Mr. Stubbs stated the alleged neighbor was opposed to the proposed use and was concerned with potential noise and traffic issues. Mr. Stubbs stated he explained the regulations from the Ordinance that required quiet hours between 10p – 7a, and also explained the proposed use would not impact traffic more than a standard residential use would. The caller thanked Mr. Stubbs for the information but stated he was still opposed to the request.

#### PUBLIC COMMENTS:

Jeff Winship (16127 Pepin Lane) stated he and his wife moved to the neighborhood in August 2021. They are concerned with privacy and security. Mr. Winship stated he has had previous renters trespass on their property. He has also concerned with impacts to property values.

Judy Winship (16127 Pepin Lane) asked what the checks and balances would be for things like noise and parking. She asked whom would they call outside of County business hours if there was an issue. She also asked whom should the neighbors call if Ms. Nelson is not at the home and there is an issue.

*\*\*Ms. Nelson stated this is the first time she is hearing of any such issue from previous renters. She also stated Mr. Winship previously offered to provide her with a letter of recommendation in support of the proposed use.\*\**

Mr. Winship clarified that he did in fact offer the letter, but that was before he and his wife had experienced any of the negative impacts from previous renters.

Tom & Melissa Guttormson (16161 Pepin Lane) stated they were residents of the neighborhood for 17 years. They are concerned with the proposed use. They stated the neighborhood is quiet and quaint. They are most concerned with noise, safety, unwanted visitors, parking, and trespassing. They claimed to have experienced all of the above-mentioned items over the summer of 2022. In addition, they also experienced the pets of renters defecating on their property. Mr. Guttormson stated their rear patio is approx. 30 feet from Ms. Nelson's home. He and his wife do not wish to share the neighborhood with non-residents. The trees along the property line do not provide adequate privacy or security. He stated he feels most renters do not treat rented property the same as they would their personal property. He also shared his wife was recently diagnosed with a progressive medical condition that requires additional rest and quiet.

Carole Simon (16105 Pepin Lane) stated she has lived in the neighborhood for 43 years. She claimed every year has been peaceful except the previous summer (2022). Ms. Simon stated there was one occurrence last summer where the subject property was rented to a youth baseball team. She stated some of the kids were sleeping in tents in the backyard and they were making noise throughout the night. Ms. Simon stated she is concerned with the potential for increased noise, trespassing, impacts to the gravel road. She stated she does not believe the proposed use fits this particular neighborhood.

*\*\*Ms. Simon also read a letter from Dennis Warke (16168 Pepin Lane) into the record (Mr. Warke is away on vacation and unable to attend the hearing).\*\**

In the letter, Mr. Warke states he is opposed to the proposed use. He alleges the neighborhood has already experienced several negative impacts (loud parties, trash left outside, trespassing, etc.) in just one summer. He is concerned with the vetting process, and whether those individuals whom rent the property are safe for the neighborhood. He believes future rentals could lead to conflict between renters and landowners in the neighborhood.

Kenneth & Helen Pomije (15942 Goose Belly Lane) stated the area is zoned Recreational Residential. They do not feel this should include commercial activity.

#### FOLLOW-UP QUESTIONS AND COMMENTS FROM THE PLANNING COMMISSION:

Member Reak asked about the difference between the applicant's living space and the renter's living space. Ms. Nelson explained the interior layout of the home, and how the two areas are kept separate.

Chairperson Doheny asked about the claims from the neighbors related to the property being rented previously and how this was done without the proper permits. Ms. Nelson stated she did not know the County had short-term rental requirements. The first renters came in mid-May. After she was contacted by the County in late-June, she canceled her last reservation which was during the July 4<sup>th</sup> holiday. Ms. Nelson stated the first renters were a family that was in town for a funeral. The day of the funeral, they had many people in and out of the house, stopping by to meet with the family and convey their condolences, etc. She stated the day of the funeral was the only time there was an increased number of cars at the house.

Member Reak stated he understand the concerns of the neighborhood.

Member Katzenmeyer stated the Planning Commission must weigh the proposed use against the property and the surrounding neighborhood to determine if any negative impacts could result. She also stated she was concerned with this type of use in a densely populated area like this.

Member Gehrke stated the proposed use would work fine if renters acted like "normal people" and respected the residents of the neighborhood.

*\*\*Ms. Nelson stated this was the first time she had heard any of these concerns from her neighbors. She also stated the increase in traffic was related to the construction efforts after she first purchased the property.\*\**

Member Katzenmeyer stated these concerns are not a reflection on the applicant but rather a reflection on who has rented the property previously.

*\*\*Ms. Nelson stated Airbnb has their own vetting process for potential renters. She does not accept requests from renters who have not been rated by Airbnb.\*\**

*\*\*Ms. Nelson also stated, with regard to the baseball team, there were no concerns shared with her by the neighborhood. She was out of town while the team stayed at the house and was unaware of any negative issues.\*\**

Chairperson Doheny stated the Planning Commission has had extensive discussions about the regulations and hosted several public hearings to openly discuss these regulations. However, there has not been much public involvement or attendance during these discussions. The applicant appears to be able to meet the requirements. The neighbors are raising concerns, which have not been expressed to the owner previously.

*\*\*Sue Macho (County resident from outside the immediate area) stated Airbnb asks property owners to check local zoning laws prior to initiating the rental of their property.\*\**

Member Katzenmeyer stated the neighbors should have expressed concerns prior to the meeting.

*\*\*Carol Simon (16105 Pepin Lane) stated the neighborhood opposition is not a reflection of the applicant. It is opposition to the proposed use. The neighbors did not think the subject parcel would become a Short-Term Private Rental.\*\**

Chairperson Doheny stated renters do not only select Short-Term Rental properties to have wild parties. Member Reak asked the applicant if she believes she can follow all County guidelines for this type of use.

**\*\*Ms. Nelson stated she has concerns with several regulations required by the County. She stated she does not feel as though her use should have more rules than her neighbors do. Ms. Nelson stated she had concerns with the following items:**

- Occupancy standards – Ordinance caps a house of this size at 6 occupants over the age of three years. Ms. Nelson believes her home can safely accommodate 18, but would accept a max of 12
- Keeping a list of the primary occupants – Ms. Nelson stated she has been the only primary occupant. *It was explained by staff that this standard was related to keeping a list of those who have rented the property.*
- Not allowing tents – Ms. Nelson stated her grandkids like to camp out by the lake sometimes. She does not feel she should be prohibited from doing this. *It was explained by the Planning Commission that this standard was related to those who have rented the property, not the owner or their family.*
- Fireworks being prohibited - Ms. Nelson stated her grandkids like to set-off fireworks on the 4<sup>th</sup> of July. She does not feel she should be prohibited from doing this. *It was explained by the Planning Commission that this standard was related to those who have rented the property, not the owner or their family*
- Firearms being prohibited – Ms. Nelson stated she is permitted to carry a firearm and does so for her protection. She does not feel she should be prohibited from doing this. *It was explained by the Planning Commission that this standard was related to those who have rented the property, not the owner or their family. Ms. Nelson also stated she said staff explained this was more about not discharging firearms onsite but she alleged one of her neighbors has shot a gun on their property previously so her proposed use should not have added regulations.*
- General lack of knowledge of Ordinance standards – Ms. Nelson stated she was unaware of the requirements of the Ordinance until she received the staff report for her request. She claimed the Ordinance was new and was unavailable to review when she submitted her application. *Mr. Stubbs stated the newly adopted regulations were approved in late-December of 2022 and were effective as of January 1, 2023. Ms. Nelson did not apply until January 18, 2023 so the Ordinance was available for review at the time of application. Mr. Stubbs stated he did not go through each specific point with Ms. Nelson but compared her request to the regulations. He stated this is the standard review process for requests. He stated none of the required regulations appeared to be unachievable so the application was allowed to continue as submitted. Mr. Stubbs continued to explain to the Planning Commission that the applicant had emailed him with several concerns with the Ordinance requirements. He stated many of the concerns were based on the applicant misunderstanding what the Ordinance was requiring (example: minimum required number of parking spaces versus actual amount offered, fireworks prohibited for renters but not for owner when property was not being rented, etc.).*

Chairperson Doheny asked the applicant if all her concerns had been addressed by talking with staff. Ms. Nelson stated she wished to go through each issue with the Planning Commission.

Chairperson Doheny stated the Planning Commission is not interested in going through the entire Ordinance and qualifying each individual statement.

**\*\*The applicant stated she is not here to make enemies within her neighborhood. If this request is going to result in that, she is not interested in pursuing the request.\*\***

Chairperson Doheny stated it does not appear as though the application is ready to be acted on. She believes there is still some work to be done with staff and discussions to be had with neighbors. She asked staff if there was a way the applicant can do this additional work without incurring any additional fees.

**\*\*Mr. Stubbs stated because the applicant is not requesting the continuance, no additional fees would be incurred for continuing the meeting so additional discussions could be held. He also explained the difference between tabling a request and continuing a request.\*\***

Chairperson Doheny stated if the applicant was interested in pursuing the use, the Planning Commission could table the request until the March hearing or they could continue it to a pre-determined date.

*\*\*Ms. Nelson stated she is not interested in pursuing the request any further.\*\**

#### **FINDINGS:**

1. *The interim use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. (0-4 in opposition)*
  - *Based on the description from the neighbors related to previous rentals, this use appears to be injurious to the use and enjoyment of the neighbors.*
2. *The establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. (4-0 in support)*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (4-0 in support)*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use. (4-0 in support)*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (0-4 in opposition)*
  - *This is specific to noise and other negative impacts to the neighborhood.*
6. *The interim use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (3-1 in support)*
  - *(Chairperson Doheny in dissent) This use does not appear to be consistent with the goals and policies of the County. It is more of an amended version.*
7. *The interim use is consistent with the Comprehensive Land Use Plan. (3-1 in support)*
  - *(Chairperson Doheny in dissent) This use does not appear to be consistent with the goals and policies of the County. It is more of an amended version*

**Motion was made by DON REAK to recommend DENIAL of the application.**

**Second by AL GEHRKE.**

**MOTION APPROVED (4-0). MOTION CARRIED.**

#### **5. Discussion Items:**

- New Ordinance Books
  - Staff printed new books for all BOA & PC members.
- Environmental Services moving in 2023
  - Hopefully moving prior to the start of the 2023 construction season
  - Unsure of the specific date
  - Unsure if future meetings would be held in the Government Center or if they would continue to be in current location.
- Upcoming events in 2023
  - Revise Section 16 (Animal Feedlots) of the Zoning Ordinance
  - Revise the Solid Waste Ordinance
  - Exploring options for hosting a legal training for BOA and PC members in Le Sueur County
- Currently no items on the March Planning Commission Agenda

- Application deadline was February 7, 2023

6. **Warrants/Claim-signatures:**

7. **Adjournment:**

Motion to adjourn meeting by **DON REAK**.

Second by **AL GEHRKE**.

**MOTION APPROVED. MOTION CARRIED.**

Respectfully submitted,

**Aaron Stubbs**

*Recording of the meeting is on file in the  
Le Sueur County Environmental Services Office*

DRAFT