

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD BOTH VIRTUALLY VIA WEBEX AND IN-PERSON AT THE ST. LOUIS COUNTY GOVERNMENT SERVICES BUILDING, LIZ PREBICH ROOM, VIRGINIA, MN ON THURSDAY, JUNE 10, 2021.

9:00 AM – 12:54 PM

Planning Commission members in attendance: Dave Anderson (at 9:12)
Steve Filipovich
Daniel Manick
Commissioner Keith Nelson
Dave Pollock
Roger Skraba, Chair
Ray Svatos
Diana Werschay (at 9:04)

Planning Commission members absent: None - 0

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Bayview Fireside LLC, a conditional use permit for multiple rental units and RV sites as a Planned Development Use-Class II.
- B. Kevin Swanson, a conditional use permit for a wedding venue as a Public/Semi-Public Use.
- C. Sue Johnson, a conditional use permit for a wedding venue as a Public/Semi-Public Use.
- D. Steven VanGuilder, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II.

OTHER BUSINESS:

Motion by Manick/Svatos to approve the minutes of the May 13, 2021 meeting.

In Favor: Filipovich, Manick, Nelson, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Motion carried 6-0

NEW BUSINESS:

Bayview Fireside

The first hearing item was for Bayview Fireside LLC, a conditional use permit for multiple rental units and RV sites as a Planned Development Use-Class II. The property is located in S16, T62N, R16W (Greenwood). *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval for multiple rental units as a Planned Development-Class II.

- B. The property consists of three dwellings. Two dwellings are currently being rented on a short-term rental basis and the third dwelling is the applicant's residence.
- C. There are also three recreational vehicle (RV) sites on the property that are used for friends and family.
- D. These RV sites need to be calculated into the maximum density allowed on the property, even if they are not rented.

Jared Ecklund reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. St. Louis County Zoning Ordinance 62 allows a Commercial Planned Development in a Lakeshore Commercial Overlay (LCO) zone district with a Conditional Use Permit.
- 2. The property is located within a Lakeshore Development Area of the Future Land Use map of the St. Louis County Comprehensive Land Use Plan.
 - a. This category recognizes the ability of existing recreational or tourist facilities to grow and for new complimentary uses to be developed.
 - b. Instrumental to Lakeshore Development Areas is the flexibility to allow for the evolving and eclectic nature of the rural economy.
 - c. The St. Louis County Comprehensive Land Use Plan describes the lodging industry as foundational to county tourism.

B. Neighborhood Compatibility:

- 1. The property adjacent to the east is the remaining portion of Bayview Lodge.
 - a. This property was approved a CUP for a RV park as a Planned Development in December 2018.
- 2. Much of this general area was part of the historic Bayview Lodge. The proposed Planned Development fits in with the historic seasonal and transient use in the immediate area.

C. Orderly Development:

- 1. The cabins have been located on the property for many years.
- 2. They were old resort cabins from Bayview Lodge.
 - a. Each cabin is located on a property that is approximately one acre in size.
 - b. Each of these properties, if owned separately, would be allowed one RV in addition to the residential dwelling on each.
- 3. The rental of these cabins would not impede the orderly development of the area.
- 4. The number of dwellings and RV sites currently on the property meets the density requirements of St. Louis County Zoning Ordinance 62.

D. Desired Pattern of Development:

- 1. The desired pattern of development would typically be considered residential in this zone district.
- 2. The Lakeshore Commercial Overlay zoning allows existing resorts to continue operation and expand in the Lakeshore Commercial Overlay designated area.
 - a. The Lakeshore Commercial Overlay zone districts are intended to keep commercial uses in areas around Lake Vermilion that were historically commercial in nature.

- b. The Lakeshore Commercial Overlay district in this area is because of Bayview Lodge Resort.

E. Other Factor:

- 1. Had these properties remained part of the Bayview Resort property (adjacent to the east), a conditional use permit would not be required for the rental units because of the prior approvals for Bayview Lodge Resort.

Jared Ecklund noted two items of correspondence, one from Mark J. Hudson, St. Louis County Property Management Right of Way Agent with no issue, and one that was the On-Site Wastewater Division's record review. This correspondence was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow multiple rental units and RV sites as a Planned Development Use - Class II, the following standards shall apply:

- 1. Additional RV sites or cabins may be added but shall not exceed the commercial Planned Development density standards on the parcel.
- 2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
- 3. Recreational vehicles shall have a current motor vehicle license.
- 4. The applicant shall comply with all local, county, state, and federal regulations.

Roy Peterson, the applicant, stated this property has been like this for a hundred years and the cabins are between 70 to 80 years old. They purchased these cabins from the Bayview Lodge itself. They have consolidated and improved the infrastructure with the RVs and have added a new 2,500 gallon holding tank and upgraded the electrical.

One member of the audience spoke in favor.

Sue Johnson, 9028 West Branch Road, Duluth, stated it is good to see the cabins back.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked why the desired pattern of development would typically be considered residential, but includes the Lakeshore Commercial Overlay. *Jared Ecklund* stated this is unique in that there is the LCO zone district with an underlying Residential zone district. There are two types of uses in this area.
- B. Commission member *Pollock* asked if this property would fall under short-term rentals. *Jenny Bourbonais*, Acting Secretary, stated this is not a short-term rental.

DECISION

Motion by Manick/Svatos to approve a conditional use permit to allow multiple rental units and RV sites as a Planned Development Use - Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62 allows a Commercial Planned Development in a Lakeshore Commercial Overlay (LCO) zone district with a Conditional Use Permit.
2. The property is located within a Lakeshore Development Area of the Future Land Use map of the St. Louis County Comprehensive Land Use Plan.
 - a. This category recognizes the ability of existing recreational or tourist facilities to grow and for new complimentary uses to be developed.
 - b. Instrumental to Lakeshore Development Areas is the flexibility to allow for the evolving and eclectic nature of the rural economy.
 - c. The St. Louis County Comprehensive Land Use Plan describes the lodging industry as foundational to county tourism.

B. Neighborhood Compatibility:

1. The property adjacent to the east is the remaining portion of Bayview Lodge.
 - a. This property was approved a CUP for a RV park as a Planned Development in December 2018.
2. Much of this general area was part of the historic Bayview Lodge. The proposed Planned Development fits in with the historic seasonal and transient use in the immediate area.

C. Orderly Development:

1. The cabins have been located on the property for many years.
2. They were old resort cabins from Bayview Lodge.
 - a. Each cabin is located on a property that is approximately one acre in size.
 - b. Each of these properties, if owned separately, would be allowed one RV in addition to the residential dwelling on each.
3. The rental of these cabins would not impede the orderly development of the area.
4. The number of dwellings and RV sites currently on the property meets the density requirements of St. Louis County Zoning Ordinance 62.

D. Desired Pattern of Development:

1. The desired pattern of development would typically be considered residential in this zone district.
2. The Lakeshore Commercial Overlay zoning allows existing resorts to continue operation and expand in the Lakeshore Commercial Overlay designated area.
 - a. The Lakeshore Commercial Overlay zone districts are intended to keep commercial uses in areas around Lake Vermilion that were historically commercial in nature.
 - b. The Lakeshore Commercial Overlay district in this area is because of Bayview Lodge Resort.

E. Other Factor:

1. Had these properties remained part of the Bayview Lodge Resort property (adjacent to the east), a conditional use permit would not be required for the rental units because of the prior approvals for Bayview Lodge Resort.

The following conditions shall apply:

1. Additional RV sites or cabins may be added but shall not exceed the commercial Planned Development density standards on the parcel.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
3. Recreational vehicles shall have a current motor vehicle license.
4. The applicant shall comply with all local, county, state, and federal regulations.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None - 0

Motion carries 8-0

Kevin Swanson

The second hearing item was for Kevin Swanson, a conditional use permit for a wedding venue as a Public/Semi-Public Use. The property is located in S5, T50N, R16W (Solway). Commissioner Nelson recused himself from the discussion and voting as he is related to the applicant. *George Knutson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval to operate a venue for weddings and other similar events.
- B. The proposed hours of operation at from 9:00 AM until 11:00 PM, seven days per week.
- C. The proposal includes an event building and a large parking area.
- D. The applicant has indicated the main use will be for weddings. Other similar events may include meetings and/or holiday parties.
- E. The property contains approximately 19.1 acres.
- F. There is a large wetland complex located on the property.
- G. There are two adjoining parcels under common ownership. The applicant would own all three parcels. Only the subject parcel is being used for the proposed development.
- H. There was an event center approved by the Planning Commission in 2016 located 0.4 miles from the current proposal. While approved by the Planning Commission, the event center has yet to meet its conditions precedent and no permit has been issued.

George Knutson reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5D allows a Public/Semi-Public Use in a Residential district with a conditional use permit.
 2. The subject parcel is designated as Forest and Agriculture within Planning Area 5a on the Future Land Use Map. Area south of the subject parcel, around Beaver Lake, is designated as Natural Areas.
 - a. The Forest and Agriculture land use category takes up the majority of the county's unincorporated land area.
 3. Goal LU-7 of the St. Louis County Comprehensive Land Use Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
 4. Objective LU-7.2 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.

B. Neighborhood Compatibility:

1. The parcel is currently vacant. If approved, the lot will be developed to support the wedding venue use.
 - a. Current proposal indicates a venue building and a large parking area.
2. The proposal has the potential to impact residential properties in the area with added noise and traffic during events.
 - a. Beaver Lake contains approximately nine residential dwellings currently.
 - b. There are approximately five other residential dwellings within 0.25 miles of the subject parcel.

C. Orderly Development:

1. Many parcels in the area are currently used for seasonal and year-round residential use.
2. An event center was approved by the Planning Commission in 2016 on a nearby property. This property is approximately 0.4 miles west of the subject parcel.
 - a. The permit has not been issued for that approved use as precedent conditions have not been met.
3. There is also a bar/restaurant and a campground approximately 0.5 miles northwest of the subject property, at the intersection of Highway 2 and Highway 194.
4. In the immediate area around the subject parcel, future growth is not anticipated to change due to already established residential dwellings.

D. Desired Pattern of Development:

1. The desired pattern of development is not anticipated to change significantly in the near future.
 - a. Large wetland complexes on the subject parcel and the surrounding area may limit new development in the immediate area.

E. Other Factor:

1. If the use is approved, the applicant will need to work with the St. Louis County On-Site Wastewater Division on proper SSTS requirements.
 - a. The conditional use permit and any associated land use permits shall not be issued until proper SSTS approval is received.
2. The adjacent parcel to the west and one of the adjacent parcels to the south are under common ownership with the subject parcel.
 - a. The proposed use is only associated with the subject parcel.

George Knutson noted 155 items of correspondence, all in opposition. This correspondence was provided to the Planning Commission prior to the hearing. Of the 155 correspondents, 11 were individuals within the notification area. Common concerns raised were:

1. Pollution and other potential impacts on wetlands and Beaver Lake.
2. Traffic concerns relating to entering and exiting the property via Highway 194.
3. Compatibility with neighborhood residential uses.

The Solway Township resolution in opposition was provided in person at the hearing to the Planning Commission.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for a wedding venue as a Public/Semi-Public Use, the following standards shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. Notice of the proposal shall be sent to the Solway Volunteer Fire Department.

Conditions Concurrent:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. If liquor is allowed at an event, it shall be furnished by a licensed and insured event supplier and follow St. Louis County ordinances on liquor licensing.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. There shall be no on-street/road parking during events.
5. During events, no amplified music shall be played outside after 11:00 PM.
6. The applicant shall comply with all local, county, state, and federal regulations.
7. Wetland Conservation Act standards shall be followed.
8. All signs shall meet St. Louis County Ordinance 62 standards.

One representative of Solway Township spoke.

Ronald Gajewski, Solway Town Board Chair, stated they had their Town Board meeting on June 8, 2021, and 47 township residents showed up to speak about this development. From the testimony received by 20 residents, they put together the township's resolution. He read the resolution into the record. Residents in this township are not those that move out of the area and properties can be handed down from generation to generation. The proposed venue will impact this lifestyle and these residents will not get back what they had before. The Solway Town Board voted unanimously to oppose the proposed venue. He also handed out a document the applicant had provided to the Solway Town Board meeting showing what the building could look like. The location of the building would allow noise, sound and light to travel down to the lake with no tree barriers.

Brent Malvick, 4517 Robinson Street, Duluth, attorney representing Kevin Swanson. He stated any structure built will be more than 1,000 feet from any body of water, including Beaver Lake. The proposed development is not on a parcel adjacent to a body of water. He handed out a document from the Minnesota Department of Natural Resources (MN DNR) showing the two waterways in proximity to the subject property. The waterway in closest proximity is Coon's gravel pit, not Beaver Lake. This development will have no overnight lodging. There is a bar and restaurant within one-half mile of this property. Commercial use is something that is being utilized in this area. The applicant stated that the development will be 300 feet from the marshes and will not impact wetlands. This is not an industrial development and there should be no concern of chemicals to pollute any waterway or wetland. While it was mentioned to during the Solway Town Board meeting that the property was utilized for hunting and other activities such as people walking the property to measure distances, the current owner, Mr. Huberty, has not approved any of these activities on this property. There is no permission for other people to use this property.

Kevin Swanson, the applicant, stated he is from Hermantown and he wants to raise his family in Solway. He worked for Cirrus Aircraft, was in charge of customer deliveries and is very familiar with setting up and hosting events. They plan on having a privacy fence between the back of this property and adjoining properties. They are still in the planning stages on their septic system and do not have set plans yet.

Commission Chair *Skraba* limited each member of the audience speaking for or against to three minutes.

One member of the audience spoke in support.

Matt Specht, 12860 Rudstrom Road, Side Lake, stated he has no stake in this project but he does have a stake with the applicant in his water sport's company. He owns a resort in the Sturgeon Lake chain and part of the water sport's company is operated out of that resort. He added the neighbors have valid concerns. In his experience, Mr. Swanson wants to be a part of the community, do the right thing, and does not want an adversarial relationship with his neighbors.

Nine members of the in-person audience spoke in opposition.

Tim Ludwig, 6871 Highway 2, Saginaw, stated he and his wife live on Beaver Lake. He asked the Planning Commission to consider additional conditions for the permit. He asked for an Environmental Impact Study (EIS) because of the parking lot size and the runoff which will flow to the wetlands and to the lake. He asked that no ATVs or snowmobiles be able to access the wetlands from that property. Solway Township set aside 125 acres of commercial property that would be perfect for this venue. It is located on Highway 2 and the land is vacant now. One-third of Solway Township is wetlands. Before it was considered trespassing, he walked the property, and the existing trees were not adequate buffer.

Melissa Rowe, 6917 Highway 2, Saginaw, stated her concerns were noise pollution, the direct line of sight with a 30 foot tall structure, and parking lot lighting. The 5-acre state-owned parcel is 80 percent water with wildlife. No residential areas surrounded the previously approved event center, but there are residential areas surrounding this proposed project. Her family has owned this property for more than 100 years. She is concerned about the market and property values. She agreed that this project would be better placed on the 125 acres Solway Township had set aside for commercial use. The state-owned land used to be a part of their family farmstead and was utilized as a borrow pit to construct Highway 2. There is about 60 feet of open area between their property and the subject parcel where the proposed event center will be.

Mark Belisle, no address, stated there is not one person that supports this project. From a law enforcement standpoint, he does not know how anyone will get a hundred or more cars off that property in a day without car accidents. He is concerned that people will wander into the wetlands. There is also concern about having security in place for every event. There are people in this neighborhood who feel so strongly about this project that they are willing to buy this property.

Linda Knutson, 6863 Highway 2, Saginaw, stated two different government agencies have issued two different designations for Beaver Lake. The St. Louis County Comprehensive Land Use Plan

designated this lake as natural area which is a green area unsuitable for extensive development due to existing environmental constraints. The MN DNR has designated this a Natural Environment lake. This is a pristine lake with loons and trumpeter swans. The concern was that wetlands drain into the lake.

Gary Bergquist, no address, handed out a document to the Planning Commission regarding the soil types in this area and a certificate of real estate sale (CRV). He is concerned about the distance between the proposed building and the wetlands. The structure would be better placed in the associated western parcel as there is better tree screening there.

Norman Talsoe, 16708 Blenheim Way, Minnetonka, stated he walked this property in the 1940s and is very familiar with this lake and this neighborhood. There is so much uncertainty with the future and what this project may bring to this area.

Kari Ball, no address, stated she is concerned with potential visual and light pollution, especially during winter months when hundreds of cars are shining bright headlights that will be visible across the lake. The structure will be 34 feet in height and will be visible from the lake. This is out of character for such a large building to be visible from the lake. If this project gets approved, they ask that the Planning Commission consider mitigating dark sky lighting with no additional lighting in other directions as well as a north/south orientation so when cars turn on their headlights, they are facing the highway and not facing residences. They asked for a fence around the property to mitigate sound pollution.

Beth Esselstrom, 12 Memorial Drive, Esko, stated she would be speaking to the quality of life on Beaver Lake. Solway Township offers a low level of development with a rural setting with easy access to adjacent larger cities for goods and services they may need. There is low desire among residents for commercial development and 125 acres was set aside specifically for commercial use. Wetlands make up 33 percent of the township and wetlands are what the residents value and respect. Proposed use of this parcel does not conform to the Solway Township's land use plan and is not consistent with a desirable pattern of development and is not compatible with the adjacent property and land use in the existing neighborhood.

Johnnie Rowe, 3526 Stebner Road, Duluth, stated he is concerned this area could be a big fire hazard that could be dangerous to the area residents. By the time the volunteer fire department arrived there, the fire could be roaring. There are two pits in the area, one of them is a state pit.

Two members of the virtual audience spoke in opposition and two members of the virtual audience sent written testimony through the chat feature or by email. *Jenny Bourbonais*, Acting Secretary, checked with each of the registered virtual attendees to see if they had any comments to add.

Travis Knutson, 6463 50th Street North, Oakdale, stated his parents live at 6863 Highway 2. He asked that the Planning Commission consider the criteria of approval. He does not believe that this use conforms to the land use plan. The proposed project is not compatible with the existing neighborhood as the neighborhood is in opposition. There is acreage that was set aside for commercial use that is not being utilized that would be a better fit for this event center. None of

these five criteria are being met. The other commercial development in this area does not impede on the natural beauty of this area.

Sheryl Filby Williams stated she had nothing new to add and her comments had been expressed by others.

Judy Gadda stated she had nothing new to add and that others have spoken for her.

Madelynn Ludwig stated she had nothing new to add.

Laura Kheradi, 6871 Highway 2, Saginaw, stated she wanted to raise three specific concerns. The County Land Explorer shows that the parcel PN for the subject parcel is 756 feet from Beaver Lake. The applicant has made an oversight in saying that the parcel is not within 1,000 feet of the lake which means shoreland development rules have been ignored and not adequately considered. The Planning Commission should not allow a conditional use permit until the setback from the property to the lake is properly assessed. A septic system sized for this venue could require a very large footprint. The application stated there would not be more than one acre of altered surface which would require a construction stormwater permit. With the parking lot, driving surface and driveway already being 0.75 acre, a septic system could push this over one acre in size. This state permit offers special protections to wetlands. The project should not be improved until the total impacts for the development are known. The application contains a wetland map which appears to come from the County Land Explorer but is not adequate to permit development of a commercial use. There is nothing that identifies specific wetland boundaries.

Amy Walk provided an email testimony as she was not able to speak virtually. Her email stated she had submitted a letter in opposition and is opposed to the project and development in a residential area.

Rachel Ludwig stated she had nothing new to add.

Katherine Hartley provided chat for testimony as she was not able to speak virtually. Her three concerns were that the development would be located directly north across their first home that was purchased last September. They are concerned about water supply and quality, especially with high usage by a convention center depleting the existing water supply; loss of property value and degradation of a rural setting because they purchased a rural property, not property in a commercial district; and pollution run-off to their personal seasonal duck pond which is adjacent to the entrance of the proposed event center.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Svatos* asked the distance between the corner of the proposed building and the location of the wetlands. *George Knutson* stated he does not know the exact distance, but after being on site he would estimate it is at least 50 feet. Commission member *Svatos* asked if the land is flat. *George Knutson* stated that the land is relatively flat, but there is an elevation change into the wetland complex.

- B. Commission member *Filipovich* asked if there would be a barrier between the subject property and the adjoining properties. Commission member *Skraba* had a similar question.
- C. Commission member *Manick* asked if the current landowner owns the two associated parcels. *Kevin Swanson* stated he has a contract for all three parcels. Commission member *Manick* added that these two additional properties would act as a buffer for other adjoining properties during events.
- D. Commission member *Anderson* asked if there will be multiple floors if the structure height will be 34 feet. *Kevin Swanson* stated that the look of the building will mimic a barn and it will not be a multiple floor building.
- E. Commission member *Skraba* asked if the applicant is aware they may need a National Pollutant Discharge Elimination System (NPDES) permit for the driveway and parking area. This is a state permit that would likely be required due to the size of the proposed parking lot.
- F. Commission member *Skraba* stated that based on the correspondence he read, noise will definitely be an issue. He would be apt to approve that no amplified music shall be played outside after 9:00 PM. *Kevin Swanson* stated there will not be any outdoor amplified music. Any indoor music will be done by 11:00 PM.
- G. Commission member *Skraba* stated he has some concern with commercial access to Beaver Lake through the property. The applicant should not be denied personal access through their property. *Kevin Swanson* stated he has no plans to use the lake commercially. Based on his insurance policy, he cannot utilize the lake for commercial use.
- H. Commission member *Skraba* asked if the structure would be 300 feet from the wetlands. *Kevin Swanson* stated the measurement from the corner of the proposed building to the wetlands is 300 feet or more. The measurement from the corner of the proposed building to Beaver Lake is more than 1,000 feet. The parking lot will be further away. Commission member *Pollock* asked if there could be lake access on the associate parcel to the south. *Kevin Swanson* stated there is no direct lake access because of the wetlands. While he wants to raise his family in Solway, he has no plans to do that right now. Commission member *Pollock* asked if the applicant would consider building on the associated southern parcel. *Kevin Swanson* stated not at this time.
- I. Commission member *Pollock* asked if the applicant was the current owner of the property. *Kevin Swanson* stated he is not the current owner. He will purchase all three parcels if the conditional use permit is approved. *Brent Malvick* added that if the current landowner was to keep the southern associate parcel, it would have far less marketability.
- J. Commission member *Anderson* asked if the event center would be constructed for year-round use. *Kevin Swanson* stated it would be.
- K. Commission member *Manick* asked what lighting is anticipated for the parking area. *Kevin Swanson* stated the plans have not been made, but would likely be standard, security parking lot lighting.
- L. Commission member *Filipovich* asked what the applicant anticipates for other types of uses. *Kevin Swanson* stated the primary use would be for weddings. There could be the occasional corporate holiday party or corporate meeting. They do not plan to host any other major events on the property.
- M. Commission member *Skraba* stated that the Minnesota Department of Transportation (MNDOT) permits the access and the applicant pays for the access lane, not the local taxpayers.

- N. Commission member *Skraba* stated that certain things are allowed through a conditional use process. This use is allowed in a Residential zone district with a conditional use permit.
- O. Commission member *Pollock* asked staff to clarify what Ms. *Kheradi* was asking about. *Jenny Bourbonais* stated these are mitigating conditions that could be given if a conditional use permit is approved but done prior to issuance of a land use permit. She was asking for the potential NPDES permit and a wetland delineation. The NPDES permit would be included in the condition to meet all local, county, state, and federal regulations. Wetlands would be covered by a Wetland Conservation Act (WCA) condition.
- P. Commission member *Svatos* stated additional conditions could be added to mitigate some of these concerns. Commission member *Skraba* agreed and would add there should be no commercial access to the lake during events, additional vegetative screening for light and noise mitigation, and no outdoor amplified music after 9:00 PM. The wetland issues will be addressed in state and/or federal permitting. Access by the appropriate road authority will be a MNDOT permit. The dark sky lighting is already a condition. The septic system will be handled by the On-Site Wastewater Division. This decision is just for the use.
- Q. Commission member *Pollock* asked where the alternative locations are that were brought up by testimony as multiple people brought up the acreage set aside for commercial use within Solway Township. *Kevin Swanson* stated he found out about this at the Solway Town Board meeting two days ago. Commission member *Anderson* stated that with no information on this alternative location from Solway Township, there is no way to make a decision based that property. *Ronald Gajewski*, Solway Town Chair, explained this area is between Old Highway 2 and Highway 2. Commissioner *Nelson* stated the Planning Commission makes the decision based on the proposed location only. Commission member *Werschay* agreed.
- R. Commission member *Manick* asked where the line is drawn when one use was already approved close by, but then there is a new proposal for a similar use in this neighborhood.
- S. Commission member *Pollock* stated that none of this an improvement. Commission member *Skraba* added that the neighborhood might not consider anything an improvement. This use will not appease everyone.
- T. Commission member *Filipovich* asked if the applicant could use the property and its improvements for another use should an event center not work out. *Jenny Bourbonais* stated that the use would need to be similar to fit into the Public/Semi-Public Use category. Any other use would need another conditional use permit.

DECISION

Motion by Anderson/Svatos to approve a conditional use permit for a wedding venue as a Public/Semi-Public Use, based on the following fact and findings:

- A. Plans and Official Controls:
 - 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5D allows a Public/Semi-Public Use in a Residential district with a conditional use permit.
 - 2. The subject parcel is designated as Forest and Agriculture within Planning Area 5a on the Future Land Use Map. Area south of the subject parcel, around Beaver Lake, is designated as Natural Areas.
 - a. The Forest and Agriculture land use category takes up the majority of the county's unincorporated land area.

3. Goal LU-7 of the St. Louis County Comprehensive Land Use Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
4. Objective LU-7.2 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
5. The use partially conforms to the land use plan. Some smaller, commercial-type uses are encouraged.

B. Neighborhood Compatibility:

1. The parcel is currently vacant. If approved, the lot will be developed to support the wedding venue use.
 - a. Current proposal indicates a venue building and a large parking area.
2. The proposal has the potential to impact residential properties in the area with added noise and traffic during events.
 - a. Beaver Lake contains approximately nine residential dwellings currently.
 - b. There are approximately five other residential dwellings within 0.25 miles of the subject parcel.
3. The use is partially compatible with the existing neighborhood. There is a similar commercial use 0.4 miles away from this proposed location.

C. Orderly Development:

1. Many parcels in the area are currently used for seasonal and year-round residential use.
2. An event center was approved by the Planning Commission in 2016 on a nearby property. This property is approximately 0.4 miles west of the subject parcel.
 - a. The permit has not been issued for that approved use as precedent conditions have not been met.
3. There is also a bar/restaurant and a campground approximately 0.5 miles northwest of the subject property, at the intersection of Highway 2 and Highway 194.
4. In the immediate area around the subject parcel, future growth is not anticipated to change due to already established residential dwellings.
5. This use may or may not impede the normal and orderly development and improvement of the surrounding area. The applicant will own two associated parcels next to the subject parcel. Houses will still be built around it. It is not what people want, but it is what is there and is an allowed use with a conditional use permit.

D. Desired Pattern of Development:

1. The desired pattern of development is not anticipated to change significantly in the near future.
 - a. Large wetland complexes on the subject parcel and the surrounding area may limit new development in the immediate area.
2. An event center was approved 0.4 miles from the subject parcel. The proposed event center is not as large as in other urban areas. At some point, commercial areas will grow.

E. Other Factor:

1. If the use is approved, the applicant will need to work with the St. Louis County On-Site Wastewater Division on proper SSTS requirements.
 - a. The conditional use permit and any associated land use permits shall not be issued until proper SSTS approval is received.
2. The adjacent parcel to the west and one of the adjacent parcels to the south are under common ownership with the subject parcel.
 - a. The proposed use is only associated with the subject parcel.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. Notice of the proposal shall be sent to the Solway Volunteer Fire Department.

Conditions Concurrent:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. If liquor is allowed at an event, it shall be furnished by a licensed and insured event supplier and follow St. Louis County ordinances on liquor licensing.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. There shall be no on-street/road parking during events.
5. During events, no amplified music shall be played outside after 9:00 PM.
6. The applicant shall comply with all local, county, state, and federal regulations.
7. Wetland Conservation Act standards shall be followed.
8. All signs shall meet St. Louis County Ordinance 62 standards.
9. No access for commercial use shall be allowed to Beaver Lake.
10. Additional vegetation screening shall be placed as a barrier from adjoining properties to mitigate light, sound, and noise.

In Favor: Anderson, Skraba, Svatos, Werschay - 4

Opposed: Filipovich, Manick, Pollock – 3

Abstained: Nelson - 1

Motion carries 4-3-1

Sue Johnson

The third hearing item was for Sue Johnson, a conditional use permit for a wedding venue as a Public/Semi-Public Use. The property is located in S18, T54N, R12W (Pequaywan). *Donald Rigney*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to operate a seasonal outdoor wedding venue.
- B. There will be an area situated near the river for outdoor ceremonies.
- C. There will be an available reception area, which includes an existing accessory structure and an area designated for a large event tent.
- D. Bridal and groom suites, which include indoor plumbing, will be available in the existing dwelling for the bridal party.
- E. It is anticipated that most events will occur on Saturday afternoons and evenings in the summer and early fall.

- F. Food, liquor, portable outhouses, and other waste will be the responsibility of the renters, vendors, and caterers.
- G. There are 20 parking spaces available on the property.

Donald Rigney reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5D allows a Public/Semi-Public Use in a Residential district with a conditional use permit.
- 2. The applicant's parcel is designated as Forest and Agriculture within Planning Area 5b on the Future Land Use Map.
 - a. The Forest and Agriculture land use category takes up the majority of the county's unincorporated land area.
- 3. Goal LU-4 of the St. Louis County Comprehensive Land Use Plan states that development shall proceed in an orderly, efficient, and fiscally responsible manner. When development opportunities arise in isolated areas, ensure such development is self-supporting. The request is for an outdoor wedding venue on an existing property that will utilize the current buildings on the property. No request for public services is being requested.
- 4. Goal LU-7 of the St. Louis County Comprehensive Land Use Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
- 5. Objective LU-7.2 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.

B. Neighborhood Compatibility:

- 1. The proposal will have no impact on the neighborhood in terms of development. There are no proposed structures associated with the outdoor wedding venue.
- 2. The proposal has the potential to impact the residential properties in the area with added noise and traffic during events.
- 3. The property is located on the Little Cloquet River between Pequaywan and Little Pequaywan (Smith) Lakes. Both lakes have a high density of seasonal and year-round residential development.
- 4. Amplified music for the purpose of an outdoor reception or reception within a tent, may cause a nuisance to surrounding neighbors. A condition limiting hours of amplified music may lessen the impact to adjacent properties.

C. Orderly Development:

- 1. Many of the parcels in the area are currently utilized for seasonal and year-round residential development. It is anticipated that the uses in this area will largely remain the same in the future.

D. Desired Pattern of Development:

- 1. The desired pattern of development is not anticipated to change significantly in the near future.

E. Other Factors:

1. If the existing dwelling is used by the wedding party or guests, the septic system must meet St. Louis County On-Site Wastewater SSTS standards.
2. If the existing septic system is not used, all waste generated will need to be contained in portable toilets and wash stations.
3. Overnight camping in tents or RVs in conjunction with the wedding venue and/or as a short-term rental is not allowed. These uses are considered a Planned Development-Class II and are not allowed in a Residential zone district.

Donald Rigney noted two items of correspondence, one from Mark J. Hudson, St. Louis County Property Management Right of Way Agent with no issue, and one from Rick and Judy Johnson in opposition. This correspondence was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a wedding venue as a Public/Semi-Public Use, the following standards shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. If the existing dwelling is utilized as part of the wedding venue, the septic system shall be inspected, and all SSTS sewage treatment standards shall be met prior to the issuance of a conditional use permit.
3. Notice of the proposal shall be sent to the Pequaywan Lake Volunteer Fire Department.

Conditions Concurrent:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. The applicant shall comply with all local, county, state, and federal regulations.
3. If liquor is allowed at an event, it shall be furnished by a licensed and insured event supplier and follow St. Louis County ordinances on liquor licensing.
4. Lighting shall be directed in accordance with dark sky standards.
5. There shall be no on-street/road parking during events.
6. During events, no amplified music shall be played outside after 11:00 PM.

Sue Johnson, the applicant, stated she has been in this area for 21 years. She is a Lutheran pastor and, with the pandemic, wedding venues have changed. Her daughter got married at her home and it seemed suitable to have a wedding venue at her home. This will be done as eco-friendly and simply as possible. There is a very tall ridge on the property as well as trees that will help minimize noise and lights. She is a full-time resident at this address, and she will be present to make sure all guidelines are being met.

No audience members spoke. *Jenny Bourbonais*, Acting Secretary, checked with each of the virtual attendees to see if they had any comments to add.

The *Planning Commission* discussed the following:

- A. Commission member *Pollock* asked if there was any regulation stating that events must be during the summer or early fall. *Donald Rigney* stated no.
- B. Commission member *Filipovich* asked if sunset could be used as the time to allow amplified music outdoors until. Commission member *Skraba* stated sunset changes for every time of the year. *Jenny Bourbonais* stated sunset would be difficult for staff to enforce. Commission member *Manick* stated a 9:00 PM time would work best.
- C. Commissioner *Nelson* stated he has issues with bringing portable toilets into the property when there is a suitable septic system located on the site. If additional portable toilets are needed, the landowner should provide them to know what would be suitable and adjust the price of the venue accordingly. *Sue Johnson* stated she is looking for guidance but was looking for something that was portable and not environmentally invasive as it could be. She was told there could be one portable toilet per 75 people. Commissioner *Nelson* stated he wanted to ensure that adequate facilities are provided to guests.
- D. Commission member *Manick* asked if these events will be kept small due to having only 20 parking spaces and a condition with no on-street/road parking during events. *Sue Johnson* stated this will be a small, intimate wedding venue.

DECISION

Motion by Manick/Nelson to approve a conditional use permit to allow a wedding venue as a Public/Semi-Public Use, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.5D allows a Public/Semi-Public Use in a Residential district with a conditional use permit.
 - 2. The applicant's parcel is designated as Forest and Agriculture within Planning Area 5b on the Future Land Use Map.
 - a. The Forest and Agriculture land use category takes up the majority of the county's unincorporated land area.
 - 3. Goal LU-4 of the St. Louis County Comprehensive Land Use Plan states that development shall proceed in an orderly, efficient, and fiscally responsible manner. When development opportunities arise in isolated areas, ensure such development is self-supporting. The request is for an outdoor wedding venue on an existing property that will utilize the current buildings on the property. No request for public services is being requested.
 - 4. Goal LU-7 of the St. Louis County Comprehensive Land Use Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
 - 5. Objective LU-7.2 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
- B. Neighborhood Compatibility:
 - 1. The proposal will have no impact on the neighborhood in terms of development. There are no proposed structures associated with the outdoor wedding venue.
 - 2. The proposal has the potential to impact the residential properties in the area with added noise and traffic during events.

3. The property is located on the Little Cloquet River between Pequaywan and Little Pequaywan (Smith) Lakes. Both lakes have a high density of seasonal and year-round residential development.
4. Amplified music for the purpose of an outdoor reception or reception within a tent, may cause a nuisance to surrounding neighbors. A condition limiting hours of amplified music may lessen the impact to adjacent properties.

C. Orderly Development:

1. Many of the parcels in the area are currently utilized for seasonal and year-round residential development. It is anticipated that the uses in this area will largely remain the same in the future.

D. Desired Pattern of Development:

1. The desired pattern of development is not anticipated to change significantly in the near future.

E. Other Factors:

1. If the existing dwelling is used by the wedding party or guests, the septic system must meet St. Louis County On-Site Wastewater SSTS standards.
2. If the existing septic system is not used, all waste generated will need to be contained in portable toilets and wash stations.
3. Overnight camping in tents or RVs in conjunction with the wedding venue and/or as a short-term rental is not allowed. These uses are considered a Planned Development-Class II and are not allowed in a Residential zone district.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. If the existing dwelling is utilized as part of the wedding venue, the septic system shall be inspected, and all SSTS sewage treatment standards shall be met prior to the issuance of a conditional use permit.
3. Notice of the proposal shall be sent to the Pequaywan Lake Volunteer Fire Department.

Conditions Concurrent:

1. St. Louis County On-Site Wastewater SSTS standards shall be followed.
2. The applicant shall comply with all local, county, state, and federal regulations.
3. If liquor is allowed at an event, it shall be furnished by a licensed and insured event supplier and follow St. Louis County ordinances on liquor licensing.
4. Lighting shall be directed in accordance with dark sky standards.
5. There shall be no on-street/road parking during events.
6. During events, no amplified music shall be played outside after 9:00 PM.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None – 0

Motion carries 8-0

Steven VanGuilder

The fourth hearing item was for Steven VanGuilder, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II. The property is located in S1, T51N, R20W (Floodwood).

Donald Rigney, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing a general purpose borrow pit.
- B. The proposed operation will include the excavation of sand and gravel (pit run).
- C. It is estimated that 10,000 cubic yards of material will be removed each year.
- D. The standard hours of operation are proposed from 7:00 AM until 8:00 PM, Monday through Saturday.
- E. It is estimated that four to five trucks will leave the pit per day.
- F. The proposed excavation activity is estimated at a total area of five acres.
- G. There are four parcels involved between the excavation area and the haul road. The haul road intersects three of the four parcels. Excavation will be on one 40 acre parcel.

Donald Rigney reviewed staff facts and findings as follows:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 B., indicates general purpose borrow pits are an allowed use with a conditional use permit.
2. The St. Louis County Comprehensive Land Use Plan under Objective LU-4.5 states that the development of new general purpose borrow pits should be directed to areas designated as Forest and Agriculture (FA) on the Future Land Use Map.
3. The applicant's parcel is designated as FA within Planning Area 5a on the Future Land Use Map.
4. The FA category typically consists of large tracts of land that are not intended for future urban or rural development.

B. Neighborhood Compatibility:

1. The area consists primarily of large tracts of undeveloped forest and agricultural land. These large tracts of land are under both private and public ownership.
2. The development density in this area is very low with only a few residences.
3. Excluding the applicants dwelling, there is one residential dwelling within a quarter mile of the proposed borrow pit and haul road.
 - a. The closest residential dwelling is within 300 feet northeast of the haul road.
 - b. There is also a seasonal trailer approximately 950 feet from parcel 360-0010-00030 where excavation will occur.
4. There are two existing general purpose borrow pits within one quarter mile of the parcel. Both existing borrow pits are on adjacent parcels.
 - a. The applicant is proposing to utilize the existing haul road of the pit located on McGonagle Road to access the proposed borrow pit.

C. Orderly Development:

1. This is a rural area consisting of primarily large undeveloped parcels.
2. The request of a borrow pit should have little to no effect on the future development of the surrounding area.

D. Desired Pattern of Development:

1. There is not a high level of future growth anticipated in the area.

E. Other Factors:

1. Recent logging activity has removed much of the natural screening of the required no disturbance buffer.
 - a. Excavation has not yet begun. The no disturbance buffer must be maintained upon beginning excavation.
2. The proposed excavation will occur on parcel 360-0010-00030 which is one-quarter mile to the west of McGonagle Road.
3. The total pit area to be excavated is five acres.

Donald Rigney noted two items of correspondence, one from Mark J. Hudson, St. Louis County Property Management Right of Way Agent with no issue, and one from Jeff Ledin with questions about the pit's location. This correspondence was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II, the following standards shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. A wetland delineation shall be completed.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres.
3. The applicant shall adhere to all local, county, state, and federal regulations.
4. The Wetland Conservation Act shall be followed.

Steven VanGuilder, the applicant, stated there is a narrow band/ridge top of gravel that will be used which will be about five acres. There is no gravel on the edge. They have permission to use the existing pit road from the owner of that property and extending it about 50 feet into his property. That existing pit is running out of gravel. He is the only resident on this end of McGonagle Road.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Filipovich* asked if the applicant could dig in more than one spot because there are 140 acres. *Donald Rigney* said that excavation would need to be less than 40 acres with the buffer and the haul road, or it would need an Environmental Assessment Worksheet (EAW). The excavation would need to be done on the one 40 acre parcel. *Jenny Bourbonais*, Acting Secretary, added there could be concurrent reclamation so that more than one excavation site does not exceed 40 acres.

- B. Commissioner *Nelson* asked if McGonagle Road is a county road. *Donald Rigney* stated it is. Commissioner *Nelson* stated it looks like the applicant is using an existing pit road and asked if this new pit would change or impact McGonagle Road.
- C. Commission member *Manick* asked if they should follow the total number of acres in staff facts and findings or the total number of acres in staff's conditions concurrent. He does not want the applicant to be limited to five acres when they are allowed up to 40 acres. *Donald Rigney* stated this is what the applicant anticipated as far as how much gravel there is.

DECISION

Motion by Manick/Anderson to approve a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 B., indicates general purpose borrow pits are an allowed use with a conditional use permit.
 - 2. The St. Louis County Comprehensive Land Use Plan under Objective LU-4.5 states that the development of new general purpose borrow pits should be directed to areas designated as Forest and Agriculture (FA) on the Future Land Use Map.
 - 3. The applicant's parcel is designated as FA within Planning Area 5a on the Future Land Use Map.
 - 4. The FA category typically consists of large tracts of land that are not intended for future urban or rural development.
- B. Neighborhood Compatibility:
 - 1. The area consists primarily of large tracts of undeveloped forest and agricultural land. These large tracts of land are under both private and public ownership.
 - 2. The development density in this area is very low with only a few residences.
 - 3. Excluding the applicants dwelling, there is one residential dwelling within a quarter mile of the proposed borrow pit and haul road.
 - a. The closest residential dwelling is within 300 feet northeast of the haul road.
 - b. There is also a seasonal trailer approximately 950 feet from parcel 360-0010-00030 where excavation will occur.
 - 4. There are two existing general purpose borrow pits within one quarter mile of the parcel. Both existing borrow pits are on adjacent parcels.
 - a. The applicant is proposing to utilize the existing haul road of the pit located on McGonagle Road to access the proposed borrow pit.
- C. Orderly Development:
 - 1. This is a rural area consisting of primarily large undeveloped parcels.
 - 2. The request of a borrow pit should have little to no effect on the future development of the surrounding area.
- D. Desired Pattern of Development:
 - 1. There is not a high level of future growth anticipated in the area.

E. Other Factors:

1. Recent logging activity has removed much of the natural screening of the required no disturbance buffer.
 - a. Excavation has not yet begun. The no disturbance buffer must be maintained upon beginning excavation.
2. The proposed excavation will occur on parcel 360-0010-00030 which is one-quarter mile to the west of McGonagle Road.
3. The total pit area to be excavated is five acres.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. A wetland delineation shall be completed.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres.
3. The applicant shall adhere to all local, county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None - 0

Motion carries 8-0

Motion to adjourn by Svatos. The meeting was adjourned at 12:54 p.m.