

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY ON THURSDAY, JUNE 11, 2020.

9:05 AM – 10:55 AM

Planning Commission members in attendance: David Anderson
Steve Filipovich
Daniel Manick
Sonya Pineo, Chair
Dave Pollock
Roger Skraba
Ray Svatos
Diana Werschay

Planning Commission members absent: Commissioner Keith Nelson

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

NEW BUSINESS:

- A. French Township, a conditional use permit for a Community Columbarium site as a Public/Semi-Public Use.
- B. Kathleen Watters, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II.

OTHER BUSINESS:

Motion by Manick/Filipovich to approve the minutes of the May 14, 2020 meeting.

In Favor: Anderson, Filipovich, Manick, Pineo, Pollock, Skraba, Svatos, Werschay – 8

Opposed: None – 0

Motion carried 8-0

NEW BUSINESS:

French Township

The first hearing item was for French Township, a conditional use permit for a Community Columbarium site as a Public/Semi-Public Use. The property is located in S21, T60N, R21W (French). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a community columbarium site as a public/semi-public use.
- B. A columbarium is defined as a structure of vaults lined with recesses for the respectful placement of cinerary urns.
- C. The proposal includes the placement of up to 8 columbarium structures that will hold up to 24 urns each.
- D. If French Township wishes to add more columbarium sites in the future, they would need to meet lot coverage. They would not need an additional conditional use permit.
- E. The property was donated for the columbarium.

Mark Lindhorst reviewed staff facts and findings as follows:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 C., indicates a columbarium is an allowed use with a conditional use permit, as a public/semi-public use.
2. The property falls within the Lakeshore Development Area of the St. Louis County Comprehensive Land Use Plan. These areas are intended for rural development adjacent to lakes including residential, commercial or mixed use areas.

B. Neighborhood Compatibility:

1. The zoning in the area is comprised of Shoreland Multiple Use and Multiple Use. The neighborhood consists of the Living Stones Fellowship House and French Town Hall located on the adjacent parcels to the north. There are residential properties to the south and east.

C. Orderly Development:

1. The site is located within the community core which is an area designated by French Township “from the Riverside Inn to Bimbos.”
2. As stated in the St. Louis County Comprehensive Land Use Plan, the Lakeshore Development Area has the flexibility necessary to allow for evolving and eclectic nature of the rural community.

D. Desired Pattern of Development:

1. The pattern of development in the area consists of public/semi-public, residential and commercial uses all which are allowed within the underlying zoning.
2. The proposed columbarium is consistent with the existing uses identified as part of the Lakeshore Development Area of the St. Louis County Comprehensive Land Use Plan.

Mark Lindhorst noted no items of correspondence.

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 columbarium as a Public/Semi-Public Use, the following conditions shall apply:

1. All local, county, state and federal requirements shall be followed.
2. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. Lighting shall be directed downward in accordance with dark sky standards.

Bill Schuster, French Township Supervisor, stated the township will maintain the columbarium site. They will start individual accounts for the columbarium. The church has offered to do funerals and open this site up to the public. He added there are 36 niches in each columbarium unit and they are planning eight units. They could potentially add another columbarium pod close by. The township has not heard of any opposition. They will put up a fence between this property and the eastern neighbor. He and the neighbor discussed how long the fence could be and agreed upon 150 feet. The groundskeepers will maintain the site and open/close the gate. They do not want 24 hour access. The only light they will use is for the flag in order to keep it illuminated at night.

One member of the audience spoke:

Albert McKibbon, 12647 East Road, Side Lake, stated he is the neighbor to the east of the proposed columbarium site. His concern includes the site being accessible for 24 hours and if the access will be controlled with a gate. He noted that this site is right off the four-wheeler trail.

No other audience members spoke.

DECISION

Motion by Skraba/Filipovich to approve a conditional use permit to allow a columbarium as a Public/Semi-Public Use, based on the following staff facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 C., indicates a columbarium is an allowed use with a conditional use permit, as a public/semi-public use.
2. The property falls within the Lakeshore Development Area of the St. Louis County Comprehensive Land Use Plan. These areas are intended for rural development adjacent to lakes including residential, commercial or mixed use areas.

B. Neighborhood Compatibility:

1. The zoning in the area is comprised of Shoreland Multiple Use and Multiple Use. The neighborhood consists of the Living Stones Fellowship House and French Town Hall located on the adjacent parcels to the north. There are residential properties to the south and east.

C. Orderly Development:

1. The site is located within the community core which is an area designated by French Township “from the Riverside Inn to Bimbos.”
2. As stated in the St. Louis County Comprehensive Land Use Plan, the Lakeshore Development Area has the flexibility necessary to allow for evolving and eclectic nature of the rural community.

D. Desired Pattern of Development:

1. The pattern of development in the area consists of public/semi-public, residential and commercial uses all which are allowed within the underlying zoning.
2. The proposed columbarium is consistent with the existing uses identified as part of the Lakeshore Development Area of the St. Louis County Comprehensive Land Use Plan.

The following conditions shall apply:

1. All local, county, state and federal requirements shall be followed.
2. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. The eastern boundary line shall be fenced up to 150 feet.

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

Opposed: None - 0

Motion carries 8-0

Kathleen Watters

The second hearing item was for Kathleen Watters, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II. The property is located in S33, T54N, R14W (Unorganized). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a general purpose borrow pit to include washing, screening, crushing and recycling of asphalt and concrete.
- B. The proposed borrow pit will follow the standard hours of operation.
- C. The applicant is proposing 5 to 10 trucks hauling from the site per day.
- D. The borrow pit will have access to a gravel township road.
- E. The nearest resident is approximately 700 feet from the phased pit activity and haul road entrance.
- F. The borrow pit activity will be placed on the western 40 acre parcel because of an existing tributary on the eastern 40 acre parcel.
- G. The property has been logged.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 A., 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. The proposed site is zoned Forest Agricultural Management which allows general purpose borrow pits with a conditional use permit.
- B. Neighborhood Compatibility:
 - 1. The area consists of large parcels of forested land. There are two residential structures within a quarter mile of the proposal. The closest one is approximately 700 feet from the proposed excavation and haul road entrance.
- C. Orderly Development:
 - 1. This is a rural area consisting of primarily large undeveloped parcels. The use of the borrow pit should have little to no effect on the forest resource of the area.
- D. Desired Pattern of Development:
 - 1. The location and character of the proposal is consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development. The proposed use will not affect the management of the forest resource that is predominant in the area which meets Goal NE-1 of the St. Louis County Comprehensive Land Use Plan. Objective NE-1.1 states the county approvals related to land use, development and management will be made to address current needs without compromising the ability to meet future needs.

Mark Lindhorst noted nine items of correspondence that were sent to the Planning Commission prior to the hearing. These items were provided by Michael Hart in support, and by Paula Moon, Julie Bartikoski Coleman, W.J. McCabe and the Izaak Walton League of America, Lisa Hoffman, Timothy Resberg, John Bartikoski, Aaron Resberg and Katherine Resberg in opposition.

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 in the SW1/4 of the SE1/4, S33, T54N, R14W, the following conditions shall apply:

Condition Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.

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 comply with all county, state and federal regulations.

Kathleen Watters, the applicant, stated she had nothing to add.

Six members of the audience spoke in opposition:

Lisa Hoffman, 4210 Waters Edge Drive, stated she owns property adjacent to the proposed borrow pit. She is concerned about the watershed. Boulder Creek is a Minnesota Power feeder creek and walleye spawn here. There are no borrow pits adjacent to tributaries like this one. She questioned the number of trucks that might be running because 5 to 10 trucks per day would not be able to pull 126,000 yards of material per year. She has additional concerns for noise and smell as well as more information that the Planning Commission may need to make its decision.

John Bartikoski, no address given, stated he is concerned about the wetlands and peat bog. The wetlands and peat bog may be impacted by the first phase of the borrow pit. He is also concerned about where the water will come from with dust control and if the water will end up in the wetlands. He is also concerned about the pit owner. He is worried about the crusher impacting the peace and quiet within the Cloquet Valley State Forest. There are seasonal and year-round residences around this proposed pit that will be impacted by this borrow pit and by crushing. He asked that the wetlands, forest and environment be protected.

Richard Staffon, President of Duluth Chapter of the Izaak Walton League, stated that even though a project meets the required standards, this does not mean there is no impact. There are impacts to the forest because the forest has value beyond cutting trees. Every one of these projects has an impact even if it meets the standards. He is worried about the cumulative impact on the water resources. He has not heard anything about how this borrow pit will be rehabilitated, as they seem like eyesores after they are done. No information was shared about how close the water table is to the surface. This needs to be cleared up before the project is approved.

Tim Resberg, 3646 Midway Road, Hermantown, stated he is worried about Boulder Creek. This creek runs all year long and it is fairly wide. There is also wildlife that depends on this water. He asked if there has been any consideration of damage to the creek. He is worried about what would happen with groundwater contamination to their well water, dust control and property devaluation.

Aaron Resberg, no address given, stated his concerns are with the concrete and asphalt coming in and the effect it would have on the wildlife.

Craig Sterle, no address given, stated he is the past state President of the Izaak Walton League. He asked the Planning Commission to consider the impact on the cold-water streams and if disturbances to the landscape will affect these waters.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Manick* asked what the water source is for a washing plant. *Willie Watters*, the applicant, stated that there will be a holding pond in the corner of the pit floor. They will contain runoff into this holding pond and use that water for the washing plant. *Mark Lindhorst* stated that the applicant will not tap into groundwater and will use surface water.
- B. Commission member *Skraba* asked how often the applicant will be crushing. *Willie Watters* stated that concrete and blacktop crushing will only be crushed as needed to stockpile the material. Crushing will not be all day all summer long. He added he is getting an industrial stormwater permit and will follow the guidelines for what that is.
- C. Commission member *Filipovich* asked if the applicant has the western 40 acre parcel staked out in order to keep away from the tributary. A majority of the correspondence addressed concerns about the tributary.
- D. Commission member *Skraba* asked if the public understands that there are standards for a borrow pit. The concerns that adjoining landowners have raised are addressed in these standards. The applicant has to adhere to these standards. *Mark Lindhorst* added that staff can provide the borrow pit standards to adjoining landowners to review.
- E. The biggest concern is the tributary because it is a trout stream. The applicant needs to be at least 100 feet from a tributary. Part of the zoning at the corner of the eastern parcel is Residential, which does not allow the borrow pit use. This area would require a 200 foot tributary setback. The pit activity will be about 700 feet from the tributary at any time.
- F. Commission member *Skraba* asked what would happen if the application states that the boundaries are within 300 feet of a wetland. *Mark Lindhorst* stated the question in the application gives staff the indication if there are water resources in the area before they utilize their mapping software. There is no required 300 foot setback to a wetland. This is just information the landowner, by application, gives to staff prior to looking at the application.
- G. *Mark Lindhorst* added there is a condition to provide a survey map of the boundaries. There are small wetland drainages but the application shows that the borrow pit activity will not be within this area. If the Planning Commission determined a wetland delineation was necessary, it would provide the exact locations for wetlands for the applicant.

- H. Board member *Skraba* asked the applicant how much crushing there will be and how often there will be crushing. It might not be fair to the residents to have crushing at all hours. *Willie Watters* stated that the crusher will be there three to four weeks. There might be more crushing at first just to get the stockpiles up. The crushing will not be every day all summer long.
- I. Commission member *Manick* requested that maps be included that show other borrow pits in the area.

DECISION

Motion by Skraba/Anderson to approve a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II in the SW1/4 of the SE1/4, S33, T54N, R14W, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 A., 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. The proposed site is zoned Forest Agricultural Management which allows general purpose borrow pits with a conditional use permit.
- B. Neighborhood Compatibility:
 - 1. The area consists of large parcels of forested land. There are two residential structures within a quarter mile of the proposal. The closest one is approximately 700 feet from the proposed excavation and haul road entrance.
- C. Orderly Development:
 - 1. This is a rural area consisting of primarily large undeveloped parcels. The use of the borrow pit should have little to no effect on the forest resource of the area.
- D. Desired Pattern of Development:
 - 1. The location and character of the proposal is consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development. The proposed use will not affect the management of the forest resource that is predominant in the area which meets Goal NE-1 of the St. Louis County Comprehensive Land Use Plan. Objective NE-1.1 states the county approvals related to land use, development and management will be made to address current needs without compromising the ability to meet future needs.

The following conditions shall apply:

Condition Precedent:

- 1. The applicant shall obtain access approval from the appropriate road authority.

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 comply with all county, state and federal regulations.
4. Crushing shall be done between 7 a.m. until 6 p.m. Monday through Friday. No crushing shall be allowed on Saturday or Sunday.

In Favor: Anderson, Filipovich, Manick, Pineo, Pollock, Skraba, Werschay - 7

Opposed: Svatos - 1

Motion carries 7-1

Motion to adjourn by Skraba. The meeting was adjourned at 10:55 a.m.