

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY ON THURSDAY, MAY 13, 2021.**

9:00 AM – 11:22 AM

Planning Commission members in attendance:      Dave Anderson  
Steve Filipovich (at 9:20)  
Daniel Manick  
Commissioner Keith Nelson (until 10:55)  
Dave Pollock  
Roger Skraba, Chair  
Ray Svatos (at 9:22 via call-in)  
Diana Werschay (at 9:04)

Planning Commission members absent:              None - 0

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

**NEW BUSINESS:**

- A. Fred Denn, a conditional use permit for a RV campground as a Commercial Planned Development-Class II.
- B. Christine Schlotec,
  - a. a conditional use permit for roll off dumpster storage as an Industrial Use-Class II.
  - b. a conditional use permit for an auto mechanic shop as a Commercial, Retail and Service Establishments Use-Class I.
  - c. a conditional use permit for a used car sales business as a Commercial, Retail and Service Establishments Use-Class III.
- C. Suzanne French,
  - a. a conditional use permit for a Commercial Planned Development-Class II.
  - b. a conditional use permit for a woodworking school as a Public/Semi-Public Use.
- D. KGM Contractors, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II.

**OTHER BUSINESS:**

**Motion by Nelson/Manick** to approve the minutes of the April 8, 2021 meeting.

**In Favor:** Anderson, Manick, Nelson, Pollock, Skraba, Werschay – 6

**Opposed:** None – 0

**Abstained:** Filipovich - 1

**Motion carried 6-0-1**

The June 10, 2021 Planning Commission and Board of Adjustment hearings will be set up as a hybrid in-person and virtual hearings. The Board of Adjustment caseload is the largest it has been in years and it may need a second public hearing date. Commission member Skraba stated he will not be at the June 10 meeting.

**Canosia Township**

*Jenny Bourbonais*, Acting Secretary, read a letter into the record from Canosia Township regarding a conditional use permit Canosia Township had issued to a local resident. Staff visited the site in 2020 and it was determined the applicant was not in violation of the conditions set by Canosia Township.

Commissioner *Nelson* stated that it should be the intent of St. Louis County to enforce all conditional use permits as issued by other jurisdictions who had zoning authority at that time.

**Motion by Anderson/Nelson** to enforce all conditional use permits as issued by other jurisdictions who had the zoning authority at the time the permit was issued.

**In Favor:** Anderson, Manick, Nelson, Pollock, Skraba, Werschay - 6

**Opposed:** None - 0

**Motion carries 6-0**

**NEW BUSINESS:**

**Fred Denn**

The first hearing item was for Fred Denn, a conditional use permit for a RV campground as a Commercial Planned Development-Class II. The property is located in S14, T62N, R19W (Field).

*Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval to operate a RV campground.
- B. The request is for up to four sites.
- C. The campground would be open 7 days per week.
- D. A SSTS permit will be required.
- E. The applicant will request access from Highway 53 so that the RV campers can register at his home.

*Mark Lindhorst* reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
  - 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6 allows a Commercial Planned Development-Class II use in a Multiple Use zone district with a conditional use permit.
  - 2. The property is not identified under a future land use category; however, Goal LU-4 states that development shall proceed in an orderly, efficient, and fiscally responsible manner. This area could easily fall within the Crossroad Commercial land use category. This category is intended to serve the commercial needs of local residents and traveling public. The goal is to direct new commercial development to existing commercial nodes and undeveloped areas with adequate highway frontage. The proposed use is at the intersection of two state highways and is zoned Multiple Use. In addition, the proposed use is within one-half mile of the city limits of Cook.

B. Neighborhood Compatibility:

1. The proposed use is bordered to the west and south by large undeveloped forested parcels, to the east by a residential property and the north by State Highway 1 and Highway 53. There are four residential properties within one-quarter mile; three are located across Highway 53.

C. Orderly Development:

1. The property is located at the intersection of Highway 1 and Highway 53 and within one half mile of the city of Cook. The highway corridor is zoned Multiple Use and has the potential for increased commercial activity.

D. Desired Pattern of Development:

1. The pattern of development consists of both residential and commercial due to the current zoning and proximity of the state highways and city of Cook.
2. The proposal is within seven miles of Lake Vermilion which is a recreational destination. The proposed use provides additional camping alternatives while limiting increased development within the shoreland area.

E. Other Factor:

1. There is currently no SSTS permit on file for the proposed use. A SSTS permit will be required.

*Mark Lindhorst* noted four items of correspondence from Field Township in support, Minnesota Department of Transportation (MNDOT) stating the applicant would need to apply for a new access permit, and from Caroline Roesch and Colleen Rablin 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 RV campground as a Commercial Planned Development-Class II, the following conditions shall apply:

Condition Precedent:

1. Applicant shall obtain approval for access from the appropriate road authority.

Conditions Concurrent:

1. Additional sites may be added but shall not exceed the commercial planned development density standards allowed per Ordinance 62.
2. St. Louis County on-site sewage treatment regulations shall be followed.
3. Recreational vehicles shall have a current motor vehicle license.
4. All setbacks shall be maintained.
5. Detached decks shall require permits.
6. The applicant shall adhere to all local, county, state and federal regulations.
7. All signs shall meet St. Louis County Zoning Ordinance 62 standards.

*Fred Denn*, the applicant, stated he has worked with MNDOT engineers on the reconstruction of the intersection of his existing access road and the highways. The northbound Highway 53 traffic would turn into the north loop entrance and the southbound Highway 53 traffic would turn into the south loop entrance. This would be the safest approach. The applicant first proposed five campsites to satisfy the Minnesota Department of Health's requirements and is still working on the number of sites. He wants it to be a gated community with no guns, no ATVs, no fireworks, and no fires when fires are not permissible. He will keep watch on who comes and goes to minimize the chaos. He will manage this with respect for the environment and the neighbors. He is new to this process and he is willing to make this work.

One member of the audience spoke with concerns.

*Caroline Roesch*, 9802 Highway 1, stated there have been accidents in front of the applicant's house, which is why they were reworking Highway 53 lanes. She is a single mother who lives next to the applicant and she is concerned that the applicant did not come to the neighbors first. She is also concerned about the highway traffic, accident potential and campground noise which is difficult to control. She submitted correspondence that was received by the Planning Commission prior to today's hearing.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commissioner *Nelson* asked how many sites could be added? *Mark Lindhorst* stated that density in a nonshoreland area for an RV campground would allow one site for every one-half acre and for every 100 feet of lot width. There would need to be a yield plan done. The four proposed campsites are within the density. Depending on how the campsites are laid out, there could be as many as 30 campsites allowed.
- B. Commission member *Manick* asked if the applicant could expand up to 30 campsites without Planning Commission approval if only four sites were approved today. *Mark Lindhorst* stated other RV campgrounds and planned developments have had a condition that limited the number of units or RV sites. Other cases have been limited to what density allows so applicants do not have to return to the Planning Commission more than once. The Planning Commission can limit the number of campsites allowed. *Jenny Bourbonais*, Acting Secretary, added this is not a firm hard number as there are calculations and the campsites could be spread out throughout the property. There is also additional review by the Minnesota Department of Health and environmental thresholds the applicant would want to stay under to not go through an environmental review.
- C. Commission member *Skraba* asked if MNDOT is aware that the number of campsites could change. *Mark Lindhorst* stated the proposal could include a new access permit if the existing driveway loop is not adequate to meet MNDOT requirements. *Jenny Bourbonais* stated MNDOT would review the conditional use permit issued and they would review based on that application. The Planning Commission is making their decision based on the use of the property. MNDOT may also review based on the use.
- D. Commission member *Manick* asked if the applicant would have any issue with a set number of campsites allowed. *Fred Denn* stated that if he is allowed 30 campsites, he could compromise with 15 campsites. He has an expansion plan in mind for more campsites and

he would work with the Minnesota Department of Health requirements with water lines and plumbing.

- E. Commission member *Manick* asked whether the Planning Commission wanted to limit the number of campsites. Commission member *Skraba* agreed that this is a concern. The number of sites could be limited to 15 but if the applicant wants to do more, the applicant could come back. Commissioner *Nelson* stated the applicant asked for four campsites. He would prefer to allow for 10 campsites to see if this campground will work at the applicant's property. If the applicant wants more campsites, they will need to come back before the Planning Commission. Commission member *Werschay* stated the applicant asked for four sites and should be given four sites. Commission member *Manick* added this is a busy intersection and there is a concern about additional traffic.

## **DECISION**

**Motion by Anderson/Manick** to approve a conditional use permit to allow a RV campground as a Commercial Planned Development-Class II, based on the following staff facts and findings:

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6 allows a Commercial Planned Development-Class II use in a Multiple Use zone district with a conditional use permit.
2. The property is not identified under a future land use category; however, Goal LU-4 states that development shall proceed in an orderly, efficient, and fiscally responsible manner. This area could easily fall within the Crossroad Commercial land use category. This category is intended to serve the commercial needs of local residents and traveling public. The goal is to direct new commercial development to existing commercial nodes and undeveloped areas with adequate highway frontage. The proposed use is at the intersection of two state highways and is zoned Multiple Use. In addition, the proposed use is within one-half mile of the city limits of Cook.

B. Neighborhood Compatibility:

1. The proposed use is bordered to the west and south by large undeveloped forested parcels, to the east by a residential property and the north by State Highway 1 and Highway 53. There are four residential properties within one-quarter mile; three are located across Highway 53.

C. Orderly Development:

1. The property is located at the intersection of Highway 1 and Highway 53 and within one half mile of the city of Cook. The highway corridor is zoned Multiple Use and has the potential for increased commercial activity.

D. Desired Pattern of Development:

1. The pattern of development consists of both residential and commercial due to the current zoning and proximity of the state highways and city of Cook.
2. The proposal is within seven miles of Lake Vermilion which is a recreational destination. The proposed use provides additional camping alternatives while limiting increased development within the shoreland area.

E. Other Factor:

1. There is currently no SSTS permit on file for the proposed use. A SSTS permit will be required.

The following conditions shall apply:

Condition Precedent:

1. Applicant shall obtain approval for access from the appropriate road authority.

Conditions Concurrent:

1. The applicant shall be limited to ten campsites. Should the applicant wish to expand further, they will require an additional Planning Commission hearing.
2. St. Louis County on-site sewage treatment regulations shall be followed.
3. Recreational vehicles shall have a current motor vehicle license.
4. All setbacks shall be maintained.
5. Detached decks shall require permits.
6. The applicant shall adhere to all local, county, state and federal regulations.
7. All signs shall meet St. Louis County Zoning Ordinance 62 standards.

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

**Opposed:** None - 0

**Motion carries 8-0**

**Christine Schlotec**

The second hearing item was for *Christine Schlotec*, a conditional use permit for roll off dumpster storage as an Industrial Use-Class II; a conditional use permit for an auto mechanic shop as a Commercial, Retail and Service Establishments Use-Class I; and a conditional use permit for a used car sales business as a Commercial, Retail and Service Establishments Use-Class III. The property is located in S29, T62N, R18W (Owens).

*Jenny Bourbonais*, Acting Secretary, stated *Christine Schlotec* submitted correspondence after the hearing had been noticed stating that she would not be available for the hearing and asked the hearing be postponed. She was informed that the hearing item would be opened because it was legally noticed. However, the Planning Commission can table the decision based on the applicant's wish to be present.

Commissioner *Nelson* stated that while the hearing may be tabled, there could be members of the virtual audience that were listening in for this specific hearing item.

The hearing was opened and the public was asked if there was anyone present to speak.

*Tavis Riederer*, 9266 Armstrong Road, stated he is present today and will wait to provide testimony until the applicant is present for the public hearing.

**Motion by Manick/Anderson** to table the hearing at the applicant's request.

**In Favor:** Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8  
**Opposed:** None - 0

**Motion carries 8-0**

**Suzanne French**

The third hearing item was for Suzanne French, a conditional use permit for a Commercial Planned Development-Class II; and a conditional use permit for a woodworking school as a Public/Semi-Public Use. The property is located in S16, T51N, R17W (Industrial). *George Knutson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to rent tent sites, small cabins/bunkhouses and a yurt using various online platforms.
- B. There are seven proposed structures, with bunkhouses and a yurt, three tent sites, and one principal dwelling. The three tent sites will be located within the shoreland area and the rest of the structures are in the nonshoreland area. The tent sites will need to meet the river shoreline setback.
- C. The hours of operation are proposed from Friday at 2:00 PM until Monday at 2:00 PM.
- D. As proposed, the use falls within a commercial planned development use category similar to a campground.
- E. The applicant is also proposing to start a small woodworking school to teach woodworking and carpentry classes.
- F. Classes may take place during the week, on weekends, and overnight.
- G. The maximum class size will be six.
- H. The general hours of operation are Monday to Friday, 10:00 AM until 6:00 PM. On weekends, the hours of operation will be Saturday at 10:00 AM until Sunday at 4:00 PM.
- I. The classes will take place within an existing workshop/accessory structure and outside. The existing accessory structure is currently used as a personal shop.
- J. There is slope on the property; the property slopes towards the Cloquet River. Density calculations are based on shoreland, which is property within 300 feet of the river, and nonshoreland, which is property beyond 300 feet.

*George Knutson* reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
  1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, states that a Commercial Planned Development – Class II is allowed in the Shoreland Multiple Use district with a Conditional Use Permit.
  2. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, states that a Public/Semi-Public Use is allowed in the Shoreland Multiple Use district with a Conditional Use Permit.
  3. St. Louis County Zoning Ordinance 62, Article VII, states specific standards for Planned Developments. Included in Article VII are density standards. Due to the size and location of the subject parcel, both shoreland and nonshoreland density calculations are used to determine max density allowed.
    - a. The applicant’s current proposal meets St. Louis County Zoning Ordinance 62 density standards.

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.

B. Neighborhood Compatibility:

1. The subject parcel is zoned Shoreland Multiple Use while the surrounding area is zoned a mix of Shoreland Multiple Use and Multiple Use. A small portion of the surrounding area is zoned Residential due to Beartrap Creek (classified as a trout stream).
2. The Shoreland Multiple Use zone district is intended to provide a balance between lake and river use and the water uses by allowing a wide range of uses that are consistent with the adjacent uses and the recreational and natural attributes of the water body.
3. The subject parcel is surrounded by state land to the north and east, the Cloquet River to the west, and Industrial Road to the south.
4. Both the proposed Commercial Planned Development-Class II and the proposed Public/Semi-Public use are allowed uses in the Shoreland Multiple Use zone district.

C. Orderly Development:

1. Much of the surrounding area contains large undeveloped tracts of land.
  - a. There are two dwellings adjacent to the subject parcel, one west across the Cloquet River and the other south across Industrial Road. The two other closest dwellings are over one quarter mile away.
  - b. A borrow pit is located 0.2 miles west of the subject parcel.
  - c. Burnett Park is located 0.4 miles west of the subject parcel.
2. Due to the Shoreland Multiple Use and Multiple Use zoning in this area, future growth could include a wide range of activities. In the immediate area, little growth is expected east of the river due to a large swath of state ownership in the area and adjacent to the subject parcel.
3. The applicant's request would have little impact on potential future development that may occur in this area.

D. Desired Pattern of Development:

1. The pattern of development in the surrounding area consists of a few residential dwellings, a borrow pit, and large swaths of vacant state land.
2. Any future development may fit into the mixed-use pattern due to the zoning in the area. Future development of the immediate area may only occur in area west of the Cloquet River due to the subject parcel being surrounded by state land.

E. Other Factors:

1. Due to the zoning and size of the parcel, two uses are allowed.
  - a. The existing dwelling is calculated as part of the Planned Development max density allowed.
2. If the proposal is approved, the applicant will ultimately need to work with St. Louis County On-site Wastewater and the Minnesota Department of Health to meet septic and state standards for the planned development.

- a. The applicant has spoken with St. Louis County On-Site Wastewater about the existing system and planned privies for the proposed uses.
- b. The conditional use permit and any associated land use permits will not be issued until proper septic permits are obtained for the existing system and any planned systems to accommodate the proposed uses.
3. If the uses are approved, the property will need to be brought into compliance prior to any conditional use permit being issued.
  - a. There have been structure additions and new structures placed on the property without proper permits.
  - b. The applicant is aware of this and is working with staff on bringing the property into compliance.

*George Knutson* noted one item of correspondence from the Minnesota Department of Transportation which had no concerns about the proposed use. 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 for a Commercial Planned Development - Class II, the following conditions shall apply:

1. The property shall not exceed the commercial planned development density standards allowed per Ordinance 62.
2. All other St. Louis County Zoning Ordinance 62 Planned Development – Class II standards shall be met.
3. Applicant shall obtain approval from the appropriate road authority.
4. The property shall be brought into compliance prior to the conditional use permit being issued.
5. All signs shall meet St. Louis County Zoning Ordinance 62 standards.
6. St. Louis County on-site sewage treatment regulations shall be followed.
7. The applicant shall adhere to all local, county, state and federal regulations.

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

1. Applicant shall obtain approval from the appropriate road authority.
2. The property shall be brought into compliance prior to the conditional use permit being issued.
3. All signs shall meet St. Louis County Zoning Ordinance 62 standards.
4. St. Louis County on-site sewage treatment regulations shall be followed.
5. The applicant shall adhere to all local, county, state and federal regulations.

*Suzanne French*, the applicant, stated the maximum density she can have given the acreage and the shoreland is eight structures. She intends to have six structures. In talking with the On-Site Wastewater division, she will add a privy. If there are five or more bunkhouses/sites, that would fall under what the Minnesota Department of Health considers a campground, and she would need a shower house. She would like to do short term rentals on the property. She would also like to

teach small woodworking classes to women only during the seasonal months. She would also like to have overnight building camps. Her property also serves as a nature retreat. These two uses would not be happening at the same time. She has not done any short term rentals to date. She purchased the yurt in April and would like to use it. She is removing two small outbuildings and she is converting another into a bunkhouse. She understands the licensing through the state of Minnesota. She understands bringing the property into compliance. She wants the property to be eco-friendly and nature oriented.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Manick* asked what needs to be done to bring the property into compliance. *George Knutson* stated that, upon site visit and review of the application, the existing personal shop/garage was built without a permit and the yurt was built without a permit. Regardless of the outcome of the conditional use permit, both structures would need to be permitted. If the conditional use permit is approved, both structures would need to be permitted before a conditional use permit is issued. The applicant is aware of this and is willing to work with staff to bring both structures into compliance.
- B. Commission member *Filipovich* commented that the road should be taken into consideration because this property is right before a bridge and there is a speed limit close to the property.
- C. Commissioner *Nelson* asked if there is a limit to the amount of development on the site. This has been operating as a campground for some time now.
- D. Commission member *Skraba* asked if these two use requests should be acted on as two separate use requests. *Jenny Bourbonais*, Acting Secretary, stated if a motion is made for either request, they should be made separately.
- E. *Jenny Bourbonais* stated that while the applicant referred to short term rentals, the proposal is for a commercial planned development, which is slightly different.
- F. Commissioner *Nelson* stated that this sounds like a short term rental use and asked if the applicant would need to come back for another conditional use permit. *Jenny Bourbonais* stated that, based on the standards for a short term rental, this use needs to be heard as a planned development. The short term rental permitting would not pertain to this conditional use as it is being heard because of the nature of how the use is being proposed. If this was a short term rental, only one unit on the property would be allowed to be rented. The number of rental units being proposed does not meet the standards for a short term rental.
- G. Commissioner *Nelson* added that the county could see more of this type of request. This is a concern that there could be more requests in the future that could get around the short term rental standards. There will be more discussion on this in the future.

## **DECISION ON FIRST REQUEST**

**Motion by Manick/Nelson** to approve a conditional use permit for a Commercial Planned Development Class – II, based on the following staff facts and findings:

- A. Plans and Official Controls:
  1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, states that a Commercial Planned Development – Class II is allowed in the Shoreland Multiple Use district with a Conditional Use Permit.

2. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, states that a Public/Semi-Public Use is allowed in the Shoreland Multiple Use district with a Conditional Use Permit.
3. St. Louis County Zoning Ordinance 62, Article VII, states specific standards for Planned Developments. Included in Article VII are density standards. Due to the size and location of the subject parcel, both shoreland and nonshoreland density calculations are used to determine max density allowed.
  - a. The applicant's current proposal meets St. Louis County Zoning Ordinance 62 density standards.
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.

B. Neighborhood Compatibility:

1. The subject parcel is zoned Shoreland Multiple Use while the surrounding area is zoned a mix of Shoreland Multiple Use and Multiple Use. A small portion of the surrounding area is zoned Residential due to Beartrap Creek (classified as a trout stream).
2. The Shoreland Multiple Use zone district is intended to provide a balance between lake and river use and the water uses by allowing a wide range of uses that are consistent with the adjacent uses and the recreational and natural attributes of the water body.
3. The subject parcel is surrounded by state land to the north and east, the Cloquet River to the west, and Industrial Road to the south.
4. Both the proposed Commercial Planned Development - Class II and the proposed Public/Semi-Public use are allowed uses in the Shoreland Multiple Use zone district.

C. Orderly Development:

1. Much of the surrounding area contains large undeveloped tracts of land.
  - a. There are two dwellings adjacent to the subject parcel, one west across the Cloquet River and the other south across Industrial Road. The two other closest dwellings are over one quarter mile away.
  - b. A borrow pit is located 0.2 miles west of the subject parcel.
  - c. Burnett Park is located 0.4 miles west of the subject parcel.
2. Due to the Shoreland Multiple Use and Multiple Use zoning in this area, future growth could include a wide range of activities. In the immediate area, little growth is expected east of the river due to a large swath of state ownership in the area and adjacent to the subject parcel.
3. The applicant's request would have little impact on potential future development that may occur in this area.

D. Desired Pattern of Development:

1. The pattern of development in the surrounding area consists of a few residential dwellings, a borrow pit, and large swaths of vacant state land.

2. Any future development may fit into the mixed-use pattern due to the zoning in the area. Future development of the immediate area may only occur in area west of the Cloquet River due to the subject parcel being surrounded by state land.

E. Other Factors:

1. Due to the zoning and size of the parcel, two uses are allowed.
  - a. The existing dwelling is calculated as part of the Planned Development max density allowed.
2. If the proposal is approved, the applicant will ultimately need to work with St. Louis County On-site Wastewater and the Minnesota Department of Health to meet septic and state standards for the planned development.
  - a. The applicant has spoken with St. Louis County On-Site Wastewater about the existing system and planned privies for the proposed uses.
  - b. The conditional use permit and any associated land use permits will not be issued until proper septic permits are obtained for the existing system and any planned systems to accommodate the proposed uses.
3. If the uses are approved, the property will need to be brought into compliance prior to any conditional use permit being issued.
  - a. There have been structure additions and new structures placed on the property without proper permits.
  - b. The applicant is aware of this and is working with staff on bringing the property into compliance.

The following conditions shall apply:

1. The property shall not exceed the commercial planned development density standards allowed per Ordinance 62.
2. All other St. Louis County Zoning Ordinance 62 Planned Development - Class II standards shall be met.
3. Applicant shall obtain approval from the appropriate road authority.
4. The property shall be brought into compliance prior to the conditional use permit being issued.
5. All signs shall meet St. Louis County Zoning Ordinance 62 standards.
6. St. Louis County on-site sewage treatment regulations shall be followed.
7. The applicant shall adhere to all local, county, state and federal regulations.

**In Favor:** Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 7

**Opposed:** None – 0

**Abstained:** Anderson - 1

**Motion carries 7-0-1**

**DECISION ON SECOND REQUEST**

**Motion by Manick/Nelson** to approve a conditional use permit for a woodworking school 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 5.6, states that a Commercial Planned Development – Class II is allowed in the Shoreland Multiple Use district with a Conditional Use Permit.
2. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, states that a Public/Semi-Public Use is allowed in the Shoreland Multiple Use district with a Conditional Use Permit.
3. St. Louis County Zoning Ordinance 62, Article VII, states specific standards for Planned Developments. Included in Article VII are density standards. Due to the size and location of the subject parcel, both shoreland and nonshoreland density calculations are used to determine max density allowed.
  - a. The applicant’s current proposal meets St. Louis County Zoning Ordinance 62 density standards.
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.

B. Neighborhood Compatibility:

1. The subject parcel is zoned Shoreland Multiple Use while the surrounding area is zoned a mix of Shoreland Multiple Use and Multiple Use. A small portion of the surrounding area is zoned Residential due to Beartrap Creek (classified as a trout stream).
2. The Shoreland Multiple Use zone district is intended to provide a balance between lake and river use and the water uses by allowing a wide range of uses that are consistent with the adjacent uses and the recreational and natural attributes of the water body.
3. The subject parcel is surrounded by state land to the north and east, the Cloquet River to the west, and Industrial Road to the south.
4. Both the proposed Commercial Planned Development - Class II and the proposed Public/Semi-Public use are allowed uses in the Shoreland Multiple Use zone district.

C. Orderly Development:

1. Much of the surrounding area contains large undeveloped tracts of land.
  - a. There are two dwellings adjacent to the subject parcel, one west across the Cloquet River and the other south across Industrial Road. The two other closest dwellings are over one quarter mile away.
  - b. A borrow pit is located 0.2 miles west of the subject parcel.
  - c. Burnett Park is located 0.4 miles west of the subject parcel.
2. Due to the Shoreland Multiple Use and Multiple Use zoning in this area, future growth could include a wide range of activities. In the immediate area, little growth is expected east of the river due to a large swath of state ownership in the area and adjacent to the subject parcel.
3. The applicant’s request would have little impact on potential future development that may occur in this area.

D. Desired Pattern of Development:

1. The pattern of development in the surrounding area consists of a few residential dwellings, a borrow pit, and large swaths of vacant state land.
2. Any future development may fit into the mixed-use pattern due to the zoning in the area. Future development of the immediate area may only occur in area west of the Cloquet River due to the subject parcel being surrounded by state land.

E. Other Factors:

1. Due to the zoning and size of the parcel, two uses are allowed.
  - a. The existing dwelling is calculated as part of the Planned Development max density allowed.
2. If the proposal is approved, the applicant will ultimately need to work with St. Louis County On-site Wastewater and the Minnesota Department of Health to meet septic and state standards for the planned development.
  - a. The applicant has spoken with St. Louis County On-Site Wastewater about the existing system and planned privies for the proposed uses.
  - b. The conditional use permit and any associated land use permits will not be issued until proper septic permits are obtained for the existing system and any planned systems to accommodate the proposed uses.
3. If the uses are approved, the property will need to be brought into compliance prior to any conditional use permit being issued.
  - a. There have been structure additions and new structures placed on the property without proper permits.
  - b. The applicant is aware of this and is working with staff on bringing the property into compliance.

The following conditions shall apply:

1. Applicant shall obtain approval from the appropriate road authority.
2. The property shall be brought into compliance prior to the conditional use permit being issued.
3. All signs shall meet St. Louis County Zoning Ordinance 62 standards.
4. St. Louis County on-site sewage treatment regulations shall be followed.
5. The applicant shall adhere to all local, county, state and federal regulations.

**In Favor:** Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 7

**Opposed:** None – 0

**Abstained:** Anderson - 1

**Motion carries 7-0-1**

**KGM Contractors**

The fourth hearing item was for KGM Contractors, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II. The property is located in S34, T60, R19W (Great Scott). *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing a general purpose borrow pit to include crushing, screening portable hot mix, pit topsoil and recycling of asphalt.
- B. The standard hours of operation are proposed from 7:00 AM until 8:00 PM, Monday through Saturday.

- C. The applicant is estimating an average of six trucks per day.
- D. The current driveway accesses a private residence as well as KGM property.

*Stephen Erickson* reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. St. Louis County 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 applicants parcel is designated as FA within Planning Area 2 on the Future Land Use Map.

B. Neighborhood Compatibility:

- 1. There is one residence approximately 315 feet east of the proposed pit. There are additional residences southwest of the proposed pit on Clear Lake.
- 2. The neighboring land to the west and north is federal land while the parcels to the east and south are under private ownership.

C. Orderly Development:

- 1. Most of the parcels in the vicinity of the proposed pit are large parcels under public and private ownership.
- 2. There are some smaller parcels south of the proposed borrow pit on Clear Lake ranging in size from one to ten acres.

D. Desired Pattern of Development:

- 1. The subject parcel, along with the neighboring parcels to east and southeast are zoned MU-4.
  - a. Multiple Use zone districts are intended to accommodate a wide range of uses.
  - b. A general purpose borrow pit is an allowed use in a Multiple Use district with a conditional use permit.
- 2. The area is zoned MU-4 requiring 4.5 acres. Most of the parcels in the area are larger than what the density minimums allow.

E. Other Factor:

- 1. The total pit area to be excavated is 12 acres.

*Stephen Erickson* noted two items of correspondence from Jane and Larry Kujala in opposition and with questions/concerns and from the Minnesota Department of Transportation (MNDOT) with no issue for the proposed use. 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, 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 adhere to all local, county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

*Tom Kvas*, the applicant, stated they are proposing a general purpose borrow pit on a property KGM has owned for almost twenty years. They have St. Louis County road work in the local vicinity and look to open this property for local projects. They will use water or calcium chloride on the haul road to mitigate dust issues. Water will be used for the crushing units. KGM will also maintain the entrance to have good sight distance and good access for the trucks. They want to work with the locals. The entrance leads to the haul road which leads into their KGM property. There will be a buffer from the road right-of-way. They will stay away from the wetlands. The crushing will only be as needed based on supply and demand. They are under the Minnesota Pollution Control Agency (MPCA) noise requirements. The highway department looked at the entrance to the west, but it is unknown if they have or could get a legal access across property they do not own.

Three members of the audience spoke with concerns.

*Anthony Warner*, 10035 Osborn Road, stated he has questions about how KGM will mitigate dust control, the driveway issue because he knew there was a potential for a borrow pit to be next door but he did not know the driveway would be turned into a haul road and who will maintain the driveway. He is concerned that any excavation will drain his pond or remove the wetlands near the property line. He does not know if the borrow pit will drive the land and property values down.

*Nancie Whitesell*, 2940 Vanderbie Street, Little Canada, MN, stated their property has been in the family for over 100 years. She is concerned about the noise and smell as they are seasonal summer residents to the south. She is also concerned with the condition of Osborn Road.

*Dan Whitesell*, 2940 Vanderbie Street, Little Canada, MN, stated there is another entrance to that property on the west side and this entrance would be less intrusive to Mr. Warner.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked how much excavation work would be going on. *Tom Kvas* stated there is one job with St. Louis County and there are other future projects coming. There has been interest from Great Scott Township for some material. They will stockpile asphalt and concrete for the jobs they are on.
- B. Commission member *Filipovich* asked about the residence that shares the driveway. *Tom Kvas* stated there was an agreement with the original property owner that a borrow pit may be applied for. The current resident is not the original property owner.

- C. Commission member *Skraba* stated that the Planning Commission has not seen any indication that a borrow pit would cause devaluation of land and property values.

## **DECISION**

**Motion by Manick/Svatos** 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. St. Louis County 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 applicants parcel is designated as FA within Planning Area 2 on the Future Land Use Map.

B. Neighborhood Compatibility:

1. There is one residence approximately 315 feet east of the proposed pit. There are additional residences southwest of the proposed pit on Clear Lake.
2. The neighboring land to the west and north is federal land while the parcels to the east and south are under private ownership.

C. Orderly Development:

1. Most of the parcels in the vicinity of the proposed pit are large parcels under public and private ownership.
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1. The subject parcel, along with the neighboring parcels to east and southeast are zoned MU-4.
  - a. Multiple Use zone districts are intended to accommodate a wide range of uses.
  - b. A general purpose borrow pit is an allowed use in a Multiple Use district with a conditional use permit.
2. The area is zoned MU-4 requiring 4.5 acres. Most of the parcels in the area are larger than what the density minimums allow.

E. Other Factor:

1. The total pit area to be excavated is 12 acres.

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 adhere to all local, county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

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

**Opposed:** None - 0

**Motion carries 7-0**

**Motion to adjourn by Svatos. The meeting was adjourned at 11:22 a.m.**