

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY ON THURSDAY, MAY 14, 2020.

9:00 AM – 2:16 PM

Planning Commission members in attendance: David Anderson
Steve Filipovich
Daniel Manick
Commissioner Keith Nelson
Sonya Pineo, Chair
Dave Pollock
Roger Skraba
Ray Svatos
Diana Werschay (at 9:05 AM)

Planning Commission members absent: None

Also present: *Thomas Stanley*, St. Louis County Attorney's Office.

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

NEW BUSINESS:

- A. St. Louis County Planning and Community Development Department, a zoning map amendment involving Section 8 and 9 of T64N, R20W. The proposed zoning amendment is to extend a portion of the Shoreland Multiple Use (SMU-7) district to the right-of-way of Cedar View Drive and include parts of Government Lot 1 and 2, Section 8 and Government Lot 1, Section 9, T64N, R20W.
- B. Gary Coyer, Cabin-O-Pines, a conditional use permit for a Recreational Vehicle (RV) campground expansion as a Commercial Planned Development - Class II.
- C. Pike Lake Golf and Beach LLC, a conditional use permit for a Golf and Beach Club as a Commercial, Retail and Service Establishment - Class II.
- D. Pike Lake Golf and Beach LLC, a conditional use permit for a Residential Planned Development - Class I.
- E. HNV Holdings, LLC, a conditional use permit for a day care center business as a Commercial, Retail and Service Establishments - Class I.
- F. KGM Contractors, Inc., a conditional use permit for a general purpose borrow pit as an Extractive Use - Class II.
- G. Wade Dammer, a conditional use permit for a general purpose borrow pit as an Extractive Use - Class II.
- H. LTI Holdings, LLC, a continuance of a previous hearing for a conditional use permit for a general purpose borrow pit as an Extractive Use - Class II.

OTHER BUSINESS:

Motion by Skraba/Manick to approve the minutes of the March 12, 2020 meeting.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay – 9

Opposed: None – 0

Motion carried 9-0

NEW BUSINESS:

St. Louis County Planning Department

The first hearing item was for the St. Louis County Planning and Community Development Department Zoning Map Amendment, a zoning map amendment involving Section 8 and 9 of T64N, R20W. The proposed zoning amendment is to extend a portion of the Shoreland Multiple Use (SMU-7) district to the right-of-way of Cedar View Drive and include parts of Government Lot 1 and 2, Section 8 and Government Lot 1, Section 9, T64N, R20W (Leiding).

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

- A. The request is to extend a portion of the Shoreland Multiple Use (SMU)-7 zone district to the right-of-way of Cedar View Drive that will include parts of GL 1 and 2 in Section 8 and GL 1 in Section 9, T64N, R20W.
- B. SMU-7 zoning does not follow standard boundary lines as described in Zoning Ordinance 62, Article II, Section 2.6 C.
- C. District boundary lines are intended to follow right-of-way, street centerline, or property lines unless a boundary line is otherwise indicated.
- D. It is not known why these boundary lines cut across properties. There are properties that are within more than one zone district.
- E. SMU-7 zoning should include all areas within 1,000 feet of a lake.
- F. The SMU-7 would extend beyond 1,000 feet of a lake because it will follow the Government Lot lines.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article VIII, 8.7 C, requires a public hearing for proposed zoning map amendments.
 - 2. The Forest Agricultural Management (FAM)-3 zone district is not consistent with the intended zoning adjacent to DNR public waters. FAM is intended to promote development of the County's forestry and agricultural industry. It is typically used in areas with land development at very low densities. The existing development in this area consists of platted residential lots and commercial resorts that are typically seen within the shoreland area of DNR protected lakes.
- B. Zoning:
 - 1. The zoning in the area consists of both FAM-3 and SMU-7. The current zoning boundary does not follow intended boundary lines as indicated in the St. Louis County Zoning Ordinance. The request will not result in any incompatible uses. An existing resort occupies area already in the Shoreland Multiple Use area.

2. The proposal is not spot zoning. The request is to extend the SMU-7 zoning to follow the intended boundaries of right-of-ways, street centerlines or property lines per Zoning Ordinance 62, Article II, Section 2.6 C. The requested extension includes properties that are all within the shoreland area or 1,000 feet from a lake.

C. Public Need:

1. The existing development consists of residential lakeshore development and commercial resorts. These types of uses are consistent with SMU zone district. This district is intended to provide a balance between lake and river use and the water resources. It allows for a wide range of uses that are consistent with recreational and natural attributes of the water body.

D. Public Interest:

1. The pattern of development in the area consists of lakeshore residential and commercial resorts.
2. The request is not for a rezoning but for a zoning map amendment that does not follow the intended boundary as defined by Zoning Ordinance 62, Article II, Section 2.6 C.
3. The zoning map amendment will realign the zoning in the area to be consistent with platted residential lots and commercial resorts that are typically within the shoreland area of DNR protected lakes.

Mark Lindhorst noted three items of correspondence that were sent to the Planning Commission prior to the hearing. These items were provided by Barry and Emily Johnson in support, William Smith in support, and Mark and Patricia Barnard opposed.

STAFF RECOMMENDATION

Based on the facts and findings stated above, staff recommends that the Planning Commission forward the proposal to the St. Louis County Board with the recommendation to approve a zoning map amendment involving Section 8 and 9 of T64N, R20W, extending the SMU zoning to be consistent with DNR shoreland area and St. Louis County Zoning Ordinance 62 district boundaries.

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Inquired if the FAM zone district allows conditional use permits for commercial establishments. *Mark Lindhorst* stated that FAM does not allow Commercial Planned Development – Class II.
- B. Inquired if the proposed zone district boundary extends beyond 1,000 feet from the shoreline. *Mark Lindhorst* stated it is easier to include the entire Government Lot so that zoning does not divide private properties.

DECISION

Motion by Svatos/Skraba to forward the proposal to the St. Louis County Board with the recommendation to approve a zoning map amendment involving Section 8 and 9 of T64N, R20W,

extending the SMU zoning to be consistent with DNR shoreland area and St. Louis County Zoning Ordinance 62 district boundaries, based on the following staff facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article VIII, 8.7 C, requires a public hearing for proposed zoning map amendments.
2. The Forest Agricultural Management (FAM)-3 zone district is not consistent with the intended zoning adjacent to DNR public waters. FAM is intended to promote development of the County's forestry and agricultural industry. It is typically used in areas with land development at very low densities. The existing development in this area consists of platted residential lots and commercial resorts that are typically seen within the shoreland area of DNR protected lakes.

B. Zoning:

1. The zoning in the area consists of both FAM-3 and SMU-7. The current zoning boundary does not follow intended boundary lines as indicated in the St. Louis County Zoning Ordinance. The request will not result in any incompatible uses. An existing resort occupies area already in the Shoreland Multiple Use area.
2. The proposal is not spot zoning. The request is to extend the SMU-7 zoning to follow the intended boundaries of right-of-ways, street centerlines or property lines per Zoning Ordinance 62, Article II, Section 2.6. The requested extension includes properties that are all within the shoreland area or 1,000 feet from a lake.

C. Public Need:

1. The existing development consists of residential lakeshore development and commercial resorts. These types of uses are consistent with SMU zone district. This district is intended to provide a balance between lake and river use and the water resources. It allows for a wide range of uses that are consistent with recreational and natural attributes of the water body.

D. Public Interest:

1. The pattern of development in the area consists of lakeshore residential and commercial resorts.
2. The request is not for a rezoning but for a zoning map amendment that does not follow the intended boundary as defined by Zoning Ordinance 62, Article II, Section 2.6 C.
3. The zoning map amendment will realign the zoning in the area to be consistent with platted residential lots and commercial resorts that are typically within the shoreland area of DNR protected lakes.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

Cabin-O-Pines Resort (Gary Coyer)

The second hearing item was for Gary Coyer, Cabin-O-Pines, a conditional use permit for a Recreational Vehicle (RV) campground expansion as a Commercial Planned Development - Class II. The property is located in GL 1, S9, T64N, R20W (Leiding). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a resort expansion for 15 full hook-up recreational vehicle (RV) sites.
- B. The total number of RV sites for the property will be 38.
- C. The dates of operation will be May through October.
- D. The hours of operation will be 8:00 a.m. until 8:00 p.m.
- E. The property has both Shoreland Multiple Use (SMU)-7 and Forest Agricultural Management (FAM)-3 zoning. A zoning map amendment was approved to move forward to the St. Louis County Board.
- F. All of the current RV sites are beyond the Tier 1 development area and are 300-400 feet from the shoreline.
- G. The applicant has proposed an alternate plan in case the zoning map amendment did not get approved. This plan would put the new RV sites within the SMU-7 zone district. This alternate plan will meet the density allowed within Tier 1 and Tier 2 development areas.
- H. The proposed plan would place the 15 RV sites into the current FAM-3 zone district, which is not currently allowed without County Board approval of a zoning map amendment.
- I. This area does have a number of resorts located on the lake.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. Zoning Ordinance 62, Article V, Section 5.6 allows for Commercial Planned Development-Class II with a Conditional Use Permit.
 2. The St. Louis County Comprehensive Land Use Plan provides guidance for development adjacent to lakes. Lakeshore areas are intended for new development or redevelopment of existing residential and commercial areas. This property has historic use as a commercial resort.
- B. Neighborhood Compatibility:
 1. The area consists of established residential and commercial uses. There are three resorts located within one-quarter mile: Grey Wolf, Pine Grove and Birch Forest.
- C. Orderly Development:
 1. The area consists of established residential and commercial uses. The Cabin-O-Pines Resort request is to expand away from the lake minimizing impacts to near shore and residential areas.
 2. Resorts and other water related commercial activities provide significant services for Pelican Lake residents and visitors. Resorts provide a significant opportunity for the public to utilize the County's water resources.
- D. Desired Pattern of Development:
 1. As stated above, the pattern of development in the area is both commercial and residential. The request is to expand a commercial business away from the lakeshore and residential areas.

2. Public interest would be best served by the proposal because resorts provide a significant opportunity for the public to utilize the County's water resources, and it is in the public's interest for the County to encourage the long-term viability of the industry for economic and cultural reasons.

E. Other Factor:

1. Alternative site one is located within a Forest Agricultural Management zone district which does not allow Commercial Planned Development-Class II uses. The current Forest Agricultural Management district boundary in this area does not follow a road right-of-way, street centerline or property line per St. Louis County Zoning Ordinance 62, Article II, Section 2.6 C. The St. Louis County Planning and Community Development Department requested a zoning map amendment to extend the Shoreland Multiple Use (SMU)-7 zoning to be consistent with Zoning Ordinance guidelines for zoning boundaries.

Mark Lindhorst noted two items of correspondence that were sent to the Planning Commission prior to the hearing. These items were provided by Duanne and Patty Tschappat and Mark and Patricia Barnard 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 an RV campground expansion as a Commercial Planned Development-Class II, the following conditions shall apply:

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. Zoning map amendment approval by the County Board is required prior to RV expansion within the proposed alternative one site location as indicated on the map provided by the applicant.
4. Recreational vehicles shall have a current motor vehicle license.
5. All setbacks shall be maintained.
6. Detached decks shall require permits.
7. The applicant shall adhere to all local, county, state and federal regulations.

Gary Coyer, the applicant, stated he was not aware that any adjoining property owners were having trespassing issues. There are plenty of docks at the resort and they do not plan to add any additional docking. The neighbor to the east was originally part of the resort property that was sold in 1990. The neighbors to the west are several hundred feet away from the resort.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commissioner *Nelson* inquired about the timeframe of development. *Gary Coyer* stated that they were going to start development by May 1, 2020. They were hoping to be

operational by the first week of June this summer. Commissioner *Nelson* stated that they could ask administration to suspend the rules in order to get the zoning map amendment case directly to the County Board and save the applicant a week or two.

- B. Inquired about the status of the two sites for future development. *Mark Lindhorst* stated that the alternate site was in the event that the County Board does not approve the zoning map amendment.

DECISION

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

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 allows for Commercial Planned Development-Class II with a Conditional Use Permit.
2. The St. Louis County Comprehensive Land Use Plan provides guidance for development adjacent to lakes. Lakeshore areas are intended for new development or redevelopment of existing residential and commercial areas. This property has historic use as a commercial resort.

B. Neighborhood Compatibility:

1. The area consists of established residential and commercial uses. There are three resorts located within one-quarter mile: Grey Wolf, Pine Grove and Birch Forest.

C. Orderly Development:

1. The area consists of established residential and commercial uses. The Cabin-O-Pines Resort request is to expand away from the lake minimizing impacts to near shore and residential areas.
2. Resorts and other water related commercial activities provide significant services for Pelican Lake residents and visitors. Resorts provide a significant opportunity for the public to utilize the County's water resources.

D. Desired Pattern of Development:

1. As stated above, the pattern of development in the area is both commercial and residential. The request is to expand a commercial business away from the lakeshore and residential areas.
2. Public interest would be best served by the proposal because resorts provide a significant opportunity for the public to utilize the County's water resources, and it is in the public's interest for the County to encourage the long-term viability of the industry for economic and cultural reasons.

E. Other Factor:

1. Alternative site one is located within a Forest Agricultural Management zone district which does not allow Commercial Planned Development-Class II uses. The current Forest Agricultural Management district boundary in this area does not follow a road right-of-way, street centerline or property line per St. Louis County Zoning Ordinance 62, Article II, Section 2.6 C. The St. Louis County Planning and Community

Development Department requested a zoning map amendment to extend the Shoreland Multiple Use (SMU)-7 zoning to be consistent with Ordinance guidelines for zoning boundaries.

The following conditions shall apply:

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. Zoning map amendment approval by the County Board is required prior to RV expansion within the proposed alternative one site location as indicated on the map provided by the applicant.
4. Recreational vehicles shall have a current motor vehicle license.
5. All setbacks shall be maintained.
6. Detached decks shall require permits.
7. The applicant shall adhere to all local, county, state and federal regulations.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

Pike Lake Golf and Beach LLC

The third hearing item was for Pike Lake Golf and Beach LLC, a conditional use permit for a Golf and Beach Club as a Commercial, Retail and Service Establishment - Class II. The property is located in S31, T51N, R15W (Canosia). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for the construction of a new golf club with a restaurant and a bar with on-sale liquor.
- B. The request includes a new storage garage to service the club and property residents.
- C. The request will include parking for up to 222 vehicles.
- D. The hours of operation are yet to be determined.
- E. There is an existing golf club and other accessory structures located on the property. There are existing storage buildings that will continue to be utilized.

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 C allows a Commercial, Retail and Service Establishment-Class II with a conditional use permit.
 2. The St. Louis County Comprehensive Land Use Plan indicates this area as Crossroads Commercial. The goal of this category is to direct new commercial development to existing commercial nodes with adequate highway access. The request to expand the existing golf course to include a restaurant and bar fits the category of intended uses, and has direct access to a public road.

B. Neighborhood Compatibility:

1. The surrounding area is zoned Shoreland Multiple Use (SMU)-11 which is appropriate zoning for developed lakeshore adjacent to a general development lake.
2. The proposed request is allowed by Ordinance with an approved conditional use permit. The property has historic use as a golf course with a club house and beach area. The proposed request is to expand the beach club to include a restaurant and bar serving on-sale liquor along with a garage facility to service club guests, and is consistent with the previous use of the property.

C. Orderly Development:

1. The majority of the surrounding area is lakeshore residential development. The Canosia Town Hall and Pike Lake Elementary School are located on the corner of Midway and Martin Roads. The St. Louis County Pike Lake Public Works complex is located to the south of the property.
2. The request will allow the golf course to reopen and be available to the public providing economic benefits to the surrounding area.

D. Desired Pattern of Development:

1. The pattern of development in the surrounding area is lakeshore residential development. Public use buildings are located to the south and across Midway Road.
2. The future land use map indicates this area as Crossroads Commercial due to the golf course and location of the intersection of Midway and Martin Roads.

Mark Lindhorst noted three items of correspondence that were sent to the Planning Commission prior to the hearing. These items were provided by the Town of Canosia, Fred and Anita Rouse, and the Pike Lake Area Wastewater Collection System (PLAWCS) in support.

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 Golf and Beach Club as a Commercial, Retail and Service Establishment Class-II, the following conditions shall apply:

Condition Precedent:

1. Stormwater management plan/NPDES permit shall be submitted prior to issuance of a conditional use permit.

Conditions Concurrent:

1. The structures shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The proposal shall adhere to all local, state and federal regulations.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
5. Waste shall be disposed in a manner acceptable to St. Louis County Solid Waste Ordinance 45.
6. Applicant shall obtain appropriate liquor license from St. Louis County.
7. Pike Lake Area Wastewater Collection System requirements shall be followed.

Roger Anderson, the applicant, stated the existing mobile home has been removed from the property. There will be no residences or bedrooms on the north section of this property. The golf course will be open from 7:00 a.m. until dark. They are still working on determining the hours of operation for the restaurant and bar based on how well it is received. It is safe to say they will have normal business hours.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Inquired if the river that flows through the property has the same shoreline setbacks as Pike Lake. *Mark Lindhorst* stated that the tributary requires a 100 foot shoreline setback. Pike Lake has a 75 foot shoreline setback.
- B. Inquired about approval from the local road authority.

DECISION

Motion by Skraba/Manick to approve a conditional use permit to allow a Golf and Beach Club as a Commercial, Retail and Service Establishment 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 C allows a Commercial, Retail and Service Establishment-Class II with a conditional use permit.
 2. The St. Louis County Comprehensive Land Use Plan indicates this area as Crossroads Commercial. The goal of this category is to direct new commercial development to existing commercial nodes with adequate highway access. The request to expand the existing golf course to include a restaurant and bar fits the category of intended uses, and has direct access to a public road.
- B. Neighborhood Compatibility:
 1. The surrounding area is zoned Shoreland Multiple Use (SMU)-11 which is appropriate zoning for developed lakeshore adjacent to a general development lake.
 2. The proposed request is allowed by Ordinance with an approved conditional use permit. The property has historic use as a golf course with a club house and beach area. The proposed request is to expand the beach club to include a restaurant and bar serving on-sale liquor along with a garage facility to service club guests, and is consistent with the previous use of the property.
- C. Orderly Development:
 1. The majority of the surrounding area is lakeshore residential development. The Canosia Town Hall and Pike Lake Elementary School are located on the corner of Midway and Martin Roads. The St. Louis County Pike Lake Public Works complex is located to the south of the property.
 2. The request will allow the golf course to reopen and be available to the public providing economic benefits to the surrounding area.
- D. Desired Pattern of Development:

1. The pattern of development in the surrounding area is lakeshore residential development. Public use buildings are located to the south and across Midway Road.
2. The future land use map indicates this area as Crossroads Commercial due to the golf course and location of the intersection of Midway and Martin Roads.

The following conditions shall apply:

Condition Precedent:

1. Stormwater management plan/NPDES permit shall be submitted prior to issuance of a conditional use permit.

Conditions Concurrent:

1. The structures shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The proposal shall adhere to all local, state and federal regulations.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
5. Waste shall be disposed in a manner acceptable to St. Louis County Solid Waste Ordinance 45.
6. Applicant shall obtain appropriate liquor license from St. Louis County.
7. Pike Lake Area Wastewater Collection System requirements shall be followed.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

Pike Lake Golf and Beach LLC – Residential Development

The fourth hearing item was for Pike Lake Golf and Beach LLC, a conditional use permit for a Residential Planned Development - Class I. The property is located in S31, T51N, R15W (Canosia). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a residential planned development.
- B. The request includes:
 1. Eleven 2-unit townhomes with garages and parking spaces within the shoreland area. Five of these 2-unit townhomes will be built within Tier 1. Six of these 2-unit townhomes are within the shoreland area but are located further from the lake.
 2. Six 2-unit townhomes with garages and parking spaces in the nonshoreland area. These will be located in the southern half of the property over 1,000 feet from the shoreland.
 3. One 51-unit apartment building with garages and parking spaces in the nonshoreland area. This apartment building will be located in the southern half of the property over 1,000 feet from the shoreland.
- C. The applicant is proposing a 24 foot wide access road to service the townhome units and apartment building.
- D. The planned development will be served by the municipal sewer and water district (Pike Lake Area Wastewater Collection System).

- E. Wetland impacts are anticipated and will require authorization per the Wetland Conservation Act.
- F. These structures will be located outside of the golf course.
- G. The road into the development may impact wetlands going into the property.
- H. There are three phases; the first phase could be developed within three years, the second phase could be developed between 1 to 5 years, and the third phase could be developed between 1 to 8 years. These phases will be developed based on demand.

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 C allows for a Residential Planned Development-Class I, with a conditional use permit.
- 2. The St. Louis County Comprehensive Land Use Plan indicates this area as Crossroads Commercial. The goal of this category is to direct new commercial development to existing commercial nodes with adequate highway access. The residential planned development is proposed to augment the commercial use of the existing golf course.

B. Neighborhood Compatibility:

- 1. The surrounding area is zoned Shoreland Multiple Use (SMU)-11 which is appropriate zoning for developed lakeshore adjacent to a general development lake.
- 2. The adjacent properties to the north and west consist of established residential development. The proposed residential planned development is consistent with this established use.

C. Orderly Development:

- 1. The majority of the surrounding area is lakeshore residential development. The Canosia Town Hall and Pike Lake Elementary School are located on the corner of Midway and Martin Roads. The St. Louis County Pike Lake Public Works complex is located to the south of the property.
- 2. The proposed residential development will provide additional housing in the area which will have an economic and increased tax base benefit.

D. Desired Pattern of Development:

- 1. The pattern of development in the surrounding area is lakeshore residential development. Public use buildings are located to the south and across Midway Road.
- 2. The future land use map indicates this area as Commercial Crossroads due to the golf course and location of the intersection of Midway and Martin Roads.
- 3. The proposed access to public roads should be adequate to handle increased residential and commercial use. The proposed access has been reviewed and approved by the St. Louis County Public Works Department.

Mark Lindhorst noted three items of correspondence that were sent to the Planning Commission prior to the hearing. These items were provided by the Town of Canosia, Fred and Anita Rouse, and the Pike Lake Area Wastewater Collection System (PLAWCS) in support.

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 Residential Planned Development-Class I, the following conditions shall apply:

Conditions Precedent:

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

Conditions Concurrent:

1. The structures shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The request shall not exceed the Residential Planned Development density threshold allowed on the property.
3. The applicant shall comply with the Minnesota Accessibility Code.
4. Waste shall be disposed in a manner acceptable to the St. Louis County Solid Waste Ordinance 45.
5. The proposal shall adhere to all local, county, state, and federal regulations.
6. 911 Communication addressing standards shall be followed.
7. Pike Lake Area Wastewater Collection System requirements shall be followed.

Roger Anderson, the applicant, stated he had nothing further to add.

No other audience members spoke.

DECISION

Motion by Skraba/Svatos to approve a conditional use permit to allow a Residential Planned Development-Class I, 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 C allows for a Residential Planned Development-Class I, with a conditional use permit.
2. The St. Louis County Comprehensive Land Use Plan indicates this area as Crossroads Commercial. The goal of this category is to direct new commercial development to existing commercial nodes with adequate highway access. The residential planned development is proposed to augment the commercial use of the existing golf course.

B. Neighborhood Compatibility:

1. The surrounding area is zoned Shoreland Multiple Use (SMU)-11 which is appropriate zoning for developed lakeshore adjacent to a general development lake.
2. The adjacent properties to the north and west consist of established residential development. The proposed residential planned development is consistent with this established use.

C. Orderly Development:

1. The majority of the surrounding area is lakeshore residential development. The Canosia Town Hall and Pike Lake Elementary School are located on the corner of Midway and Martin Roads. The St. Louis County Pike Lake Public Works complex is located to the south of the property.

2. The proposed residential development will provide additional housing in the area which will have an economic and increased tax base benefit.

D. Desired Pattern of Development:

1. The pattern of development in the surrounding area is lakeshore residential development. Public use buildings are located to the south and across Midway Road.
2. The future land use map indicates this area as Commercial Crossroads due to the golf course and location of the intersection of Midway and Martin Roads.
3. The proposed access to public roads should be adequate to handle increased residential and commercial use. The proposed access has been reviewed and approved by the St. Louis County Public Works Department.

The following conditions shall apply:

Conditions Precedent:

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

Conditions Concurrent:

1. The structures shall be unobtrusive (earth-tone) colors, including siding, trim and roof.
2. The request shall not exceed the Residential Planned Development density threshold allowed on the property.
3. The applicant shall comply with the Minnesota Accessibility Code.
4. Waste shall be disposed in a manner acceptable to the St. Louis County Solid Waste Ordinance 45.
5. The proposal shall adhere to all local, county, state, and federal regulations.
6. 911 Communication addressing standards shall be followed.
7. Pike Lake Area Wastewater Collection System requirements shall be followed.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

HNV Holdings

The fifth hearing item is HNV Holdings, LLC, a conditional use permit for a day care center business as a Commercial, Retail and Service Establishments - Class I. The property is located in S35, T51N, R17W (Industrial). *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval for a family day care facility to be located within one of the rooms inside of the old Albrook School building.
- B. The day care facility is expected to support no more than 14 children.
- C. The hours of operation are anticipated to be 7:00 a.m. until 5:30 p.m. Monday through Friday.
- D. The parcel is approximately 35 acres in size.
- E. The existing Albrook School building is approximately 70,000 square feet.

- F. 30,000 square feet is currently being utilized as a manufacturing facility with offices.
- G. The Planning Commission granted approval for the manufacturing facility in March 2014.
- H. A portion of the structure is being utilized for 6 apartment units.
- I. The Planning Commission granted approval for the apartments in March 2017.

Jared Ecklund reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. Zoning Ordinance 62, Article V, Section 5.6 B., indicates that a day care center is allowed in the multiple use (MU) zone district with a conditional use permit, as a Commercial, Retail and Service Establishments – Class I.
- 2. The property falls within the Forest and Agriculture land use category of the St. Louis County Comprehensive Land Use Plan:
 - a. Goal LU-7 – Provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
 - b. Objective LU 7.1 – Encourage expansion of regional commercial opportunities in existing corridors along collector or arterial routes and at nodes where infrastructure and traffic volumes can support economic growth.
 - c. Objective LU-7.2 – Develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
- 3. The number of uses on the property, including the proposed day care, meets the density requirements for the zone district.
 - a. The three total uses would need a minimum of 20 acres, when factoring in the six apartment units of the existing residential planned development.
 - b. The property totals 35.33 acres, which is sufficient to support all requested uses at this time.

B. Neighborhood Compatibility:

- 1. The subject parcel is surrounded by larger parcels and State Highway 33.
 - a. The parcel is located just north of the State Highway 33 and US Highway 2 intersection.
- 2. The two other approved uses are also contained within the same structure as the proposed day care.
- 3. Several of the parcels in the surrounding area are undeveloped, while some are developed as residential properties.
- 4. The manufacturing facility in a portion of the structure was approved by the Planning Commission in March 2014.
- 5. The residential planned development was approved by the Planning Commission in March 2017 for the 6 apartment units within the old school building.

C. Orderly Development:

- 1. The development along Highway 33, in this area, appears to be a mix of vacant rural land and residential development.
 - a. Development on a majority of the parcels surrounding the subject parcel is unlikely due to the abundance of wetlands in this area.

D. Desired Pattern of Development:

1. The general area surrounding the parcel is zoned Multiple Use (MU).
 - a. The MU zone district allows for a wide range of uses.
 - b. A day care center is an allowed use in the MU zone district with a conditional use permit.

E. Other Factor:

1. The proposed day care does not require any additional structures or parking area. A portion of the existing structure and the existing parking will be utilized for the proposed use.

Jared Ecklund 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 day care center business as a Commercial, Retail and Service Establishments-Class I, the following conditions shall apply:

1. Lighting shall be directed downward in accordance with dark sky standards.
2. The applicant shall adhere to all local, state, and federal regulations.

Tricia Holden, the applicant, stated the apartment residences have a separate entrance to the building. The person who licenses the day care will be containing the day care facility into that sole area. The day care will not affect any other activity inside the building. The fire marshal will inspect the facility and the day care will meet any requirements. The day care room will need a door directly outside which will be accommodated.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Inquired about security in the building as well as access.
- B. Inquired if there will be outdoor play space. *Tricia Holden* stated that is not known yet. It will depend on what the licensee is looking for. There is no playground equipment that was originally on the school property remaining.
- C. Inquired if more outside lighting is anticipated. *Tricia Holden* stated that any additional lighting would be within the required parameters.

DECISION

Motion by Skraba/Manick to approve a conditional use permit to allow a day care center business as a Commercial, Retail and Service Establishments-Class I, based on the following staff facts and findings:

- A. Plans and Official Controls:
 1. Zoning Ordinance 62, Article V, Section 5.6 B., indicates that a day care center is allowed in the multiple use (MU) zone district with a conditional use permit, as a Commercial, Retail and Service Establishments – Class I.

2. The property falls within the Forest and Agriculture land use category of the St. Louis County Comprehensive Land Use Plan:
 - a. Goal LU-7 – Provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
 - b. Objective LU 7.1 – Encourage expansion of regional commercial opportunities in existing corridors along collector or arterial routes and at nodes where infrastructure and traffic volumes can support economic growth.
 - c. Objective LU-7.2 – Develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
3. The number of uses on the property, including the proposed day care, meets the density requirements for the zone district.
 - a. The three total uses would need a minimum of 20 acres, when factoring in the six apartment units of the existing residential planned development.
 - b. The property totals 35.33 acres, which is sufficient to support all requested uses at this time.

B. Neighborhood Compatibility:

1. The subject parcel is surrounded by larger parcels and State Highway 33.
 - a. The parcel is located just north of the State Highway 33 and US Highway 2 intersection.
2. The two other approved uses are also contained within the same structure as the proposed day care.
3. Several of the parcels in the surrounding area are undeveloped, while some are developed as residential properties.
4. The manufacturing facility in a portion of the structure was approved by the Planning Commission in March 2014.
5. The residential planned development was approved by the Planning Commission in March 2017 for the 6 apartment units within the old school building.

C. Orderly Development:

1. The development along Highway 33, in this area, appears to be a mix of vacant rural land and residential development.
 - a. Development on a majority of the parcels surrounding the subject parcel is unlikely due to the abundance of wetlands in this area.

D. Desired Pattern of Development:

1. The general area surrounding the parcel is zoned Multiple Use (MU).
 - a. The MU zone district allows for a wide range of uses.
 - b. A day care center is an allowed use in the MU zone district with a conditional use permit.

E. Other Factor:

1. The proposed day care does not require any additional structures or parking area. A portion of the existing structure and the existing parking will be utilized for the proposed use.

The following conditions shall apply:

1. Lighting shall be directed downward in accordance with dark sky standards.
2. The applicant shall adhere to all local, state, and federal regulations.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

KGM Contractors LLC

The sixth hearing item is KGM Contractors, Inc., a general purpose borrow pit as an Extractive Use - Class II. The property is located in S23, T62N, R20W (Linden Grove). Heath Line was present on behalf of KGM Contractors. *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting to operate a general purpose borrow pit as an Extractive Use-Class II.
- B. The proposed use includes crushing, screening, portable hot mix and the recycling of asphalt and concrete.
- C. The applicant is proposing the standard hours of operation, which are 7:00 a.m. until 8:00 p.m. Monday through Saturday.
- D. The proposed area of excavation is approximately 30 acres.

Jared Ecklund reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. The property falls within the Forest and Agriculture (FA) category of the future land use maps of the St. Louis County Comprehensive Land Use Plan.
 - a. The FA category typically consists of large tracts of land that are not intended for future urban or rural development.
 2. Goal LU-4.5 of the Comprehensive Land Use Plan is to direct the development of new general purpose borrow pits to areas designated as FA on the future land use maps.
 3. The property is located within a Forest Agricultural Management (FAM)-2 zone district.
 - a. The proposed extractive use is an allowed use within the zone district with a conditional use permit.
- B. Neighborhood Compatibility:
 1. The area primarily consists of large tracts of undeveloped forest and agricultural land.
 2. The development density in this area is very low with only a few residences.
 - a. The nearest residence appears to be approximately a half mile from the subject parcel.
 3. There is an old DNR borrow pit located on the adjacent parcel to the south.
 - a. This pit has had a significant amount of reclamation done.

4. The property is located in a very rural area with an approved access to a state highway.

C. Orderly Development:

1. The development density in the area is currently very low and it is not anticipated that the density would increase significantly in the future.
2. There are six approved borrow pits within five miles of the applicant's property.

D. Desired Pattern of Development:

1. The proposed use of the property fits with the desired pattern of development.
2. There is not a high level of future growth anticipated in the area.
3. Approval of another borrow pit in the area may provide additional access to the gravel resource in the area.

E. Other Factors:

1. Environmental review would likely be required if the excavation were not limited to less than 40 acres.
2. The applicant has already applied for access approval from the Minnesota Department of Transportation.

Jared Ecklund 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 general purpose borrow pit as an Extractive Use-Class II, 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 as legally described as the SW 1/4 OF NW 1/4 EX 1 97/100 AC FOR HWY, S23, T62N, R20W.
3. The applicant shall adhere to all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

Heath Line, speaking on behalf of KGM Contractors, stated that there had been a timber harvest on the property prior to KGM purchasing the property.

No other audience members spoke.

Commission member *Pollock* inquired the difference between an Extractive Use-Class I and Extractive Use-Class II. *Jared Ecklund* stated that the difference is that an Extractive Use-Class I is a performance standard permit for a specific road project that is limited to two years. An Extractive Use-Class II is for a general purpose borrow pit.

DECISION

Motion by Skraba/Manick to approve a conditional use permit to allow 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. The property falls within the Forest and Agriculture (FA) category of the future land use maps of the St. Louis County Comprehensive Land Use Plan.
 - a. The FA category typically consists of large tracts of land that are not intended for future urban or rural development.
2. Goal LU-4.5 of the Comprehensive Land Use Plan is to direct the development of new general purpose borrow pits to areas designated as FA on the future land use maps.
3. The property is located within a Forest Agricultural Management (FAM)-2 zone district.
 - a. The proposed extractive use is an allowed use within the zone district with a conditional use permit.

B. Neighborhood Compatibility:

1. The area primarily consists of large tracts of undeveloped forest and agricultural land.
2. The development density in this area is very low with only a few residences.
 - a. The nearest residence appears to be approximately a half mile from the subject parcel.
3. There is an old DNR borrow pit located on the adjacent parcel to the south.
 - a. This pit has had a significant amount of reclamation done.
4. The property is located in a very rural area with an approved access to a state highway.

C. Orderly Development:

1. The development density in the area is currently very low and it is not anticipated that the density would increase significantly in the future.
2. There are six approved borrow pits within five miles of the applicant's property.

D. Desired Pattern of Development:

1. The proposed use of the property fits with the desired pattern of development.
2. There is not a high level of future growth anticipated in the area.
3. Approval of another borrow pit in the area may provide additional access to the gravel resource in the area.

E. Other Factors:

1. Environmental review would likely be required if the excavation were not limited to less than 40 acres.
2. The applicant has already applied for access approval from the Minnesota Department of Transportation.

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 as legally described as the SW 1/4 OF NW 1/4 EX 1 97/100 AC FOR HWY, S23, T62N, R20W.
3. The applicant shall adhere to all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

Wade Dammer

The seventh hearing item is Wade Dammer, a conditional use permit for a general purpose borrow pit as an Extractive Use - Class II. The property is located in S10, T51N, R17W (Industrial). *Donald Rigney*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a general purpose borrow pit.
- B. The proposed operation will include crushing, washing and screening.
- C. It is estimated that 15,000 cubic yards of material will be removed each year.
- D. The hours of operation will meet the standard hours of operation per St. Louis County Zoning Ordinance 62. The applicant is requesting 7:00 a.m. until 7:00 p.m. Monday through Saturday.
- E. The applicant is proposing to use water trucks and chloride for dust control.
- F. The proposed excavation is estimated at 20 acres.
- G. There are wetlands located on the property. The excavation will be on the eastern half of the property away from the wetlands.
- H. There are nine privately-owned gravel pits within a three mile area.

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 6 on the Future Land Use Map.
 - a. The FA category typically consists of large tracts of land that are not intended for future urban or rural development.
- B. Neighborhood Compatibility:
 1. There are approximately 10 dwellings within one third mile. All 10 are located on the east side of Highway 33. The closest residential dwelling is approximately 280 feet east of the haul road entrance off of Highway 33.

2. There are nine existing borrow pits within three miles of the parcel, the closest being on the adjoining parcel to the south.

C. Orderly Development:

1. The majority of residential development in the area is along the east side of the Highway 33 corridor. A majority of the adjoining parcels on the west side of Highway 33 are undeveloped, large acreage, privately owned parcels.
2. The proposal states that, on average, 50 trucks will leave the pit per day which has the potential to impact residential properties along Highway 33 with added noise and traffic.
3. The property is accessed by a State Highway engineered for the proposed truck traffic.

D. Desired Pattern of Development:

1. The subject parcel, as well as a majority of the surrounding area, is zoned Multiple Use (MU)-4 and Multiple Use (MU)-5.
 - a. These zone districts are intended to accommodate a wide range of uses.
 - b. A general purpose borrow pit is an allowed use with a Conditional Use Permit in these zone districts.
2. Although this area is largely zoned MU-4 requiring 4.5 acres and MU-5 requiring 2.5 acres, a majority of the parcels are larger than 10 acres.
3. On the west side of Highway 33, there are no residential dwellings within a quarter mile of the subject property.

Donald Rigney 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 general purpose borrow pit as an Extractive Use-Class II, 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 as legally described as the SE 1/4 OF NE 1/4 EX HWY R/W, S10, T51N, R17W.
3. The applicant shall adhere to all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

Wade Dammer, the applicant, stated that the pit area was an existing pit and there are high berms around the pit area. They plan on planting trees along the gaps.

No other audience members spoke.

The *Planning Commission* inquired if there is decent screening along Highway 33. *Donald Rigney* stated that there is a decent amount of screening.

DECISION

Motion by Skraba/Anderson to approve a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II, based on the follow 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 6 on the Future Land Use Map.
 - a. The FA category typically consists of large tracts of land that are not intended for future urban or rural development.

B. Neighborhood Compatibility:

1. There are approximately 10 dwellings within one third mile. All 10 are located on the east side of Highway 33. The closest residential dwelling is approximately 280 feet east of the haul road entrance off of Highway 33.
2. There are nine existing borrow pits within three miles of the parcel, the closest being on the adjoining parcel to the south.

C. Orderly Development:

1. The majority of residential development in the area is along the east side of the Highway 33 corridor. A majority of the adjoining parcels on the west side of Highway 33 are undeveloped, large acreage, privately owned parcels.
2. The proposal states that, on average, 50 trucks will leave the pit per day which has the potential to impact residential properties along Highway 33 with added noise and traffic.
3. The property is accessed by a State Highway engineered for the proposed truck traffic.

D. Desired Pattern of Development:

1. The subject parcel, as well as a majority of the surrounding area, is zoned Multiple Use (MU)-4 and Multiple Use (MU)-5.
 - a. These zone districts are intended to accommodate a wide range of uses.
 - b. A general purpose borrow pit is an allowed use with a Conditional Use Permit in these zone districts.
2. Although this area is largely zoned MU-4 requiring 4.5 acres and MU-5 requiring 2.5 acres, a majority of the parcels are larger than 10 acres.
3. On the west side of Highway 33, there are no residential dwellings within a quarter mile of the subject property.

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 as legally described as the SE 1/4 OF NE 1/4 EX HWY R/W, S10, T51N, R17W.
3. The applicant shall adhere to all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

LTI Holdings – Continuance

The eighth hearing item is LTI Holdings, LLC, a continuance of a previous hearing for a conditional use permit for a general purpose borrow pit as an Extractive Use - Class II. The property is located in S24, T52N, R15W (Fredenberg). This is the continuance of a conditional use permit hearing held on March 12, 2020. The applicant has submitted a new proposed access to the borrow pit through an easement from Fish Lake Road. St. Louis County considers the haul road as part of the extractive use. The new, proposed access required additional written notice to be sent to adjoining landowners and was the reason why this case was tabled.

Donald Rigney, St. Louis County Senior Planner, reviewed the changes:

- A. For the March 2020 hearing, the access/haul road entrance was originally proposed from Fredenberg Lake Road (T 5548). For the May 2020 hearing, the new access/haul road entrance is now proposed from Fish Lake Road (CSAH 43) via a 66 foot wide easement.
- B. For the March 2020 hearing, there was no road authority approval at the time of the hearing. For the May 2020 hearing, the driveway permit has been issued by the St. Louis County Public Works Department.
- C. For the March 2020, hearing there was no letter of intent at the time of the hearing for easement documentation. For the May 2020 hearing, there is a letter of intent signed by the property owners for easement documentation.
- D. For the March 2020 hearing, the applicant proposed washing. For the May 2020 hearing, washing is no longer proposed.
- E. For the March 2020 hearing, the applicant requested screening April through December. For the May 2020 hearing, the applicant is requesting screening year-round.
- F. For the March 2020 hearing, the applicant requested crushing and recycling of asphalt only if a hot mix plant was present. For the May 2020 hearing, the applicant is requesting crushing and the recycling of asphalt only for the Fish Lake Road reconstruction.
- G. For the March 2020 hearing, the total area of excavation proposed was 22 acres. For the May 2020 hearing, the total area of excavation proposed is 19 acres.

Donald Rigney reviewed the staff report as follows:

- A. The proposed operation will include crushing, screening, portable hot mix and the recycling of asphalt.
- B. The screening will occur year-round.
- C. Crushing and the recycling of asphalt will only occur for the reconstruction of Fish Lake Road.
- D. The property will be accessed through a 66 foot wide easement via Fish Lake Road.
- E. The easement for the haul road encompasses approximately 1.82 acres.
- F. The easement for the haul road will meet the 100 foot setback for the Fordson pit property.
- G. The total area to be excavated has been reduced from 22 acres to 19 acres.
- H. It is estimated that 100,000 cubic yards of material will be removed each year.
- I. The hours of operation will meet the standard hours of operation per St. Louis County Zoning Ordinance 62.
- J. There are 11 privately-owned borrow pits within 1.5 miles of the proposed pit.

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 proposed site falls within the Lakeshore Development Area (LDA) of the St. Louis County Comprehensive Land Use Plan. This area is intended for rural development next to lakes including infill, new and redevelopment of residential properties, as well as commercial and mixed uses.

B. Neighborhood Compatibility:

- 1. The property is located approximately 175 feet from the shoreline of Fredenberg Lake. The majority of the parcels within this area are larger except for the shoreland riparian areas. Most are residentially developed.
- 2. There are 15 residential dwellings within a quarter mile of the subject property. This does not include the residential dwelling on the subject property.
- 3. The closest residence, not on the parcel, from the proposed haul road is 187 feet. The same residence is 230 feet to the south of the pit area. All undisturbed buffer areas will be maintained. The distance from the existing residence has changed due to the haul road location change.
- 4. The proposal includes crushing and portable hot mix which has the potential for an increased impact to surrounding residential properties through added noise and smell.
- 5. The proposal states that, on average, 20 trucks will leave the pit per day which has the potential to impact residential properties with added noise and traffic.

C. Orderly Development:

- 1. The development in the area is primarily residential. However, there are two borrow pits within one half mile of the proposed pit; the closest being 600 feet to the south of the subject parcel.
- 2. There are a total of 11 privately owned authorized borrow pits within 1.5 miles of the subject property.

3. The property, as well as the surrounding area away from the lakes, is zoned Multiple Use (MU). This zone district allows for a wide range of uses including borrow pits, commercial and residential uses.
4. The subject parcel and the surrounding area away from the lakes is zoned Multiple Use (MU)-4 requiring a minimum of 4.5 acres; however, the majority of the parcels are between 6 acres and 40 acres.

D. Desired Pattern of Development:

1. Development consists of lakeshore homes along the riparian corridor with larger acreage residential parcels and two borrow pits outside the shoreland area.
2. The future land use map identifies the proposed area within the Lakeshore Development Area. As stated in the St. Louis County Comprehensive Land Use Plan, the LDA is given flexibility necessary to allow for evolving nature of the rural economy which includes allowances for businesses that are essential to the ability to live and work in rural areas.

E. Other Factors:

1. The proposed entrance onto Fish Lake Road has been deemed reasonably acceptable from a traffic safety perspective by St. Louis County Traffic Engineer.
2. For specific road projects, an Extractive Use – Public Works Project Borrow Pit application may be submitted.
 - a. This application allows crushing, portable hot mix and the recycling of asphalt within the limited timeline of the authorized use.

Donald Rigney noted 35 items of correspondence that were sent to the Planning Commission prior to the hearing. These items were provided by: a Town of Fredenberg Resolution, Ken Johnson and the Fredenberg Lake Association, Daryl Harper, Dr. Kelly Powell, Kristi Anderson, John and Barbara Martens, Mike Anderson, Bonnie Anderson, Katherine Harris, Tom Keyser, Patty Wheeler, Bruce Anderson, Peter and Carol Zambrano, Carol Kinnunen, Wendy Johnson, Bob Terry, Chris and Melissa Bell, Jason Campbell, Kathryn Stingl, Lynne and Nick Van Deelen, Bill Miller, Jayme Malenius, Patricia Miller, Paula Rannikko, Mary Kay Beinke, Sarah Williams, the Williams siblings (Sarah, Susan, Geoffrey, Joel and Roger Williams), Calvin and Ruth Janisch, Mike Olson and Timothy P. Craig in opposition. Additional items were provided by: Tim Wagner and Walter Rupp, Fredenberg Township Supervisors, in support.

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 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 as legally described as the NW1/4 of NW1/4, S24, T52N, R15W including the haul road as described in the letter of intent, Exhibit A between the applicant and adjoining property owners.
3. The applicant shall adhere to all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.
5. No crushing, recycling of asphalt or hot mix plant allowed without the submission and approval of an Extractive Use-Class I Performance Standard Permit.

One member of a government agency spoke:

Clayton Cich, Fredenberg Township Chair, stated that Fredenberg Township passed a resolution for a moratorium to identify and study where borrow pits could be placed in their township as the township is one third water. After the last hearing, he contacted the Minnesota Association of Townships and it was suggested that as long as there has not been work done on the property, a moratorium could work. The township is paying the Arrowhead Regional Development Commission (ARDC) \$25,000 for this study. The study should be completed in about 4.5 months. The neighborhoods in Fredenberg Township are set up to be residential. This is not the area for borrow pits. How many pits can there be in a township? He expressed frustration that the township does not have a standing. It is unfortunate that the Planning Commission will not hear the voice of the people.

Matt Hanka, Fryberger Law Firm, 302 West Superior Street Suite 700, spoke on behalf of the applicant. He stated that this permit will allow the Kaneski family to continue to serve the community. As staff pointed out, they are seeking a conditional use permit for a borrow pit. Extractive uses are allowed in this district. This is a provided use as long as conditions are met. LTI Holdings is prepared and has met the conditions. One thing to highlight is there are currently 11 existing borrow pits within 1.5 miles. There is also a borrow pit within 600 feet of the proposal. While this area has rural residential homes, there are also borrow pits within this area. The permit will allow a compatible use in an area that is currently utilized for borrow pits. The facts support that the use is compatible. There has been some township opposition; however, the township is not the zoning authority. The applicant applied under the existing county jurisdiction.

Steve Kaneski, 6035 Lavaque Road, spoke on behalf of LTI Holdings. He stated the pit product was tested as a Mod-7 commonly used in road construction, building foundations and septic/mound systems. In the next three to five years, Minnesota Power will be selling leased property. A number of these properties will require compliance inspections for their septic systems. A dependable supply of septic sand in the area would keep the cost relative. The tree farm will continue to be managed under the supervision of Bell Pole. The intended use of the property at the end of the borrow pit would be for residential development.

Carla Kaneski, 6040 Lavaque Road, spoke on behalf of the Kaneski family. The Kaneski family has been residents of Fredenberg Township for over 100 years. They have sat on the township board, have been with the fire department and have worked on planning and building. Lakehead has been in Fredenberg Township for 71 years. They have helped the community and have provided jobs. They want to be a part of the development of this community.

Seventeen members of the audience spoke in opposition:

Melissa Bell, 6382 Beaver River Road, stated that she grew up in Fredenberg and is used to co-existing with borrow pits. She is concerned about safety and the environmental impact. She referenced a letter from St. Louis County Public Works, which stated that Fish Lake Road is safe and will be safer when the road is reconstructed. She is hopeful that the Fish Lake Road reconstruction will be in 2023 but there is no guarantee. The road is so dangerous at present and the speed limit is not observed. Regarding the environmental impact, was LTI required to do an environmental permit to check to see how this would affect the property? There are migratory birds and cranes on the property. The community has a lot of questions and they feel they are being told 'tough luck.'

Greg Flanagan, 6467 Fredenberg Lake Road, stated he is concerned that the number of residences in the area is higher than what staff has stated. There is a significant amount of residential properties that border three of the four sides of the subject property except to the south. While there is a pit within 600 feet, this is a dormant pit that is mostly used for auto mechanics and the storage of vehicles. There may be 11 pits within 1.5 miles of the proposed pit, but there are a significant number of properties that have nothing to do with that use. He asked if the proposed 19 acres is considered critical to development of the local area. The intent of the township study is to assess and make a determination based on facts and findings of ARDC, a local government agency. He asked the Planning Commission allow the township study to be carried out prior to the Planning Commission's final decision.

Mike Olson, 4931 Fish Lake Road, stated that he is concerned about the letter from St. Louis County Public Works. The traffic engineer stated that the sight distance is too short for any trucks coming in or out of the pit's entrance. This is a matter of if, not when, there will be accidents. This is a residential area for families and homes, not the place for a borrow pits. This proposed pit does not meet any of the criteria for approving a borrow pit.

Jason Campbell, 6586 Fredenberg Lake Road, stated the pit 600 feet to the south is not in use. They are a young family and spend their summers outside. They are concerned about the noise from back-up alarms.

Bruce Anderson, 4929 Fish Lake Road, stated that he attended the March 2020 hearing and heard every reason to vote no. Every road report has supported a no vote, even though the county engineer has given approval stating road conditions would improve in three years. This proposed pit is in close proximity to Fredenberg Lake, Island Lake, Deepwater Lake and Olson Lake, as well as being surrounded by wetlands. This proposed pit would trap residents between this pit site and the Dirt Works pit on Pioneer Road giving no relief from dust, noise and diesel fumes for ten or more years. This is the wrong place for a pit. Satellite imagery is not adequate in showing the area. He recently contacted Congressman Pete Stauber concerning this proposed pit and received a call back from the Congressman's office stating that there would be no involvement unless requested by Commissioner Nelson. This request is more complicated than average. He asked why Congressman Stauber was not petitioned for his involvement.

Kelly Grgas, 1318 Mississippi Avenue, stated that she attended the March 2020 hearing. She has spent her entire life on Fredenberg Lake. Her family was planning on buying some of her mother's property off of Miller Lane to build a small house for her family and her young children. There is no way that she would build if there is a pit across the street. She would not subject her young children to the noise, environmental impact and road safety. She would see this area where there are people moving in as the value of dirt. The roads are not safe; they run and bike out there and they are driven off the road now. It would become worse adding in truck traffic for the pit. She is concerned that Fredenberg Township could become an area for gravel pits and she does not want to move her family out there. She asked the Planning Commission to hear the people who are out there.

Patty Wheeler, 6516 Fredenberg Lake Road, asked the Planning Commission to focus on the facts. Fredenberg Township has been trying its best to protect its people. Fredenberg Township has revised and updated its own comprehensive land use plan which provides township residents and the Planning Department with a document that is a guide for when they are making land use decisions within Fredenberg Township. She asked that the township be given a voice. Fredenberg had its first resolution against this proposal because the Fredenberg land use plan is being ignored. The entire community is against this proposal and nothing has brought the people of this community together like this. This is a rural residential area. Dropping a gravel pit in the middle of a long-existing neighborhood is not compatible. There are also lakes and wetlands in the area. Hundreds of residents do not want to share their peaceful neighborhood with a gravel pit. This is not compatible if it diminishes quality of life and the surrounding environment, if it creates more traffic safety issues, or if it lowers property values. This property is not LTI's only option. This is not the only company that does the road construction, building or septic work. She was told by Walter Rapp, Fredenberg Township supervisor, that three studies have been done on Fish Lake Road. Two of the three road studies have stated this road is unsafe. Lakehead has been a part of the community and they carry a lot of power in this community. However, they have kept this proposal a secret from the neighbors. Lakehead has listened to all of this and they did not address any of the concerns in their second application. They can never get a break from this, even with restrictions, with chronic dust and noise. She asked that the Planning Commission protect her neighborhood, her quality of life and to let the township have a say in this.

Jayme Malenius, 5350 Beaver River Road, stated she grew up in this area. She is concerned about the quality of Fish Lake Road and Beaver River Road and the increased truck traffic. The traffic engineer talked about how there are six foot shoulders and that should be fine for the trucks hauling on the road. However, this area does not have the six foot shoulders or fog line. In the Fredenberg comprehensive plan, it stated that the 2018 demographics include 25.4 square miles of land with 6 gravel pits. Gnesen Township has 61.5 square miles of land and 8 gravel pits. Fredenberg Township has had their fill of gravel pits. They should close those that are not in use and use the existing gravel pits. Existing pits could be used now and there is no need for a new gravel pit.

Katherine Harris, 4813 Datka Road and 6601 North Datka Road, stated she has grown up in this area and spent every summer along Fredenberg Lake. They were not notified of this hearing because they do not live within the notification area. She is concerned about the noise and dust that would affect all properties along Fredenberg Lake as well as Island Lake. She asked the Planning Commission to vote against.

Tom Keyser, 4813 Datka Road and 6601 North Datka Road, stated the applicant mentioned that the end use of the property is residential. How long would that take? His wife's family has been there 62 years and have been good stewards of their property.

Wendy Johnson, 6522 Fredenberg Lake Road, deferred to Ken Johnson for comment.

Ken Johnson, 6522 Fredenberg Lake Road, stated he is the President of the Fredenberg Lake Association. The 27 homeowners around Fredenberg Lake that are impacted by this borrow pit are all opposed. He encouraged the Planning Commission to support the township moratorium and the ARDC study. They are investing \$25,000 on the study and they would like the opportunity to finish the study before the Planning Commission makes their final decision. He asked about maintaining the tree farm and how long it will be maintained for. This use is not compatible with the existing neighborhood. A majority of the neighborhood is opposed to this. A gravel pit has no place in this neighborhood.

Janet Olson, 4931 Fish Lake Road, stated that there could be 160 loads per day in and out of the pit. University of Minnesota Duluth (UMD) Professor Tim Craig brings his classroom out to study the bogs. From an aerial map, he said that it could be total devastation from all of the pits. They do not need another gravel pit. She is concerned that this will cost their neighbors too much. They are not against gravel pits, but the placement of them. She asked the Planning Commission to allow the study to be completed to see if this is an appropriate place.

Calvin Janisch, 4843 Datka Road, stated he has owned a cabin in the area for over 30 years. He is 88 years old and is no stranger to gravel pits. He is aware of the need for gravel pits, but also the negative impact they can have on the environment. There are two basic responsibilities of government: to protect the safety and quality of life for the individual residents and communities. The second is to maintain the economy. Their one option is to make their voices heard. LTI Holdings has the option of finding another location for its gravel pit. He is concerned about a gravel pit operation in a vulnerable area that would diminish their joy of living in the area, and their ability to protect the natural characteristics and their property values. He asked the Planning Commission to protect their way of life.

Daryl Harper, 3706 Decker Road, stated his family has owned property at 6534 Fredenberg Lake Road since 1908. He asked the Planning Commission to consider everything on its merits.

Peter Seglem, 6520 Fredenberg Lake Road, stated he has only been on the lake for a few years. When they were searching for their dream house, they wanted to be in a quiet neighborhood and on the lake. After living on Park Point, he was done with traffic issues. He did not pick this area for a gravel pit. He would not choose this property if there was a gravel pit this close. He is concerned he would have to move. He asked that the Planning Commission allow the ARDC study be completed before making their decision.

Mike Anderson, 6456 Olson Drive, stated this gravel pit would have a huge impact on their residential neighborhood. He is concerned that the site sketch showed a 50 foot setback where he

thought the setback is 100 feet. He understands the need for gravel and he would be willing to pay more for any gravel he may need.

Time was given for those on mobile devices to have the opportunity to speak. No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Pollock* inquired if portable hot mix and the recycling of asphalt would not be allowed? *Donald Rigney* stated that these uses would be allowed with an Extractive Use-Class I Performance Standard Permit for a two year road project. While these are uses allowed with an Extractive Use-Class II, the Planning Commission might want to consider adding the condition that these two uses are only allowed with an additional Extractive Use-Class I Performance Standard permit to make assurances that all standards are in place.
- B. Commission member *Svatos* inquired about the temporary moratorium. *Thomas Stanley*, St. Louis County Attorney's Office, stated that the process that currently exists is to apply to the St. Louis County Planning Commission for borrow pits. The application was submitted to the county and because the county has been processing conditional use permits within Fredenberg Township, pursuant per MN Statute 15.99, the Planning Commission has to act on the application. Fredenberg Township does not have a Planning Commission nor does that Township process conditional use permit applications at this time.

ORIGINAL MOTION TABLED FROM MARCH 12, 2020

Motion by Svatos/Nelson to deny a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II, based on the Town of Fredenberg resolution points 1 and 3:

1. The permit does not comply with our Fredenberg Concept Map (part of Fredenberg Township Comprehensive Land Use Plan, which St. Louis County reviewed and accepted to use as a guideline for planning and zoning in our community), which places the said property as "rural residential."
3. There are adverse effects to local properties/residents in the area: traffic noise, dust, and changing the character of the neighborhood.

Commissioner *Nelson* withdrew his second for the motion. The motion has failed.

FIRST MOTION

Motion by Svatos/Pineo to deny the request for a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II without prejudice in order to give the Arrowhead Regional Development Commission (ARDC) time to complete their moratorium study and to allow the applicant to return after the study is completed.

DISCUSSION ON MOTION

- A. Commission member *Pollock* inquired if there is a time limit on a denial without prejudice. *Jenny Bourbonais* stated that there is not necessarily a time limit. The denial without prejudice would stand until such time as information is provided as to why the motion was

denied without prejudice in order to proceed with a hearing. In this case, the information requested is for the study to be done and once the study is done, the hearing could be re-held.

- B. Commissioner *Nelson* stated he had been approached by members of the audience after the March 2020 hearing. He told them that this application met the criteria and that they should meet with LTI for a plan moving forward.
- C. Commissioner *Nelson* stated that he spoke with Congressman Stauber and explained there was no reason to get Congressman Stauber involved.
- D. Commissioner *Nelson* stated that Supervisor Rapp was mentioned as having said a number of safety studies had been done on the road. The St. Louis County Public Works traffic engineer stated in his letter that the entrance for this proposed borrow pit located at the proposed easement at Fish Lake Road would be reasonably acceptable from a traffic safety perspective.
- E. Commissioner *Nelson* added that he has heard from many people on this issue. The Fredenberg Town Board has been split on this issue. If we deny this application, we could be setting a dangerous precedent for the Planning Commission. If there is a proposal that is not liked, anyone could go to their township board and have a moratorium put on.
- F. The ARDC study should go forward to study the impact of borrow pits and how it relates to Fredenberg Township.
- G. Commission member *Pollock* asked about the condition about approval from the appropriate road authority. Commissioner *Nelson* stated that the process is when an application is submitted, the traffic engineer goes out to view the site and the application. They get a preliminary approval to install an entrance and, at that point, the traffic engineer will make a final approval as the appropriate road authority. There will be at least one more site visit on this driveway entrance.
- H. Commission member *Pollock* asked if there have been any environmental issues brought up with certain birds in the area. *Jenny Bourbonais* stated that no information has been received stating that this proposal would affect wildlife. No mandatory environmental study has been required at this point.
- I. Commission member *Pollock* asked if Fredenberg Township is planning on taking their permitting back based on the moratorium. With what the moratorium may decide, the township would need their own Planning and Zoning department to take care of this.
- J. Commission member *Werschay* stated she is getting mixed answers from Fredenberg Township because two supervisors support this proposal.
- K. Commissioner *Nelson* stated that while he has not seen any indication that Fredenberg Township wants to take back their zoning authority, he has seen that Fredenberg Township wants zoning authority on their gravel pits.
- L. Commission member *Skraba* stated that he is looking for the facts versus feeling. A lot of what he heard is that the residents do not like this. To deny this permit would require findings.

Commission member *Svatos* has withdrawn his motion. The motion has failed.

SECOND MOTION

Motion by Nelson/Skraba to approve a conditional use permit to allow 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 proposed site falls within the Lakeshore Development Area (LDA) of the St. Louis County Comprehensive Land Use Plan. This area is intended for rural development next to lakes including infill, new and redevelopment of residential properties, as well as commercial and mixed uses.

B. Neighborhood Compatibility:

1. The property is located approximately 175 feet from the shoreline of Fredenberg Lake. The majority of the parcels within this area are larger except for the shoreland riparian areas. Most are residentially developed.
2. There are 15 residential dwellings within a quarter mile of the subject property. This does not include the residential dwelling on the subject property.
3. The closest residence, not on the parcel, from the proposed haul road is 187 feet. The same residence is 230 feet to the south of the pit area. All undisturbed buffer areas will be maintained. The distance from the existing residence has changed due to the haul road location change.
4. The proposal includes crushing and portable hot mix which has the potential for an increased impact to surrounding residential properties through added noise and smell.
5. The proposal states that, on average, 20 trucks will leave the pit per day which has the potential to impact residential properties with added noise and traffic.

C. Orderly Development:

1. The development in the area is primarily residential. However, there are two borrow pits within one half mile of the proposed pit; the closest being 600 feet to the south of the subject parcel.
2. There are a total of 11 privately owned authorized borrow pits within 1.5 miles of the subject property.
3. The property, as well as the surrounding area away from the lakes, is zoned Multiple Use (MU). This zone district allows for a wide range of uses including borrow pits, commercial and residential uses.
4. The subject parcel and the surrounding area away from the lakes is zoned Multiple Use (MU)-4 requiring a minimum of 4.5 acres; however, the majority of the parcels are between 6 acres and 40 acres.

D. Desired Pattern of Development:

1. Development consists of lakeshore homes along the riparian corridor with larger acreage residential parcels and two borrow pits outside the shoreland area.
2. The future land use map identifies the proposed area within the Lakeshore Development Area. As stated in the St. Louis County Comprehensive Land Use Plan, the LDA is given flexibility necessary to allow for evolving nature of the rural economy which includes allowances for businesses that are essential to the ability to live and work in rural areas.

E. Other Factors:

1. The proposed entrance onto Fish Lake Road has been deemed reasonably acceptable from a traffic safety perspective by St. Louis County Traffic Engineer.
2. For specific road projects, an Extractive Use – Public Works Project Borrow Pit application may be submitted.
 - a. This application allows crushing, portable hot mix and the recycling of asphalt within the limited timeline of the authorized use.

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 as legally described as the NW1/4 of NW1/4, S24, T52N, R15W including the haul road as described in the letter of intent, Exhibit A between the applicant and adjoining property owners.
3. The applicant shall adhere to all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.
5. No crushing, recycling of asphalt or hot mix plant allowed without the submission and approval of an Extractive Use-Class I Performance Standard Permit.

DISCUSSION ON MOTION

- A. Commission member *Filipovich* stated that the Fredenberg Town Board vote was 3-2 to hire ARDC for the moratorium study. This does not say that every township board member was for this study.
- B. Commission member *Pollock* asked when the county took over Fredenberg planning and zoning. *Jenny Bourbonais* stated that it was in the late 1980s or early 1990s.
- C. Commission member *Skraba* stated that there may be 20 trucks a day and they will be using an arterial road. All of us pay more on those roads. This will hopefully bump this up into fixing this road a little sooner. This is compatible with the neighborhood if there are 11 gravel pits within 1.5 miles. He cannot justify using the moratorium when he votes.
- D. Commission member *Pollock* stated the final approval of the access road has not been done and Condition 5 is also important to consider.

DECISION

The motion, as stated above, was approved as follows:

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

Motion to adjourn by Skraba. The meeting was adjourned at 2:16 p.m.