

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY VIA WEBEX AND IN-PERSON AT THE ST. LOUIS COUNTY GOVERNMENT SERVICES CENTER, LIZ PREBICH ROOM, VIRGINIA, MN ON THURSDAY, FEBRUARY 8, 2024.**

9:11 AM – 10:16 AM

Planning Commission members in attendance: Tom Coombe  
Steve Filipovich  
Dan Manick  
Pat McKenzie, Chair  
Commissioner Keith Nelson  
Dave Pollock  
Diana Werschay  
Andrea Zupancich

Planning Commission members absent: Ross Petersen

Also present: Kristen E. Swanson, St. Louis County Attorney's Office

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

**NEW BUSINESS:**

- A. Casey Lindgren, a conditional use permit for an Auto dealership/storage business as a Commercial, Retail and Service Establishment – Class III
- B. Troy Williams (WT Superior Properties), a conditional use permit for a Commercial Short Term Rental as a Commercial, Retail and Service Establishments – Class II

**OTHER BUSINESS:**

**Motion by Manick/Werschay** to approve the minutes of the January 11, 2024 meeting.

**In Favor:** Coombe, Filipovich, Manick, McKenzie, Nelson, Pollock, Werschay - 7

**Opposed:** None - 0

**Abstained:** Zupancich - 1

**Motion carried 7-0-1**

*Donald Rigney* stated that Ordinance amendment workshops will be scheduled later as staff is still reviewing potential Ordinance amendments.

Commission member *McKenzie* noted that during the January 2024 Planning Commission meeting, both Commissioner *Nelson* and Commission member *Coombe* disclosed they knew one of the applicants. In the Ordinance, in the event of an issue relating to a conflict of interest, the Planning Commission is supposed to take a vote. This will be done in the future.

Commissioner *Nelson* stated that during the County Board, the question is asked if anyone has a conflict on a particular matter. There is no vote taken. There is just a disclosure. He requested this

matter be brought to the St. Louis County Attorney's Office to review and interpret this for the Planning Commission.

## **NEW BUSINESS:**

### **Casey Lindgren**

The first hearing item is for Casey Lindgren, a conditional use permit for an Auto dealership/storage business as a Commercial, Retail and Service Establishment – Class III. The property is located in S5, T53N, R19W (Elmer). Commissioner *Nelson* disclosed he spoke with the applicant but not about this case specifically, but how to go about doing what he needed to do.

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

- A. The applicant is proposing to operate an auto dealership/storage business within an existing building that was previously used as a furniture warehouse for Schneiderman's Furniture.
- B. The furniture store was located across the road and has been closed for over a decade.
- C. The proposed hours of operation are Monday through Friday from 7:00 a.m. until 3:00 p.m.
- D. The parcel contains a large storage building, septic system and well.
- E. The existing building encompasses most of the property. There is no screening from the road and limited screening to adjacent parcels.

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

- A. Plans and Official Controls:
  1. St. Louis County Zoning Ordinance 62, Article V, Section 5.65 A., allows an auto dealership/storage building as a Commercial, Retail and Service Establishment Use-Class III, with a conditional use permit.
  2. St. Louis County Comprehensive Land Use Plan Goal LU-4.2 states that when development opportunities do arise in isolated areas, ensure such development is self-supporting and is otherwise consistent with the County Comprehensive Land Use Plan.
  3. St. Louis County Comprehensive Land Use Plan Goal LU-4.3 is to encourage infill, redevelopment or reuse of vacant commercial or industrial properties.
  4. St. Louis County Comprehensive Land Use Plan Goal LU-7 is to provide opportunities for commercial development to serve local and regional markets throughout the county.
- B. Neighborhood Compatibility:
  1. The proposal is to establish a commercial business within an existing building that was previously used for furniture storage for the Schneiderman's furniture store located across the road.
  2. There are three residential properties located within 350 feet of the proposal. The closest residence is 62 feet from the adjacent parcel to the north.
- C. Orderly Development:
  1. There is not a lot of potential for future development beyond what currently exists due to the remote location and large tracts of forested and agricultural land.

D. Desired Pattern of Development:

1. The area has been historically developed as both residential and commercial.
2. The proposed use is allowed with a conditional use permit and will not significantly change the pattern of development in the area.

*Mark Lindhorst* noted no items of correspondence.

**RECOMMENDED CONDITIONS**

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for an auto dealership/storage business as a Commercial, Retail and Service Establishment Use - Class III, the following conditions shall apply:

1. St. Louis County Onsite Wastewater SSTS standards shall be followed.
2. Lighting shall be directed downward in accordance with dark sky standards.
3. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
4. The use shall comply with all local, county, state, and federal regulations.

*Casey Lindgren*, 10241 Arkola Road, Toivola, the applicant, stated he is working on getting his dealership license. In order to obtain his license, he needed zoning verification which includes a conditional use permit. He intends to sell cars and trucks, and store boats and recreational vehicles (RVs).

No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Zupancich* asked if the applicant owns the building. *Casey Lindgren* stated his father owns the building. Commission member *Zupancich* asked if they are using the structure right now. *Casey Lindgren* stated they are storing things for friends.
- B. Commission member *Manick* asked if the applicant will also work on cars. *Casey Lindgren* stated he will be. He was asked what he does with used oil and he stated that he stores it. People approach him for that oil to use for heating. Commission member *Manick* stated this is a large building and asked if there will be cars stored outside. *Casey Lindgren* stated he will not have hundreds of cars. He is just a one-man shop. There is enough storage inside to keep all vehicles inside. He is required to have a certain number of spaces available for an auto dealership.
- C. Commission member *McKenzie* asked if the auto dealership would be a used car dealership. *Casey Lindgren* stated it will be. He does not intend to sell hundreds of cars and is looking to keep himself busy.
- D. Commission member *McKenzie* asked if the applicant is currently operating a shop in the building. *Casey Lindgren* stated he does some work if local people need help.
- E. Commission member *Filipovich* asked if there are two buildings. *Casey Lindgren* stated there are two buildings. His shop operates out of one of the two buildings. Commission member *Filipovich* noted he was in the original furniture store.

## **DECISION**

**Motion by Manick/Werschay** to approve a conditional use permit for an auto dealership/storage business as a Commercial, Retail and Service Establishment Use - Class III, based on the following facts and findings:

**A. Plans and Official Controls:**

1. St. Louis County Zoning Ordinance 62, Article V, Section 5.65 A., allows an auto dealership/storage building as a Commercial, Retail and Service Establishment Use-Class III, with a conditional use permit.
2. St. Louis County Comprehensive Land Use Plan Goal LU-4.2 states that when development opportunities do arise in isolated areas, ensure such development is self-supporting and is otherwise consistent with the County Comprehensive Land Use Plan.
3. St. Louis County Comprehensive Land Use Plan Goal LU-4.3 is to encourage infill, redevelopment or reuse of vacant commercial or industrial properties.
4. St. Louis County Comprehensive Land Use Plan Goal LU-7 is to provide opportunities for commercial development to serve local and regional markets throughout the county.
5. The use conforms to the land use plan.

**B. Neighborhood Compatibility:**

1. The proposal is to establish a commercial business within an existing building that was previously used for furniture storage for the Schneiderman's furniture store located across the road.
2. There are three residential properties located within 350 feet of the proposal. The closest residence is 62 feet from the adjacent parcel to the north.
3. This proposed use is not much different than what the property was used for in the past.
4. The use is compatible with the existing neighborhood.

**C. Orderly Development:**

1. There is not a lot of potential for future development beyond what currently exists due to the remote location and large tracts of forested and agricultural land.
2. The use will not impede the normal and orderly development and improvement of the surrounding area.

**D. Desired Pattern of Development:**

1. The area has been historically developed as both residential and commercial.
2. The proposed use is allowed with a conditional use permit and will not significantly change the pattern of development in the area.
3. The location and character of the proposed use is considered consistent with a desirable pattern of development.

The following conditions shall apply:

1. St. Louis County Onsite Wastewater SSTS standards shall be followed.
2. Lighting shall be directed downward in accordance with dark sky standards.
3. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.

4. The use shall comply with all local, county, state, and federal regulations.

**In Favor:** Coombe, Filipovich, Manick, McKenzie, Nelson, Pollock, Werschay, Zupancich - 8  
**Opposed:** None - 0

**Motion carried 8-0**

**Troy Williams / WT Superior Properties**

The second hearing item is for Troy Williams (WT Superior Properties), a conditional use permit for a Commercial Short Term Rental as a Commercial, Retail and Service Establishments – Class II. The property is located in S17, T51N, R17W (Industrial). *Ada Tse*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval to operate a commercial short term rental at the site address with no personal use of the property.
- B. The property consists of over 40 acres with a dwelling, a garage, and two sheds along the Cloquet River.
- C. There is good vegetative screening throughout the property.
- D. There are wetlands on the property that will not be impacted by the proposal.

*Ada Tse* reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
  1. St. Louis County Zoning Ordinance 62, Section 6.32, states that if a property is used primarily for rental purposes, then it shall be deemed a Commercial Use-Class II as a commercial short term rental and subject to ordinance requirements.
  2. Zoning Ordinance 62, Article V, Section 5.6 C., states that a Commercial, Retail and Service Establishments Use-Class II is an allowed use in the Shoreland Multiple Use (SMU) zone district with a conditional use permit.
  3. Objective ED-2.1 of the St. Louis County Comprehensive Land Use Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.
  4. Objective LU-7.2 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
- B. Neighborhood Compatibility:
  1. The property is zoned Shoreland Multiple Use (SMU) with surrounding area zoned Multiple Use (MU).
    - a. A commercial short term rental is an allowed use in the SMU zone district provided a conditional use permit is granted.
  2. The surrounding area consists of a mix of residential, vacant, public lands, and extractive uses.
  3. There have been four conditional use permits issued in the area for a borrow pit, a township community building, a communication tower, and for a campground/woodworking school.
- C. Orderly Development:
  1. The parcels in the immediate riparian area are zoned SMU.

- a. Due to the underlying zoning, future development may consist of a variety of uses.
2. The proposed use requires a conditional use permit but would be similar in nature to other short term rental uses.

D. Desired Pattern of Development:

1. The desired pattern of development appears to be a mix of residential, extractive, and public uses.
2. Because this area is zoned Shoreland Multiple Use, a variety of futures uses would be allowed and encouraged where appropriate in the area.

E. Other Factor:

1. The Onsite Wastewater division failed the record review. The applicant is in the process of applying for a new SSTS.

*Ada Tse* noted four items of correspondence from Byron Paulson, Verna Molina, and Mark Paulson not in support and from Industrial Township with no comment. These items were provided to the Planning Commission prior to the hearing.

## **RECOMMENDED CONDITIONS**

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for a commercial short term rental as a Commercial, Retail and Service Establishments Use - Class II, the following conditions shall apply:

1. All St. Louis County short term rental standards shall be met.
2. All local, state, and federal requirements shall be followed for taxing, licensing, permitting and other applicable requirements.
3. All Onsite Wastewater SSTS standards shall be followed.

*Troy Williams*, 4793 Highway 35, Saginaw, the applicant, stated he was born and raised in Saginaw. He owns a small construction business after working for Northland Constructors for 17 years. He was hired to come to this property after a fire in 2021 burned down a structure and hundreds of trees. These trees were still standing but were dead and dangerous and large. He was hired to clean up the mess by the previous landowner. He purchased the property from that landowner. This property is an investment. He did the clean-up work. Four days after closing on the property, half of a white pine tree fell onto the garage roof. There are still a few trees standing up by the road that are dead from the fire. A lot of white pine trees were dead many feet up. There are way more trees than he could handle. He had the property logged off while renovating the house. That was the concern he saw going through the correspondence.

He can see people parking in Independence and kayaking or canoeing down the Cloquet River to their vacation rental. He is considering adding cross country ski trails on the property. The property is not far from snowmobiling trails. He hunts and fishes but is not a commercial developer by any means. There is a good opportunity here.

Two audience members spoke.

*Byron Paulson*, 10822 Oxborough Avenue, Bloomington, stated he co-owns a small seasonal cabin across the river from this property. This property has been in the family since 1972. His parents owned a small general store in Burnett. Although he no longer lives in this area, he has ties to the area. One issue is communication as everyone knew their neighbors and talked to neighbors about any changes being made. When the trees were cleared, sometimes to the bank of the river, there was no screening. There was no word given to any neighbors that this was being done. Their first indication this was going to be a vacation rental was when they received their letter from St. Louis County. The lack of communication led to rumors which led to distrust, and they heard anything from this property being turned into a campground to a nursing home to being subdivided into many lots. His concern is not that this will be a vacation rental. Cloquet River is a heavily used river. He spoke with kayakers the last time he was at his cabin, and they expressed disappointment that the area had been clear-cut. There are ways to log that minimize the impact on the neighbors and to the environment. He spoke with Ada Tse last week and she indicated there should be a 200 foot vegetation buffer and some restoration work needs to be done here. He also questioned how much this fire burned. He disagrees with the staff report stating there is good vegetative screening because there were no photographs taken from the river and there is no screening from the river. There should be similar screening on river property as there is on lakefront property. If there is work done to restore the required vegetative screening from the river to the area that would cover his objection.

*Verna Molina*, 3048 Hidden Forest Court, Green Bay WI, stated she submitted correspondence and stands by her comments. She expressed concerns about clearcutting and the restoration of the shoreline. This was a beautiful riverbank that is no longer there. How many years will it take to grow back?

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *McKenzie* stated the pictures provided by staff appear to show a clear-cut of these trees. He asked if these trees were diseased? *Troy Williams* stated that for every tree they looked at to save, the top ten feet of the tree was dead and barren and ready to collapse. This may have been caused by porcupines. Every time there was a heavy wind, there would be a tree falling. He had nightmares about seeing a tree fall on his renovated building. There were clusters of trees packed so closely together that there was no view of the river and was difficult to walk through there. He was told by loggers that this should have been managed before but was not.
- B. Commission member *McKenzie* asked if the applicant plans to plant any trees. *Troy Williams* stated he would love to plant evergreens. He added that the railroad property used to be part of a gravel pit that was used to build that area up. These trees were planted after removing the gravel. It was a reset to get a yard established. He had a Minnesota state certification in stormwater management. He can check for erosion issues whenever it rains. While they removed the vegetation the roots are still there.
- C. Commission member *Manick* referenced the pictures submitted with correspondence showing the clearcut vegetation. It would be different if these were white pine stumps that needed to be removed. *Troy Williams* stated most of the white pine trees were around the

house. Commission member *Manick* stated there are tree diseases that impact the area aside from any porcupines.

- D. Commission member *McKenzie* asked if there was an objection to the vacation rental or if the only objection was to the clearcutting and deforestation. *Byron Paulson* stated the issue is clearcutting. The existing house has been there for over 40 years. He had no objection to a short term rental. He does object to the screening aspect. The logging could have been done better.
- E. Commission member *Filipovich* asked who controls the vegetation clearing setbacks. *Donald Rigney*, Acting Secretary, stated there are vegetation removal standards in Ordinance 62, Article VI, Section 6.18 A.3.: “Harvesting timber and associated reforestation activities outside the shore and bluff impact zone and on steep slopes is allowed if conducted consistent with Forest Best Management Practices developed by the State of Minnesota.” No permit is required if outside of the shore impact zone, which would be 150 feet.
- F. Commissioner *Nelson* stated his family owns three-quarters of a mile of river frontage on the St. Louis River. They are aware of rules pertaining to the river and how far back they have to be. They can cut a percentage of trees along the river, but they have to leave about 30 percent of the trees within the shore impact zone. If someone is cleaning up a spot and is going to revegetate, silviculture is allowed along rivers to prevent erosion. That is why there are limitations on the number of trees that can be removed. Commission member *McKenzie* added this is part of the Ordinance.
- G. Commission member *Manick* stated he appreciates the pictures included in the correspondence because nothing like this was provided in the staff report. If there is proper screening on the neighboring property, how could anyone see this property across the river? *Byron Paulson* stated they can see this property from the river. Their property is heavily wooded. He talked to people who kayak or canoe by their property and these people were unaware there was a cabin there.
- H. Commission member *McKenzie* stated there are two separate issues here. There is the vacation short term rental and there is the vegetation removal. He understands the neighbors’ concerns after seeing the pictures provided in the correspondence. He also understands the applicant’s explanation of clearing diseased trees.
- I. Commission member *Manick* stated all the discussion has been about clearcutting vegetation. If this applicant wants to attract people to this property, there may be a picnic table by the river or things like that. It would be in the applicant’s best interest to restore the trees. However, a white pine cannot be planted and expected to grow like aspen does. Planting trees will take some time.
- J. Commission member *Coombe* stated white pines do not grow overnight. He understands the neighbors’ concerns. He also does not want to look at a clearcut place. A condition could be added that a restoration plan shall be submitted and approved by St. Louis County staff by no later than July 1, 2024. This plan will say what type of trees they can place along the river and how many, etc. He believes the applicant wants to do the right thing and will get this taken care of. Commission member *Manick* asked if staff can enforce a restoration plan. *Donald Rigney* stated *Ada Tse* had already requested a restoration plan from the applicant. This would include a management plan for trees that do not survive. If the Planning Commission wants a condition to restore the shore impact zone, they can add one. Even if the short term rental is approved today, they would not receive their permit



certificate until the planting plan is submitted and approved. Staff can make the call if the plan is sufficient. Commission member *Coombe* stated if the applicant does not do this plan, staff can revoke the permit.

- K. Commission member *McKenzie* stated these are two separate things. Deforestation and reforestation are separate from what the applicant wants to do. Commission member *Werschay* asked how the applicant can get a permit if there are issues on the property. Commission member *McKenzie* stated he is in favor of restoring the vegetation, but the applicant could push back against this condition. *Donald Rigney* stated the planting plan would need to be submitted before the short term rental certificate is issued. Staff are looking at this as a compliance issue. If the applicant were applying for a permit to correct the issue, staff could process that. This is regardless of if a condition is added or not.
- L. Commission member *McKenzie* asked if this would require a permit for the work done. *Donald Rigney* stated that if the work was done outside of the shore impact zone, it would not require a permit.
- M. Commission member *Pollock* asked why a restoration plan needs to be spelled out. *Donald Rigney* stated there is a process based on the square feet that was cleared for a planting plan for trees and shrubs. Commission member *Pollock* stated a condition is not necessary if this is already part of the rules and regulations to get this permit.
- N. Commission member *McKenzie* asked if this is unnecessary because of the Ordinance or because of the recommended conditions. *Donald Rigney* stated *Ada Tse* already requested a planting plan. *Troy Williams* stated he received this request and read through it. The plan showed three foot trees and some arrangements for screening. Commission member *Manick* asked if the applicant would be okay with this as a condition in order to help staff. *Troy Williams* stated he does not want this process to hold up his ability to rent the property because it is February.
- O. Commissioner *Nelson* recommended the applicant work with the South St. Louis County Soil and Water Conservation District. They would review the plan for free and he would be able to work with the applicant. This is something he tells anyone who asks. Commission member *McKenzie* stated this is a business proposal; it would be in the applicant's best interest to clean up the property.

## DECISION

**Motion by Manick/Zupancich** to approve a conditional use permit for a commercial short term rental as a Commercial, Retail and Service Establishments Use - Class II, based on the following facts and findings:

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Section 6.32, states that if a property is used primarily for rental purposes, then it shall be deemed a Commercial Use-Class II as a commercial short term rental and subject to ordinance requirements.
2. Zoning Ordinance 62, Article V, Section 5.6 C., states that a Commercial, Retail and Service Establishments Use-Class II is an allowed use in the Shoreland Multiple Use (SMU) zone district with a conditional use permit.
3. Objective ED-2.1 of the St. Louis County Comprehensive Land Use Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.

4. Objective LU-7.2 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
5. This is not an area with a lot of vacation rentals.
6. The use conforms to the land use plan.

B. Neighborhood Compatibility:

1. The property is zoned Shoreland Multiple Use (SMU) with surrounding area zoned Multiple Use (MU).
  - a. A commercial short term rental is an allowed use in the SMU zone district provided a conditional use permit is granted.
2. The surrounding area consists of a mix of residential, vacant, public lands, and extractive uses.
3. There have been four conditional use permits issued in the area for a borrow pit, a township community building, a communication tower, and for a campground/woodworking school.
4. There has been discussion about deforestation and clearcutting. There was a good explanation as to why this area was cleared.
5. A vacation rental is an allowed use.
6. The use is compatible with the existing neighborhood.

C. Orderly Development:

1. The parcels in the immediate riparian area are zoned SMU.
  - a. Due to the underlying zoning, future development may consist of a variety of uses.
2. The proposed use requires a conditional use permit but would be similar in nature to other short term rental uses.
3. The use will not impede the normal and orderly development and improvement of the surrounding area.

D. Desired Pattern of Development:

1. The desired pattern of development appears to be a mix of residential, extractive, and public uses.
2. Because this area is zoned Shoreland Multiple Use, a variety of futures uses would be allowed and encouraged where appropriate in the area.
3. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. Commissioner *Nelson* recommended that the applicant contact the South St. Louis County Soil and Water Conservation District.
2. The Onsite Wastewater division failed the record review. The applicant is in the process of applying for a new SSTS.

The following conditions shall apply:

1. All St. Louis County short term rental standards shall be met.

2. All local, state, and federal requirements shall be followed for taxing, licensing, permitting and other applicable requirements.
3. All Onsite Wastewater SSTS standards shall be followed.
4. A shoreline vegetation restoration plan shall be submitted and approved by St. Louis County staff by no later than July 1, 2024.

**In Favor:** Coombe, Filipovich, Manick, McKenzie, Nelson, Pollock, Werschay, Zupancich - 8  
**Opposed:** None - 0

**Motion carried 8-0**

**Motion to adjourn by Pollock. The meeting was adjourned at 10:16 AM.**