

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD BOTH VIRTUALLY VIA WEBEX AND IN-PERSON AT THE ST. LOUIS COUNTY GOVERNMENT SERVICES BUILDING, LIZ PREBICH ROOM, VIRGINIA, MN ON THURSDAY, AUGUST 12, 2021.**

9:00 AM – 11:37 AM

Planning Commission members in attendance:

- Dave Anderson
- Tom Coombe
- Steve Filipovich
- Commissioner Keith Nelson
- Dave Pollock
- Roger Skraba, Chair
- Ray Svatos
- Diana Werschay

Planning Commission members absent: Daniel Manick - 1

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

**NEW BUSINESS:**

- A. Best Oil, LLC, a conditional use permit for a bulk fuel storage tank as an Industrial Use - Class II.
- B. Duane and Barb Kyrola, a preliminary subdivision plat consisting of 10 lots for residential development.
- C. Dan and Jennifer Bailey, a preliminary subdivision plat consisting of two riparian lots for residential development and one back lot. The back lot is a lot of record due to the location of McCarthy Beach Road.
- D. Cabins on Crane, Inc., a conditional use permit for a RV park as a Commercial Planned Development Use - Class II.

**OTHER BUSINESS:**

**Motion by Nelson/Svatos** to approve the minutes of the July 8, 2021 meeting.

**In Favor:** Anderson, Filipovich, Nelson, Pollock, Skraba, Svatos, Werschay – 7

**Opposed:** None – 0

**Abstained:** Coombe - 1

**Motion carried 7-0-1**

*Jenny Bourbonais*, Acting Secretary informed the Planning Commission that the St. Louis County Public Works Department is currently doing ditch work along Three Lakes Road in S33, T54N, R14W. A portion of the project will be located on or near a private gravel pit that received Planning Commission approval on June 11, 2020. This ditch work will include removal of trees and buffer along Three Lakes Road adjacent to the Kathleen and Willie Watters gravel pit. The pit operator is not asking for a waiver from buffer standards; however, Public Works has indicated the trees would be removed for St. Louis County's benefit and safety within the right-of-way and could be within the private property buffer. The trees would be unstable if they were left in place after the

ditch work. Public Works is going into the property owner's property in order to remove these trees outside of the road right-of-way.

**Motion by Nelson/Svatos** to approve the tree removal within the buffer area for safety reasons and to not hold the landowner accountable.

**In Favor:** Anderson, Coombe, Filipovich, Nelson, Pollock, Skraba, Svatos, Werschay – 8

**Opposed:** None – 0

**Motion carried 8-0**

*Jenny Bourbonais* introduced Katie Rothstein as the Planning Department's Information Specialist Supervisor.

### **NEW BUSINESS:**

#### **Best Oil LLC**

The first hearing item was for Best Oil, LLC, a conditional use permit for a bulk fuel storage tank as an Industrial Use - Class II. The property is located in S35, T61N, R13W (Unorganized). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval for a bulk fuel storage facility.
- B. The proposed operation will include installation of six 25,000-gallon tanks.
- C. Delivery tanker trucks will be housed on-site and parked within the existing storage building when not in use.
- D. Two accesses are being requested: one from Highway 70 and one from Robert Street.
- E. The standard hours of operation are being proposed from 6:00 a.m. until 11 p.m. seven days per week.

*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 E allows Industrial Use – Class II uses in a Commercial Zone district with a conditional use permit.
  2. The property falls under the Community Growth (CG) land use category of the St. Louis County Comprehensive Land Use Plan. The CG area is intended for both incorporated and unincorporated communities. When Community Growth areas are developed on the fringe of an incorporated city, it is expected that the area will be annexed by that city. The current property is adjacent to the City of Babbitt.
- B. Neighborhood Compatibility:
  1. The existing neighborhood consist of both commercial and residential uses. The parcel has historic use as an auto body business which is allowed with a land use permit in a Commercial (COM)-11 zone district.
  2. The adjacent property to the west has historic use as a bulk storage facility. Conditional use permits have been issued for bulk storage and mini-storage businesses to the east.
- C. Orderly Development:
  1. The proposed request is consistent with current and past approved uses.

2. Residential development is well-established within the Residential (RES)-12 zoning as well as commercial and industrial uses within the COM-11.

D. Desired Pattern of Development:

1. The pattern of development is consistent with what is typically found in residential and commercially zoned property. The large area of residential development to the north has been historically established for residential use and the properties to the east and west as commercial.
2. The St. Louis County Comprehensive Land Use Plan identifies this property as Community Growth area due to the proximity to the City of Babbitt. As stated in the plan if these areas are located on the fringe of an incorporated city, it is expected the area will be annexed by that city.

E. Other Factor:

1. The property is part of a subdivision plat that was approved in the 1960's.

*Mark Lindhorst* noted no items of correspondence.

**STAFF RECOMMENDATION**

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for a bulk fuel storage facility as an Industrial 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. The local fire department shall be made aware of the location of the new tanks.
2. All state and federal regulations for installation of a fuel tanks shall be followed.
3. All other county, local, state, and federal requirements shall be followed.
4. Existing vegetative buffer on parcel boundaries shall be maintained.

*Ryan Gilbertson*, 500 Commerce Way, Cloquet, Best Oil Company representative, stated there will be no retail sales from this facility. They will use this facility to provide fuel to North Shore Mining twice a day, fueling the equipment at the North Shore Mining site. An old lean-to building and all of the old storage piles have been removed from the Babbitt property. The only structure left is the storage structure to be used for the business.

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

The *Planning Commission* discussed the following:

- A. Commissioner member *Filipovich* asked if this will be a business with fuel tanks. *Mark Lindhorst* stated this will just be bulk storage. Best Oil is contracted with North Shore Mining and will bring fuel back and forth. This site will be used just for their trucks.

- B. Commission member *Skraba* stated that his concern was the smell as far as impacting nearby businesses and residences. *Ryan Gilbertson* stated that they operate many of these facilities across the state. The smell typically stays within the property boundaries.
- C. Commission member *Pollock* asked if the company would fuel tanks or individual pieces of equipment. *Ryan Gilbertson* stated they fuel up individual pieces of equipment. This is one of the few mining companies that gets fueled by a third party.

## **DECISION**

**Motion by Anderson/Filipovich** to approve a conditional use permit for a bulk fuel storage facility as an Industrial Use - Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:
  - 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6 E allows Industrial Use – Class II uses in a Commercial Zone district with a conditional use permit.
  - 2. The property falls under the Community Growth (CG) land use category of the St. Louis County Comprehensive Land Use Plan. The CG area is intended for both incorporated and unincorporated communities. When Community Growth areas are developed on the fringe of an incorporated city, it is expected that the area will be annexed by that city. The current property is adjacent to the City of Babbitt.
  - 3. This use conforms to the land use plan.
- B. Neighborhood Compatibility:
  - 1. The existing neighborhood consist of both commercial and residential uses. The parcel has historic use as an auto body business which is allowed with a land use permit in a Commercial (COM)-11 zone district.
  - 2. The adjacent property to the west has historic use as a bulk storage facility. Conditional use permits have been issued for bulk storage and mini-storage businesses to the east.
  - 3. This use will be compatible with the existing neighborhood.
- C. Orderly Development:
  - 1. The proposed request is consistent with current and past approved uses.
  - 2. Residential development is well-established within the Residential (RES)-12 zoning as well as commercial and industrial uses within the COM-11.
  - 3. The use will not impede the normal and orderly development and improvement of the surrounding area.
- D. Desired Pattern of Development:
  - 1. The pattern of development is consistent with what is typically found in residential and commercially zoned property. The large area of residential development to the north has been historically established for residential use and the properties to the east and west as commercial.
  - 2. The St. Louis County Comprehensive Land Use Plan identifies this property as Community Growth area due to the proximity to the City of Babbitt. As stated in the plan if these areas are located on the fringe of an incorporated city, it is expected the area will be annexed by that city.

3. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factor:

1. The property is part of a subdivision plat that was approved in the 1960's.

The following conditions shall apply:

Condition Precedent:

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

Conditions Concurrent:

1. The local fire department shall be made aware of the location of the new tanks.
2. All state and federal regulations for installation of a fuel tanks shall be followed.
3. All other county, local, state, and federal requirements shall be followed.
4. Existing vegetative buffer on parcel boundaries shall be maintained.

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

**Opposed:** None - 0

**Motion carries 8-0**

**Duane and Barb Kyrola**

The second hearing item was for Duane and Barb Kyrola, a preliminary subdivision plat consisting of 10 lots for residential development. The property is located in S25 T51N, R16W (Grand Lake).

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

- A. The applicant is requesting approval for a preliminary subdivision plat.
- B. The applicant is proposing 10 platted lots ranging in size from 2.5 to 2.88 acres. The minimum zoning requirement in this area is 2.5 acres.
- C. Lots 1 through 9 will be accessed by a platted road. Lot 10 will have direct access to a public road.
- D. A wetland delineation has been completed and approved.
- E. Septic and building site areas have been identified.

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

- A. Plans and Official Controls:
  1. St. Louis County Subdivision Ordinance 60, Article VIII, Section 8.1, requires a public hearing for conventional subdivision plats.
  2. The St. Louis County Comprehensive Land Use Plan Goal LU-4 states that development shall proceed in an orderly, efficient, and fiscally responsible manner and ensure that development opportunities in isolated areas are self-supporting. The subject property is adjacent to the Lakeshore Development Area of Pike Lake.

B. Neighborhood Compatibility:

1. The surrounding area is zoned residential. There are several residential properties adjacent to the proposed plat to the south and along Helm and West Pike Lake Road.

C. Orderly Development:

1. The intended purpose of the proposed plat is to provide suitable residential development that addresses road access, lot coverage, suitable building, and septic areas, as well as stormwater management. As proposed, the lots are suitable for residential development.

D. Desired Pattern of Development:

1. The adjacent parcels to the south have been recently subdivided for residential development through a Performance Standard Subdivision. The proposed subdivision will add additional residential parcels to the area which is consistent with the desired pattern of development.

E. Other Factors:

1. The septic suitability report has been reviewed by the St. Louis County On-Site Wastewater Division and it was determined there is sufficient area for at least two treatment areas, per lot.
2. Notice was sent to Pike Lake Area Wastewater Collection System Sanitary District. No comments have been received by the Pike Lake Area Wastewater Collection System Sanitary District regarding the proposal.
3. The St. Louis County Public Works Department had no comments on the proposed plat.
4. Final plat application is required by the St. Louis County Public Works Department and requires County Board approval prior to recording.

*Mark Lindhorst* noted four items of correspondence: one from the Town of Grand Lake in support, one from Vic Lund of the St. Louis County Public Works Department with no comment, one from Linda Hansen in opposition and one from Ronald K. Hettich on behalf of clients Bruce and Gretchen Coleman in opposition. This correspondence was provided to the Planning Commission prior to the hearing.

**STAFF RECOMMENDATION**

In the event that the Planning Commission determines that the proposal meets the criteria for preliminary plat approval, the following conditions shall apply:

1. The requirements of the Minnesota Wetland Conservation Act shall be followed.
2. The platted roads shall be constructed and approved by St. Louis County Public Works prior to recording.
3. All other county, local, state, and federal requirements shall be followed.

*Duane Kyrola*, the applicant, stated they have owned this property for approximately 50 years. They built their house in 1973 and have lived there for about 45 years. They have come up with different options over the years for what to do with the property. These will be good lots for family homes to raise their children. This could even raise the value of existing property and could be

good for the community. They have been working on this proposal for a year and a half to resolve issues and get people lined up. They meet all requirements for this plat.

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

*Ronald Hettich*, attorney for the neighboring Colemans, 112 North University Drive Suite 323, Fargo, ND, stated it is his understanding that the culvert was put in after Helm Road was paved. Mr. Kyrola stated that this culvert had been there since the beginning of time which is not true. This culvert allows water to drain from the north, cause flooding in the south ditch, and flood out the Colemans back yard. The pictures provided to the Planning Commission with the correspondence clearly show the flooding. The plat, while not up against Helm Road, is still causing an issue with water drainage. He asked that this culvert be plugged to protect the Colemans' property and any neighboring properties impacted by this culvert. He disagreed that the plat has nothing to do with the water issue.

The *Planning Commission* discussed the following:

- A. Commission member *Coombe* asked what the rise and drop is in the proposed plat. *Mark Lindhorst* stated there is about 28 feet between the lowest point of the property to the highest point of the property. The lowest part is likely in the northwest corner of the parcel.
- B. Commission member *Coombe* asked what kind of wetland was found on the property. *Mark Lindhorst* stated there were different types of wetlands on the property.
- C. Commission member *Coombe* asked what type of soils were found during the septic suitability testing. *Mark Lindhorst* stated this report was done by the applicant and reviewed by the On-Site Wastewater Division. The On-Site Wastewater Division reviewed this to see if it met their minimum requirements and it did.
- D. Commission member *Filipovich* asked if the applicant is aware of the drainage issues across Helm Road to the south. *Duane Kyrola* stated he read the correspondence. Commission member *Filipovich* asked if there is a drainage issue and if the applicant believes there is a solution. *Duane Kyrola* stated the Colemans have had issues with drainage since they built. He did try and get plans for the Helm Road reconstruction. There was a cross-culvert and natural drainage across Helm Road. Commission member *Skraba* stated that this is not included in the plat.
- E. Commission member *Filipovich* stated if there is an issue that needs to be resolved, he asked that the applicant resolve it. *Duane Kyrola* stated this is an issue for the county. He has not worked for the county.
- F. Commission member *Coombe* asked when the Coleman pictures were taken. *Duane Kyrola* stated these pictures could have been taken in 2012 and that was during the 500-year flood event.
- G. Commission member *Anderson* asked if the applicant had added any culverts to cause drainage issues to this property. *Duane Kyrola* stated he put in rock, but he never added culverts. He did bring in a dozer to clean up the property some.
- H. Commissioner *Nelson* asked if any of the lots in the proposed plat would drain south. *Duane Kyrola* stated that they will likely drain west or north, not south. Commissioner *Nelson* stated there is no property along the road included in the proposed plat.

- I. Commission member *Skraba* stated the contours in the proposed platted lots show that the drainage will flow north or west, not south. The plat is about 450 feet north of Helm Road. He added this is not the place to resolve the culver and drainage issue.
- J. Commission member *Pollock* asked if the applicant owns that part of the tax parcel which juts down. *Duane Kyrola* stated he still owns this piece of property.
- K. Commission member *Werschay* asked where the Colemans property is located. *Jenny Bourbonais* stated they are directly south of the Kyrola's property, across the road.
- L. Commission member *Filipovich* stated he did look at elevations for both the proposed plat and what the Colemans property is at. There is an elevation change and this issue could be fixed. *Ronald Hettich* stated two people have told the Colemans that there is an issue, but they have never been told how to resolve this.
- M. Commission member *Skraba* asked why the county has not addressed this culvert issue. *Jenny Bourbonais* stated that they reached out to the St. Louis County Public Works Department and were told this culvert was part of the road construction project. According to the 1990 construction plan, the plan was to replace the existing culvert. Commission member *Skraba* stated if there is a ditch on the north side of the road and it crosses the road with the culvert to the south side, the county should figure out how to deal with this water. The plat should not be blamed.
- N. Commissioner *Nelson* stated that ditches this close to a body of water are not allowed. The county is trying to maintain the integrity of the road. If there is a natural drainage point and a culvert is placed across, it is solely to maintain the integrity of the road and the road right-of-way. The culvert is for the road and is there to balance water.
- O. Commission member *Skraba* asked if the proposed plat affects this issue or if the Planning Commission has to do something about it.
- P. Commissioner *Nelson* asked if there is something the Planning Commission could do to address the neighbor's concerns and maybe limit impervious surface to minimize stormwater runoff. *Jenny Bourbonais* stated a condition could be placed regarding stormwater runoff, but impervious surface calculations are determined by the Zoning Ordinance, not necessarily as part of the platting process.
- Q. Commission member *Pollock* stated that one of the criteria is for normal and orderly development. The intended purpose of the proposed plat is to provide suitable residential development. That addresses boat access, lot coverage, suitable building and septic areas, and stormwater management. As proposed, the lots are suitable for residential development. These are rules that must be followed.
- R. Commissioner *Nelson* stated the applicant is not asking for anything different than what is currently proposed. They are not asking for increased lot coverage.
- S. Commission member *Coombe* stated these proposed lots have nothing to do with stormwater runoff.

## **DECISION**

**Motion by Anderson/Svatos** to approve a preliminary plat and to forward to the County Board for final plat approval, based on the following staff facts and findings:

- A. Plans and Official Controls:
  - 1. St. Louis County Subdivision Ordinance 60, Article VIII, Section 8.1, requires a public hearing for conventional subdivision plats.



2. The St. Louis County Comprehensive Land Use Plan Goal LU-4 states that development shall proceed in an orderly, efficient, and fiscally responsible manner and ensure that development opportunities in isolated areas are self-supporting. The subject property is adjacent to the Lakeshore Development Area of Pike Lake.
3. This use conforms to the land use plan.

B. Neighborhood Compatibility:

1. The surrounding area is zoned residential. There are several residential properties adjacent to the proposed plat to the south and along Helm and West Pike Lake Road.
2. This use will be compatible with the existing neighborhood.

C. Orderly Development:

1. The intended purpose of the proposed plat is to provide suitable residential development that addresses road access, lot coverage, suitable building, and septic areas, as well as stormwater management. As proposed, the lots are suitable for residential development.
2. The use will not impede the normal and orderly development and improvement of the surrounding area.

D. Desired Pattern of Development:

1. The adjacent parcels to the south have been recently subdivided for residential development through a Performance Standard Subdivision. The proposed subdivision will add additional residential parcels to the area which is consistent with the desired pattern of development.
2. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. The septic suitability report has been reviewed by the St. Louis County On-site Wastewater Division and it was determined there is sufficient area for at least two treatment areas, per lot.
2. Notice was sent to Pike Lake Area Wastewater Collection System sanitary district. No comments have been received by the Pike Lake Area Wastewater Collection System sanitary district regarding the proposal.
3. The St. Louis County Public Works Department had no comments on the proposed plat.
4. Final plat application is required by the St. Louis County Public Works Department and requires County Board approval prior to recording.

The following conditions shall apply:

1. The requirements of the Minnesota Wetland Conservation Act shall be followed.
2. The platted roads shall be constructed and approved by St. Louis County Public Works prior to recording.
3. All other county, local, state, and federal requirements shall be followed.

**In Favor:** Anderson, Coombe, Nelson, Pollock, Skraba, Svatos, Werschay - 7

**Dan and Jennifer Bailey**

The third hearing item was for Dan and Jennifer Bailey, a preliminary subdivision plat consisting of two riparian lots for residential development and one back lot. The back lot is a lot of record due to the location of McCarthy Beach Road. The property is located in S7, T60N, R21W. (French). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval for a preliminary subdivision plat.
- B. The applicant is proposing three platted lots ranging from 2.70 to 2.97 acres. The zoning minimum requirements are 0.5 acres and 100 feet of lot width.
- C. Proposed Outlot A is a lot of record. Outlot A is a nonriparian parcel on the north side of McCarthy Beach Road.
- D. The proposed parcels will have direct access off McCarthy Beach Road.
- E. Wetland assessment was completed and there were no wetlands found on the property.
- F. Septic and building site areas have been identified.
- G. This is very steep property and there is bluff.

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

- A. Plans and Official Controls:
  - 1. St. Louis County Subdivision Ordinance 60, Article VIII, Section 8.1, requires a public hearing for conventional subdivision plats.
  - 2. The St. Louis County Comprehensive Land Use Plan Goal LU-4 states that development shall proceed in an orderly, efficient, and fiscally responsible manner and ensure that development opportunities in isolated areas are self-supporting. The property falls under the Lakeshore Development Area of Sturgeon Lake.
- B. Neighborhood Compatibility:
  - 1. The surrounding area is zoned residential and consists of seasonal and year-round homes and cabins.
- C. Orderly Development:
  - 1. The intended purpose of the proposed plat is to provide suitable residential development that addresses road access, lot coverage, suitable building, and septic areas, as well as stormwater management. As proposed both lots are suitable for residential development.
- D. Desired Pattern of Development:
  - 1. The pattern of development is residential. The property is surrounded by seasonal and year-round homes and falls under the Lakeshore Development area of the St. Louis County Comprehensive Land Use Plan.
- E. Other Factors:
  - 1. The septic suitability report has been reviewed by the St. Louis County On-Site Wastewater Division and it was determined there is sufficient area for at least two treatment areas, per lot.

2. The property contains bluff and all proposed structures shall meet bluff setback requirements.
3. Final plat application is required by the St. Louis County Public Works Department and requires County Board approval prior to recording.

*Mark Lindhorst* noted no items of correspondence.

### **STAFF RECOMMENDATION**

In the event that the Planning Commission determines that the proposal meets the criteria for preliminary plat approval, the following condition shall apply:

1. All other county, local, state, and federal requirements shall be followed.

*Dan Bailey*, the applicant, stated he had nothing to add.

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

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked if there is a bluff and the soil is sand, could the landowners cut into the bluff? *Mark Lindhorst* stated the landowners would need to meet bluff standards. The structure would need to be at least 30 feet from the top of the bluff. Any structure would need to meet the 75 foot shoreline setback as well. They could excavate within the 30 foot bluff setback but not into the bank of the bluff.
- B. Commission member *Skraba* asked if Outlot A is in a different zone district. *Mark Lindhorst* stated Outlot A is Residential (RES)-4 zoning. Any landowner who wants to subdivide their parcel would include a tax parcel on both sides of the road. While the landowner could have done a parcel review for the property on the other side of the road, it was included in the subdivision plat. Even though this parcel does not meet zoning minimum requirements, it is considered an existing lot of record. *Jenny Bourbonais*, Acting Secretary, stated that the RES-4 zone district standards would not apply because this is an existing lot of record. Outlot A existed this way before the plat. It could not be subdivided further because it is an existing lot of record. Outlot A is a buildable lot because it is a lot of record.

### **DECISION**

**Motion by Werschay/Nelson** to approve a preliminary plat and to forward to the County Board for final plat approval, based on the following staff facts and findings:

- A. Plans and Official Controls:
  1. St. Louis County Subdivision Ordinance 60, Article VIII, Section 8.1, requires a public hearing for conventional subdivision plats.
  2. The St. Louis County Comprehensive Land Use Plan Goal LU-4 states that development shall proceed in an orderly, efficient, and fiscally responsible manner and ensure that development opportunities in isolated areas are self-supporting. The property falls under the Lakeshore Development Area of Sturgeon Lake.
  3. This use conforms to the land use plan.

B. Neighborhood Compatibility:

1. The surrounding area is zoned residential and consists of seasonal and year-round homes and cabins.
2. This use will be compatible with the existing neighborhood.

C. Orderly Development:

1. The intended purpose of the proposed plat is to provide suitable residential development that addresses road access, lot coverage, suitable building, and septic areas, as well as stormwater management. As proposed both lots are suitable for residential development.
2. The use will not impede the normal and orderly development and improvement of the surrounding area.

D. Desired Pattern of Development:

1. The pattern of development is residential. The property is surrounded by seasonal and year-round homes and falls under the Lakeshore Development area of the St. Louis County Comprehensive Land Use Plan.
2. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. The septic suitability report has been reviewed by the St. Louis County On-Site Wastewater Division and it was determined there is sufficient area for at least two treatment areas, per lot.
2. The property contains bluff and all proposed structures shall meet bluff setback requirements.
3. Final plat application is required by the St. Louis County Public Works Department and requires County Board approval prior to recording.
4. This is a reasonable plat being created.

The following conditions shall apply:

1. All other county, local, state, and federal requirements shall be followed.

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

**Opposed:** None – 0

**Motion carries 8-0**

**Cabins on Crane, Inc.**

The fourth hearing item was for Cabins on Crane, Inc., a conditional use permit for a RV park as a Commercial Planned Development Use - Class II. The property is located in S23, T67N, R17W (Crane Lake). *Donald Rigney*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval for a recreational vehicle (RV) park as a commercial planned development.
- B. The applicant is proposing 10 RV sites (three located within Tier 1 and seven located within Tier 2 of Crane Lake).

- C. There is an existing lodge on the property that is also included in the proposal and has been factored in for the density calculation on the property.
- D. There are two other structures on the property that are in the process of being removed or have already been removed from the site.
- E. The applicant is proposing access to the property from both Gold Coast Road and Hilltop Road.
- F. This property is part of the Crane Lake Water and Sanitary District (CLWSD). The applicant is working with CLWSD on the septic requirements for the site.
- G. Tier 1 is 33,200 square feet in size and allows a building footprint of 4,150 square feet. Tier 2 is 28,750 square feet in size and allows a building footprint of 3,594 square feet.

*Donald Rigney* reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
  - 1. St. Louis County Zoning Ordinance 62 states that a Commercial Planned Development Use-Class II is an allowed use in this Shoreland Multiple Use (SMU) zone district with a conditional use permit.
  - 2. Zoning Ordinance 62 allows a maximum development density for commercial planned developments based on the amount of the property within each development density tier.
    - a. Based on the information on record and the information provided by the applicant, the proposed development density would be within what is allowed by Zoning Ordinance 62.
  - 3. St. Louis County Zoning Ordinance 62 allows a total impervious surface coverage of 15 percent for properties without an engineered stormwater plan and 25 percent for properties with an engineered stormwater plan.
    - a. The property appears to exceed the amount of impervious surface allowed on the parcel.
    - b. The amount of impervious surface would need to be reduced to what is allowed.
  - 4. Although this property is not located in the Lakeshore Development Area of the St. Louis County Comprehensive Land Use Plan, the plan describes the lodging industry as foundational to county tourism.
  - 5. Input received through the development of the St. Louis County Comprehensive Land Use Plan identified the need to continue to support the lodging industry. In particular, demand was noted for RV and tent campgrounds and the county should support the development and expansion of such campground within the confines of existing regulations.
  - 6. The St. Louis County Comprehensive Land Use Plan Objective LU-4.1 states that, when possible, direct new development toward areas already supported with improved infrastructure, public facilities, and areas in reasonable proximity to basic services.
  - 7. The St. Louis County Comprehensive Land Use Plan Objective LU-4.3 encourages infill, redevelopment, or reuse of vacant commercial or industrial properties.
  - 8. The St. Louis County Comprehensive Land Use Plan Goal LU-7 is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.

9. The St. Louis County Comprehensive Land Use Plan Objective LU-7.2 is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
- B. Neighborhood Compatibility:
1. This is a very highly developed area around Crane Lake.
  2. There are several planned development uses in the area, but there are also many residential properties in the area.
  3. There is another similar use on a property approximately 100 feet to the south of the subject parcel.
  4. The subject property is a non-riparian property that is on the other side of Gold Coast Road.
    - a. The direct impact to the lake may be limited because the property is located on the non-riparian side of Gold Coast Road.
  5. Based on historical images and other information, it appears that this property has been used as a resort type planned development in the past.
- C. Orderly Development:
1. Since this area is already highly developed, development density is not anticipated to increase significantly in the near future.
  2. Increasing the development density on this property would increase traffic and use of the area.
    - a. The local road authority would need to approve the proposed accesses to the site.
  3. The number of RV sites proposed on the property meets the density requirements of St. Louis County Zoning Ordinance 62.
- D. Desired Pattern of Development:
1. The desired pattern of development would be a mix of residential, commercial, and planned development uses.
  2. Areas to the south and east of the subject property are listed as community growth areas. Additional development is anticipated in these areas.
  3. A RV campground in this area would allow additional opportunities for tourism and recreation on Crane Lake.
- E. Other Factor:
1. Access to the lake from the proposed RV sites would require the occupants of the sites to cross Gold Coast Road.
    - a. Steps may need to be taken to address safety concerns.
    - b. During the site visit, it was observed that renters at a nearby RV park also cross Gold Coast Road to get to the lake.

*Donald Rigney* noted nine items of correspondence that were received by the deadline and four that were received after the deadline, but in time to provide to the Planning Commission. This correspondence was provided to the Planning Commission prior to the hearing. Five items of correspondence were received after the deadline the day before this hearing and were given to the Planning Commission to review and determine if they would be accepted into the record.

Correspondence in support or without issue was received from Crane Lake Township; Crane Lake Water and Sanitary District (Robert Scott, Chairman); Bill Congdon; Deena Congdon; Paul, Sarah, and David Tufte; Brandon and Hannah Anderson, Dustyn Driggs; Trent and Beth Bak; Mark and Lisa Anderson; Ryan Mohr; Art and Jody Driggs; and Jeff and Lori Sanborn. Correspondence in opposition was received from Amy and James Arcand; Marilyn Marn-Kaufman and Dan Kaufman; Wendy and Dave Blaeser; and Stuart and Mary McKie. The Crane Lake Water and Sanitary District permit was also included in the original correspondence packet.

After reviewing additional correspondence, the Planning Commission accepted correspondence received after the deadline into the record.

### **STAFF RECOMMENDATION**

In the event the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a RV park as a Commercial Planned Development Use-Class II, the following conditions shall apply:

#### **Condition Precedent:**

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

#### **Conditions Concurrent:**

1. Additional sites may be added but shall not exceed the commercial planned development density standards allowed per Ordinance 62.
2. The applicant shall adhere to local sanitary district requirements.
3. Total impervious surface coverage shall not exceed 15 percent without an engineered stormwater plan. If an engineered stormwater management plan is submitted, impervious surface coverage shall not exceed 25 percent.
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.
8. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.

*Drake Dill*, the applicant, stated he is the owner of Cabins on Crane, Inc. This property has been vacant for some time. It was a commercial operation since the 1950s. There has been some confusion about Hilltop Road. In a survey, it was a platted road. However, nobody maintains the road, either in the county or the township. He spoke with Andy Butler, St. Louis County Public Works Department, about Gold Coast Road and Hilltop Road right-of-way issues and was told there was no issue. The neighbors would like the property screened and he would like to screen it. However, the last time a property was screened, the neighbors complained that they did not like the screening. The rocks screening the property were removed and the neighbors then complained they were looking at an old building on an undeveloped piece of property. He had a small community meeting with a few of the landowners on Hilltop Road. He told them he wanted to maintain the road to the highest standards that he can. Some neighboring landowners do not have a solution, but he wants to provide a solution.

Six audience members spoke. *Jenny Bourbonais*, Acting Secretary, checked with virtual attendees who provided chat testimony or had their hands raised to see if they had any comments to add.

Two members of the audience spoke in favor.

*Bruce Beste*, 7389 Crane Lake Road, stated he purchased this property in 2017. The property had rock screening, had an unkept yard and had an unkept building. He cleaned up the property. This is a logical use for this property. He did consider this use for the property, but he has other projects around town. He owns a cabin immediately north of the project. He is in support of this project.

*Mark Anderson*, 7255 Crane Lake Road, stated he owns Anderson Canoe Outfitters. He has been in Crane Lake since 1962. He has always been in favor of business development and wants to see this continuing. This is improving the look of their town. He is on the board of the CLWSD, and this will be a good asset for the district as well. He is in support of this project.

Four members of the audience spoke in opposition or with concerns. One additional member of the audience had questions but was not able to participate virtually.

*Wendy Blaeser*, 7512 Gold Coast Road, stated she submitted correspondence after the deadline on Monday. They are opposed to this project. They live directly across from where the proposed RV park is located. They share a twin house that sits on the lake with Drake Dill. This project will impact their property and how they enjoy Crane Lake. They already have issues with the docks. This will be dangerous as children swim and other people play there. Their driveway has been used to make turns to fit into the Dills' driveway. There are two docks; one comes off their cabin and one comes off the Dills' cabin.

*Dave Blaeser*, 7512 Gold Coast Road, stated when they bought their cabin in 2014, there was a verbal agreement that stated there would only be only two boats on that dock. Only the landowners would be able to use that dock. This promise has been broken. They have had other vehicles in their driveway, other boats on their docks, people fishing on their dock. With ten sites and up to 20 to 30 people, where would those people go? Where would those additional boats go? There is no room for additional boats. If there was another slip put in, that would affect his docks and impact the way he puts his boat in and that would not be fair to them. There are already too many boats on the Dills' dock. This is an area of businesses except for three cabins, and they are the most impacted.

*Amy Arcand*, 7617 Hilltop Road, stated their property is across Hilltop Road from the proposed development. They are glad that the applicants came to speak with them, and they look forward to the Dills moving into the property and developing it. Their biggest concern is the screening issue. Hilltop Road is a private road with six residences. Adding seven RV sites will change the feel of the road significantly. They want to make sure that sufficient screening, such as fencing or vegetative screening.

*Jim Arcand*, 7617 Hilltop Road, stated that Drake Dill did say he would help maintain Hilltop Road. They appreciate that. The number of sites in Tier 2 could also be limited due to the congestion coming in. Since the berm was reduced, they look at a flat field with an old building



and after this is developed, they will look at RV sites. They want to make sure screening is addressed.

*Jim Colburn*, via chat, asked about impervious surface and how it would be addressed.

The *Planning Commission* discussed the following:

- A. Commission member *Filipovich* asked if the landowners were able to develop more than what they are asking for now, how many more sites could they have? *Donald Rigney* stated between Tier 1 and Tier 2, they would be allowed a total of 15 sites.
- B. Commission member *Skraba* asked if the applicant was able to review the correspondence. *Drake Dill* stated he has. Commission member *Skraba* stated there are legitimate concerns, like screening. He asked if the applicant plans to address screening. *Drake Dill* stated they are looking at ways to screen the sites from other properties.
- C. Commission member *Skraba* asked about the parking concerns, including where trailers, all-terrain vehicles (ATVs), utility task vehicles (UTVs) would be parked and if there was room on this property to park all vehicles or if these vehicles would be parked off-site. *Drake Dill* stated there is also a lodge on the property. He purchased five acres outside of town that will be developed into a parking lot. He also spoke with Mark Anderson, owner of Anderson Canoe Outfitters, and could lease space to put additional vehicles.
- D. Commission member *Skraba* spoke about dark sky standards, which is where lights are required to shine downward.
- E. Commission member *Svatos* asked about rocks being used to previously screen the property. *Drake Dill* stated that after CLWSD came through with the sewer, there was rock left over and it was picked up and used for screening by the previous landowner.
- F. *Jenny Bourbonais* stated that docks are under the jurisdiction of the MN Department of Natural Resources (MN DNR) and the Planning Commission would not be able to add any regulations, standards or conditions in regards to docking.
- G. Commission member *Skraba* asked if there is one driveway to this property or two driveways. *Dave Blaeser* stated there is one shared parking pad with a driveway access on each side of this parking pad.
- H. Commission member *Skraba* asked if the Blaesers share a property as well as a house with the Dills. *Dave Blaeser* stated they respect the property boundaries and they do not go onto the Dills' property and the Dills do not go onto theirs.
- I. Commission member *Skraba* stated Hilltop Road is a platted road, which makes it a public road. It can still be maintained privately, but it is a public road on a plat.
- J. Commission member *Skraba* has no issue making sure a condition for screening is involved. He does not want to say what kind of screening could be involved, but the applicants should make sure there is screening. *Jenny Bourbonais* stated that St. Louis County has no Ordinance requirements regarding fencing. She added that safety should be addressed by the township or whoever has ownership of Hilltop Road.
- K. Commission member *Pollock* asked if the applicant held a meeting with three landowners. *Drake Dill* stated he met with Stuart and Mary McKie (directly across from the top tier of the property being developed), the Arcands (directly across from Dustyn Driggs) and Debbie Scott (the third house to the north). Commission member *Pollock* stated there are other neighbors that could be worked with in order to resolve these issues. *Jenny Bourbonais* added that the Blaesers indicated via virtual chat that they were neither

involved with nor invited to any meeting. *Drake Dill* stated Deb Scott asked for the meeting and a few other neighbors came.

- L. Commission member *Svatos* asked about the dock issue and if this could be worked out. *Drake Dill* stated he would speak to the neighbors about this issue. There was a signed agreement that state the docks are private property and could be used as the owners see fit. He has a lease with the United States Postal Service (USPS) so that approximately 80 people can have a post office. The Blaesers have not come up with a solution or use signage. The owners have the right to post that the dock is private property. He would not tell someone to park at another person's dock without permission. He also approached Handberg's Marine to rent out dock slips.
- M. Commission member *Coombe* stated that trespassing is an issue. *Drake Dill* stated there was an established boat ramp that had been a part of the resort. The Blaesers got a perpetual water easement to use the well on the property. He owns part of the boat ramp and has a perpetual easement to cross the boat ramp. There are three Federal boat landings. All of this existed when the Blaesers purchased their property. He has worked with the Blaesers to improve the quality of the buildings.

## DECISION

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

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62 states that a Commercial Planned Development Use-Class II is an allowed use in this Shoreland Multiple Use (SMU) zone district with a conditional use permit.
2. Zoning Ordinance 62 allows a maximum development density for commercial planned developments based on the amount of the property within each development density tier.
  - a. Based on the information on record and the information provided by the applicant, the proposed development density would be within what is allowed by Zoning Ordinance 62.
3. St. Louis County Zoning Ordinance 62 allows a total impervious surface coverage of 15 percent for properties without an engineered stormwater plan and 25 percent for properties with an engineered stormwater plan.
  - a. The property appears to exceed the amount of impervious surface allowed on the parcel.
  - b. The amount of impervious surface would need to be reduced to what is allowed.
4. Although this property is not located in the Lakeshore Development Area of the St. Louis County Comprehensive Land Use Plan, the plan describes the lodging industry as foundational to county tourism.
5. Input received through the development of the St. Louis County Comprehensive Land Use Plan identified the need to continue to support the lodging industry. In particular, demand was noted for RV and tent campgrounds and the county should support the development and expansion of such campground within the confines of existing regulations.
6. The St. Louis County Comprehensive Land Use Plan Objective LU-4.1 states that, when possible, direct new development toward areas already supported with

improved infrastructure, public facilities, and areas in reasonable proximity to basic services.

7. The St. Louis County Comprehensive Land Use Plan Objective LU-4.3 encourages infill, redevelopment, or reuse of vacant commercial or industrial properties.
8. The St. Louis County Comprehensive Land Use Plan Goal LU-7 is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
9. The St. Louis County Comprehensive Land Use Plan Objective LU-7.2 is to develop opportunities for neighborhood commercial sites that are compatible in scale and operation with surrounding residential development.
10. This use conforms to the land use plan.

B. Neighborhood Compatibility:

1. This is a very highly developed area around Crane Lake.
2. There are several planned development uses in the area, but there are also many residential properties in the area.
3. There is another similar use on a property approximately 100 feet to the south of the subject parcel.
4. The subject property is a non-riparian property that is on the other side of Gold Coast Road.
  - a. The direct impact to the lake may be limited because the property is located on the non-riparian side of Gold Coast Road.
5. Based on historical images and other information, it appears that this property has been used as a resort type planned development in the past.
6. This use will be compatible with the existing neighborhood.

C. Orderly Development:

1. Since this area is already highly developed, development density is not anticipated to increase significantly in the near future.
2. Increasing the development density on this property would increase traffic and use of the area.
  - a. The local road authority would need to approve the proposed accesses to the site.
3. The number of RV sites proposed on the property meets the density requirements of St. Louis County Zoning Ordinance 62.
4. 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 would be a mix of residential, commercial, and planned development uses.
2. Areas to the south and east of the subject property are listed as community growth areas. Additional development is anticipated in these areas.
3. A RV campground in this area would allow additional opportunities for tourism and recreation on Crane Lake.

4. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factor:

1. Access to the lake from the proposed RV sites would require the occupants of the sites to cross Gold Coast Road.
  - a. Steps may need to be taken to address safety concerns.
  - b. During the site visit, it was observed that renters at a nearby RV park also cross Gold Coast Road to get to the lake.

The following conditions shall apply:

Condition Precedent:

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

Conditions Concurrent:

1. Additional sites may be added but shall not exceed the commercial planned development density standards allowed per Ordinance 62.
2. The applicant shall adhere to local sanitary district requirements.
3. Total impervious surface coverage shall not exceed 15 percent without an engineered stormwater plan. If an engineered stormwater management plan is submitted, impervious surface coverage shall not exceed 25 percent.
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.
8. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.

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

**Opposed:** None - 0

**Motion carries 8-0**

**Motion to adjourn by Pollock. The meeting was adjourned at 11:37 a.m.**