

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 CENTER, LIZ PREBICH ROOM, VIRGINIA, MN ON THURSDAY, SEPTEMBER 15, 2022.

9:02 AM – 12:45 PM

Planning Commission members in attendance: Tom Coombe
Steve Filipovich (at 9:05 a.m.)
Pat McKenzie
Commissioner Keith Nelson (until 11:50 a.m.)
Dave Pollock
Roger Skraba, Chair
Ray Svatos
Diana Werschay

Planning Commission members absent: Dan Manick

Also present: Matthew Johnson, Director of Planning and Community Development Department;
Ryan Logan, On-Site Wastewater Manager

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

NEW BUSINESS:

- A. Friend's Garbage Service LLC, a conditional use permit for a roll-off dumpster storage as an Industrial Use - Class II.
- B. Nick Clattenburg, a preliminary subdivision plat consisting of 10 lots.
- C. Daniela Scardaci, a conditional use permit for a Short-Term Rental as a Residential Use - Class II.
- D. Richard Nelson, a conditional use permit for a Short-Term Rental as a Residential Use - Class II.
- E. Andrew Broz, Maple Wolf Sanctuary, a conditional use permit for a wolf-dog hybrid animal sanctuary as a Public/Semi-Public Use.

OTHER BUSINESS:

Motion by Svatos/Werschay to approve the minutes of the August 11, 2022 meeting.

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

Opposed: None – 0

Motion carried 7-0

Matthew Johnson, Director of the Planning and Community Development Department, stated that the County Board will hold its public hearing on September 27, 2022, on the chronic wasting disease (CWD) Zoning Ordinance 62 amendments. The one-year moratorium expires on September 28, 2022. The County Board hearing will conclude the process.

NEW BUSINESS:

Friend's Garbage Service

The first hearing item is for Friend's Garbage Service LLC, a conditional use permit for a roll-off dumpster storage as an Industrial Use-Class II. The property is located in S17, T62N, R20W (Linden Grove). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to operate a storage area of roll-off containers and garbage trucks.
- B. The applicant is also proposing to construct a storage building for storage of trucks and equipment.
- C. The hours of operation are 5:30 a.m. until 5:00 p.m. Monday through Friday and 9:00 a.m. until 12:00 p.m. on Saturdays.
- D. No maintenance of the vehicles will take place on the property.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. St. Louis County Zoning Ordinance 62 states that the proposed uses are allowed in this zone district with a Conditional Use Permit.
 - 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 of the Plan is to 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. The proposed use is adjacent to a collector road.
- B. Neighborhood Compatibility:
 - 1. The property is zoned Forest Agricultural Management which allows a wide range of uses including residential, agricultural, commercial, and public/semi-public use with a conditional use permit.
 - 2. The majority of the area consists of large undeveloped parcels.
 - 3. There are a few residential properties within one-quarter mile of the proposed use.
- C. Orderly Development:
 - 1. The area consists mostly of large tracts of undeveloped land of both public and private ownership.
 - 2. The closest residential property is located 450 feet to the east.
- D. Desired Pattern of Development:
 - 1. The pattern of development in the area consists of both residential and forest and agricultural management which is allowed in the underlying zoning.
 - 2. The location and character of the proposal are consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development.

E. Other Factor:

1. Due to the industrial nature of the request, it is recommended that a screening plan be developed to ensure the proposed use is screened from ordinary public view.

Mark Lindhorst noted no items of correspondence.

STAFF RECOMMENDATION

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a garbage roll-off and truck storage business as an Industrial Use - Class II, the following conditions shall apply:

Conditions Precedent:

1. Applicant shall demonstrate legal access to the property.
2. Applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. Lighting shall be directed downward in accordance with dark sky standards.
2. Outdoor storage of materials of any kind shall be kept in a neat and orderly manner and shall be screened, to the greatest extent possible, from ordinary public view.
3. The applicant shall comply with all local, county, state, and federal regulations.

Wade Friend, 3297 County Road 20, International Falls, the applicant, stated he would prefer trees for screening instead of using a fence.

Michelle Friend, 3297 County Road 20, International Falls, the applicant, stated they try to keep the roll-off containers empty and keep them neat and tidy. This is how they keep their business currently. Any maintenance needed for the trucks will be done at their International Falls location.

One member of the audience spoke.

Michael Jershe, 2766 Bear Island River Road, Ely, stated he is representing Christian Cavalier, the property seller. There is a neighboring property across the road that has a similar structure to what the applicant is proposing. That structure is a heated pole barn. There is an old, abandoned farm that was recently sold and it is being cleaned up.

No other call-in users, present audience members or other virtual attendees spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked if there was anything received from the closest landowner. *Mark Lindhorst* stated no correspondence was received from anyone.
- B. Commission member *Filipovich* asked if this will just be empty containers. *Mark Lindhorst* stated this site will be used for the storage of these containers.
- C. Commission member *Skraba* asked what screening staff would suggest for the applicant. *Mark Lindhorst* stated that other roll-off sites use screening to screen their containers from

public view. The Planning Commission can determine what type of screening could be used.

- D. Commission member *Skraba* asked if the applicant has spoken with the Minnesota Department of Transportation (MNDOT) on road access. *Wade Friend* stated he has spoken with MNDOT and has not applied for an access permit.
- E. Commission member *Coombe* asked if the applicant has dealt with any problems or complaints with their International Falls roll-off business. *Wade Friend* stated he has heard of no problems or complaints. He tries to keep the containers empty as they are no good to the business being full.
- F. Commission member *McKenzie* asked if this is for residential garbage pick-up. *Wade Friend* stated it will be both commercial and residential.
- G. Commission member *McKenzie* asked if there will be overnight storage of any residential garbage. *Wade Friend* stated the only time that would happen would be if the transfer station was closed (such as a holiday) and the container would be on the truck. The next day the container would be dumped.
- H. Commission member *McKenzie* asked how many containers may be on the site at any one time. *Wade Friend* stated there will be 10 to 15 containers. During the winter months, there may be more as it is a slower time of year.
- I. Commission member *McKenzie* asked if the applicant has any water runoff plan. *Wade Friend* stated he does not.
- J. Commission member *Skraba* asked if there will be power or lighting to the site. *Wade Friend* stated yes. The proposed storage building will be heated. Commission member *Skraba* asked if the applicant is familiar with dark sky standards. *Wade Friend* stated he is.

DECISION

Motion by McKenzie/Pollock to approve a conditional use permit to allow a garbage roll-off and truck storage business 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 states that the proposed uses are allowed in this zone district with a Conditional Use Permit.
 - 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 of the Plan is to 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. The proposed use is adjacent to a collector road.
 - 3. The proposal is an allowed use in the land use district and the proposed use is near several major roadways.
 - 4. The use conforms to the land use plan.
- B. Neighborhood Compatibility:

1. The property is zoned Forest Agricultural Management which allows a wide range of uses including residential, agricultural, commercial, and public/semi-public use with a conditional use permit.
2. The majority of the area consists of large undeveloped parcels.
3. There are a few residential properties within one-quarter mile of the proposed use.
4. The use is compatible with the existing neighborhood if the use is maintained properly and conditions are followed.

C. Orderly Development:

1. The area consists mostly of large tracts of undeveloped land of both public and private ownership.
2. The closest residential property is located 450 feet to the east.
3. The likelihood of future expansion in this area is low and the area consists of large tracts of undeveloped land and scattered homesteads.
4. 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 in the area consists of both residential and forest and agricultural management which is allowed in the underlying zoning.
2. The location and character of the proposal are consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development.
3. The area is very rural and future development will likely be forest harvesting.
4. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. Due to the industrial nature of the request, it is recommended that a screening plan be developed to ensure the proposed use is screened from ordinary public view.
2. The area appears to be well suited for Orr, Cook, Angora and Lake Vermilion areas.

The following conditions shall apply:

Conditions Precedent:

1. Applicant shall demonstrate legal access to the property.
2. Applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. Lighting shall be directed downward in accordance with dark sky standards.
2. Outdoor storage of materials of any kind shall be kept in a neat and orderly manner and shall be screened, to the greatest extent possible, from ordinary public view.
3. The applicant shall comply with all local, county, state, and federal regulations.

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

Opposed: None - 0

Motion carries 8-0

Nick Clattenburg

The second hearing item is for Nick Clattenburg, a preliminary subdivision plat consisting of 10 lots. The property is located in S6, T51N, R16W (Grand Lake). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is proposing to create 10 platted lots for residential development ranging from 4.6 to 38 acres.
- B. All parcels will have direct access from a proposed platted road.
- C. Lot 9 encompasses a private air strip that was approved with a performance standard permit in August 2020.
- D. A wetland delineation has been completed and approved.
- E. Both septic and building site areas have been identified.
- F. The septic suitability report indicates that there are two septic sites identified for each lot.
- G. The applicant has received approval for a 66 foot wide access across Minnesota tax forfeit property from the St. Louis County Board (Resolution 19-676).

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. 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.
- B. Neighborhood Compatibility:
 - 1. The surrounding area is zoned Multiple Use (MU)-4 which allows for residential development. There are several residential properties adjacent to the proposed platted access and along Highway 53.
- C. Orderly Development:
 - 1. The proposed plat's intended purpose is to provide suitable residential development that addresses road access, lot coverage, septic, stormwater, etc. As proposed, the lots are suitable for residential development.
- D. Desired Pattern of Development:
 - 1. The pattern of development consists of large tracts of undeveloped land. There are several residential properties sparsely located along the highway corridor.
- E. Other Factors:
 - 1. The applicant has received approval for a 66-foot-wide access easement across Minnesota State tax forfeit property from St. Louis County (Resolution 19-676).

2. 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.
3. The St. Louis County Public Works Department has determined that the roadway plans meet the requirements of the Public Works Roadway Standards Policy.
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 no items of correspondence.

STAFF RECOMMENDATION

If 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 road shall be constructed and approved by the St. Louis County Public Works prior to recording.
3. Outlot B shall be combined with Lot 1, Block 2.
4. The applicant shall obtain access approval from the appropriate road authority.
5. All other local, county, state, and federal requirements shall be followed.

Nick Clattenburg, 920 Daisy Lane, Eau Claire, WI, the applicant, stated the airstrip runway has a clearing strip of 50 feet from the runway surface. This was mandated by the MN Department of Transportation (MNDOT). The trees in this area have 30 to 40 years to mature. The rest of the surrounding property is Cloquet Forest land and he spoke with the state regarding tree removal, if necessary. Each site was evaluated for a septic and well location. If anyone purchases their property and wants to evaluate a different site, that would be up to that landowner.

No other call-in users, present audience members or other virtual attendees spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked about Outlot B. *Mark Lindhorst* stated Outlot B is a small piece of property that, if it were not connected to any other property, could go tax forfeit. Staff is recommending that Outlot B be combined with Lot 1, Block 2 so it stays attached. *Nick Clattenburg* added he has no issue with this condition and clarified the Outlot label.
- B. Commission member *Coombe* asked about the blank areas on the preliminary plat drawing. *Mark Lindhorst* stated that this is part of a second tier of development if the first tier is developed.
- C. Commission member *Skraba* asked if airport zoning comes into play with the airstrip. *Mark Lindhorst* stated the applicant has permits for the airstrip. If the airstrip were ever to become more than a private airport, the applicant would need to work with the MNDOT.
- D. Commission member *Skraba* asked if this airstrip would be a part of the airport zoning ordinance. *Mark Lindhorst* stated it would not.
- E. Commission member *Filipovich* asked if this subject property is located in an area that was rezoned. *Mark Lindhorst* stated that this property is part of that section that was rezoned to MU-4. This process has taken several years. Commission member *Filipovich* asked about

the landowner flying over a neighboring landowner. Commissioner *Nelson* asked if the airstrip was part of the discussion during the rezoning. *Jenny Bourbonais*, Acting Secretary, stated the airpark may have been part of the discussion at some point, but the airstrip was approved with a performance standard permit through the normal Planning Department permitting process.

- F. Commission member *Skraba* asked about Dehavilland Street and the lot to the west of that. *Nick Clattenburg* stated that the left side of the map is facing north. Lot 1 is for his initial business partner that helped secure funding for the property and asked for the piece of land.
- G. Commission member *Filipovich* asked if there is any special zoning to develop these lots because they need to be so far away from the airstrip. *Jenny Bourbonais* stated no; those who purchase the land need to follow setback requirements.
- H. Commission member *Skraba* asked if the applicant would use hangar houses. *Nick Clattenburg* stated yes.
- I. Commission member *McKenzie* asked if this project has been done elsewhere. *Nick Clattenburg* stated this is his first project. Commission member *McKenzie* asked if the applicant was aware of this type of plat in Minnesota or Wisconsin. *Nick Clattenburg* stated yes, he knows of three in Minnesota. Commission member *McKenzie* asked if the applicant would consider future development. *Nick Clattenburg* stated if this development does well and there is demand, they may look at the financials of that and make sure that the project is feasible.
- J. Commissioner *Nelson* noted that while the area is in the Cloquet Valley state forest, this is tax forfeit land. Some is used for timber harvesting with permission. A vast majority of the northern part of Grand Lake Township is county-managed tax forfeit land.

DECISION

Motion by McKenzie/Svatos to approve a preliminary plat, 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. 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.
 - 3. The proposal will support all infrastructure improvements and will be connected to an existing transportation system.
 - 4. The use conforms to the land use plan.
- B. Neighborhood Compatibility:
 - 1. The surrounding area is zoned Multiple Use (MU)-4 which allows for residential development. There are several residential properties adjacent to the proposed platted access and along Highway 53.
 - 2. The proposal will be built in an undeveloped area of low residential development. The existing neighborhood will not be impacted by the proposal.
 - 3. The use is compatible with the existing neighborhood.
- C. Orderly Development:

1. The proposed plat's intended purpose is to provide suitable residential development that addresses road access, lot coverage, septic, stormwater, etc. As proposed, the lots are suitable for residential development.
2. The likelihood of further development is not suited for this type of use and is low.
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 consists of large tracts of undeveloped land. There are several residential properties sparsely located along the highway corridor.
2. Although St. Louis County Comprehensive Plan Goal LU-4.1 directs that development in areas already supported by basic services, the unusual nature of the proposal essentially requires it should be in an undeveloped area.
3. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. The applicant has received approval from St. Louis County (Resolution 19-676) for a 66-foot-wide access easement across Minnesota State Tax Forfeit property.
2. 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.
3. The St. Louis County Public Works Department has determined that the roadway plans meet the requirements of the Public Works Roadway Standards Policy.
4. Final plat application is required by the St. Louis County Public Works Department and requires County Board approval prior to recording.
5. If successful, this could lead to similar proposals elsewhere in the County.

The following conditions shall apply:

1. The requirements of the Minnesota Wetland Conservation Act shall be followed.
2. The platted road shall be constructed and approved by the St. Louis County Public Works prior to recording.
3. Outlot B shall be combined with Lot 1, Block 2.
4. The applicant shall obtain access approval from the appropriate road authority.
5. All other local, county, state, and federal requirements shall be followed.

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

Opposed: None - 0

Motion carries 8-0

Daniela Scardaci

The third hearing item is for Daniela Scardaci, a conditional use permit for a Short Term Rental as a Residential Use - Class II. The property is located in S29, T51N, R16W (Grand Lake). *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting a conditional use permit for Short Term Rental in a Residential (RES) zone district as a Residential Use - Class II.
- B. Residential Use – Class II within a RES zone district may require a conditional use permit if additional standards are not met.
- C. In this case, the property does not meet the minimum dimensional standards for the zone district it is located in.
- D. Zoning minimum dimensional standards for the subject parcel require 1 acre and 150 feet of lot width and the subject parcel has approximately 0.94 acre and 100 feet in lot width.
- E. The proposed intended days for rental are 96, which does not constitute a commercial use.
- F. Within one-quarter mile there are 24 residential structures.

Jared Ecklund reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. St. Louis County Zoning Ordinance 62 Article VI, Section 6.32, states that a Residential Use – Class II requires a performance standard permit or a conditional use permit within the Residential (RES) zone district.
 - a. Additional standards are required for properties located in residentially zoned areas. If the standards cannot be met, a conditional use permit is required.
 - b. In this case, the subject parcel does not meet the additional standard that states the use must be located on a parcel that meets current minimum zoning requirements.
- 2. Zoning Ordinance 62, Article III, Section 3.2, states minimum lot dimensions for each zone district.
 - a. The subject parcel is zoned RES-9 which requires a minimum of 1 acre and 150 feet in width.
 - b. The subject parcel has approximately 0.94 acre and 100 feet of lot width.
- 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.

B. Neighborhood Compatibility:

- 1. The existing neighborhood near the subject parcel consists of mainly residential uses.
- 2. The subject parcel is zoned RES.
 - a. A short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.

C. Orderly Development:

- 1. A majority of the parcels in the immediate lakeside area are zoned residential.
 - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which may include other short term rentals.
- 2. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents, as well as contributing to the County lodging tax base.

D. Desired Pattern of Development:

- 1. A majority of the parcels in the immediate lakeside area are zoned residential.
 - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which may include other short term rentals.

2. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents, as well as contributing to the County lodging tax base.

E. Other Factor:

1. St. Louis County On-Site Wastewater passed a record review of the septic system and determined a maximum occupancy of four.

Jared Ecklund noted no items of correspondence.

STAFF RECOMMENDATION

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a short term rental as a Residential Use – Class II on a property that does not meet the minimum zoning requirements, the following conditions shall apply:

1. All other short term rental standards shall be met.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
3. All other local, state, and federal standards shall be met.
4. Permitted short term rental use shall not be transferrable upon a change in ownership of the subject property.

Daniela Scardaci, 4933 Westlund Road, Saginaw, the applicant, stated she purchased the property in 2021. This is her primary residence. She spent a lot to rehabilitate this property which was in bad shape. She intends to rent this property occasionally over the weekend for the extra income. She is familiar with the neighbors. She has a good relationship with her neighbors. There is no boat on site. She does not intend to rent to families with kids or pets. It would be rented to one or two people maximum.

No other call-in users, present audience members or other virtual attendees spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Filipovich* asked if this property is homesteaded or non-homesteaded. *Jared Ecklund* stated it is not relevant if a property is homesteaded or non-homesteaded for a short term rental permitting purposes.
- B. Commission member *Filipovich* asked what the ratio is for parking. *Jared Ecklund* stated there is no set standard. One standard for parking is that there is no parking in a road or right-of-way.
- C. Commission member *Pollock* asked if these lots are all 100 foot wide lots. *Jared Ecklund* stated that is likely. Some properties have more than one lot. Commission member *Pollock* asked if correspondence was received. *Jared Ecklund* confirmed no correspondence was received for this case. Commission member *Skraba* noted that properties to the south are larger because the zone district is Multiple Use (MU)-4.
- D. Commissioner *Nelson* asked if there is a well testing requirement. *Jared Ecklund* stated St. Louis County does not require a well test. If this requires licensing through the MN Department of Health, that may become necessary. Commissioner *Nelson* noted that there are failing wells along this lake due to septic issues. This has been brought to the County Board's attention.

- E. Commission member *Pollock* asked what the distance is between short term rentals. *Jared Ecklund* stated that there needs to be 300 feet between short term rentals. If another proposal is received within 300 feet of this property, it would require a conditional use permit regardless of if the lot is conforming.
- F. Commission member *Svatos* asked if the dwelling is closer to the shoreline. *Jared Ecklund* confirmed the structure is nonconforming.
- G. Commission member *Skraba* asked if the applicant is aware of well issues on her property. *Daniela Scardaci* stated no.
- H. Commission member *Skraba* asked if there is contact with the state whenever a short term rental permit is applied for. *Jared Ecklund* stated that the Minnesota Department of Health is contacted for most short term rental applications. *Jenny Bourbonais* stated that in the event the water supply is not viable, additional means of water supply must be made available, such as water jugs, which is a state requirement.
- I. Commission member *Pollock* stated that since the property does not meet zoning minimum requirements, it is difficult to justify allowing a conditional use permit for this use. This is a unique situation.

DECISION

Motion by Svatos/Nelson to approve a conditional use permit to allow a short term rental as a Residential Use – Class II on a property that does not meet the minimum zoning requirements, based on the following staff facts and findings:

A. Plans and Official Controls:

- 1. St. Louis County Zoning Ordinance 62 Article VI, Section 6.32 states that a Residential Use – Class II requires a performance standard permit or a conditional use permit within the Residential (RES) zone district.
 - a. Additional standards are required for properties located in residentially zoned areas. If the standards cannot be met, a conditional use permit is required.
 - b. In this case, the subject parcel does not meet the additional standard that states the use must be located on a parcel that meets current minimum zoning requirements.
- 2. Zoning Ordinance 62, Article III, Section 3.2, states minimum lot dimensions for each zone district.
 - a. The subject parcel is zoned RES-9 which requires a minimum of 1 acre and 150 feet in width.
 - b. The subject parcel has approximately 0.94 acre and 100 feet of lot width.
- 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. The use conforms to the land use plan.

B. Neighborhood Compatibility:

- 1. The existing neighborhood near the subject parcel consists of mainly residential uses.
- 2. The subject parcel is zoned RES.
 - a. A short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.
- 3. The use is compatible with the existing neighborhood.

C. Orderly Development:

1. A majority of the parcels in the immediate lakeside area are zoned residential.
 - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which may include other short term rentals.
2. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents, as well as contributing to the County lodging tax base.
3. The use will not impede the normal and orderly development and improvement of the surrounding area.

D. Desired Pattern of Development:

1. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
2. Development patterns in the subject area are expected to be primarily residential.
 - a. Proposed short term rentals are also expected to be part of development patterns.
3. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.
4. The proposed intended rental days of 96 does not constitute a commercial use.
5. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factor:

1. St. Louis County On-Site Wastewater passed a record review of the septic system and determined a maximum occupancy of four.

The following conditions shall apply:

1. All other short term rental standards shall be met.
2. St. Louis County On-Site Wastewater SSTS standards shall be followed.
3. All other local, state, and federal standards shall be met.
4. Permitted short term rental use shall not be transferrable upon a change in ownership of the subject property.
5. The existing well should be tested and inspected to ensure well water quality meets all standards.

In Favor: Coombe, Filipovich, McKenzie, Nelson, Skraba, Svatos, Werschay - 7

Opposed: Pollock - 1

Motion carries 7-1

Richard Nelson

The fourth hearing item is for Richard Nelson, a conditional use permit for a Short Term Rental as a Residential Use - Class II. The property is located in S21, T60N, R21W (French). *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting a Short Term Rental as a Residential Use - Class II.
- B. A conditional use permit is required because the property is in a residential zone district and does not meet zoning minimums.

- C. This zone district requires 1 acre and 150 feet of width.
- D. The subject parcel is approximately 0.37 acres and 122 feet in width.
- E. The proposed days intended for rental are 168, which does not constitute a commercial use.

Jared Ecklund reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. St. Louis County Zoning Ordinance 62 Article VI, Section 6.32 states that a Residential Use – Class II requires a performance standard permit or a conditional use permit within the Residential (RES) zone district.
 - a. Additional standards are required for properties located in residentially zoned areas. If the standards cannot be met, a conditional use permit is required.
 - b. In this case, the subject parcel does not meet the additional standard that states the use must be located on a parcel that meets current minimum zoning requirements.
- 2. Zoning Ordinance 62, Article III, Section 3.2, states minimum lot dimensions for each zone district.
 - a. The subject parcel is zoned RES-7 which requires a minimum of 1 acre and 150 feet in width.
 - b. The subject parcel has approximately 0.37 acres and 122 feet of lot width.
- 3. The property is located in the Lakeshore Development Areas of the Future Land Use Map in the Comprehensive Land Use Plan.
- 4. 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.

B. Neighborhood Compatibility:

- 1. The existing neighborhood near the subject parcel consists of mainly residential uses.
- 2. The subject parcel is zoned RES.
 - a. A short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.

C. Orderly Development:

- 1. A majority of the parcels in the immediate lakeside area are zoned residential.
 - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which may include other short term rentals.
- 2. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents, as well as contributing to the County lodging tax base.

D. Desired Pattern of Development:

- 1. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
- 2. Development patterns in the subject area are expected to be primarily residential.
 - a. Proposed short term rentals are also expected to be part of development patterns.
- 3. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.

4. The proposed intended rental days of 168 does not constitute a commercial use.

E. Other Factors:

1. The current certificate of compliance on the property expired on September 1, 2022.
 - a. A new compliance inspection may be required per On-Site Wastewater SSTS requirements.
2. The existing system appears to have been designed for two bedrooms.
 - a. The proposed number of eight guests may not be allowed as the maximum occupancy of the short term rental would be limited to four, unless the septic system is upgraded in the future.

Jared Ecklund noted one item of correspondence from the Town of French in support. This item was handed to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow Short Term Rental as a Residential Use – Class II on property that does not meet the minimum zoning requirements, the following conditions shall apply:

1. All other short term rental standards shall be met.
2. St. Louis County Onsite Wastewater SSTS standards shall be followed.
3. All other local, state, and federal standards shall be met.
4. Permitted short term rental use shall not be transferrable upon a change in ownership of the subject property.

Two township officials spoke.

Jeff Schanche, French Township, stated this is a change of use going from 164 days versus being used two or three times per year. This could have been used as a residence 365 days per year which adds perspective.

Bruce Sandberg, French Township Supervisor, stated the lots in this area are small. This property is one of the larger lots. There are sewers on smaller lots with less area to deal with. This property would be okay for this use.

Emily Nelson, 7656 Highway 5, Side Lake, the applicant, stated they live just up the road from this property. They purchased this property as overflow for when their family comes to visit. They have been renting this out through VRBO to help pay the mortgage on the property. She blocks it off throughout the year to not rent it all the time. This is busier in the summer as it is a recreational area by the lake.

No other call-in users, present audience members or other virtual attendees spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Pollock* asked what constitutes a commercial use. *Jared Ecklund* stated when the primary use of a property is for a rental purpose, that is considered a

commercial use. If the rental is for less than 50 percent of the year, that is not a commercial use.

- B. Commission member *Pollock* asked how the use is monitored. *Jared Ecklund* stated that there are a few ways to monitor use, including utilizing a third-party vendor that monitors listings. There is an ability to track how often the property is being rented out.
- C. Commission member *Pollock* asked if the septic system is what determines the maximum occupancy. *Jared Ecklund* stated yes. The maximum occupancy could be set by the On-Site Wastewater division or the state of Minnesota. The more restrictive number would be the maximum occupancy set.
- D. Commission member *Svatos* asked if the maximum occupancy for this application is different than what was already determined. *Jared Ecklund* stated yes. The application stated a maximum occupancy of eight, which On-Site Wastewater determined would not work unless the septic system is upgraded or a new certificate of compliance is issued that determines the maximum occupancy could be eight.
- E. Commission member *Coombe* asked how long a certificate of compliance is good for. *Jared Ecklund* stated for an existing system, the certificate of compliance would be good for three years. For a new system, the certificate of compliance would be good for five years. *Ryan Logan*, On-Site Wastewater Manager, stated a compliance inspection could be required through a change of use. This property would be changing use from a residential property to a short term rental property which would require a compliance inspection.
- F. Commission member *Coombe* asked what transpires for a compliance inspection. *Ryan Logan* stated that the landowner would contact a certified inspector that will inspect the system and make sure the system is sized appropriately. Based on the existing system and the compliance inspection, it appears this system was sized for two bedrooms. Two people are allowed per bedroom with 75 gallons used per person per day. To allow for an increased number of occupants, the division is going with the standard of two occupants per room. The compliance inspection is done to ensure the system is functioning properly for the use. Commissioner *Nelson* stated that this is not a bad thing to make sure that the system passes inspection to be used, especially for systems that do not see a lot of use.
- G. Commission member *Pollock* asked if there is a compliance inspection done whenever property is sold. *Jenny Bourbonais*, Acting Secretary, noted this is called a point of sale inspection.
- H. Commission member *Werschay* asked if there was a change from a 10 year certificate of compliance. *Ryan Logan* stated that there are different types of certificates of compliance. For a new system, that is an authorization to use a new system. Minnesota standards, adopted by St. Louis County, state the authorization to use the system is five years. For point of sale purposes, this is valid for ten years. For a change of use, this would be valid for five years. A certificate of compliance for an existing system is valid for three years.
- I. Commission member *Filipovich* asked if there is a different standard if the system is failing. *Ryan Logan* stated this could refer to a system with a nonconforming status, which is allowed to be used as-is. Since a short term rental is a change of use, that would no longer be an as-is system and would require a compliance inspection. The system status is determined by the contractor doing the compliance inspection.
- J. Commission member *Skraba* asked how close this property is to other commercial properties in the area. *Emily Nelson* stated there are businesses in the area.

- K. Commission member *Pollock* stated that if the applicant rents out 15 more nights, that would be considered a commercial use because the applicant would be renting more than half of the year. *Emily Nelson* stated therefore they block off days.
- L. Commissioner *Nelson* stated more care is given to a septic system when the cabin is owned and used year-round as opposed to when the property is only used a few times per year. This is why the County Board has looked at these short term rentals with more scrutiny. A septic failure may not be known until it becomes a public health threat.
- M. Commission member *Pollock* noted that the property could be sold or rented out 365 days per year too.
- N. Commissioner *Nelson* stated that some landowners are applying for short term rentals and are following the rules.

DECISION

Motion by McKenzie/Werschay to approve a conditional use permit to allow Short Term Rental as a Residential Use – Class II on property that does not meet the minimum zoning requirements, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. St. Louis County Zoning Ordinance 62 Article VI, Section 6.32, states that a Residential Use – Class II requires a performance standard permit or a conditional use permit within the Residential (RES) zone district.
 - a. Additional standards are required for properties located in residentially zoned areas. If the standards cannot be met, a conditional use permit is required.
 - b. In this case, the subject parcel does not meet the additional standard that states the use must be located on a parcel that meets current minimum zoning requirements.
 - 2. Zoning Ordinance 62, Article III, Section 3.2, states minimum lot dimensions for each zone district.
 - a. The subject parcel is zoned RES-7 which requires a minimum of 1 acre and 150 feet in width.
 - b. The subject parcel has approximately 0.37 acres and 122 feet of lot width.
 - 3. The property is located in the Lakeshore Development Areas of the Future Land Use Map in the Comprehensive Land Use Plan.
 - 4. 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.
 - 5. The St. Louis County Comprehensive Land Use Plan calls for opportunities for tourists but also calls for regulating short term rentals while concerns about overcrowding, wastewater, etc.
 - 6. The lot in question is a lot of record.
 - 7. The use conforms to the land use plan.
- B. Neighborhood Compatibility:
 - 1. The existing neighborhood near the subject parcel consists of mainly residential uses.
 - 2. The subject parcel is zoned RES.
 - a. A short term rental is an allowed use in a residential zone district provided all standards are met or a conditional use permit is granted.
 - 3. There are many seasonal cabins as well as year-round homes.

4. The use is compatible with the existing neighborhood.

C. Orderly Development:

1. A majority of the parcels in the immediate lakeside area are zoned residential.
 - a. Due to the underlying zoning, future development is expected to consist of primarily residential use, which may include other short term rentals.
2. A short term rental use can benefit the County with supplying additional lodging options for tourists/residents, as well as contributing to the County lodging tax base.
3. The Side Lake has been established for over 100 years. The area of the proposal and the use of the area has not changed for a number of years.
4. The use will not impede the normal and orderly development and improvement of the surrounding area.

D. Desired Pattern of Development:

1. The underlying zoning of residential limits certain uses and is intended for areas in the county with extensive residential development or potential for extensive residential development.
2. Development patterns in the subject area are expected to be primarily residential.
 - a. Proposed short term rentals are also expected to be part of development patterns.
3. The conditional use permit process allows other landowners in the area to provide feedback on the proposed short term rental.
4. The proposed intended rental days of 168 does not constitute a commercial use.
5. There is a need for short term lodging in the Side Lake area in an area known for longtime family cabin ownership in a popular summertime destination of cabin dwellers and cabin owners.
6. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. The current certificate of compliance on the property expired on September 1, 2022.
 - a. A new compliance inspection may be required per On-Site Wastewater SSTS requirements.
2. The existing system appears to have been designed for two bedrooms.
 - a. The proposed number of eight guests may not be allowed as the maximum occupancy of the short term rental would be limited to four, unless the septic system is upgraded in the future.
3. The French Town Board voted on September 7, 2022, in support of this proposal.

The following conditions shall apply:

1. All other short term rental standards shall be met.
2. St. Louis County Onsite Wastewater SSTS standards shall be followed.
3. All other local, state, and federal standards shall be met.
4. Permitted short term rental use shall not be transferrable upon a change in ownership of the subject property.

In Favor: Coombe, Filipovich, McKenzie, Nelson, Skraba, Svatos, Werschay - 7

Andrew Broz, Maple Wolf Sanctuary

The fifth hearing item is for Andrew Broz, Maple Wolf Sanctuary, a conditional use permit for a wolf-dog hybrid animal sanctuary as a Public/Semi-Public Use. The property is located in S11, T62N, R13W (Morse). *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval for a wolf-dog hybrid animal sanctuary as a Public/Semi Public Use.
- B. The applicant intends to start the operation with four animals at the sanctuary.
- C. If the sanctuary is successful, the applicant anticipates increasing the number of animals on the site, but the total number is not anticipated to exceed 30 animals.
- D. This number is significantly less than the number of animal units allowed on the property.
- E. The proposed use would be a non-profit that is not open to the public.
- F. The request includes a 1,200 square foot office and enclosure areas.
- G. Safety features on the enclosures includes double fencing, overhangs, dig guards and door locks.
- H. Security lighting is also proposed at the site.
- I. The property is currently 160 acres owned by Keith Flood.
- J. The proposed use would only be located on 60 acres.
- K. The Planning Department has processed a subdivision permit to split the property into several parcels, including the 60 acres that that would be the subject parcel for the request.

Jared Ecklund reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Although the proposed use is not open to the public, it was determined it may have a similar impact to the area as a dog kennel use or public/semi-public use as a wild animal center. These types of uses are allowed in the zone district with a Conditional Use Permit.
 - 2. The applicant has been in contact and is working with the Minnesota Department of Natural Resources (MN DNR) on state regulations and the USDA on federal regulations for the proposed sanctuary.
 - 3. The applicant plans to start the sanctuary with four animals and does not anticipate having more than thirty at any given time.
 - a. That number of animals falls within the animal units allowed per Zoning Ordinance 62.
 - 4. The property is located in the Forest and Agriculture category of the future land use map in the Comprehensive Land Use Plan.
 - a. This category consists primarily of large tracts of forest or farmland and includes areas not intended for future rural or urban development.
- B. Neighborhood Compatibility:
 - 1. This property is located in a fairly rural area with surrounding land consisting of a mix of private and public property.

2. The general area consists of large tracts of undeveloped land.
3. There is a farm with horses and other livestock on a parcel approximately one-quarter to one-half mile to the northwest of the subject property.
4. There are a few residential properties at the end of Twin Lakes Road approximately one-quarter of a mile from the proposed use.
5. The impact to the surrounding area may be similar to a dog kennel when considering the noise.
 - a. The applicant indicated that these hybrid animals typically sound more like a wild wolf population than domestic dogs.
 - b. Noise could still be a concern for any surrounding residents.
6. The proposed security lighting may also impact the neighboring landowners.
7. The applicant is planning several safety measures for the property.

C. Orderly Development:

1. It is not anticipated that there will be a lot of future growth in this area.
2. The area is very rural, and any future development would likely be rural residential, or the properties would be managed for forestry activities.
 - a. The zone district does not allow parcels less than 17 acres in size.
3. The area is located between the Multiple Use (MU)-4 zoning around the Highway 169 corridor and Residential (RES)/Shoreline Multiple Use (SMU) zoning around Twin Lakes and Mitchell Lake.
 - a. These other areas also have limited development.

D. Desired Pattern of Development:

1. The desired pattern of development would be forested with limited residential development where parcel characteristics would allow. It would not be unexpected to see some other types of uses in this area as well.
2. The St. Louis County Comprehensive Land Use Plan does not indicate anticipated growth in this area.
3. There are a few lakes in this area where more residential development could be expected.

E. Other Factors:

1. The subject parcel is currently 160 acres.
 - a. The proposed use is expected to be located in the northeast portion of the parcel.
 - b. A subdivision permit has been processed for the parent parcel to be split into five parcels. One of these parcels (60 acres) would be used for the proposal by the applicant.
2. The property is not adjacent to a public road.
 - a. The applicant indicated that the property is accessed by easement from Twin Lakes Road.

Jared Ecklund noted four items of correspondence from Jeff Eibler, Jan Derdowski (with Jeff Eibler, Clyde and Karen Peterson, and Judy Krish), Richard and Connie Ojala, and Kevin and Jessica Pope in opposition. These items were handed to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

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

1. The number of animals shall be no greater than 30 animals.
2. All other domesticated animal standards found in St. Louis County Zoning Ordinance 62, Article VI, Section 6.21 shall be met.
3. A waste management plan shall be submitted and approved by the county.
4. Lighting shall be directed downward in accordance with dark sky standards.
5. The property shall not be utilized as a commercial kennel operation unless a new conditional use permit is granted for the use.
6. All local, county, state and federal regulations shall be met.

Terry Soderberg, 1651 Forsman Road, Ely, Morse Town Chair, stated the applicant came to Morse Township to explain the proposal. On Tuesday, September 13, 2022, there was a public hearing that was attended by a few neighbors. The applicant answered questions from the township and the neighbors. They have not seen any neighbors in favor of this facility. This will be a significant investment that will require donations, \$60,000 for fencing, \$100,000 for a building and \$50,000 for solar energy. There are no wastewater facilities there. The waste from the dogs will go off-site.

The applicant is proposing four dogs to start with but could go up to 30 dogs. The four dogs will likely not be enough to keep the facility running. The dogs coming into this facility are problem dogs. This could be seen as an invasive species. Wolf dogs are not from Minnesota but could be from other states. Neighbors are nervous for the noise and the fencing. The fencing is not 100 percent guaranteed. The noise may not be excessive, but this is a residential area that could have up to 30 dogs barking. Morse Township moved to oppose this proposal because of the opposition from the neighbors. The vote was 3-0 in favor of opposition.

He noted the Morse Township resolution and a letter from Tom Rusch, a retired DNR employee and wildlife manager. These items were included with the record.

Andrew Broz, 546 East Boundary Street, Ely, the applicant, stated the neighbors' concerns are understandable. A wolf dog can be legally purchased from a breeder, kept in a house, and allowed in a park. They have no regulation by the United States Department of Agriculture (USDA). They do not need permission from the county or the township. They are proposing a sanctuary for these dogs that includes fencing with dig guards and other safety measures. There will be a team that takes care of the animals. It takes time, experience, and effort to care for them. The only area in the state that bans these dogs is Minneapolis. Although these animals are not regulated by the state and federal government, they have tried to work through this process and find the best way to go about the sanctuary. They chose to reach out with the USDA to meet and exceed their standards.

For any animal to escape through their enclosures, they would need to go through three locked gates, dig a four foot tunnel to climb a ten foot high perimeter fence or a fourteen foot tunnel to climb underneath the perimeter fence and get out. There are regulations that would check the perimeter and one would notice that there was digging and there would be action taken. The dig

guards would push the dogs to dig a tunnel in order to escape. The ten foot perimeter fences have a two foot cantilever angled to 30 degrees to prevent climbing outwards. If the dogs are able to climb that high, they would need to move upside down in order to climb up and over that fence. The dogs would need 15,000 PSI in order to cut through the fences. Any larger trees will be removed in order to prevent any potential damage to the fence.

They are trying to do this properly and the correct way. They take the neighbors' concerns seriously. The USDA does not ask for the perimeter fencing or the gates which they spent thousands of extra dollars on to make people feel comfortable and safe. Their animals will be spayed and neutered. Their animals will have been surrendered when their previous owner was not able to properly care for them. When talking with Morse Township, they understand the safety concerns for nearby residents. To be concerned with safety would mean the gross negligence of their team, catastrophic failure of the fencing design, and animal behavior to run towards people. These animals are known to stay away from people and not do well with new environments. They intend to have the dogs watched over at all times of the day and they intend to maximize the safety factor with their set-up.

The main reason that the enclosures were designed this way was for the team to interact with the animals. They want the animals to feel comfortable in their presence. They can completely care for the animal without needing to get into the enclosure.

He added the DNR is not involved in this process at all with the management of wolf dogs or keeping wolves as pets. The only agency involved if animals crossed state lines would be the Board of Animal Health or the USDA. That is an optional permit that is not required.

There is no affiliation of this organization with the neighboring landowner they are purchasing the property from. The LLC intend to purchase the property from the Floods where it will be leased to the Maple Wolf Sanctuary.

There is data about accidents that have occurred. Those types of accidents do not occur with the set-up they are proposing here. Those accidents occur when wolf dogs live in people's homes. When the wolf dog is not respected or treated properly, they can become aggressive. With the land use, dogs are allowed in the FAM zone district.

One member of the virtual audience spoke in support.

Melissa Flood, 205 North 3rd Street, Tower, stated they purchased the 160 acre property and will be living on the 40 acre parcel immediately south of the proposed sanctuary. This sanctuary will provide what the previous owners of these animals were unable to provide. They raised and owned wolf dog hybrids at one point. She does not want to see this denied because of fears not founded on actual information. In her experience, the reason why people can no longer care for these animals is because they lack knowledge and preparation, not aggression issues. They had zero incidents of animal aggression. It comes down to the animal's environment prior to ownership. That will determine whether they want to be around people or will be shy/timid. Rather than having animals euthanized, this organization should be allowed for these animals to have a safe refuge to live peacefully and without disturbing others. In her experience as a private refuge that took in

animals that could no longer be cared for, the only time they howled – they did not bark – when wild wolves were nearby or, on occasion, a train. This would not be on the same level as having sled dogs in the same area. As a direct neighbor with young children, she has zero concerns about the safety aspect or the prospect of animals escaping. There will be three landowners outside the sanctuary that are comfortable with the proposal, including two prospective buyers of the other two 40 acre parcels of the 160 acres.

Two members of the audience spoke against.

Clyde Peterson, no address given, stated no parent or grandparent would let their children out of the house with this sanctuary next door. There is a chance that these animals could get loose. This is being run under a non-profit. Their insurance would be inadequate for this project. Someone needs to be held responsible. North of this property is a property people are trying to sell. Who will buy this property with this sanctuary next door? The road is inadequate and is full of sinkholes. It will take a lot of effort to fix this road up. This is not fair to the neighbors.

Jeff Eibler, 2125 Twin Lakes Road, stated they have lived on this road for the past 12 years. He is likely the closest residence to the proposed sanctuary. They are concerned about safety. After not knowing much about wolf dog hybrids, he learned about them by talking to professionals and looking online. Research from 1986 to 1996 states wolf hybrids are 19 times more likely to be involved in a human fatality than other dogs combined. Regular dogs are domesticated, and wolves are not. Combining them could be dangerous. He has lived in northern Minnesota for the past 35 years. He has no fear of wolves and in his experience they run away. Wolf dog hybrids may not run because they are used to being around people. The sanctuary will have wolf dogs that are problem animals and are being brought in from all over the country. He has three daughters and does not want to walk outside every day and wonder if the wolf dog hybrid escaped. While there is a low probability of escape, that number is not zero. By the time the sanctuary staff knows there is a problem, it might be too late. These animals can move far quickly. The impact could go beyond their neighborhood.

There might be a place for a sanctuary like this. This could be a good experiment. They do not know how effective this team will be. A residential neighborhood is not the place to experiment. There is far more to lose than to gain in this case.

There is also a noise concern. While the applicant stated the noise level was like a lawnmower, there could potentially be 30 lawnmowers that never stop. There is also a concern for property value and the resale value on their property.

No other call-in users, present audience members or other virtual attendees spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Svatos* asked if this use is more like a hobby because there is no public allowed. *Jared Ecklund* stated this is a non-profit.
- B. Commission member *Filipovich* stated he spoke with someone that works with a veterinarian. This breed is not healthy for the animal. *Andrew Broz* stated there is frustration with those who breed these animals. Some practice inhumane breeding. This is

unregulated. Their mission is to educate people that this is not normal behavior and that they should consider their options before purchasing a wolf dog.

- C. Commission member *Pollock* asked how many employees there are. *Andrew Broz* stated their team now is volunteer based out of Ely. Commission member *Pollock* stated his concern is the sustainability of being a non-profit. He asked if the applicant has a business plan. *Andrew Broz* stated they do.
- D. Commission member *Pollock* asked how much financing needs to be available in the first year. *Andrew Broz* stated they can be sustainable in the first three years with \$50,000 to \$75,000 per year. This is based on volunteer labor. Commission member *Pollock* asked what the initial capital investment is. *Andrew Broz* stated the estimate is \$340,000 with the property, the structure and the fencing, but this number is subject to change. Commission member *Pollock* asked if that funding is available now. *Andrew Broz* stated that they do have donors for that amount, but those donors were specifically told to wait until they acquired permits. They did not want to take the money for this project only to be told they could not do this project.
- E. Commission member *Skraba* asked about feeding. *Andrew Broz* stated they will use a mix of high-quality kibble as well as donated meat. Commission member *Skraba* added that the International Wolf Center uses deer and beaver. *Andrew Broz* stated that the USDA stated they want all food to be on a surface. They would need to cut up fresh meat and put it in a bowl and not leave it out as a carcass. There is a way to design the fences to have a slat extend and retract for feeding.
- F. Commission member *Skraba* asked if there will be staff living at the property. *Andrew Broz* stated there will be an office at this location and they plan to have a recreational vehicle (RV) for people to stay on-site. They will also look into having a portable toilet to use. The office space is for storage, preparing things for the wolf dog, shelter for the dogs without leaving their enclosures. The only time the dogs will leave those enclosures is when they are sedated. An example would be a vet visit.
- G. Commission member *Skraba* asked where the nearest sanctuary is located. *Andrew Broz* stated that is not known. They work with two sanctuaries in Colorado that have been operating for about 30 years apiece. They have a good reputation and operate properly.
- H. Commission member *Werschay* asked if the dogs will have human contact. *Andrew Broz* stated their team will interact with the dogs. If the dogs are not socialized properly, they are afraid of humans. They would need to be rehabilitated to be more comfortable with human interaction. If they were socialized properly, they would be similar to a regular dog but may come from a situation where their landowner could not properly care for them. Some may act like regular dogs, and some might act like wolves. It just depends on the history of the animal.
- I. Commission member *Filipovich* asked if the life span is comparable to a regular dog. *Andrew Broz* stated yes, depending on the animal.
- J. Commissioner *Nelson* asked the Planning Commission to focus more on the area and the property and not the animals. *Andrew Broz* stated he looked at the Ordinance for information on allowable animal units. *Jared Ecklund* stated that a dog is one-fifth of an animal unit. They would be allowed up to 150 dogs. *Andrew Broz* added that 30 dogs would be their maximum because of the number of volunteers needed and stimulation needed for the animals. This will fit in with the land use plan. They will keep the area forested which should help cut down noise. The noise decibels allowed are like a push lawnmower.

- K. Commission member *Coombe* stated the applicant has his heart and soul about this proposal. His concerns are hypothetical.
- L. Commission member *Svatos* stated *Terry Soderberg* mentioned that this could be the start of introducing an invasive species. There needs to be care taken on this issue. *Andrew Broz* stated these animals are spayed and neutered and the possibility of breeding is negligible. They will not release these animals into the wild. That is the whole point of the sanctuary. They are not meant to be in the wild. Even though these are wolf dogs, there are regular dogs kept in people's backyards now and they are not considered invasive species.
- M. Commission member *Skraba* asked how close this property is to public land. *Andrew Broz* stated there is federal public land nearby. The snowmobile trail is about one-half mile from this property.
- N. Commission member *Pollock* asked if there are no regulations to keeping wolves as pets. *Andrew Broz* stated there are not. Commission member *Pollock* asked if a goal is to educate people to not keep these wolf dogs as pets. *Andrew Broz* stated it is. Commission member *Pollock* stated at some point they might not need to exist because the message is out there. *Andrew Broz* stated that if their non-profit has enough money, everything will even out, and they will take care of these animals for the rest of their lives.
- O. Commission member *Skraba* asked if there is development in this corridor. *Jared Ecklund* stated there is.

Testimony was opened up to those for and against. The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked if *Melissa Flood* owned wolf dogs. *Melissa Flood* stated she has. Commission member *Skraba* asked if she did normal dog activities with them, such as walking. *Melissa Flood* stated they interacted with the wolf dogs daily. They had a 15,000 square foot enclosure. At any given time, they had between two and six wolf dogs within this enclosure. This was when she was a child; she and her brother would go into the enclosure every day. Commission member *Skraba* stated the International Wolf Center has wolves that their staff interacts with every day and it is a very expensive process.
- B. Commission member *Skraba* asked if the other two prospective buyers of the property the Floods is selling are okay with this proposal. *Melissa Flood* stated they are aware of the sanctuary and are comfortable with it.
- C. Commission member *Werschay* stated she felt human contact was part of a land use issue. She asked if these wolf dogs would seek out human contact. *Melissa Flood* stated the animals would probably not escape in order to find human contact. They never saw anything like this with their animals. Neighbors would check on the animals and feed them through a track door. They never escaped and there was no evidence that they attempted to escape. This would likely not be an issue here because of the safety measures proposed.
- D. Commission member *Pollock* asked what the LLC is. *Andrew Broz* stated this is an LLC that can purchase the land and set up a lease for the non-profit is not an issue. This is fairly standard. Commission member *Pollock* stated he is trying to understand what makes up the LLC that is relevant.
- E. Commission member *Pollock* asked if the applicant has insurance. *Andrew Broz* stated they do have liability insurance already for this type of use.

- F. Commission member *Skraba* asked if this land is rural around the area. *Andrew Broz* stated it is rural around this area. Commission member *Skraba* asked if the applicant is aware that timber wolves are known in this area. The noise levels may be more than what the applicant thinks because there are native wolves in this area. *Andrew Broz* stated they intend to keep dense vegetation. Commission member *Skraba* asked if there will be trees within the enclosures. *Andrew Broz* stated yes, such as white pine regeneration or another type of tree. These trees will be no threat to the fence but will help mitigate the sound.
- G. Commission member *Skraba* stated he understands what the applicant wants to do but there is a chance that these wolf dogs may want to escape. As much as the applicant will make sure none of this will happen, something may happen. *Andrew Broz* stated it would be well within their management guidelines to keep or cut trees to protect the fence.
- H. Commission member *Skraba* stated that both the applicant and the adjoining landowner in support said these animals are unpredictable. He asked if they would ever allow in-person interaction. *Andrew Broz* stated they are closed to the public. They want an online presence because an in-person presence would make things more complicated.
- I. Commission member *Pollock* asked if the entire set-up must be built at once. *Andrew Broz* stated there are pieces that need to be constructed to take in an animal, but it does not all have to be built at once. There are supply shortages at the moment so that is a definite factor.
- J. Commission member *Pollock* asked what the applicant will immediately do if they are approved. *Andrew Broz* stated they will go forward with construction. In order to take in an animal, the fence will need to be complete. They would not feel comfortable without the structure. They need to be prepared and have their infrastructure first.
- K. *Leonard Cersine*, Morse Township Supervisor, stated there may be as many as 30 animals. Would they all be within those enclosures? *Andrew Broz* stated that to take in additional animals would require additional fencing and enclosures because there is a limit to how many animals could be put in one enclosure. Commission member *Pollock* asked if the displayed set-up is just for four animals. *Andrew Broz* stated it is. Commission member *Skraba* stated a condition could be added to limit the number of animals.
- L. Commission member *Pollock* stated the sustainability of this business plan would start to show within two to three years. *Andrew Broz* stated they want to make sure the number of animals is sustainable with proper funding and staff.
- M. Commission member *Werschay* stated that there has not been enough effort made for the safety factor. There could be cameras that would be able to see over the perimeter fence. There could be someone staying on-site 24 hours per day.
- N. Commission member *Pollock* stated that his concern is this would become a commercial use instead of a non-profit. *Jared Ecklund* stated that commercial use would have to take place somewhere else. That might need to be on a different property or as part of a different request.
- O. Commission member *McKenzie* stated that the land use issue and the operational issue are intertwined. The plan is unrealistic because it relies entirely on volunteers, the quality can vary widely. One factor is how it would affect the property values of neighboring parcels.
- P. Commission member *Skraba* stated they sold these lots or are selling these lots as residential. This will not be residential. If everything has always been residential, this is not normal and orderly development.

- Q. Commission member *Pollock* stated this project would be more viable if they had a solid plan showing what they could have a year from now or two years from now. There are at least six people who have corresponded about health and safety, and the reasonable use of property. This is an unusual case, and that must be taken into account. The Planning Commission may want to consider a denial without prejudice for having a more viable plan.

DECISION

Motion by Svatos/McKenzie to deny a conditional use permit for a wolf-dog hybrid animal sanctuary as a Public/Semi-Public Use, based on the following staff facts and findings:

A. Plans and Official Controls:

1. Although the proposed use is not open to the public, it was determined it may have a similar impact to the area as a dog kennel use or public/semi-public use as a wild animal center.
2. The applicant has been in contact and is working with the Minnesota Department of Natural Resources (MN DNR) on state regulations and the USDA on federal regulations for the proposed sanctuary.
3. The applicant plans to start the sanctuary with four animals and does not anticipate having more than thirty at any given time.
 - a. That number of animals falls within the animal units allowed per Zoning Ordinance 62.
4. The property is located in the Forest and Agriculture category of the future land use map in the Comprehensive Land Use Plan.
 - a. This category consists primarily of large tracts of forest or farmland and includes areas not intended for future rural or urban development.
5. This area is primarily residential and that is the direction that should continue.
6. The use does not conform to the land use plan.

B. Neighborhood Compatibility:

1. This property is located in a fairly rural area with surrounding land consisting of a mix of private and public property.
2. The general area consists of large tracts of undeveloped land.
3. There is a farm with horses and other livestock on a parcel approximately one-quarter to one-half mile to the northwest of the subject property.
4. There are a few residential properties at the end of Twin Lakes Road approximately one-quarter of a mile from the proposed use.
5. The impact to the surrounding area may be similar to a dog kennel when considering the noise.
 - a. The applicant indicated that these hybrid animals typically sound more like a wild wolf population than domestic dogs.
 - b. Noise could still be a concern for any surrounding residents.
6. The proposed security lighting may also impact the neighboring landowners.
7. The neighbors have corresponded that their primary concern is safety.
8. Morse Township is opposed to the permit and submitted a town board resolution in opposition outlying their concerns.
9. The use is not compatible with the existing neighborhood.

C. Orderly Development:

1. The area is located between the Multiple Use (MU)-4 zoning around the Highway 169 corridor and Residential (RES)/Shoreline Multiple Use (SMU) zoning around Twin Lakes and Mitchell Lake.
2. These other areas also have limited development.
3. The health and safety of the nearby residents should be considered.
4. The use would impede the normal and orderly development and improvement of the surrounding area.

D. Desired Pattern of Development:

1. There are a few lakes in this area where more residential development could be expected.
2. This is a rural residential area. This proposal would impact the local population.
3. There will be added noise.
4. This will be an atypical use of the area that is considered new to the area.
5. The location and character of the proposed use is not considered consistent with a desirable pattern of development.

In Favor: Coombe, Filipovich, McKenzie, Pollock, Skraba, Svatos, Werschay - 7

Opposed: None - 0

Motion carries 7-0

Motion to adjourn by Werschay. The meeting was adjourned at 12:45 PM.