

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, APRIL 14, 2022.

9:07 AM – 1:02 PM

Planning Commission members in attendance: Tom Coombe
Steve Filipovich
Dan Manick
Pat McKenzie
Commissioner Keith Nelson
Dave Pollock
Roger Skraba, Chair
Ray Svatos
Diana Werschay

Planning Commission members absent: None

Also present: Matthew Johnson, Director of Planning and Community Development Department.

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

NEW BUSINESS:

- A. St. Louis County Subdivision Ordinance 60 Amendments
- B. St. Louis County Public Works Department, a conditional use permit for a Public Works maintenance facility as a Public/Semi-Public Use.
- C. St. Louis County Public Works Department, a conditional use permit for a Public Works maintenance facility as a Public/Semi-Public Use.
- D. Prochazka Properties LLC, a conditional use permit for an expansion of an existing highway commercial use to include a mini storage business with indoor and outdoor storage, a storage container rental business, and office/shop rental space as a Commercial, Retail and Services Establishments Use - Class II; and a conditional use permit to allow an existing trucking company and machine shop as an Industrial Use - Class II.

OTHER BUSINESS:

Motion by Svatos/McKenzie to approve the minutes of the March 10, 2022 meeting.

In Favor: Coombe, Filipovich, McKenzie, Pollock, Skraba, Svatos – 6

Opposed: None – 0

Abstained: Manick, Nelson, Werschay - 3

Motion carried 6-0-3

Jenny Bourbonais, Acting Secretary, reminded the Planning Commission that action should be taken on the Planning Commission bylaws and will schedule the discussion at the beginning of the May 12, 2022, hearing.

Subdivision Ordinance 60 Amendments

The first hearing item is for the St. Louis County Subdivision Ordinance 60 amendments. *Jenny Bourbonais*, Land Use Manager, presented as follows:

- A. Staff continuously review Zoning Ordinance 62 and Subdivision Ordinance 60 for potential changes.
- B. A change relating to abstract requirements for Minor, Conventional and Conservation plats has been on staff's radar for several years.
- C. There are several plats in the queue that are pending abstracts.
- D. Minnesota Power will be moving forward with several plats throughout 2022 and 2023.
- E. A change to the abstract requirement, as well as additional ordinance language regarding lease lots of record, will help move these, as well as other private plats, through in a more efficient manner.
- F. The proposed amendments fall into the following categories:
 - a. General clean-up of outdated text, grammar, and formatting.
 - b. An additional parcel is allowed through the Performance Standard Subdivision process.
 - c. Updated language pertaining to Lease Lots of Record.
 - d. Change in abstract requirement.
 - e. Removal of Planning Department final plat processes.
- G. On March 4, 2022, public notice was sent to all cities, towns, and interested parties notifying of amendments.
- H. A 30-day notice allows for a public hearing to consider amendments at the April Planning Commission meeting.
- I. If the Planning Commission approves amendments, the changes will need to go forward for final approval by County Board.
- J. There is typically another 30-day public notice prior to County Board hearing.
- K. Possible adoption by the end of May 2022.

Performance Standard Subdivision:

- A. Currently, a parent parcel may be divided into a maximum of three parcels (including the remnant).
- B. Other simple divisions allow four parcels to be created.
- C. Recommendation to allow a maximum of four parcels (including the remnant) to be allowed by a performance standard subdivision for consistency.

Lease Lots of Record:

- A. The current definition of Lot of Record includes lease lots in definition.
- B. The proposed Lease Lot of Record definition provides for a clearer definition.
- C. Currently, there is not specific language in Ordinance for these types of plats.
- D. The proposed language is based off a County Board resolution and policy relating to the subdivision of leased lots of record.

Change in abstract requirement:

- A. Currently on abstract property, an abstract title is required for subdivision plats.
- B. An Abstract of Title is a "book" of all deeds, mortgages, and other documents relating to a particular piece of land.

- C. An Abstract of Title is no longer a document that is easily obtained (if at all able to be obtained) resulting in delays or limiting subdivision potential for properties.
- D. State statute 505 pertaining to subdivision plats allows for several options that a developer shall provide to prove satisfactory evidence of title, including an abstract of title, certificate of title, title opinion, title commitment, or title policy.
- E. The proposed abstract language would be as follows:
 - a. Developer shall provide the following as satisfactory evidence of title per Minnesota Statute 505.03:
 - i. Torrens Property: Certificate of Title or Certificate of Possessory Title, whichever is applicable.
 - ii. Abstract Property: any one of the following updated no later than 60 days prior to submission: Title Opinion, Title Commitment, Title Policy or Abstract of Title.
 - iii. Combination of Torrens Property/Abstract Property: Certificate of Title or Certificate of Possessory Title, whichever is applicable, as to the Torrens portion, and any one of the following updated no later than 60 days prior to submission, as to the Abstract portion: Title Opinion, Title Commitment, Title Policy or Abstract of Title.
- F. The proposed language was drafted and supported by the St. Louis County Attorney's Office.
- G. The County Attorney's Office reviews all subdivisions for proof of satisfactory evidence of title.

Final plat requirement:

- A. The Planning and Community Development Department has traditionally had a three-step platting process: concept, preliminary, and final.
- B. Concept plan:
 - a. Property owners seeking to subdivide land shall take part in a concept plan review with the Department to gain feedback and guidance. The goal of the concept plan review is to identify important physical features and the potential of the property, and to establish the relationship of the property to adjacent parcels. It is also a guide to determine which subdivision process is appropriate for the development. Any comments, written or otherwise, provided to the property owner during concept plan review shall be informational, and shall not bind any party to specific findings of fact or law.
 - b. A sketch to rough scale showing a developer's initial ideas regarding a proposed subdivision and supporting documents.
 - c. Review and guidance provided by Planning & Community Development Department.
- C. Preliminary plat:
 - a. Preliminary Plat - A map and related written materials, documents and information required by the Ordinance and/or Director in order to adequately review a proposed subdivision.
 - b. Review and guidance provided by the Planning and Community Development Department.
 - c. Required public hearing, review and recommended approval to move forward to the County Board by the Planning Commission.
- D. Final plat:

- a. Final Plat - A map, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Ordinance to be presented to the Director and/or the County Board for approval, and which, if approved, shall be duly filed with the County Recorder.
- b. Review by the Planning and Community Development Department for conformance with Preliminary approval. Once reviewed, developer required to move on to Final Plat stage with the County Surveyor's office.
- E. County Surveyor Final Plat:
 - a. A separate application, checklist, fee, letter of approval to proceed to final plat review by LGA, completed location of Government Corner Certificates, and copies of title work required by County Surveyor.
 - b. Planning currently provides notification to County Surveyor that a developer may proceed to final plat review via internal county plat tracker program.
- F. Two "Final Plat" processes are redundant and often confusing to both county staff and the developer.
- G. In lieu of a Final Plat process by the Planning and Community Development Department, it is recommended to provide the County Surveyor a letter or notice of approval to proceed to final plat review by the County Surveyor.
- H. Final Plat. Final Plat Review: The goal of the final plat review with the Department is to determine that all conditions of the preliminary plat approval have been met. Upon successful review, the St. Louis County Surveyor will be notified that the platting process may continue. The final plat shall follow final plat procedures established by Minnesota Statutes 505, and all amendatory acts thereof, and the St. Louis County Subdivision Ordinance, St. Louis County Subsurface Sewage Treatment Ordinance or their successors or replacements and the County Surveyor's Office.

Jenny Bourbonais noted correspondence received:

- 1. Confirmation of email receipt by 30 Townships, nine Cities and two interested parties.
- 2. One item of updated language correspondence by St. Louis County Attorney's Office.
- 3. One item of correspondence in support by Benchmark Engineering.
- 4. One item of correspondence from Gnesen Township questioning "and all amendatory acts thereof" language.

Planning Commission members went through the red-line version of the draft Ordinance 60 to show all edits, amendments, and additions page by page throughout the document.

The *Planning Commission* discussed the following:

- A. Commission member *Filipovich* asked who gets to make state statute amendments. *Jenny Bourbonais* stated that legislature would approve such changes. The addition of "and all amendatory acts thereof" language would allow the statute numbers to remain valid until such time the Ordinance is amended again in the future.
- B. Commission member *Coombe* asked what would happen to old lease lots that have no tax identification numbers. *Jenny Bourbonais* stated that nothing would happen to the lot. The definition would not change that lot even if new parcel or tax identification numbers are assigned.

- C. Commission member *Werschay* asked for an explanation of open space. *Jenny Bourbonais* stated that in some plats from the 1930s up until the 1950s, there were open space access lots in these large plats to access the lakeshore. There are many of these that exist on Lake Vermilion. These are dedicated as open space or public land. Depending on the ownership or where the plat is located, this might fall within the county or township. This is not something that typically exists in modern plats.
- D. Commissioner *Nelson* asked about Esquagama lots. *Jenny Bourbonais* stated those lots would be lease lots of record.
- E. Commissioner *Nelson* stated that all these lease lots should be platted. This has been mandated by the state Department of Finance. *Jenny Bourbonais* stated that the proposed language for a lease lot of record should help in these types of situations. For nonconforming lots, staff is working with plat developers to make these lots as conforming as possible. Otherwise, they would be considered lots of record even if they are nonconforming. This would be case-by-case.
- F. *Matthew Johnson*, Director of Planning and Community Development, stated he has worked on the abstract language and reached out to other attorneys not in St. Louis County as well as realtors. He was assured that these options are valid.
- G. Commission member *Coombe* asked how long the process is to get a final plat approved. *Jenny Bourbonais* stated that it depends as there are three stages of plat approval. It also depends on if the applicant is working with a surveyor or if they are working on their own.
- H. Commission member *Werschay* asked if Natural Environment lakes are small. *Jenny Bourbonais* stated that Natural Environment lakes are defined based on depth and aquatic vegetation. Commission member *Skraba* stated the DNR's website defines a Natural Environment lake as: Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

Motion by Coombe/Svatos to forward Subdivision Ordinance 60 to the County Board with recommendation to approve the amendments.

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

Opposed: None – 0

Abstained: Nelson - 1

Motion carries 8-0-1

Chronic Wasting Disease Business Meeting Discussion

Matthew Johnson, Director of the Planning and Community Development, stated the county is at the halfway point of its one-year moratorium regarding Chronic Wasting Disease. Director Johnson handed out documents containing background information on chronic wasting disease, what the state's regulation efforts are and why cervid farms are important. It is important for the public to know how important cervid farms are. Director Johnson also touched on the discussion from the March 3, 2022, Planning Commission workshop. There were four options presented to the Planning Commission:

1. No new or expanded Cervid farms in St. Louis County in the event that there is a cure for chronic wasting disease.
2. No new Cervid farms but existing farms could expand through a conditional use permit.
3. Both new and expanded Cervid farms could exist through a conditional use permit.
4. Do nothing and hope for the best.

The Planning Commission wanted option one and then clearly indicated that they wanted St. Louis County to lead the way to work with existing Cervid farms and the Cervid community to look for best management practices; to work with other stakeholders to find a cure; helping the public understand chronic wasting disease; and to look for some financial incentives for the Cervid community to make them even safer. There was also a mention of buying out these Cervid farms.

Since March 3, 2022, there has been a new case of chronic wasting disease in Grand Rapids.

Prior to going before the County Board on May 3, 2022, he wants to put more explanation into the next steps of the process, especially after the Planning Commission workshop.

Commission member *Skraba* asked if they are being too cautious about what is going on here. Chronic wasting disease has been around for a long time. In a cervid farm, it would be easier to get and spread the disease. He does not know if deer have a natural immune system to fight this. Out of 13,000 deer tested, only 26 deer had it. What are the long-term decisions here and what are the repercussions? Is this helping the deer? Commission member *Coombe* stated that those are the numbers that were chosen to put out there. If this body does nothing, it would be like putting blinders on. Commissioner *Nelson* stated the county should have some say in what is going on. St. Louis County has been effective in impacting cervid location and relocation in the state already.

Matthew Johnson stated that this document is a message being sent to the state. Phase two will include a public process. A press release will allow public comments to be made.

No formal action was needed. No action was taken.

NEW BUSINESS:

St. Louis County Public Works (Whiteface)

The second hearing item is for St. Louis County Public Works Department, a conditional use permit for a Public Works maintenance facility as a Public/Semi-Public Use. The property is located in S1, T56N, R14W (Unorganized). Commissioner *Nelson* recused himself from voting on this case because he had been involved with the project as a St. Louis County Board Commissioner.

Stephen Erickson, St. Louis County Planner, reviewed the staff report as follows:

- A. The St. Louis County Public Works Department is proposing to construct a new maintenance facility for the maintenance and storage of public works equipment.
- B. The facility will consist of a shop area, cold storage, and a salt dome.
- C. The normal hours of operation will be from 7:00 a.m. until 4:00 p.m. Monday through Friday.
- D. Winter road maintenance and snow plowing will extend daily hours and will include Saturday and Sunday.

- E. The entrance will be located on Highway 16.

Stephen Erickson reviewed staff facts and findings as follows:

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, requires a conditional use permit for a Public/Semi-Public Use.
2. The property falls within the Forest and Agriculture Area of the St. Louis County Comprehensive Land Use Plan.

B. Neighborhood Compatibility:

1. The property is zoned Multiple Use which allows for multiple uses including residential, commercial, industrial, and public/semi-public use.
2. The parcel is surrounded entirely by state, federal, or county land.
3. There are no permanent residences near the proposal.

C. Orderly Development:

1. The area consists of large tracts of undeveloped land.
2. The proposal will have no effect on future development of the surrounding area.

D. Desired Pattern of Development:

1. The pattern of development in the area consists of large undeveloped tracts of public land.
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. The proposed facility will replace the older Brimson and Town of White Facilities.

Stephen Erickson noted three items of correspondence with concerns about the proposal from Stephanie Maki, Nathan Lano and Josh Maki. These items were provided to the Planning Commission prior to the meeting.

STAFF RECOMMENDATION

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

Condition Precedent:

1. 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. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. The applicant shall comply with all county, state, and federal regulations.

Ross Benedict, St. Louis County Public Works Engineering Maintenance Supervisor in Pike Lake, the applicant, stated there is very little traffic anticipated for Camp 26 Truck Trail. The Public Works trucks will not travel that road because it will not support 20-ton trucks. Any materials or deliveries to the proposed site will come in from the access on Highway 16.

Two members of the audience spoke up with questions. There were no virtual attendees.

Stephanie Maki, 4132 Reagan Road, Makinen, stated her family lives off Camp 26 Truck Trail. Her husband is the president of the East Linwood Lake Association. They know as much information on Camp 26 Truck Trail as there is to know. On this road, there are about 15 full-time residents that own property. In total, there about 150 private property owners with the three main lake associations as well as hunting shacks and leased property holders. While this is a forestry road, it is used by the public. It is a shortcut between Highway 16 to Highway 4. There is an additional 45 minutes round-trip if the shortcut is not used. There are also logging vehicles and semi-trucks on this road on a regular basis. During hunting season, there are also vehicles that park on the side of the road. Having this new maintenance facility will increase traffic on this road. This project will hinder the residents that live on this road mostly because they are the landowners responsible for paying to maintain the road. They know about the discussion between the county and the U.S. Forest Service and what needs to be done to update the road to county standards. It is not fair for the residents who live on the road to pay for plowing this road while the road is extensively traveled. If they do not pay this maintenance contract, they will lose the contract and may never get it back again. She wanted to make sure that local voices are heard.

Josh Maki, 4132 Reagan Road, Makinen, stated they had a petition last year trying to get the county to take over Camp 26 Truck Trail. They should not pay for other people to use this road. With the maintenance garage located at that corner, Camp 26 Truck Trail will be used more. The U.S. Forest Service has been helpful regarding the Camp 26 Truck Trail. He is not against the proposed facility.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Pollock* asked if there will be access off Camp 26 Truck Trail. *Stephen Erickson* stated he is not aware of one.
- B. Commissioner *Nelson* stated Camp 26 Truck Trail is a federal road. The U.S. Forest Service has been hesitant to enter into a maintenance agreement with the county. The county is working with the forest service to get the funding needed to take over this road if the forest service is willing to upgrade the road to county road standards. The location of the new Public Works garage is to provide maintenance throughout the district.
- C. Commission member *Skraba* asked how many jobs will be provided in this building. *Ross Benedict* stated there is one person working at the Brimson tool house and two people work at their rented space in the Town of White. With people brought in from the Virginia office, there could be six people operating in this new facility. While this does not create new jobs, this facility will be more centrally located in this district.
- D. Commission member *Skraba* asked what exists on the site now. *Ross Benedict* stated the property is undeveloped.

- E. Commission member *Skraba* asked where the county operates for maintenance now. *Ross Benedict* stated they have a Brimson tool house that was built in the 1930s and a rented space in the Town of White where they have two garage stalls.
- F. Commissioner *Nelson* stated Public Works will be upgrading fueling facilities. The existing fueling facility in Brimson is less than adequate. There will be an environmental benefit from this to clean up the existing locations. All existing equipment will be inside parked on a concrete slab and will not be outside in the elements.
- G. Commission member *Skraba* asked if the county maintains Camp 26 Truck Trail. *Ross Benedict* stated the county does not maintain this road. The only agreement they have with the U.S. Forest Service is to maintain two large culverts that branch the Whiteface River that get inspected annually.
- H. Commission member *Filipovich* asked where Camp 26 Truck Trail goes through to. *Ross Benedict* stated that road goes to Highway 4 and is about ten miles of gravel.
- I. Commission member *Manick* asked if snowplow drivers would use Camp 26 Truck Trail to get to the new facility quicker as they complete their routes. This might be a concern of the residents. Commissioner *Nelson* added that this is a public road, but not a county-owned public road. The county may plow this road because a private road association has a maintenance agreement to allow county snowplows to plow this road.
- J. Commission member *Coombe* asked if there will be any way for a truck to cross onto Camp 26 Truck Trail from the proposed facility or if it will be bermed off. *Ross Benedict* stated they have no plan for any access other than the access to Highway 16/Town Line Road.
- K. Commission member *Pollock* asked if there is any evidence that the federal government uses Camp 26 Truck Trail. *Stephanie Maki* stated that the U.S. Forest Service uses this road to complete their studies, for logging, and there is forest land along the road.
- L. Commissioner *Nelson* stated the county would not discontinue plowing on a road association road if the road association gave up their maintenance contract. The county may not plow driveways, but they would continue to plow the road. The road association would be able to get another contract if they chose not to renew it.
- M. Commissioner *Nelson* stated this area is growing. With Minnesota Power selling individual lease lots, there will be more growth in this area under private ownership. The trouble is getting this fixed at the federal level but is in the process of being a provision in an existing bill for congress.
- N. Commission member *Pollock* asked if the fee paid by the road association covers plowing Camp 26 Truck Trail or if it includes plowing private driveways. *Stephanie Maki* stated it is just for plowing the road. They clear their own driveways. Commissioner *Nelson* stated public money cannot be spent on a road that is not public-owned and not maintained by the county. A contract is required to be able to plow. Of the 3,000 roads maintained by St. Louis County, there are 600 roads that are not. Camp 26 Truck Trail happens to be one that is a public forest service road but not a county road.
- O. Commission member *Svatos* asked who maintains Camp 26 Truck Trail when it is not winter. *Stephanie Maki* stated maintenance is contracted out to either the county or a private entity for maintenance.
- P. Commission member *Skraba* stated the road issue begins with the federal government.

DECISION

Motion by Manick/Coombe to approve a conditional use permit to allow a Public Works maintenance facility as a Public/Semi-Public Use, based on the following staff facts and findings:

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, requires a conditional use permit for a Public/Semi-Public Use.
2. The property falls within the Forest and Agriculture Area of the St. Louis County Comprehensive Land Use Plan.
3. The use conforms to the land use plan.

B. Neighborhood Compatibility:

1. The property is zoned Multiple Use which allows for multiple uses including residential, commercial, industrial, and public/semi-public use.
2. The parcel is surrounded entirely by state, federal, or county land.
3. There are no permanent residences near the proposal.
4. The use is compatible with the existing neighborhood.

C. Orderly Development:

1. The area consists of large tracts of undeveloped land.
2. The proposal will have no effect on future development of the surrounding area.
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 in the area consists of large undeveloped tracts of public land.
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 location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. The proposed facility will replace the older Brimson and Town of White Facilities.
2. Concerns about the U.S. Forest Service forestry road are being addressed.

The following conditions shall apply:

Condition Precedent:

1. 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. Signs shall be in accordance with St. Louis County Zoning Ordinance 62.
3. The applicant shall comply with all county, state, and federal regulations.

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

Opposed: None - 0

Abstained: Nelson - 1

Motion carries 8-0-1

St. Louis County Public Works (Kugler)

The third hearing item is for St. Louis County Public Works, a conditional use permit for a Public Works maintenance facility as a Public/Semi-Public Use. The property is located in S29, 61N, R15W (Kugler). Commissioner *Nelson* recused himself from voting on this case because he had been involved with the project as a St. Louis County Board Commissioner. *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The St. Louis County Public Works Department is proposing to construct a new maintenance facility for the maintenance and storage of Public Works equipment.
- B. The facility will consist of a shop area, cold storage, and a salt dome.
- C. The normal hours of operation will be from 7:00 a.m. until 4:00 p.m. Monday through Friday.
- D. Winter maintenance and snow plowing will extend the daily hours of operation and will include Saturday and Sunday.

Stephen Erickson reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, requires a conditional use permit for a Public/Semi-Public Use.
 2. The property falls within the Forest and Agriculture Area of the St. Louis County Comprehensive 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/semipublic use with a conditional use permit.
 2. The majority of the area consists of large undeveloped parcels.
 3. There are a few permanent residences near the intersection of Highway 135 and Wahlsten Road (County Road 26).
- C. Orderly Development:
 1. The area consists mostly of large tracts of undeveloped land of both public and private ownership.
 2. There are parcels with residential dwellings located across Highway 135 from the proposed entrance. There are also two dwellings located south of the proposal near the intersection of Highway 135/County Road 26.
- D. Desired Pattern of Development:
 1. The pattern of development in the area consists of residential and public/semi-public uses, all which are allowed within 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 Factors:

1. Minnesota Department of Transportation has approved an access permit for the proposed entrance.
2. The proposed access road will be through a parcel that is currently privately owned and proposed to be purchased by the Public Works Department.
3. The proposed facility will replace the existing Tower and Embarrass facilities.

Stephen Erickson noted one item of correspondence from Dan Beihoffer with concerns about the proposal. This item was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

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

Condition Precedent:

1. 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. All signs shall meet the requirements of St. Louis County Zoning Ordinance 62.
3. The applicant shall comply with all local, county, state, and federal regulations.

Ross Benedict, St. Louis County Public Works Engineering Maintenance Supervisor in Pike Lake, the applicant, stated this proposed facility will replace the Embarrass garage that was built in 1930 and has no indoor plumbing and the Tower garage that was built in 1990 but does not have adequate room for what they need. The railroad grade will be paved and be part of the Mesabi Trail. They cannot share a trail with their 20-ton trucks. There will be stop signs along the trail. This is the only high spot on the property to construct a facility as they try to avoid wetland impacts. This is a location that is in the center of the maintenance district.

Two members of the audience spoke up with questions. There were no virtual attendees.

Michael Jankowski, 5660 Wahlsten Road, stated he owns the property that the subject property crosses. He also has the former landowners' signature for the interest in the railroad grade. This was an easement under DM&IR Railroad years ago. He is willing to work with Public Works on the property. He is in favor of the maintenance facility. His only concern is excavating along the grade to widen the road. There were young pines that were cleared out to create a temporary road.

Brenda Jankowski, 5660 Wahlsten Road, asked about the future of this proposed maintenance facility and if it would ever be sold into private ownership. She is also concerned about noise levels.

Ross Benedict stated that they need this acreage to stay below the amount of impervious surface allowed. During construction, there may be noise. Once the facility is operational, the trucks will leave in the morning and come back at night with a lunch break. Commissioner *Nelson* added that backing up trucks will not be as much of an issue as this facility will have pull-through garages. In emergency conditions throughout the year, trucks can operate at this facility day or night.

The *Planning Commission* discussed the following:

- A. Commission member *Manick* asked what staff uses as a guideline for the word ‘near’ as there are a few permanent residences near the intersection of Highway 135 and County Road 26. *Stephen Erickson* stated there are a couple residences close to the intersection and one across from the proposed access.
- B. Commission member *Pollock* asked if there is a residence located directly across from the proposed access. *Stephen Erickson* stated there is an area cleared across the road from the proposed access. That residence is 825 feet from the proposed access.
- C. Commission member *McKenzie* asked if the railroad grade is part of an actual trail. Commissioner *Nelson* stated that this old railroad grade is part of the Mesabi Trail.
- D. Commission member *Skraba* asked if the current Tower garage would be sold to private ownership. Commissioner *Nelson* stated that if the city of Tower asks for the property, it will be given to them as public purpose land. It has no bearings on this case otherwise.
- E. Commission member *Skraba* asked if there is any way for the access road to be offset in order for the neighbor’s concerns to be addressed. *Ross Benedict* stated that the residence is over 800 feet from the access and there are 600 feet of woods. Lights may not be a problem. This spot was chosen because this is a state highway and permitting is much simpler.
- F. Commission member *Svatos* asked on which side the facility will be located from the Mesabi Trail. *Ross Benedict* stated the access will cross the trail and be located on upland to the east of the trail.
- G. Commission member *Coombe* asked if there will be stop signs on the access road that crosses the Mesabi Trail. There is more than enough room on the access road to stop before crossing the trail.
- H. Commission member *Skraba* asked if this trail is also the snowmobile trail. *Ross Benedict* stated this railroad grade is part of the existing snowmobile trail. The rest of the snowmobile trail was rerouted around the property.
- I. Commission member *McKenzie* stated the neighbor was concerned about runoff of any pollutants and asked what the applicant was doing to address this. *Ross Benedict* stated there would be a stormwater retention pond so all runoff would drain into that pond and settles. The salt/sand dome will be completely enclosed so water doesn’t wash the salt and sand into pavement.
- J. Commission member *Skraba* asked if there are two entrances on this property. *Ross Benedict* stated there is one access onto Highway 135 at a right-angle to the existing Mesabi Trail. They cannot share the Mesabi Trail and there is no access onto Wahlsten Road.
- K. Commission member *McKenzie* asked if access approval has been obtained from the Minnesota Department of Transportation. *Ross Benedict* stated they have.
- L. Commission member *Skraba* asked if the applicant had read the concerns addressed by the neighbor. *Ross Benedict* stated that the access to the property is in the best location.

Commissioner *Nelson* added that sight lines on Highway 135 are at their best in this location because the road is not straight.

- M. Commission member *Coombe* asked if a condition could be added for a stop sign crossing the Mesabi Trail.

DECISION

Motion by McKenzie/Svatos to approve a conditional use permit to allow a Public Works maintenance facility as a Public/Semi-Public Use, based on the following staff facts and findings:

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, requires a conditional use permit for a Public/Semi-Public Use.
2. The property falls within the Forest and Agriculture Area of the St. Louis County Comprehensive Land Use Plan which identifies locations not intended for future development.
3. 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/semipublic use with a conditional use permit.
2. The majority of the area consists of large undeveloped parcels.
3. There are a few permanent residences near the intersection of Highway 135 and Wahlsten Road (County Road 26).
4. Although a nearby resident has expressed concerns about location and access to the property, the location of the proposed conflict should be deemed compatible in an area where population density is low.
5. The use is compatible with the existing neighborhood.

C. Orderly Development:

1. The area consists mostly of large tracts of undeveloped land of both public and private ownership.
2. There are parcels with residential dwellings located across Highway 135 from the proposed entrance. There are also two dwellings located south of the proposal near the intersection of Highway 135/County Road 26.
3. There will likely not be much expansion or growth in the area. The area is lightly populated.
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 residential and public/semi-public uses, all which are allowed within 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 desired pattern of development will remain as it is now.

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

E. Other Factors:

1. Minnesota Department of Transportation has approved an access permit for the proposed entrance.
2. The proposed access road will be through a parcel that is currently privately owned and proposed to be purchased by the Public Works Department.
3. The proposed facility will replace the existing Tower and Embarrass facilities.

The following conditions shall apply:

Condition Precedent:

1. 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. All signs shall meet the requirements of St. Louis County Zoning Ordinance 62.
3. The applicant shall comply with all local, county, state, and federal regulations.
4. The Public Works Department shall install a stop sign at the Mesabi Trail crossing.

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

Opposed: None - 0

Abstained: Nelson - 1

Motion carries 8-0-1

Prochazka Properties

The fourth hearing item is for Prochazka Properties LLC, a conditional use permit for an expansion of an existing highway commercial use to include a mini storage business with indoor and outdoor storage, a storage container rental business, and office/shop rental space as a Commercial, Retail and Services Establishments Use - Class II; and a conditional use permit to allow an existing trucking company and machine shop as an Industrial Use - Class II. The property is located in S19, T60N, R16W (Pike). *Jared Ecklund*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting expansion if an existing highway commercial use to include a mini storage business with inside and outside storage, storage container rental business, and an office/shop space for rent using existing buildings on the property.
- B. These uses are classified as a Commercial, Retail and Service Establishments Use-Class II.
- C. The applicant is also requesting a trucking company and machine shop within one of the existing buildings.
- D. This is a previously existing use on the property.
- E. There is no permit approval on site for this use.
- F. The applicant is requesting approval to continue the operation of this use after purchasing the property.
- G. This use is classified as an Industrial Use-Class II.
- H. The applicant is in the process of purchasing this property.

- I. The property was once the bottling and distribution center for Aysta Dairy. That use was in operation until the mid-2000s.
- J. A commercial truck wash was approved by a conditional use permit on the site in 2000. The applicant plans to either rent this building out or utilize it for additional storage space as part of the proposed mini storage business.
- K. A general purpose borrow pit was approved on the site in 2015.
- L. The applicant does not plan to use the borrow pit on the site. The proposed fenced-in area and mini storage building would be located in part of the borrow pit.

Jared Ecklund reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. The property is located in a Multiple Use zone district which allows for a wide variety of uses with land use or conditional use permits.
- 2. This area is located in the Forest and Agriculture area of the future land use map of the Comprehensive Land Use Plan.
- 3. Goal LU 7 of the St. Louis County Comprehensive Land Use Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
- 4. 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.
- 5. The zone and dimensional district make sense in the area because of the highway corridor and the existing development.
- 6. The total number of uses proposed on the site currently meet the allowed density of Zoning Ordinance 62.

B. Neighborhood Compatibility:

- 1. This area is a mixed-use area that includes several residences, multiple commercial uses, and a church.
 - a. Vermilion Sports, the Lutheran Church, and a monument engraving business are located across Highway 169 from this property.
- 2. This property has also contained a variety of uses over the years.
 - a. The Aysta Dairy bottling and distribution center was on this property. There was also an approved commercial truck wash and an approved general purpose borrow pit on the subject property.
 - b. The existing large building (milk processing/distribution facility) was built between 1977 and 1979 and then added onto in 1990.
- 3. The proposal includes utilizing the existing structures on the property and a new structure for mini storage.
 - a. One new structure is currently being proposed on the property.

C. Orderly Development:

- 1. It is anticipated that future growth in this area would be low.
 - a. There may be some potential for subdivision and increased density in the future, but that potential is somewhat low due to the size of many of the existing parcels and the minimal lot size requirements in the zone district.

2. The property has been used for a variety of uses in the past and neighboring residences should be somewhat accustomed to traffic and activity on the property.
 - a. Part of the proposal is an expansion of an existing highway commercial use.

D. Desired Pattern of Development:

1. The desired pattern of development in this area would remain mixed use.
2. A wide variety of uses would be allowed on the property by the zoning ordinance and encouraged by the comprehensive land use plan.
 - a. This property could be used for other uses in the future with appropriate permitting.
3. It is typical to see a variety of uses along arterial highway corridors.

E. Other Factors:

1. The property is the location of the recently closed Aysta Dairy. The dairy business was in operation from the mid-1940s until the mid-2000s.
 - a. The milk processing building was permitted on the property in 1977.
2. There was an approved commercial truck wash and a general purpose borrow pit approved on the property.
 - a. The applicant does not intend to use the borrow pit.
 - b. The existing truck wash building may be utilized for storage for the proposed use.
 - c. The proposed new mini storage building and fenced in area will be located in the area of the previously approved borrow pit.
3. The proposal is combined with existing development on the property and will be near the maximum allowed lot coverage for the property.
 - a. Any future expansion may require removal of existing impervious surface coverage.

Jared Ecklund noted two items of correspondence from Jean Hammarstedt and Paul and Rebecca Aysta both requesting dark sky standards as a condition if approved. These items were provided 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 for an expansion of an existing highway commercial use to include a mini storage business with indoor and outdoor storage, a storage container rental business, and office/shop rental space as a Commercial, Retail and Services Establishments Use-Class II; and a conditional use permit for an existing trucking company and machine shop as an Industrial Use-Class II, the following conditions shall apply:

1. All signs shall meet the requirements of St. Louis County Zoning Ordinance 62.
2. The general purpose borrow pit conditional use permit on the property shall be revoked.
3. The applicant shall obtain access approval from the appropriate road authority.
4. The lot coverage on the property shall not exceed 10 percent.
5. The property shall be kept in a neat and orderly manner.
6. Shipping containers shall be outside of ordinary public view.
7. The applicant shall comply with all local, county, state, and federal regulations.

Drew Prochazka, 1881 East Highway 2, Grand Rapids, the applicant, stated they are going to be improving and cleaning up this property. They plan to remove an old freezer/refrigeration building and remove all the old concrete. He has been in the mini storage business for the past 20 years. The site has to look nice in order to attract customers. He does not know the definition of impervious surface. The site may not have asphalt, but it does need a driving surface.

Jared Ecklund stated impervious surface is any surface that does not allow water to infiltrate into the ground.

One virtual attendee was present and did not choose to speak. No audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked why there was not a condition for dark sky standards. *Jared Ecklund* stated this condition depends on each use. The Planning Commission can add this condition.
- B. Commission member *Werschay* asked if a permit was received for rock blasting. *Jared Ecklund* stated this is part of the general purpose borrow pit that was approved in 2015. If the applicant wanted to keep that use of the borrow pit, staff would have to evaluate the property for the number of uses allowed.
- C. Commissioner *Nelson* stated the map does not show the second, private entrance onto Highway 169. *Jared Ecklund* stated a minor boundary adjustment was recently approved for this site. The residence has been separated from the proposed business. The second access is not considered part of the proposal.
- D. Commission member *Svatos* asked who makes the determination impervious surface has exceeded what is allowed. *Jared Ecklund* stated Planning Department staff makes that determination. It is more hypothetical at the moment because it is not known if new development will be all impervious surface. Any new structure would have to be evaluated in the event it does go above 10 percent impervious surface allowed and some areas may need to be mitigated to be within Ordinance requirements.
- E. Commission member *Skraba* asked if the applicant intends to keep any part of the borrow pit. *Drew Prochazka* stated he does not.
- F. Commissioner *Nelson* asked if the driveway that is on the residential property is proposed to be used with this commercial business. *Drew Prochazka* stated it is not. This residence will be his daughter and son-in-law's property and he does not want trucks going across their property. Commissioner *Nelson* added that this entrance should be blocked off if it is not being used as a commercial access.
- G. Commissioner *Nelson* asked about restoration of the gravel pit. *Jenny Bourbonais* stated the transfer of that conditional use permit for the borrow pit is with the new owner. Staff will work with the landowner to revoke that permit as they no longer want the borrow pit on the property.
- H. Commission member *Pollock* asked if there could be future expansion into the southern part of the borrow pit. *Drew Prochazka* stated that is unlikely as there is room in the proposed fenced-in area for four mini storage buildings or about 200 units.
- I. Commission member *Pollock* asked if there was elevation change within the borrow pit. *Jared Ecklund* stated the land is not that deep. While there are steeper slopes, it is not to a great scale.

- J. Commission member *Skraba* asked what the plan is for the number of mini storage buildings. *Drew Prochazka* stated they intend for one to start and once one fills up, they can add another one. Commission member *Skraba* asked if the applicant would need to come back if they wanted another mini storage building. *Jared Ecklund* stated not unless the Planning Commission conditions this permit so that the applicant needs to come back. Each new building would just require a land use permit.
- K. Commission member *McKenzie* asked if the landowner needs to get access approval even if the same business is located on the property. *Jared Ecklund* stated because the use is changing, the access use may be different for Minnesota Department of Transportation standards.

DECISION

Motion by Manick/Werschay to approve a conditional use permit for an expansion of an existing highway commercial use to include a mini storage business with indoor and outdoor storage, a storage container rental business, and office/shop rental space as a Commercial, Retail and Services Establishments Use-Class II; and a conditional use permit for an existing trucking company and machine shop as an Industrial Use-Class II, based on the following staff facts and findings:

A. Plans and Official Controls:

- 1. The property is located in a Multiple Use zone district which allows for a wide variety of uses with land use or conditional use permits.
- 2. This area is located in the Forest and Agriculture area of the future land use map of the Comprehensive Land Use Plan.
- 3. Goal LU 7 of the St. Louis County Comprehensive Land Use Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county.
- 4. 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.
- 5. The zone and dimensional district make sense in the area because of the highway corridor and the existing development.
- 6. The total number of uses proposed on the site currently meet the allowed density of Zoning Ordinance 62.
- 7. The use conforms to the land use plan.

B. Neighborhood Compatibility:

- 1. This area is a mixed-use area that includes several residences, multiple commercial uses, and a church.
 - a. Vermilion Sports, the Lutheran Church, and a monument engraving business are located across Highway 169 from this property.
- 2. This property has also contained a variety of uses over the years.
 - a. The Aysta Dairy bottling and distribution center was on this property. There was also an approved commercial truck wash and an approved general purpose borrow pit on the subject property.
 - b. The existing large building (milk processing/distribution facility) was built between 1977 and 1979 and then added onto in 1990.

3. The proposal includes utilizing the existing structures on the property and a new structure for mini storage.
 - a. One new structure is currently being proposed on the property.
3. The use is compatible with the existing neighborhood.

C. Orderly Development:

1. It is anticipated that future growth in this area would be low.
 - a. There may be some potential for subdivision and increased density in the future, but that potential is somewhat low due to the size of many of the existing parcels and the minimal lot size requirements in the zone district.
2. The property has been used for a variety of uses in the past and neighboring residences should be somewhat accustomed to traffic and activity on the property.
 - a. Part of the proposal is an expansion of an existing highway commercial use.
3. The use will not impede the normal and orderly development and improvement of the surrounding area.

D. Desired Pattern of Development:

1. The desired pattern of development in this area would remain mixed use.
2. A wide variety of uses would be allowed on the property by the zoning ordinance and encouraged by the comprehensive land use plan.
 - a. This property could be used for other uses in the future with appropriate permitting.
3. It is typical to see a variety of uses along arterial highway corridors.
4. The location and character of the proposed use is considered consistent with a desirable pattern of development.

E. Other Factors:

1. The property is the location of the recently closed Aysta Dairy. The dairy business was in operation from the mid-1940s until the mid-2000s.
 - a. The milk processing building was permitted on the property in 1977.
2. There was an approved commercial truck wash and a general purpose borrow pit approved on the property.
 - a. The applicant does not intend to use the borrow pit.
 - b. The existing truck wash building may be utilized for storage for the proposed use.
 - c. The proposed new mini storage building and fenced in area will be located in the area of the previously approved borrow pit.
3. The proposal is combined with existing development on the property and will be near the maximum allowed lot coverage for the property.
 - a. Any future expansion may require removal of existing impervious surface coverage.

The following conditions shall apply:

1. All signs shall meet the requirements of St. Louis County Zoning Ordinance 62.
2. The general purpose borrow pit conditional use permit on the property shall be revoked.
3. The applicant shall obtain access approval from the appropriate road authority.
4. The lot coverage on the property shall not exceed 10 percent.

5. The property shall be kept in a neat and orderly manner.
6. Shipping containers shall be outside of ordinary public view.
7. The applicant shall comply with all local, county, state, and federal regulations.
8. Lighting shall be directed downward in accordance with dark sky standards.

In Favor: Coombe, Filipovich, Manick, McKenzie, Nelson, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

Motion to adjourn by McKenzie. The meeting was adjourned at 1:02 PM