

**DRAFT**  
**PLANNING COMMISSION MEETING**  
**August 1, 2018, at 7:00 PM**  
**Carlton County Transportation Building**

(1) Chairperson Ezell called the meeting to order at 7:01 PM.

Members Present: Jack Ezell, Byron Kuster, Sam Huhta, Erik Abrahamson, Dennis Lundin and Jim Gottschald

Members Absent: District 1 (Vacant)

Ex Officio Members Present: Commissioner Gary Peterson and Heather Cunningham

Ex Officio Member Absent: None

(2) Motion by Kuster, seconded by Lundin, and supported by all yeas votes to approve the minutes of the June 6, 2018, meeting.

(3) The public hearing was called to order at 7:01 PM.

(4) Chairperson Ezell read a statement that the legal ad was sent to the legal newspaper, the Star Gazette, on July 11, 2018, and published July 19, 2018.

(5) Chairperson Ezell read a statement regarding Finality of Decisions and Findings of Fact. The Findings of Fact and Finality of Decisions were placed on the projector screen.

(6) Permit Requests:

**(A) Rezoning #518001: Donald Piilola**

Donald Piilola of 54213 State Highway 38, Bigfork, MN 56628, has requested to amend the Official Zoning Map of Carlton County by changing the property described as Part of the Southeast ¼ of the Southeast ¼, Section 23, Township 46 North, Range 17 West in Clear Creek Township (PIN 86-030-3760). The request includes rezoning the parcel from A-1 Agriculture/Forest Management District to A-2 Agriculture/Rural Residential District. The property address is XXXX Highway 23.

Piilola was present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked the applicant to further expound on the request. Piilola indicated that he has owned the property since 1974. He described his personal history with the property. He split the property in the 1980s by selling the house separate from the subject property. The applicant indicated he had it logged about 24 years ago. He indicated that the property is for sale and he is having a tough time selling it as it is not buildable without an approved variance or rezoning. The property is 12.79 acres and the standard for the A-1 zoning district is 20 acres in lot area to be buildable. He indicated the zoning office directed him to have it rezoned versus a variance. He indicated the property is mostly high ground. He described a small wetland in the southeast corner of the property. He indicated that he will likely grant the property owner of PIN 86-030-3880 an easement for access along the southern property boundary.

Chairman Ezell asked if there were any questions from the Planning Commission. Commissioner Peterson asked if the property was enrolled in the sustainable forest program and if there was a covenant restricting building on the property. Piilola indicated it was not and there are no restrictions.

Cunningham played the video. Piilola narrated the video.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated July 23, 2018.

Gottschald asked if the split in the 1980s of the property would affect the request. Cunningham indicated that it would if he were requesting a variance as the practical difficulty would have been created by the property owner. Cunningham indicated rezoning it was the best process for this request.

Chairperson Ezell asked if there were any comments in support of the request from the audience. Dwight Martin of 2749 County Road 3, Wrenshall, MN 55797, said he supported the request.

Chairperson Ezell asked if there were any other comments from the audience. There were none.

**(B) Conditional/Interim Use Permit #418002: Deer Creek, LLC (Blackhoof Valley Ranch)**

Deer Creek, LLC of 2229 Bitterroot, Billings, MT 59105, has entered into a purchase agreement with Blackhoof Valley Ranch, represented by Bryan Moehrke of 2971 County Road 3, Wrenshall, MN 55797, for property described as the Northeast ¼ of the Northeast ¼ and the Northwest ¼ of the Northeast ¼ in Section 13, Township 47 North, Range 17 West in Blackhoof Township. Bryan Moehrke as the authorized representative has requested a Conditional/Interim Use Permit to operate a four seasons event center. The property address is XXXX County Road 3 (PIN 45-036-2140 and 45-036-2150).

Moehrke was present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked the applicant to further expound on the request. Moehrke indicated there is a large demand for an event center which will be primarily used for weddings, mostly on the weekends. It will be placed in a spot with a great view. The access road will be placed on the north side of the property, along the section line but on the applicant's property. The soil is mostly sandy. The event center will be about a 0.5 mile off the road. The closest dwelling is 0.5 miles away.

Chairman Ezell asked what other uses besides weddings. Moehrke indicated class reunions and anniversaries as well. The proposed building is 10,000 square feet. The building will have a second floor. It will be constructed out of reclaimed wood.

Chairman Ezell asked if it would be used 12 months out of the year. Moehrke indicated yes, year round and about 90% of the time on the weekends.

Chairman Ezell asked about lighting for the sign. Moehrke indicated the sign will not be lighted. There will be lights in the parking lot. Moehrke indicated the access road will be 22 feet in top width and ditched on both sides. The parking lot will be bigger than the county requirements. The facility will be off the grid. The electrical will be solar and propane for heat. The septic system has been designed. He will have a well installed.

Commissioner Peterson asked about being off the grid. Moehrke indicated he will have solar panels and a generator with batteries. He indicated the power company wanted \$30,000 to run electricity to the building. The generator will be in the proposed shed. There will be no underground or above ground storage for diesel fuel.

Gottschald asked if there would be overnight camping. Moehrke indicated no overnight camping would be allowed. He indicated he has lined up a shuttle service. Chairperson Ezell indicated the conditions proposed in Administrator Cunningham's development review stated no camping would be allowed. Moehrke indicated he was aware of the condition and was fine with it for now.

Cunningham played the video. Moehrke narrated the video.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated July 23, 2018.

Chairman Ezell asked if the applicant read and understood the recommended 12 conditions listed on the development review. Moehrke said yes.

Chairperson Ezell asked if there were any questions from the Planning Commission. Kuster asked if there would be four-wheeler trails. Moehrke said not for use for the event center.

Commissioner Peterson asked if he conducted a market study. Moehrke indicated yes. His partner completed a market study as well as other research. He indicated that there are 1,200 wedding applications in the Duluth, Cloquet and Esko area. There is a one to two year waiting list for wedding barns. He indicated that it is very expensive in the cities and people are looking north.

Chairperson Ezell asked if there were any comments in support or neutral for the request from the audience. Dwight Martin of 2749 County Road 3, Wrenshall, MN 55797, asked if the road to the north and the applicant's road could be combined. Chairperson Ezell said it would be an issue between the applicant and that property owner. They would need to work it out. Martin indicated he was concerned with traffic and drinking and driving. Moehrke indicated they would have security.

Chairperson Ezell asked if there were any comments in opposition of the request from the audience. James Joyce of 2893 County Road 3, Wrenshall, MN 55797, indicated he is not supportive of the suggestion to combine the two roads. He indicated he is concerned with traffic on the road, alcohol consumption, noise and the liability if someone gets lost and wanders onto his property. He has concerns with lighting and noise disturbing his recreation on his property.

Clayton Kauppila, Blackhoof Township Supervisor, 2152 County Road 4, Carlton, MN 55718, indicated that the event center is not that far from the Soo Line Trail and thought the event center would draw snowmobilers and four-wheelers. He had concerns with drinking and driving.

Ken Joyce of 605 Pearl Street, Cloquet, MN 55720, indicated he has known the applicant and his family forever. He indicated there have been some issues with the easement on the property to the north. He indicated he goes to his property across the street almost every day. He has concerns with traffic and noise. There was some additional discussion about the easement road to the north and the location of the event access road that was not germane to the request.

Mike Salzer, Blackhoof Township Supervisor, 3444 County Road 144, Barnum, MN 55707, indicated there is a 300 feet separation distance between driveways. He wanted to know if the road would remain private or if the applicant would request that the township take it over in the future. Moehrke indicated it would be private.

Gottschald asked if the county or township has a noise ordinance. Cunningham indicated no.

Chairperson Ezell asked if there were any other comments from the audience. There were none.

(7) As there were no additional questions for the applicants, Chairman Ezell closed the public hearing at 8:14 PM. The Planning Commission deliberated the Rezoning Application and Conditional/Interim Use Permit using the following Findings of Fact as part of the Planning Commission meeting.

**(A) Rezoning #518001: Donald Piilola**

Motion by Gottschald, seconded by Kuster and supported by yea votes to recommend approval of Rezoning Application #518001 to the County Board.

**(B) Conditional/Interim Use Permit #418002: Deer Creek, LLC (Blackhoof Valley Ranch)**

Motion by Gottschald, seconded by Abrahamson and supported by yea votes to recommend approval of Conditional Use Permit #418002 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the conditions as follows:

**\*FINDINGS\***

**IS THE USE REQUESTED TEMPORARY?**

No, the use is not temporary as it requires significant infrastructure.

**IS THE USE OWNER SPECIFIC?**

No, the use does not need to be owner specific.

**DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?**

No, the use requires specific infrastructure.

**IF YOU ANSWER ANY OF THE ABOVE QUESTIONS YES, CONSIDER PROCESSING AS IUP. PLEASE DESCRIBE WHY THE USE SHOULD BE CONSIDERED AN IUP OR CUP:**

The request should be processed as a conditional use permit.

1. **IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES?** No. It is not specifically listed.

*If the answer is no, you must make the following findings:*

A.) **THE USE IS SIMILAR IN NATURE TO OTHER USES LISTED IN THE SAME ZONING DISTRICT. WHY OR WHY NOT?** Yes. Carlton County Zoning Ordinance #27 specifically lists public buildings, facilities, private parks, recreational campgrounds and recreational facilities as requiring a Conditional/Interim Use Permit, which would generate similar noise, traffic, vibration, dust, etc.

B.) **THE PROPOSED USE DOES NOT CREATE A GREATER POTENTIAL FOR IMPACTS THAN OTHER USES LISTED THAT CANNOT BE MITIGATED WITH APPROPRIATE CONDITIONS. WHY OR WHY NOT?** Yes. Potential impacts can be mitigated with conditions such as limiting the number of guests, controlling traffic, designating parking and limiting the time speakers can be used.

C.) **IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT?** Yes. The adjacent land uses are agriculture and recreational. The proposed use is set back in the woods, more than 2,000 feet from County Road 3 in a very rural area. The closest house is more than 2,000 feet away (which is where the applicant resides). If appropriate conditions are placed on the use, there should be little impact to adjacent properties and the use should be compatible.

D.) **THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT?** Yes. The purpose of the plan and the ordinance are to promote public health, safety, morals and general welfare throughout Carlton County. The proposed use is consistent with those ideals if the appropriate conditions are placed on the permit such as limiting the number of guests, controlling traffic, designating parking and limiting the time speakers can be used.

*If the answer to 1 is yes or if A – D are all yes, proceed to question 2.*

*If not, the request should not be approved.*

2. THE USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES. Yes, if appropriate conditions are placed on the permit, there should be little impact to adjacent properties nor would property values be impaired.
3. THE ESTABLISHMENT OF THIS USE WILL NOT IMPEDE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING VACANT PROPERTY FOR USES PREDOMINANT IN THE AREA. Yes, if appropriate conditions are placed on the permit, the use will not impede normal or orderly development of surrounding vacant properties.
4. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes, the proposed utilities, access road and drainage for the event center should be adequate. The well, plumbing and electrical will be permitted by the State of Minnesota. This office will permit the septic system and it will need to comply with Carlton County Subsurface Treatment System Ordinance #30.
5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes, there should be adequate off-street parking for the proposed use provided the number of guests is limited. The parking area should be increased if the guest count is permitted at 300.
6. ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PREVENT OR CONTROL OFFENSIVE ODOR, FUMES, DUST, NOISE AND VIBRATION SO THAT NONE OF THESE CONSTITUTE A NUISANCE. Yes, noise could be a potential issue with the event center but can be addressed in a condition. No odor, fumes, vibration or dust should be generated by the use.
7. ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes, no lighted signs are proposed. The application does not indicate what lighting will be used outdoors. This should be addressed by the applicant.

**\*CONDITIONS\***

1. The use shall be processed as a Conditional Use and shall remain in effect for so long as the conditions agreed upon are observed and shall be considered inactive if the use has ceased, has been discontinued, or has been abandoned for a period of one year.
2. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as modified by the Planning Commission.
3. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, Subsurface Sewage Treatment System Ordinance #30, the permit and permit conditions. The permit may be modified or revoked if the permittee violates one or more of the conditions of the permit.
4. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
5. The applicant shall apply for any necessary permits from the Minnesota Department of Labor and Industry, including building, electrical and plumbing as well as any permits or review required by the Minnesota Department of Health. The applicant shall provide this office with any applicable certificates of compliance with said entities.
6. The occupancy shall be limited to no more than 300 guests.

7. The parking area shall comply with Carlton County Zoning Ordinance #27 and must be marked at all times.
  8. The use of recreational vehicles and tents for overnight guests is prohibited.
  9. Outside activities must be completed by 12:00 AM (midnight) and not resume until 8:00 AM.
  10. Light sources shall be directed downwards and shielded to prevent being directed off the premises.
  11. The property owner shall manage solid waste and recycling as needed. Solid waste or recycling cannot be stored on the property more than two weeks and must be stored in a good condition water-tight and rodent-proof container sufficient to hold the solid waste and recycling which accumulates on the property. The applicant must provide for recycling services.
  12. Any advertisement for the property, including websites, shall match the application and the above conditions.
  13. No use of speakers on the subject property from 12:00 AM (midnight) to 8:00 AM.
- (8) Old Business: None
- (9) Other Business: None
- (10) Motion by Abrahamson, seconded by Lundin and supported by yea votes to adjourn the meeting.

Respectfully submitted,

Heather Cunningham  
Recording Secretary