

Draft
PLANNING COMMISSION MEETING
May 4, 2011

The meeting was called to order at 7:00 p.m. by Chairman DeLovely.

Members Present: Jack Ezell, Doug Suhonen, Tom Hill, Dave DeLovely, Willard Quiram, Paul Davidson, and John Manninen.

Members Absent: None.

Ex Officio Member Present: Bruce Benson and Bob Olean.

Ex Officio Member Absent: None.

Motion by Suhonen, seconded by Quiram and supported by all yeas votes to approve the minutes of March 2, 2011.

Chairman DeLovely called the Public Hearing to order at 7:03 p.m.

Final Plat #811003 Mary Jacobson

Mary and Calvin Jacobson were present.

Cal Jacobson indicated they have completed all the work requested by the township – Storm Water Plan with MPCA, Army Corps of Engineer wetland confirmation, etc. The township has approved the driveway locations.

Benson indicated everything was completed except a Developers Agreement with the township.

Suhonen asked if proposed covenants were ones used in other developments.

Cal Jacobson indicated they have used similar covenants, but these are modified for the development.

Quiram asked if there was a minimum value of the homes.

Cal Jacobson indicated the dwellings were regulated by square footage and design rather than value.

Motion by Ezell, seconded by Quiram to recommend approval to the County Board of Commissioners, contingent upon execution of a Developers Agreement with Twin Lakes Township and waive the requirement for a County Development Agreement.

Chairman DeLovely opened the Public Hearing at 7:07 p.m.

Conditional Use #411001 Marcie Stolberg dba Knife Island Campground

Johnathan Stolberg and Patrick Spott, Attorney, represented the applicants.

Stolberg indicated he would like to add paintball as an attraction to the existing campground. The area will be marked with fencing to keep participants on the property.

DeLovely asked if this was just for campers.

Stolberg indicated at this time it would be for campers and Boy Scout Troops.

Hill asked to show him where the activity area would be.

Stolberg showed them on the photo.

Suhonen asked what type of fence would be used.

Stolberg indicated 6' high sheep fencing. The attraction is a historic theme. He went on to explain the history of Levi Deetz and of 1854 Thomson Township.

Quiram asked if it would be open to the public later on.

Stolberg indicated possibly at a later date. They would come back and request that if they decided to expand to public use.

Quiram asked about the possibility of shooting out onto I-35 as it fronts the property.

Stolberg indicated I-35 was ¼ mile through the woods away from the activity area. The paint guns are very short range.

Hill asked what hours they would operate.

Stolberg indicated 11 a.m. – 5 p.m. during the camping season.

It will be supervised at all times.

Suhonen asked if it would be 7 days a week.

Stolberg indicated Monday-Saturday, May 1-October 1.

Richard Polo indicated he lived in the area and his mother had adjoining property to this. They don't need the noise. He is concerned with the paint balls. What happens to the paint/dye. It is not good to teach kids to shoot at people. He is not in favor.

Spott indicated paint balls have no impact on the environment. They are natural biodegradable material. Markings are fish oil. The colors wipe off and disappear. Football and soccer are more aggressive than paintball. He is a paintball participant.

Stolberg indicated it didn't make enough noise to disturb anyone.

Spott indicated it would be a pop-pop-pop noise.

Davidson asked how far were they from the neighbors.

Stolberg said 600' from property line. He said a long barrel paintball gun would travel 110'.

Allan Clairmont said he looked at the course. The paint balls would splat on his trees. He has had campers trespass on his property.

Ted Pihlman asked how they are insured.

Stolberg indicated they wear helmets with 7 cm thick shields.

Spott indicated Commercial General Liability Policy. No special rider is required for this type of facility like a rifle range would require.

Pihlman said it leaves black and blue marks.

Stolberg said there was nothing more than a black and blue mark and protective gear is used to reduce injury.

Kelly McIntosh was concerned with the yelling and screaming that would result from this.

Suhonen asked the size of the area to be used.

Stolberg said 200' x 600'.

Suhonen asked how many participants at one time.

Stolberg indicated 15-16.

Conditional Use #411002 Mike's Sanitation, Inc.

Mike and Jason Claflin represented themselves.

Mike Claflin indicated they intended to open a transfer station to collect garbage and demolition material.

Jason Claflin indicated this would be a spot to get rid of trash and not have to go to Hinckley or Highway 210.

DeLovely asked what type of facility are they proposing.

Jason Claflin indicated one for small consumers – single users. They would construct a 12' x 500' foot fence around the site and install security cameras. They have many construction companies with a small amount of demo and they could dump it there.

DeLovely asked if it would go in a building.

Jason Claflin indicated the garbage would go in the building. It won't hit the floor, it will go right in the truck. They would like to put up a lean-to and put the demolition in that.

Suhonen asked if they would separate items in the construction debris.

Jason Claflin indicated they would separate metals for recycling.

Suhonen - will you accept asphalt shingles?

Jason Claflin – yes.

Suhonen asked if someone would be there when it is open.

Jason Claflin – yes, when it is open.

Davidson asked if demo area is enclosed.

Jason Claflin said it would have three walls and a roof and a gate across the opening. It would have a concrete slab.

Suhonen asked what the size of the existing building is.

Jason Claflin – 48' x 32'.

DeLovely asked hours of operation.

Jason Claflin – start just on Saturday's 9 a.m. to 1 p.m.

DeLovely indicated his MPCA application attached is for longer hours. What are you asking for.

Jason Claflin – Saturday's are what they want.

Suhonen asked about roll-off business.

Jason Claflin indicated they are using 10 to 20 cubic yard roll-offs and would like to get 30 to 40 cubic yards to increase their business. They go to Veit or Hinckley with the material.

Estralita Baresh asked them to speak to the audience. They can't hear.

Jason Claflin explained to the audience what is being proposed.

Paul Christenson said he was happy to see a lot of his neighbors present. There is not a garbage problem in our community. Never has been a problem. He has a lot of concerns. They just built a house there two years ago. There is a park and bike trail in the area. There is a Transfer Station less than 5 miles from this site. He asked what percentage of the garbage comes from each county.

Jason Claflin said about 50:50 .

Christenson asked about the sewer.

Jason Claflin said MPCA has to approve.

Christenson asked if they have done an Environmental Impact Statement.

J. Claflin indicated he is not aware there is a need to. They are 300' from the old dump.

Jim Radel is the adjacent property owner. He has been there for 40 years. He was there when the landfill was open. When it closed he had problems with people dumping on his property. He is concerned with ground water contamination. He keeps his stuff in line and is a good neighbor, but he is concerned with the transfer station.

Bruce Lange asked what will be allowed - tires, batteries?

J. Claflin responded: Tires – at a later date. Batteries – not for any length of time; they take them to someone else.

Bruce Lange – Will construction material be off the ground every night?

J. Claflin – yes.

Lange indicated he is on the airport commission and is concerned with birds and planes. There will be seagulls attracted to the site.

Karen? – indicated she owns a campground and mobile home park and there is cabins and a resort just north of them. Aesthetics have to be a consideration. She is also concerned with the impact on the airport. There are no trees screening this area from the highway. This is ill conceived. There are lots of houses; this is a residential area. Why should we have it here? There are transfer stations on Highway 210, Hinckley and Nordstrom's.

Bruce Lowery asked if it would be a fence you can't see through. A 12' x 500' fence is about 1/3 acre. Nordstrom's have about 3 to 4 acres of stuff outside at their transfer station, and it is at the end of a dead end road. That is a good location. Mike's Sanitation proposal is on a main highway and next to the airport where everyone can see it. As the highway is higher than the proposed fence, you would see right over it from the highway. A 15' fence would blow over easily. If you put garbage in a truck on Saturday it would likely stay there for several days. There would be liquid and attract things like seagulls and rodents. When you pack garbage stuff will run out of the truck, and when you drive away stuff will run out of the truck. Is there a floor drain? Where does it go? Of the people that would bring waste there, 90% of the homes are in Pine County. We have a transfer station less than 5 miles away in Carlton County. This should go in Pine County; within a quarter mile there are probably 30 homes.

J. Claflin – they are not Nordstrom's. He does a lot of recycling and that is what is outside. They don't do recycling because people don't really want it.

Jim Gassert passed out photos of the property. Most of what he had to say has already been said. He will try not to duplicate comments. They don't want a transfer station – they have one on Highway 210 and Nordstrom's. The way the lay of the land drops off, no fence would hide the

area. He has looked at other sites - they are not clean and there is litter all over. On the property you see dumpsters, roll-offs, toilets, lumber, tires, etc., and they aren't even operating yet.

Byron Kester lives one mile north. He is chairman of Moose Lake Windemere Sanitary Sewer District. Does the building you have there have a floor drain?

J. Claflin – yes.

Kester – It must be hooked up to the sanitary sewer line. If people have household hazardous waste in their trash, how will you keep it from running into the sewer?

J. Claflin – if they have a spot to take it they won't throw it in the trash.

Kester asked if they take Household Hazardous Waste.

J. Claflin said no, they point them to WLSSD.

Kester said they need to be monitoring what goes into the floor drain.

Jeb Radel shares others concerns. If they are open just on Saturdays, he is worried with traffic by their business and items being stolen.

Ted Pihlman indicated he represented people in southern Carlton County. He had over 40 people call him concerning this project. We should listen to what people say. He checked the zoning and it is zoned C-2. It has to be a M District to be allowed.

Melissa Schneider said there is a creek 1000' from this site. She is concerned with her family. She is concerned with toxins brought in. Do you currently park trucks there over night?

J. Claflin – yes.

Melissa Schneider – Who enforces the rules?

Benson indicated the county would grant a Conditional Use Permit and issue a Solid Waste License. The MPCA would also permit the facility. The initial contact should be to the County Planning and Zoning and both the County and MPCA may be involved.

Schneider – What about hours of operation?

Benson indicated the application stated Monday-Saturday, 9 a.m. – 5 p.m., so unless the Planning Commission reduced that, that is what the hours would be.

Pete Gassert – When you drive around you don't see stuff in ditches. There are already places to take garbage Traffic is already terrible on Saturdays. This will only make it worse. There will

be illegal dumping if it is not open. They will dump it anyhow. Construction companies will be coming in after hours. This is not needed in a residential area.

Dean Paulson, Chairman of the Moose Lake Township Board, indicated they had to move the recycling shed because of the illegal dumping. If this is opened, it will have illegal dumping. He lives $\frac{3}{4}$ of a mile from the site and is opposed. He stated he had posted a special township board meeting for tonight and all members were present. He called the board meeting to order and ask for a motion and polled the board members on the motion. By unanimous vote, the town board recommends the county deny the request.

He then polled the audience with no one supporting the request and many opposing it (show of hands).

Pihlman asked Benson to clarify the zoning.

Benson said solid waste facilities were listed as permitted conditional uses within the M-1 Zoning District. This property is zoned C-2 and they are not listed as permitted uses or permitted Conditional Uses there. Therefore, they must make the following findings from Article 3, Sec. 5, Subd. A,1 of Ordinance #27 to consider the request:

- A. The use is similar in nature to other uses listed in the same zoning district; and
- B. The proposed use does not create a greater potential for impacts than other uses listed that cannot be mitigated with appropriate condition; and
- C. The proposed use is not incompatible with adjacent land uses; and
- D. The proposed use is not inconsistent with the Carlton County Comprehensive Plan or the intent of this Ordinance.

Bruce Lange gave the chairman a letter from Larry Peterson.

Chairman DeLovely indicated the following correspondence was filed with the application:

- 1. Letter from Mick Conlan, Attorney for Davidson Sand Lake Resort.
- 2. E-mails from Wayne Olson regarding FAA Advisory Circular 150 5200-33b.
- 3. Letter from Mary and Paul Witzman.
- 4. Letter from Sharon Reinert.
- 5. Letter from Britt Lundgren.

Chairman DeLovely asked if they would wish to Table the request to allow time to address the FAA issues and other things.

Mike Claflin said they would not pursue the request any further. They don't want to upset the community. Due to the public opposition , they request to withdraw the application.

Chairman DeLovely closed the hearing at 8:24 p.m. and re-opened the meeting.

Conditional Use #411001 Marcie Stolberg dba Knife Island Campground

Motion by Hill, seconded by Quiram and supported by all yea votes to recommend approval of the request to the Carlton County Board of Commissioners with attached conditions:

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application.
2. The permit is invalid, or expires, if the holder does not begin the project within one (1) year of granting this permit.
3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
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 paint ball activities shall only take place between May 1 and October 1 of each year and on Monday through Saturday between the hours of 11:00 AM and 5:00 PM.
6. Participants shall be limited to campers at the campground and Boy Scout Troops. The general public shall not be allowed to use the facility.
7. Participants shall not exceed 16 in number at any one time.
8. The applicant shall provide supervision of the facility at all times participants are using the facility to ensure compliance with the rules of the facility and conditions of the permit.

Conditional Use #411002 Mike's Sanitation, Inc.

Motion by Suhonen, seconded by Quiram and supported by all yea votes to recommend approval of the request to withdraw the application to the Carlton County Board of Commissioners.

Ordinance #10-A

Benson gave a brief explanation that these are minor changes due to the MPCA Rule Revisions which went into effect March 14, 2011.

Motion by Suhonen, seconded by Quiram and supported by all yea votes to authorize Benson to set a Public Hearing at a future meeting.

Motion by Manninen, seconded by Davidson and supported by all yea votes to adjourn at 8:33 p.m.

Respectfully submitted,

Bruce E. Benson
Zoning Administrator