

DRAFT
PLANNING COMMISSION MEETING
March 2, 2016 at 7:00 PM
Carlton County Transportation Building

(1) Chairperson Ezell called the meeting to order at 7:00 PM.

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

Members Absent: Erik Abrahamson and District 1 (Vacant)

Ex Officio Members Present: Commissioner Susan Zmyslony and Heather Cunningham

Ex Officio Member Absent: None

(2) Motion by Kuster, seconded by Huhta, and supported by all yeas to approve the minutes of the January 6, 2016 meeting.

(3) Chairperson Ezell indicated there was no old business.

(4) The public hearing was called to order at 7:02 PM.

(5) Chairperson Ezell read a statement that the legal ad was sent to the legal newspaper, the Star Gazette, on February 11, 2016, and published February 18, 2016.

(6) 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.

(7) Permit Requests:

(A) Conditional/Interim Use Request #416001 – James L. Holmgren Revocable Trust/ Northland Constructors

James L. Holmgren Revocable Trust represented by Northland Constructors of 4843 Rice Lake Road, Duluth, MN 55803 have requested a Conditional/Interim Use Permit to expand aggregate extraction activities (gravel pit) from 20 acres to 34 acres on the property described as the Southwest ¼ of the Southwest ¼ of Section 6, Township 47 North, Range 17 West in Blackhoof Township (PIN 45-030-0980). Conditional Use Permit #413001 was permitted in 2013 for 20 acres. The property is riparian but all gravel pit activities will be conducted at least 300 feet from Blackhoof Creek (9-234). Blackhoof Creek is a Forested River.

Scott Kyrola of Northland Constructors was present to represent the request. Kyrola indicated they are requesting to expand the gravel pit. The original request was permitted in 2013. Since then, they have used a fair amount of gravel and have hit a threshold for the pit. They are looking to expand west, approximately 13 to 14 acres.

Chairperson Ezell asked if Kyrola recognized all of the setback requirements. Kyrola said yes.

Chairperson Ezell asked if there were questions from the Board. Gottschald asked if the current request would be the limits of what is extractable. Kyrola indicated yes. The property and gravel extraction are bounded by the creek, Evergreen Road, County Road 4 and private properties. Gottschald asked if there is an estimated timeline to get the remaining gravel extracted. Kyrola indicated that it is hard to estimate how long it would take to get all the gravel extracted. It is based on the number of projects they are awarded. He indicated it took three years to extract gravel from the 20 acres already permitted. It could be another 3 years or it could be 10 years.

Chairperson Ezell asked if Kyrola was aware of the closure requirements for gravel pits. Kyrola indicated yes.

Cunningham played the video.

Chairperson Ezell summarized the development review and suggested conditions submitted by Cunningham dated February 22, 2016.

Chairperson Ezell asked about hours of operation. Kyrola indicated they would comply with the required hours. Cunningham indicated the hours of operation are listed in Carlton County Zoning Ordinance #27 but the Planning Commission could suggest a condition with more restrictive hours.

Huhta asked how long they run the crusher. Kyrola indicated that an average blacktop job requires approximately 30,000 to 50,000 tons and they could do about 3,000 to 4,000 tons in one day. Therefore in most situations, it is a two or three week window where the crusher and asphalt units are running.

Kuster indicated he was concerned the buffer condition was violated for the 2013 permit. He wanted to know what practices would be put in place now and in the future so that this condition would be not violated again. Kyrola indicated they would work with field personnel so that this would not happen again. He indicated that the surveyor did not consider the meandering of the creek for the 300 feet setback. He indicated that management would work with field staff to make sure the rules are followed. Northland submitted a letter indicating they would be in compliance as soon as weather permits.

Chairperson Ezell indicated that he did have a resident call with an issue regarding hours of operation. The caller indicated that Northland may not be compliant with the hours of operation. Chairperson Ezell wanted to remind Northland to comply with the days and hours of operation. Kyrola said yes.

Chairperson Ezell asked Cunningham if there was any correspondence. Cunningham indicated just the emails from Kyrola regarding issues with some of the proposed conditions. Kyrola indicated that he had an issue with proposed condition number 12. Kyrola asked for further definition. Chairperson Ezell read proposed condition number 12 which indicates that the applicant is not permitted to bring off-site materials for crushing. Cunningham indicated that no off-site materials means that no materials may be brought on site, including concrete and asphalt for crushing. They can only work with materials excavated from the pit. Cunningham indicated this was a suggestion from the Minnesota Pollution Control Agency (MPCA) as a way to reduce noise from the crusher. Kyrola indicated they have done work across northern Minnesota in hundreds of gravel pits and have never seen that before. Kyrola described the MPCA's beneficial reuse program regarding reuse of asphalt and concrete. He indicated it saves taxpayers money because of the recycling of products. Kyrola indicated they could agree to all the other conditions. He would like more discussion about number 12. Gottschald asked if it was a condition placed on the existing pit. Cunningham indicated no. Cunningham indicated the County received a signed written complaint regarding noise. She reported the complaint as required by ordinance to the MPCA. The MPCA was unable to respond to the complaints because the unit was not there. Cunningham indicated she placed phone calls over the winter with the MPCA regarding the crusher and asphalt unit. The MPCA recommended the crusher and asphalt testing as well as limiting off-site material. Gottschald asked if this condition would override the conditions for the previous permit. Cunningham indicated that if the permit was approved, this proposed condition could be for both areas. Cunningham indicated that the conditions are recommendations and they can word them however they want to word them. It could be just for the expansion but would be difficult to enforce or it could be for both pits if they want to expand. Kuster asked how it would be enforced on the previously permitted pit. Cunningham indicated that another option would be to revoke the previous permit as Northland is not in compliance. The County would have to set a revocation hearing. Northland would have to apply for a new permit if it was revoked and new conditions could be imposed on the entire property. Cunningham indicated they have had complaints and the testing of the crusher as well as limiting materials would be a way of reducing noise impacts. Huhta asked about recycling of blacktop. Kyrola explained that it is a major part of the operation. Kuster indicated that this could be a consequence for not following the

conditions that were in place. This is what happens when you operate out of the allowable hours. The neighbors complained about noise. Kyrola asked if any other gravel pits in Carlton County have this restriction. Cunningham indicated no, but there is one pit where an asphalt unit was not allowed in the conditions and the hours of operation were reduced. Huhta asked if any of the materials would be hauled outside of the county. Kyrola indicated not typically because of the hauling costs. Huhta asked if there could be a condition added about not delivering outside of the county. Cunningham indicated that the Planning Commission could consider any condition as long as it is enforceable. Commissioner Zmyslony indicated that the primary reason for this condition is because of noise complaints and hours of operation. Gottschald asked Cunningham for the current hours of operation per ordinance. Cunningham read them verbatim from ordinance. Kyrola wanted to clarify that they had sent in requests for the 21 day provision in the past and had approval. Gottschald asked about the cost savings for using recycling materials. Kyrola described the recycling process and indicated that approximately 25% of a blacktop job is recycled material. It saves the county and tax payers money, approximately \$10 to \$15 a ton. Commissioner Zmyslony made a statement that if Northland is not able to use recycled materials, it would cost cities and the county more money. Kyrola said yes.

Chairperson Ezell asked about the setbacks and noncompliance, particularly the setback from a designated trout stream. Chairperson Ezell wanted further clarification on how this would not happen again as the Blackhoof Creek is an asset in Carlton County. Kyrola indicated that internal discussions have happened and this will not happen again.

Chairperson Ezell asked for comments from the audience.

Dennis Mickle of 2697 County Road 5, Carlton, MN 55718 indicated he and his wife live about ½ a mile east of the pit. He would like the Planning Commission to address the issue of odor and the asphalt operation. Mickle referenced the findings of fact and that noise and odor could not be a nuisance. Mickle indicated he filed a written complaint with the County in May 2015. Mickle read the complaint. He indicated before the meeting that he spoke with Kyrola about the odor of the asphalt plant. Kyrola indicated they could look into increasing the stack on the unit or additives. Mickle indicated he has heard complaints from his neighbors to the north, west and south. The odor is very offensive. He is not sure how odors are measured by the state or county. He would like to see what can be done to reduce or eliminate the odor. He indicated it is a residential neighborhood and not the sticks.

Kim Paulson of 2650 Evergreen Road, Carlton, MN 55718 wanted clarification on the expansion area. Kyrola described the expansion area. Cunningham displayed a figure depicting the expansion area on the overhead screen. Cunningham indicated the ordinance requires a 100 feet setback from the property line but the staff report is recommending a 200 feet setback.

Terry Johnson of 2573 County Road 4, Carlton, MN indicated he is ½ mile to the west. He wanted further clarification on the noncompliance issue with the setback to the Blackhoof Creek. Chairperson Ezell indicated he felt this had already been addressed. Kyrola also clarified they would have a kickoff meeting before the expansion.

Kuster made a statement about not being in compliance. Kyrola indicated they would be in compliance for the expansion.

T. Johnson wanted further clarification on the hours of operation. He indicated he has seen trucks coming and going on Sundays. He thinks 13 hours a day it too much.

Mickle wanted to know how hours of operation are enforced as well as the other conditions. Chairperson Ezell indicated that the Zoning Office does rely on signed complaints as they do not have staff to police the County. Cunningham indicated that the zoning ordinance requires a signed written complaint. All signed written complaints are investigated. As Mickle read his signed complaint from last summer during the public hearing, it is now public record and Cunningham used it as an example. Complaints under investigation are not public record. Cunningham indicated she referred the complaint per ordinance to the

MPCA for a possible noise violation. Cunningham indicated she did not receive a timely response. Cunningham indicated she followed up with the MPCA over the winter. Cunningham indicated she wanted a response from the MPCA for the spring construction season. The MPCA suggested the conditions with regards to the asphalt unit and crusher as well as the off-site materials. As far as complaints regarding the hours of operation, Cunningham indicated she received anonymous phone calls that Northland was operating outside of the permitted window. Cunningham followed up with an email to Northland reminding them of the permitted hours. Mickle asked for clarification on the 21 day rule. Cunningham read the provision from the ordinance. Kuster asked if they need to declare they are using this provision. Cunningham indicated yes, they need to provide a written 10 day notice.

Michal Chell of 2464 County Road 4, Carlton, MN 55718 indicated he owns the property to the south. He has put up with the smell, dust, hours of operation and lights from the elevators. He feels Northland is not a good neighbor and is reactive and not proactive. He feels it is injurious to the use of his property. It feels like it has affected property values based on a recent sale. Cunningham displayed a figure on the overhead from the development review that concludes property values have not been impacted by the existing operation of the gravel pit. He is concerned with the bituminous pile leaching into the groundwater. He wanted to know how setbacks from the creek are measured. Cunningham indicated setbacks are measured from the ordinary high water level.

Paulson indicated she is concerned with the well water. Cunningham indicated they are not allowed to excavate to within 1 foot of the groundwater table. Paulson wanted to know how that was enforced. Cunningham indicated if there is ponding water for long periods of time, it would be documented by the zoning office.

Michelle Johnson of 2573 County Road 4, Carlton, MN 55718 indicated they went through two windshields last summer because of the trucks. She indicated they complained to the DOT last summer. She indicated that she has eight grandchildren and she is concerned with how fast they are driving.

Chell described the approach to the pit area and he is concerned with the hill and approach.

Steve Schulstrom of 2631 County Road 4, Carlton MN 55718 indicated that while he lives further away, he can still smell it. Schulstrom had a PowerPoint he was going to use to document the setback violations but that the County already was addressing the issues of noncompliance. Schulstrom wanted to know how long Northland has been in business and why they can't follow the rules. They should be held accountable. He has an organic farm and is concerned for his farm.

T. Johnson indicated he is concerned for wildlife around the pit and with the production of asphalt. Chell indicated he did notice an absence of mosquitos and mayflies last summer.

M. Johnson asked about the zoning district for the property. Kuster indicated it is an A-2 Zoning District which requires a CUP/IUP for a gravel pit larger than one acre.

Schulstrom indicated there is a pile of asphalt sitting on site now and wanted to know if it was a violation. Cunningham indicated no.

Paulson has a concern with the 21-day provision. She indicated she has seven gravel pits within three miles and she has no idea how she will ever sell her home.

Kuster asked for clarification from the applicant about how the asphalt and crusher units are compliant with the various agencies. Kyrola indicated testing is done by the MPCA. Byron asked when the crusher was last tested. Kyrola indicated last year.

Byron asked for clarification on the application about the request. He indicated the application indicates just gravel extraction. Does that include crushing and asphalt production. Kyrola indicated it was included in the request. Chairperson Ezell indicated it is mentioned in the application's findings of fact.

Cunningham indicated the ordinance implies crushing and asphalt production are a normal part of gravel pit activities.

T. Johnson wanted further information about the permit revocation process and whether it could be a condition. Chairperson Ezell indicated it was already a proposed condition.

Lundin asked about the revocation process. Cunningham explained the conditional use revocation process. The applicant must be legally noticed. There must be a public hearing with evidence presented. If it is recommended by the Planning Commission that the permit is revoked, it goes to the County Board for final approval.

Chairperson Ezell asked for any additional comments from the audience. There were no additional comments.

(B) Conditional/Interim Use Request #416002 – Bruce Niemi

Bruce Niemi of 2522 County Road 4, Carlton, MN 55718 has requested a Conditional/Interim Use Permit to use an existing garage to sell motorcycles on his property described as the Northeast 1/4 of the Northeast 1/4 or Government Lot 1 in Section 12, Township 47 North, Range 18 West in Mahtowa Township (PIN 60-032-2190).

Niemi was present to represent his proposal. He is proposing to conduct the business inside the existing attached garage that was constructed when his house burned down. The proposal includes selling not repair. He would like to obtain a dealer's license for the sale of motorcycles. He indicated all motorcycles will be stored inside. He indicated in the State of Minnesota, a dealer's license is the same for motorcycles as it is for vehicles and he may resell the occasional vehicle.

Chairperson Ezell asked for clarification on the number of bikes and vehicles. Niemi indicated no more than 10 motorcycles will be on site at one time and stored inside the garage. He indicated he might pick up a car at an auction. The proposal includes no more than 5 cars will be stored on site at any time. The cars will be stored outside but will be screened from the road right-of-way and adjacent properties. The sales will be via the internet and by appointment only.

Chairperson Ezell asked about lighting and signs. Niemi indicated he may have a small sign.

Gottschald asked about repairs. Niemi indicated it would not be a service center but may need to repair the bikes he intends to sell.

Cunningham played the video while Niemi narrated.

Chairperson Ezell summarized the development review and suggested conditions submitted by Cunningham dated February 22, 2016. Chairperson Ezell asked if Niemi understood the conditions. Niemi said the conditions were fine.

Chairperson Ezell asked if there were comments from the audience.

M. Johnson indicated that she lives in farmland country and is concerned with the hours. She is concerned with too many businesses in the rural area. She is concerned with an increase in traffic. She likes her privacy and that is why she lives in the country.

Schulstrom indicated his wife had concerns with the revving of motorcycles.

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

(C) Rezoning Request #516001 – Aaron Sway

Aaron Sway has requested to amend the Official Zoning Map of Carlton County by changing the property described as the Western ½ of the Southeast ¼ of the Southwest ¼ (PIN 60-052-3970) and the Eastern ½ of the Southeast ¼ of the Southwest ¼ (PIN 60-052-3975) all in Section 22, Township 47 North, Range 18 West in Mahtowa Township. PIN 60-052-3970 is accessed from Bent Trout Lake Road and PIN 60-052-3975 is currently accessed from Bent Trout Lake Road (2980 Bent Trout Lake Road) but is also accessed from County Road 140. The request includes rezoning both parcels from an A-1 Agriculture/Forest Management District to an A-2 Agriculture/Rural Residential District.

Sway was present to represent his request. He indicated he is requesting rezoning to allow for a lot line adjustment. He would like to sell his house and build on the other piece.

Kuster asked if he was aware of the differences between an A-1 and A-2 Zoning District. Sway said yes.

Cunningham played the video while Sway narrated.

Chairperson Ezell summarized the development review submitted by Cunningham dated February 22, 2016.

As there were no questions from the Planning Commission, Chairperson Ezell asked if there were comments from the audience.

Jim Runstrom of 3240 County Road 139, Barnum, MN 55707 asked how many lot were proposed. Sway indicated two lots. Approximately one 14 acre parcel with the house and he would like to keep 26 acres. Cunningham provided further clarification by depicting a figure on the overhead screen.

Scott Winter of 2928 Bent Trout Lake Road, Barnum, MN 55707 wanted to know the process for subdivision of land. Cunningham described the permitting process and requirements for an A-1 and A-2 Zoning District.

(8) As there were no additional comments, Chairperson Ezell closed the public hearing at 8:45 PM. The Planning Commission deliberated the Conditional/Interim Use Permits using the attached Findings of Fact worksheets and deliberated the Rezoning Request as part of the Planning Commission meeting. The Planning Commission reconvened at 9:20 PM.

(A) Conditional/Interim Use Request #416001 - James L. Holmgren Revocable Trust/ Northland Constructors

Chairperson Ezell read the amended conditions and asked Kyrola if he understood. Kyrola indicated yes. Motion by Kuster, seconded by Huhta and supported by yea votes to recommend approval of Conditional Use Permit #416001 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 applicant has indicated the use request is not temporary.

IS THE USE OWNER SPECIFIC?

No.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

No. The applicant has indicated 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 expansion

of the gravel pit could be considered an interim use; however, the previously permitted 20 acres was processed as a CUP.

IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? Yes. The use is specifically listed in the zoning district in which the property lies. Article 4, Section 5, Subdivision B, 3, d of Carlton County Zoning Ordinance #27 indicates that extractive, quarry and mining activities exceeding one acre in size require a Conditional/Interim Use Permit. The previous CUP for this property was applied for and granted prior to enacting Interim Use Permits (IUP) under Carlton County Zoning Ordinance #27. IUP was added to the ordinance on May 12, 2015.

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. The use is already permitted under CUP #413001 and the current request is to expand. Conditions have been developed as follows which should mitigate any existing or potential diminished enjoyment of the neighboring properties such as noise compliance testing and hot mix asphalt plant compliance audits. It is also proposed that the buffer along the northwestern property boundary is increased to 200 feet (Figure 1). In addition, if the crusher and asphalt units are permanently located in the northeast corner of the lot, this would provide a buffer of more than 1,000 feet to any dwelling (Figure 2). Records obtained from the Carlton County Assessor's Office indicate the existing gravel pit, along with the surrounding gravel pits, have not substantially diminished or impaired property values. Figure 3 summarizes the property sales in the immediate vicinity along with the Estimated Market Value (EMV). EMV is defined in Minnesota Statutes, Section 272.0 as the usual selling price...being the price which could be obtained at a private sale. Department of Revenue guidelines indicate the EMV should be within 90% - 105% of the sale price of a property. Since the granting of CUP #413001, sales within the immediate vicinity indicate that property values have not been substantially diminished or impaired. Property sales prices within ½ mile have been at or above the EMV. PIN 45-030-1006 was sold twice within this timeline. While the sale price was less the second time it sold, it was sold above the EMV and the sale was an estate sale. Estate sales are not typically used in market value studies as the seller (the estate) is typically more motivated than a private seller resulting in a reduced sale price. Hours will be limited per condition number 13.

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. The existing gravel pit along with the surrounding gravel pits have not impeded normal and orderly development and improvement of surrounding vacant properties for uses predominant in the area. The uses predominant in the area are agriculture and residential. Development in this area has progressed similar to other areas in the County.

ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. As indicated in the application, utilities are not necessary for this use. Portable bathroom facilities are provided as necessary. The access road has already been established and permitted by the Carlton County Transportation Department. Drainage will be maintained within the pit boundaries. No water should accumulate within the pit boundaries. Excavation must terminate at least one foot above the groundwater table.

ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. Employees will park within the pit boundaries.

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. The applicant indicates crushing, screening and bituminous plants are certified and in compliance with all Minnesota Pollution Control Agency (MPCA), Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA) and Environmental Protection Agency (EPA) regulations. In addition, conditions have been developed such

as noise compliance monitoring and hot mix asphalt plant compliance audits to measure and take corrective action as deemed necessary by the MPCA. Earthen berms have been/will be constructed to reduce potential impacts. The applicant shall comply with any requirements of the Carlton County Transportation Department regarding traffic and dust control.

ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes. No lighted signs or other lights are allowed.

* Conditions *

1. Conditions #13 and #17 shall apply to both Conditional Use Permits #413001 and #416001 as they are in nexus to each other.
2. The application shall be processed as a Conditional Use Permit.
3. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as modified by conditions.
4. The permit is invalid, or expires, if the holder has not substantially completed the business development within one year of granting of the permit.
5. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, 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.
6. 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.
7. The applicant shall comply with any requirements of the Carlton County Transportation Department regarding traffic and dust control.
8. The applicant must access the property from County Road 4 and not Evergreen Road.
9. The applicant shall provide a 200 feet wide buffer along the northern property boundary for a distance of 500 feet from the road right-of-way of Evergreen Road. The buffer shall not include any and all activities, including vegetation removal, all soil disturbance activities and berms.
10. The noise from the crusher shall not exceed the standards set forth by the Minnesota Pollution Control Agency (MPCA) in Minnesota Rules Chapter 7030. The applicant shall be responsible for the hiring of a qualified consultant to test for compliance of the aforementioned Rule during the first year of operation or if the crusher is replaced with another unit. The test results shall be filed with the Zoning and Environmental Services Office.
11. The hot mix asphalt plant shall comply with the standards set forth by the Minnesota Pollution Control Agency (MPCA) in Minnesota Rules Chapter 7011. The applicant shall be responsible for hiring a qualified consultant for completing an opacity test in conformance with MPCA guidelines. This shall be completed at a minimum of once every five years, with the first test completed this calendar year. The test results shall be filed with the Zoning and Environmental Services Office.
12. The crusher and hot mix asphalt plant shall be located at least 1,000 feet from any dwelling currently permitted.
13. Hours shall be limited on Saturdays to 7:00 AM to 5:00 PM.

14. If extraction activities become inactive for a period of five (5) years, the permit shall become void. Inactive means that less than 100 cubic yards of material have been removed from the mining operation in at least one calendar year of the previous five (5) years.
15. The applicant shall comply with all provisions set forth in Carlton County Zoning Ordinance #27 regarding reclamation of gravel pits.
16. The applicant shall be compliant with Conditional Use Permit #413001 by June 1, 2016 or the County shall pursue revocation of Conditional Use Permits #413001 and #416001.
17. The applicant shall not be allowed to use Article 5, Section 13, Subdivision F, 2 (21 day provision) of Carlton County Zoning Ordinance #27.

(B) Conditional/Interim Use Request #416002 – Bruce Niemi

Chairperson Ezell read the additional condition and asked Niemi if he understood. Niemi indicated yes. Motion by Gottschald, seconded by Kuster and supported by yea votes to recommend approval of Interim Use Permit #416002 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 applicant has indicated the use request is not temporary.

IS THE USE OWNER SPECIFIC?

YES, the applicant has indicated the use request is owner specific.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

NO, the applicant has indicated 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 applicant has indicated he is obtaining a dealer's license, which is owner specific. The use should be processed as an IUP and shall terminate at the sale of the property.

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 vehicle and equipment repair, as well as lawn and garden equipment sales and service as a home based business requiring a Conditional/Interim Use Permit. Motorcycle and vehicle sales are not listed as a permitted use or conditional/interim use in an A-2 Zoning District. The proposed use appears to be similar in nature to both lawn and garden equipment sales as well as vehicle and equipment repair.

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 motorcycles and vehicles located on site, storage of motorcycles inside, screening of vehicles, and limiting the sales to by appointment only.

C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT? Yes. Adjacent land uses include agriculture, gravel extraction and residences. If sales are limited to appointment only, motorcycles are stored inside, vehicles are screened from the road right-of-way and neighboring properties, 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 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 sales are limited to appointment only, motorcycles are stored inside, vehicles are screened from the road right-of-way and neighboring properties, 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 sales are limited to by appointment only, motorcycles are stored inside, vehicles are screened from the road right-of-way and neighboring properties, 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 utilities available for the dwelling should be adequate. The driveway should be adequate for the proposed use. Drainage will not be affected by the proposed use.

5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes, there is adequate off-street parking.

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, there should not be offensive odor, fumes, dust, noise or vibration generated by the proposed 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 or other lights are proposed.

* Conditions *

1. As the application for a Motor Vehicle Dealer's License by the Minnesota Department of Public Safety is user specific, this permit request shall be processed as an Interim Use Permit. The use shall terminate at the sale of the property or the termination of the dealer's license.
2. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as modified by conditions.
3. The permit is invalid, or expires, if the holder has not substantially completed the business development within one year of granting of the permit.

4. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, 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.
5. 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.
6. No more than 10 motorcycles will be on site at one time for sale and must be stored inside the garage.
7. No more than 5 cars will be on site at one time (excluding personal vehicles) and must be licensed and road ready. Cars must be screened from the view of the road right-of-way and adjacent properties.
8. No junk or salvage vehicles shall be allowed to be stored on the property. No junking of vehicles for spare parts shall be allowed on the property.
9. Advertising devices shall comply with Carlton County Zoning Ordinance #27.
10. Hours of operation shall not exceed Monday through Saturday, 7:00 AM to 8:00 PM.
11. Must comply with performance standards listed in Carlton County Zoning Ordinance #27 for a home based business, unless more restrictive conditions have been applied.
12. The applicant must follow accepted State and Federal guidelines for waste material management.

(C) Rezoning Request #516001 – Aaron Sway

Motion by Gottschald, seconded by Kuster and supported by all yea votes to recommend approval of the request to rezone to the Carlton County Board of Commissioners.

(9) Chairperson Ezell indicated there was no other business.

(10) Motion by Kuster, seconded by Abrahamson and supported by all yea votes to adjourn at approximately 9:43 PM.

Respectfully submitted,

Heather Cunningham
Zoning and Environmental Services Administrator

Attachments: CUP #416001 Northland Constructors (Figures 1 – 3)