

Draft
Planning Commission Meeting
April 1, 2015 7:00 p.m.
Carlton County Transportation Building

(1) Vice-Chairperson Gottschald called the meeting to order at 7:03 p.m.

Members Present: Jim Gottschald, Erik Abrahamson, John Manninen, Chris Wagner and Byron Kuster

Members Absent: Sam Huhta and Jack Ezell

Ex Officio Members Present: Susan Zmyslony, County Commissioner and Heather Cunningham, Zoning and Environmental Services Administrator

Ex Officio Members Absent: None

(2) Motion by Wagner, seconded by Abrahamson, and supported by all yeas to approve the minutes of the January 7, 2015, Planning Commission meeting.

(3) Vice-Chairperson Gottschald indicated there was no old business.

(4) Vice-Chairperson Gottschald called the Public Hearing to order at 7:03 p.m.

(5) Vice-Chairperson Gottschald read a statement that the legal ad for the requests were sent to the legal newspaper, the Star Gazette, on March 12, 2015, and published March 19, 2015.

(6) Vice-Chairperson Gottschald read a statement regarding Finality of Decisions and Findings of Fact.

(7) **(A) Conditional Use Request #415002 Enbridge Energy, LP – Jodi Schatz**

Enbridge Energy, LP (EELP) of 3001 South Columbia Road, Suite E, Grand Forks, North Dakota, 58201 have requested a Conditional Use Permit to operate a temporary material storage yard for a pipeline project on property they intend to lease from Jodi Schatz described as Part of the Southwest ¼ of the Southwest ¼ and Part of the Southeast ¼ of the Southwest ¼ of Section 19, Township 47 North, Range 20 West in Kalevala Township. The property is located in the Northeast corner of the intersection of Koivisto Road and County Road 6, Kettle River, MN in Kalevala Township (51-044-3140 and 3150).

Josh Trepl and Todd Hines of EELP, 11 East Superior Street, Duluth, MN 55802, were present to represent the conditional use permit request. Trepl described the project as a temporary material storage yard for a pipeline project. The pipe yard will be used for storage, maintenance and operation of pipe and pipeline materials, pipe fabrication, construction marshaling, and storage and maintenance of facilities and equipment for upcoming pipeline construction. Concrete coating of the pipe will be part of the operations at the proposed pipe yard.

Cunningham played and narrated the video.

Vice-Chairperson Gottschald summarized the Development Review submitted by Cunningham, dated March 23, 2015.

Vice-Chairperson Gottschald asked the applicants if there were any additions. Hines indicated the fencing will be 6 foot chain link fence and the lease is a 4 year agreement. Hines indicated the design drawing will be edited to indicate that the location of the chain link fence will be located to meet the 100 feet setback from the side yard line.

Vice-Chairperson Gottschald asked for comments from the audience from those who were in favor of or neutral to the project. No comments were presented.

Vice-Chairperson Gottschald asked for comments from the audience from those who were opposed to the project. Sandy Sterle of 2676 County Road 104, Barnum, MN 55707 indicated she was a member of the Carlton County Land Stewards, a party opposing the Sandpiper route. She indicated that Line 3 will be proposed by EELP to follow the Sandpiper route. She indicated that the Sandpiper has not been issued a Certificate of Need or Routing Permit. The Administrative Law Judge will be making a recommendation to the Public Utilities Commissioner later this month on the Certificate of Need. Sterle wanted to know what beginning the project meant. Cunningham indicated that the County would consider prepping the site, including clearing, installing the fence and construction of the berm to be the start of this project. Sterle questioned whether a pipe storage yard can be permitted before the state permits are granted. Cunningham indicated yes.

Manninen asked Cunningham about the hours of operation for the two previously permitted pipe storage yards. Cunningham indicated the two pipe storage yards permitted last year were in Zoning District A-2, where the hours were limited to Monday through Saturday and in Zoning District M-1, where the hours did not exclude Sundays. Cunningham indicated that the previous CUP for this property (CUP #408006) was approved for Monday through Sunday. (The access for the gravel pit and pipe storage yard is through an M-1 Limited Industrial Zoning District.)

Kuster asked if there was accountability to assure that the pipe storage yard is restored once the project is complete. Cunningham indicated that it was included in the lease agreement and as a condition of approval as it is detailed in the application.

Vice-Chairperson Gottschald asked for additional comments from the audience or Planning Commissioner members. There were no additional comments.

(B) Conditional Use #415003 KGM Constructors – Phyllis Broberg

KGM Contractors, Inc. of 9211 US Highway 53, Angora, MN 55703, represented by Chuck Andrews, has requested a Conditional Use Permit to operate a borrow pit on a property they lease from Phyllis Broberg described as Part of the Southwest ¼ of the Southwest ¼ of Section 5, Township 48 North, Range 17 West in Twin Lakes Township (PIN 81-030-1170). The

property is accessed from County Road 5. The borrow pit material will be used for the construction of Pfeiffer Road.

Chuck Andrews of 9211 US Highway 53, Angora, MN 55703 was present to represent the conditional use permit request. Andrews indicated that this is a single season project and Carlton County requires a conditional use permit for this type of activity. KGM would like to take sand from the property and use it for road base. The muck from the wetlands would be put back in place of the sand.

Vice-Chairperson Gottschald summarized the Development Review submitted by Cunningham, dated March 23, 2015.

Cunningham played and narrated the video. Cunningham described the location of the project using aerial photography on the overhead screen.

Vice-Chairperson Gottschald asked for comments from the audience from those who were in favor of or neutral to the project. No comments were presented.

Vice-Chairperson Gottschald asked for comments from the audience from those who were opposed to the project. Martin Larson of 1553 Pfeiffer Road, Carlton, MN 55718 indicated he owns 10 acres on Pfeiffer Road. He thought they would contact him about cutting the trees on his property. He wanted the white pines. Andrews indicated they only cut trees from within the right of way. No trees were cut on his property.

Vice-Chairperson Gottschald asked for additional comments from the audience or Planning Commissioner members. There were no additional comments.

(8) As there were no additional comments, Vice-Chairperson Gottschald asked for a motion to close the public hearing. Motion by Wagner, seconded by Manninen, and supported by all yeas votes to close the public hearing at 7:40 p.m. The Planning Commission deliberated the two conditional use permits using the attached Findings of Fact worksheets as part of the Planning Commission meeting.

(A) Conditional Use Request #415002 Enbridge Energy, LP – Jodi Schatz

Motion by Abrahamson, seconded by Wagner and supported by yeas votes to recommend approval of Conditional Use Permit #415002 to the County Board in accordance with the findings of fact found in the development review dated March 23, 2015 and approved by the Planning Commission with the conditions as follows:

Findings

1. Is the conditional use specifically listed in the zoning district in which the property lies?
NO.

A.) The use is similar in nature to other uses listed in the same zoning district. *YES. Article 4, Section 5, Subdivision B, 2 and 3 of Carlton County Ordinance #27 does not list materials*

storage yard as a permitted or conditional use. Permanent forest processing activities, including sawmills, debarking and chipping facilities and yarding areas are listed as a conditional use. These activities would be similar in nature as they could potential create nuisance noise, dust, vibration and traffic concerns. Also listed as a conditional use is a regional pipeline.

B.) The proposed use does not create a greater potential for impacts than other uses listed that cannot be mitigated with appropriate conditions. *YES. The proposed material storage yard and related activities will likely generate noise, dust, traffic, and possibly odor. Therefore, a conditional use permit should be required for such an activity. The proposed project would not create a greater potential for impacts than the uses listed above, and potential impacts could be mitigated with appropriate conditions.*

C.) Is the proposed use compatible with adjacent land uses? *YES. Not incompatible because the use is temporary. The adjacent land uses appear to be agriculturally related and the proposed use does not appear to be incompatible with adjacent land uses. The proposed use could be mitigated with appropriate conditions, as detailed below.*

D.) The proposed use is consistent with the Carlton County Comprehensive Plan or the intent of the ordinance. *YES. The proposed use is not addressed in the Carlton County Comprehensive Plan but does not appear to be in conflict with the intent of this plan or Carlton County Zoning Ordinance #27.*

2. The use will not be injurious to the use and enjoyment of property in the immediate vicinity for the purpose already permitted nor diminish and impair property values. *YES. It is unlikely that the use of a leased property for a material storage yard would be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within immediate vicinity.*

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. The proposed temporary use should not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area, which include agriculture.*

4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided as detailed in the development review dated March 23, 2015.*

5. Adequate off street parking is or will be provided. *YES. Off street parking is unnecessary for this proposed use. Per application and development review, no parking will be allowed on the road.*

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. As detailed in the application, adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance in such manner that no disturbance to neighboring properties will result.*

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.*

8. Special conditions. *YES.*

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. 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 material storage yard, including delivery and removal of pipe and related items, shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday.
6. Lighting shall be restricted to the same hours as in Condition #5.
7. The applicant shall comply with any requirements of the Carlton County Transportation Department regarding traffic, dust control and signage. This includes any road repairs required above and beyond typical road maintenance completed by the County.
8. The applicant has indicated the Conditional Use Permit will expire at the termination of the lease. Restoration of the site will take place after the material storage yard use is completed. Restoration will include redistributing native soil and reseeded.

(B) Conditional Use #415003 KGM Contractors – Phyllis Broberg

Motion by Manninen, seconded by Abrahamson and supported by yea votes to recommend approval of Conditional Use Permit #415003 to the County Board in accordance with the findings of fact found in the development review dated March 23, 2015, and approved by the Planning Commission with the conditions as follows:

Findings

1. Is the conditional use specifically listed in the zoning district in which the property lies?
YES.

2. The use will not be injurious to the use and enjoyment of property in the immediate vicinity for the purpose already permitted nor diminish and impair property values. *YES. The project is only one month and limited to excavation and replacing soils.*
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. The proposed use is only one month and will improve development because of safer access to Highway 210.*
4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES. The project itself is for an access road. No facilities or drainage provided and one month in duration.*
5. Adequate off street parking is or will be provided. *YES. Per application and development review, no parking will be allowed on the road.*
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. The hours are limited and the project duration is one month.*
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.*
8. Special conditions. *YES.*

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 has not substantially commenced the project within one year of the granting of the 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 ordinances.
 5. The hours of operation will be 7:00 a.m. to 7:00 p.m., Monday through Friday.
 6. The Conditional Use Permit for the borrow pit shall become void once the Pfeiffer Road project is completed.
- (9)** Cunningham provided the Planning Commission with a summary of the proposed changes to Carlton County Zoning Ordinance #27. Vice-Chairperson Gottschald asked for a motion to set the public hearing for the ordinance revision for May 6, 2015. Motion by

Abrahamson, seconded by Kuster and supported by yea votes to set the public hearing for May 6, 2015.

(10) Motion by Wagner, seconded by Abrahamson, and supported by all yea votes to adjourn at 8:26 p.m.

Respectfully submitted,

Heather Cunningham
Recording Secretary