

DRAFT
PLANNING COMMISSION MEETING
June 1, 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, Erik Abrahamson, Byron Kuster, Sam Huhta and Dennis Lundin

Members Absent: District 1 (Vacant)

Ex Officio Members Present: Jody Meyer, acting Recording Secretary

Ex Officio Member Absent: Heather Cunningham, Zoning and Environmental Services Administrator and Commissioner Susan Zmyslony

(2) Motion by Huhta, seconded by Lundin, and supported by all yeas votes to approve the minutes of the March 2, 2016 meeting.

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

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

(5) Chairperson Ezell read a statement that the two legal ads were sent to the legal newspaper, the Star Gazette, on May 12, 2016, and published on May 19, 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) Rezoning Request #516002 – James and Jean Lind

James and Jean Lind have requested to amend the Official Zoning Map of Carlton County for properties described as the Southeast ¼ of the Southwest ¼ (96-010-3990) and the Southwest ¼ of the Southwest ¼ of the Southeast ¼ (96-010-4026) all in Section 25, Township 49 North, Range 20 West in Red Clover Township. Both properties are accessed from Krogh Road. The request includes rezoning both parcels from an A-1 Agriculture/Forest Management District to an A-2 Agriculture/Rural Residential District.

James and Jean Lind, 1403 1st Street, Wright, MN 55798 were both present to represent their request. Jean Lind stated that they have a 40 acre and a 10 acre piece of property that adjoin each other and would like to build on the 10 acres and keep the 40 as agricultural setting. It is already next to property that is zoned A-2.

Ezell described spot zoning and stated that because there is adjoining property zoned A-2 west of the Lind property, this would not be considered spot zoning. What they plan to do is not a slam dunk. A recommendation will be made to the County Board who will make final decision.

Meyer played the video. Jean Lind narrated the video indicating the proposed building site on the 10 acre property which has an existing driveway from farm use in the past. She also indicated the part of video that the 40 acre property.

Chairperson Ezell asked if the road she was referring to was Krogh Road.

Jean Lind indicated yes.

Chairperson Ezell summarized the development review submitted by Cunningham dated May 23, 2016.

Chairperson Ezell asked there were any further questions from board members. There were none.

Chairperson Ezell asked for comments from the audience. There were none.

Chairperson Ezell asked if anyone in the audience was in favor or neutral of the request. There were none.

Chairperson Ezell asked if anyone in the audience was opposed to the request. There were none.

(B) Interim Use Request #416003 – Hammerlund Construction – Scott Dahl and Michael Dahl

Hammerlund Construction of 40 Highway 63, Grand Rapids, MN 55744, represented by Shane Feltus, has requested an Interim Use Permit to operate a borrow pit on property owned by Scott and Mike Dahl of 7609 Minar Avenue North, Stillwater, MN 55082 described as Part of the Southwest ¼ of the Southwest ¼ (PIN 48-020-2980) and the Western ½ of the Southeast ¼ of the Southwest ¼ (PIN 48-020-2995) all in Section 18, Township 46 North, Range 16 West in Holyoke Township. The property address is 1231 County Road 8. The borrow pit material will be used for the construction of County Road 8.

Shane Feltus of Hammerlund Construction, 40 County Road 63, Grand Rapids, MN 55744, was present to speak on behalf of the request. Mike Dahl, 14258 – 56th Street North, Stillwater, MN 55082, was also present to assist in answering any questions the board or audience may have.

Feltus stated that the proposed project is for County Road 8 and for bridge reconstruction. They would use Dah's existing pit and use approximately 39,000 yards of borrowed sand for the project. The project clearing has begun. The first part of project will be pretty relaxed. The majority of work will take place the month of August.

Chairperson Ezell asked if they would leave the site when project is completed.

Feltus responded yes.

Chairperson Ezell asked the board members if they had any questions at this time. There were none.

Meyer played the video while Dahl narrated.

Chairperson Ezell asked if the Evergreens will stay.

Dahl stated that some of the trees in front of the county vehicle shown on video may have to go.

Chairperson Ezell summarized the development review and suggested conditions submitted by Cunningham dated May 23, 2016. Chairperson Ezell asked if Feltus understood the five conditions.

Feltus responded yes.

Chairperson Ezell asked of the board members had any questions.

Kuster asked Feltus if they were just borrowing from the pit.

Feltus answered yes.

Chairperson Ezell asked if there was anyone in the audience who is either neutral or in support of the request.

Steve Schulstrom, 2631 County Road 4, Carlton, MN 55718, stated that he was neutral on the request, but had two questions. 1. What is the water table? 2. Is there a stream or watercourse within 500 feet of pit?

Feltus responded to first question that he wasn't sure of the water table, but they don't plan to excavate the bottom of the pit, they plan to take off the side banks.

Dahl responded to second question that there is a small stream on the East side and his property just barely gets into the corner of it. The pit is flat ground with a bowl that drains into itself so nothing would ever run east; it runs south. The only time he has ever seen water in the pit is a few years back when we got really heavy rain it would hold water for a little bit but the pit is always caving in on itself so the bottom is always coming up- its sand. The bottom is a lot different than it was 5 years ago. The stream is a neat little stream; they just have a little corner of it. He goes down to the stream because it's a neat little spot. He is not a geologist but feels the stream would not be in danger. The pit is 40 feet deep and last time they cut down into the bottom, but this time will be going more to the west side so the bottom won't be disturbed. He does not know where the water table is, but he thinks it is about 135 feet deep. His cabin well is approximately 135 feet deep and cabin is approx. 150-200 yards away from the South edge of the pit.

Chairperson Ezell asked if there were additional comments from the audience.

Scott Southworth and Jean Southworth, 1222 County Road 8, Holyoke, MN 55749, were in the audience and indicated they had a couple of concerns. S. Southworth stated that he supports the project with exception to the hours of operation. He has worked around construction and he doesn't care to listen to that. He lives across from the Dahl property and he requests an amendment to the hours of operation be limited to 5:30 on weekdays and no operation on Saturdays; weather dependent. He had a conversation with Feltus regarding the hours and was assured in good faith that he would accommodate these hours.

Feltus said that when he first spoke with Southworth the project was on track. He doesn't have any plans for extended hours of operation for majority of the job. The first half of the job is pretty relaxed with plenty of time to get it done. However, the bridge portion of the job is out of his control because of the shop drawings. The county bridge engineer spoke with the state and it sounds like they will tighten up the time for the bridge work. The bridge will be delivered around August 8th with completion date of August 31st. That gives us approximately a 3 week time period, so during that time they will be looking at longer hours. There is a \$5,000 penalty the county has set if they violate the project contracted end time.

Chairperson Ezell read the ordinance language as it relates to borrow pit hours of operation.

S. Southworth stated he doesn't want to hear that noise on Saturdays and would like Feltus to consider the 7-5:30 Monday-Friday and no Saturdays.

Feltus responded that the 3 week time period where work being done on bridge is out of his control.

Kuster asked for clarification from Feltus as to if he will be working within the allowed time under Ordinance #27 and also try to accommodate Southworth's request.

Feltus responded that the project will meet the hours of operation allowed stated in County ordinance and will try to accommodate Southworth's request, except during bridge portion which is out of his control.

S. Southworth said he has no objection to the project, but please consider his request.

Dahl said he's the monkey in the middle – he is a friend of Southworths. They didn't know the State and County would push that 3 weeks. He doesn't want to lose their friendship.

Abrahamson asked Feltus if he would try to accommodate Southworth's request as much as he could.

Feltus indicated yes.

S. Southworth commented that he wants them to be sensitive to his request. He has no objection with the project, but they want their peace and quiet. That's why they moved out there.

Feltus stated that the bridge part of project is behind schedule, but the other part is on schedule.

J. Southworth said that 8 p.m. is her quiet time after seeing over 100 patients per day. Dahl is a great guy and the project is needed.

(8) As there were no additional comments, Chairperson Ezell closed the public hearing at 7:38 p.m. The Planning Commission deliberated the Rezoning Request and Interim Use Permit using the attached Findings of Fact worksheets and deliberated the as part of the Planning Commission meeting. The Planning Commission reconvened at 7:50 p.m.

(A) **Rezoning Request #516002 – James and Jean Lind**

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

(B) **Interim Use Request #416003 – Hammerlund Construction – Scott Dahl and Michael Dahl**

Chairperson Ezell read the additional condition and asked Feltus if he understood. Feltus indicated yes. Motion by Lundin, seconded by Gottschald and supported by yea votes to recommend approval of Conditional Use Permit #416003 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the 6 conditions as follows:

Findings

IS THE USE REQUESTED TEMPORARY?

YES. Per Carlton County Ordinance #27, borrow pits are a temporary use and require an Interim Use Permit.

IS THE USE OWNER SPECIFIC?

Yes. Project specific use of borrow material by Hammerlund Construction.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

Yes. Temporary use of the property as a borrow pit for the construction of County Road 8.

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: Per Carlton County Ordinance #27, borrow pits are a temporary use and require an Interim Use Permit.

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? Yes. Specifically listed as an Interim Use Permit.

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?~~

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?~~

~~C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT?~~

~~D.) THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT?~~

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.

1. 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 interim use should not 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. The borrow pit will only be operated under the condition that the material is used for the construction of County Road 8. The applicant has indicated the borrow pit will be in use for approximately three months.
2. 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 establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. As the borrow pit is for the construction of County Road 8, this construction project will improve development of the surrounding property.
3. 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 indicated in the application.
4. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. There is adequate off street parking.
5. 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. 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, and to control lighted signs and other lights in such manner that no disturbance to neighboring properties will result. This includes limiting the hours for excavation as indicated in Carlton County Zoning Ordinance #27.
6. 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.

Special 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 Interim Use Permit for the borrow pit shall terminate once the County Road 8 project is completed, as determined by the Carlton County Transportation Department, or within one year, whichever is sooner.
6. The applicant be aware and conscientious of the neighbors request to minimize hours of operation beyond 5:30 p.m. on weekdays and on Saturdays.

(9) Other business:

- A. Staff Report regarding compliance of Conditional Use #413001 and #416001 - James L. Holmgren Revocable Trust – Northland Constructors.

Chairperson Ezell distributed a copy of memo dated June 1, 2016, by Heather Cunningham, Zoning and Environmental Services Administrator, to each board member and read the memo to the audience.

A copy of memo was provided to Steve Schultstrom in audience. Schultstrom provided the board with information regarding the existing berm height. He stated he has been on the property and the east side of berm will stay. The new site to the west of the existing site doesn't appear to have a proposed berm. Work has not gone beyond 7-9:30 p.m. since the County has been enforcing the hours of operation.

- B. The next Planning Commission meeting was set for July 6th.

(10) Motion by Lundin, seconded by Kuster and supported by all yea votes to adjourn at approximately 8:04 PM.

Respectfully submitted,

Jody Meyer
Acting Recording Secretary