

\*Draft\*  
Planning Commission Meeting  
October 7, 2015 at 7:00 p.m.  
Carlton County Transportation Building

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

Members Present: Jim Gottschald, John Manninen, Byron Kuster, Sam Huhta and Jack Ezell

Members Absent: Erik Abrahamson and Chris Wagner

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

Ex Officio Members Absent: None

(2) Motion by Manninen, seconded by Huhta, and supported by all yeas votes to approve the minutes of the August 5, 2015, Planning Commission meeting.

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

(4) Chairperson Ezell read a statement that the legal ad for the requests was sent to the legal newspaper, the Star Gazette, on September 17, 2015, and published September 24, 2015.

(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) Minor Subdivision Application #815021 – Kyle and Emily Holmes**

Kyle and Emily Holmes of 1034 Ziebarth Road, Wrenshall, MN 55797 have requested a Minor Subdivision for their property described as the Northeast ¼ of the Southwest ¼ of Section 5, Township 47 North, Range 16 West in Wrenshall Township (84-020-0780).

Holmes was present to describe his request. Holmes indicated that he owns 200 acres, 40 of which is the subject property. Holmes discussed his intention to construct a new home and need to split the property to satisfy mortgage requirements. Holmes described how he wanted to subdivide the property. Holmes indicated that the previous property owner was intending to subdivide the property and constructed a private roadway to township standards in effect at the time. Holmes indicated he had no issues with any of the conditions. Holmes indicated he had a letter of support from the Carlton County Transportation Department and it was included in the application.

Chairperson Ezell asked if the Planning Commission had any questions. There were no questions. Chairperson Ezell summarized the development reviewed prepared by Cunningham and dated September 28, 2015.

Chairperson Ezell asked if there were any comments from the audience. There were no comments.

Kuster asked for clarification on the width of the private roadway. Cunningham indicated that both Ziebarth Road and the subject private roadway are 16 feet in width.

Motion by Kuster, seconded by Manninen and supported by yea votes to recommend approval of Minor Subdivision #815021 with acceptance of the private roadway as proposed for Tract A and B and the following conditions:

1. The Private Roadway Agreement for Minor Subdivisions of Three or Fewer Lots shall be recorded by the applicants with the County Recorder.
2. If further subdivision results in more than three dwellings utilizing the private road as access, the private road shall be constructed to public road standards as required in Carlton County Subdivision Ordinance #28 if requested by Wrenshall Township.

(7) The public hearing was called to order at 7:13 p.m.

**(A) Conditional/Interim Use Request #415008 Midwest Electrical Group – Blue Door Properties, LLC**

Midwest Electrical Group of PO Box 2201, Cloquet, MN 55720 represented by Matthew DeCaigny of Blue Door Properties, LLC of PO Box 62, Sawyer, MN 55780 has requested a Conditional/Interim Use Permit to construct and operate a one-story, 21-unit apartment building on a property described as Part of the Western ½ of the Southwest ¼ in Section 5, Township 48 North, Range 17 West. The property address is 2266 Highway 210 (81-030-1155).

Amy and Matt DeCaigny of Blue Door Properties, LLC were present to describe the request. M. DeCaigny described the request as a 21-unit apartment building in the location of the former Iverson Inn. The apartment will be accessed via the two existing approaches from Highway 210. There will be less than 50% lot coverage as required. Midwest Electrical Group owns the property so they are listed as the applicant but Blue Door Properties, LLC will be purchasing the property. Blue Door Properties is Matt and Amy DeCaigny.

Chairperson Ezell asked for a timeline for construction. M. DeCaigny indicated they are hoping for March 2016.

Chairperson Ezell asked for a description of the units. Jody Keppers of Keppers Design and Architecture of 620 Ridgewood Road, Duluth, MN 55804 was present to represent Blue Door Properties, LLC as the architect of the project. Keppers indicated there will be a total of 21 units. Five efficiency units will be 400 square feet and 16 one bedroom units will be 600 square feet. Keppers indicated they will be spacious for the type of units they are. The single story building will be 226 feet long and 60 feet wide. The building is small and there will be lots of green space.

Chairperson Ezell asked for confirmation of the lot size, septic and well. M. DeCaigny indicated the lot is approximately 3.5 acres. The well is an existing 8-inch diameter well. The site has the space for three septic sites.

Manninen asked if the units were going to be for lower income households and affordable. M. DeCaigny indicated they would be affordable. Manninen asked if they would be pet friendly. A. DeCaigny indicated that they are considering having the backside units pet friendly. They own The Flats in Carlton and they get lots of phone calls for pet friendly. The Flats is full and they still get requests for additional housing.

Kuster asked if the well had been tested and if it would meet the capacity for apartments. M. DeCaigny indicated that the well supported the former bar and restaurant. Kuster asked about water use. M. DeCaigny indicated The Flats is 18 units and the water bill from the City of Carlton indicates they use

approximately 26,000 gallons a month. M. DeCaigny indicated there will be no washer or dryer in the units. There will be three washers available on site.

Kuster asked if there was going to be a lift station or if the septic system will be gravity fed. M. DeCaigny indicated it was good soil and the septic system would utilize gravity.

Cunningham played the video while M. DeCaigny narrated.

Chairperson Ezell summarized the development review and suggested conditions submitted by Cunningham dated September 28, 2015. Chairperson Ezell asked M. DeCaigny if he understood and agreed with the conditions and he replied that he did.

M. DeCaigny indicated he has contracted with a civil engineer to complete the necessary stormwater permitting.

Chairperson Ezell asked M. DeCaigny if they were aware of all the applicable state rules as they already own an apartment building. M. DeCaigny indicated yes.

Gottschald asked Cunningham why apartments were not listed as a permitted or conditional use in the C-1 Commercial Recreation Zoning District. Cunningham indicated that the property was rezoned in the 1970s and she is not sure why it was rezoned C-1, which is usually reserved for shoreland. She indicated that maybe it was due to septic and well requirements in shoreland. Gottschald thought that did not make sense because a hotel would likely require more water. Cunningham agreed and indicated that the uses for a C-1 have been in place since the 1970s and was not aware of the thought process. Apartments are listed in an R-1 as a conditional use if located on municipal sewer and water.

Chairperson Ezell asked for comments neutral or in favor of the request from the audience.

Vickie Berg of 2276 Iverson Lane, Carlton, MN 55718 thought the idea of apartments was kind of cool. She indicated she was the closest property owner as the crow flies. She does have concerns with the entrance as she has seen accidents turning onto Iverson Lane.

Ruth Wise Bahen of 1448 Swenson Road, Cloquet, MN 55720 indicated she lived practically across the road from the property. She indicated this would be dangerous zoning because of accidents. She considers it to be an invasion of her privacy. She indicated low income people will knock on her door and ask for a ride because they cannot afford a car or will want to use her phone. She indicated she has horses, and kids living there will want to walk across Highway 210 to pet her horses which is not safe.

Chairperson Ezell asked for comments from those opposed to the request from the audience.

Bahen indicated she was concerned with amount of water that will be used for the apartments. Ted Swenson of 1380 Swenson Road, Cloquet, MN 55720 indicated that it has been known for years that there is not enough water and shallow wells go dry. He indicated that the Iverson Inn always had problems with water. He was concerned that because he uses his property for agriculture and utilizes manure, fertilizers and biosolids, he would get kickback from the renters. He was concerned with well water quantity. As the ground changes or in dry years, water levels drop. He heard about a split of 20 acres of land into 5 acres of land and they had problems with water.

Shirley Hatfield of 2291 Iverson Lane, Carlton, MN 55718 indicated she was concerned with the type of housing being proposed. She has concerns for the traffic and the safety of apartments next to the railroad and Highway 210.

M. DeCaigny indicated the railroad right-of-way is 200 feet in this location. He does not intend to fence.

M. DeCaigny indicated the original well was a 4-inch diameter well. It was installed to approximately 100 feet. The restaurant owner installed a new 8-inch diameter well to approximately 180 feet and indicated they had no issues with capacity. He indicated that it will not be low income housing such as Section 8 or HUD. At his building in Carlton, it is mostly rented to recently divorced, older people or people with one child. They want good renters who are clean and will pay the rent.

Bahen asked for the price range for rent. M. DeCaigny indicated it would be about \$750 per month for a one bedroom.

Chairperson Ezell asked for additional comments and there were none.

**(B) Conditional/Interim Use #415009 Timber Limited, LLC**

Timber Limited LLC, represented by Pete Bigelow of 3993 Scenic View Road, Moose Lake, MN 55767 has requested a Conditional/Interim Use Permit to operate a concrete paver manufacturing business on a property described as Part of the Northwest ¼ of the Southwest ¼ in Section 34, Township 47 North, Range 19 West in Skelton Township. The property address is 3644 Spencer Road (PIN 72-090-5575).

Pete Bigelow was present to represent the request. Bigelow indicated he would be manufacturing 1-inch thick, 16-inch diameter concrete pavers in polyurethane molds. Currently he makes them in his garage on Scenic View Road. He would like to expand his business.

Kuster asked if he would be using concrete from bags as there is some dust generated from them and whether he would use an exhaust fan. Bigelow indicated he would have one exhaust fan because he intends to stain the concrete. Kuster asked if he would use filters on the fans. Bigelow indicated that he does not intend to use a filter at this time. He thought the process would generate less dust than the dirt road the property was located on. The stain will be water-based.

Cunningham played the video while Bigelow narrated.

Chairperson Ezell asked how he would deal with the waste materials. Bigelow indicated he would have a dumpster.

Kuster asked about the number of pavers that would be manufactured and the number of pickups. Bigelow indicated he currently does about 200 a week. He was looking to expand.

Chairperson Ezell asked if he was going to put in a well. Bigelow said yes.

Manninen asked about putting in a septic system. Bigelow indicated he would be installing at least a 1,500 gallon holding tank.

Gottschald asked how materials would be delivered. Bigelow indicated the concrete would be delivered in 100 pound bags on a pallet and would be unloaded with a forklift. The sand would be dumped on the property and would use a skid steer to load into the garage.

Chairperson Ezell asked if there would be sales. Bigelow indicated there would be no show room, mostly internet sales.

Kuster asked about how the concrete would be mixed. Bigelow indicated with a hand mixer at first and then an electric mixer if the business expanded. The mixer would be about 5 cubic feet in size. Kuster indicated that the proposal is small in scale and Bigelow indicated yes.

Chairperson Ezell summarized the development review and suggested conditions submitted by Cunningham dated September 28, 2015. Chairperson Ezell asked Bigelow if he understood and agreed with the conditions and he replied that he did. He wanted to clarify that the pickups would not be with a pickup up but with a semi-trailer. He anticipated there would be one or two pickups per week at full capacity.

Chairperson Ezell asked about parking and Bigelow indicated there was more than enough parking.

Chairperson Ezell asked for comments neutral or in favor of the request from the audience.

Danny Clemons of 4231 County Road 6, Barnum, MN 55707 asked if any environmental impacts have been reviewed and if there was any regulation for the exhaust.

Cunningham indicated that environmental review would not be required by the State for this type of project. Concrete is an inert material. Bigelow would be responsible for the health and safety of his workers. The scale and the type of the business would not generate VOCs that would be regulated by any agency; however, the Planning Commission could put a condition on the permit requiring filters if they thought it necessary to control nuisance vapor or dust. Cunningham was not aware of any license required to run this type of business.

Marilyn Putney of 3659 Spencer Road, Barnum, MN 55707 indicated she moved across the street before the big building was constructed. She indicated that this was farming county, not business. She has concerns about how the gravel road would be affected.

Keppers indicated that as an architect, this is a great product and the scale of the business was very modest.

Chairperson Ezell asked for comments from those opposed to the request from the audience

Gene Putney, Jr of 4523 County Road 6, Barnum, MN 55707 indicated that he thinks there will be a change in traffic with 5 employees and trucks. The road will be worse than it already is. He has family with COPD and asthma. He added that you can't work with concrete without it getting into the air.

Clemons asked where the waste was going to go. Bigelow indicated that he uses a bucket and lets the solids settle to the bottom and then pours off the water. The solids go in the garbage.

Richard Noordhoek of 3583 Spencer Road, Barnum, MN 55707 asked about where the water would go when he cleans the shop. Bigelow indicated he would most likely sweep and not use water.

Wayne Suronen of 3596 Spencer Road, Barnum, MN 55707 has concerns about the road. If there were only one or two semis, it should not be a big deal.

Manninen asked if anyone contacted the township about the condition of the road. Bigelow indicated he has not and this was the first he heard of the road's condition.

Adelle Folz of 3598 Spencer Road, Barnum, MN 55707 has concerns about dumping wastewater into a drainfield, strong winds blowing dust around and strong smells.

Cunningham indicated that a holding tank would be required not a soil treatment area such as a mound.

Dan Bittner of 4212 County Road 6, Barnum, MN 55707 indicated he is less than 0.5 mile away and is concerned with industry coming to the area but given the scale of the project he does not think it will have an impact at this point. He questioned if the business was successful, would he be able to expand. Chairperson Ezell indicated he would not be able to expand beyond what is indicated in the conditional use permit application. He would need to reapply if he wanted to expand. Bittner asked if he wanted to change his hours what he would need to do. Cunningham indicated he would need to reapply.

Chairperson Ezell read an email from Linda Fetters of 3718 Aspen Road, Moose Lake, MN 55767.

Chairperson Ezell indicated the perception of the project is that dust will be billowing from the building but given the scale of the proposal, it should have minimal impact. Bigelow indicated he felt the biggest impact would be adding a little bit more traffic. Gottschald indicated he felt there are a number of permitted uses, such as a gravel pit less than one acre, that would be much worse and more of an impact. He indicated that the project was small scale and no worse than garbage and recycling trucks that travel dirt roads.

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

(8) As there were no additional comments, Chairperson Ezell closed the public hearing at 8:25 p.m. The Planning Commission deliberated the two conditional/interim use permits using the attached Findings of Fact worksheets as part of the Planning Commission meeting.

**(A) Conditional/Interim Use Request #415008 Midwest Electrical Group – Blue Door Properties, LLC**

Motion by Gottschald, seconded by Manninen and supported by yea votes to recommend approval of Conditional Use Permit #415008 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the conditions as follows:

*\*Findings\**

*The use will not be temporary. The use will not be owner specific. The use requires specific infrastructure. It is recommended the use is processed as a Conditional Use Permit.*

1. Is the conditional/interim 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. Similar to resorts, hotels in C-1 (as conditional uses) and bed and breakfast homes, resorts as permitted uses.*

B.) The proposed use does not create a greater potential for impacts than other uses listed that cannot be mitigated with appropriate conditions. *YES. Would not have more impact than neighboring residential and agricultural uses and not worse than previous business on property (bar).*

C.) Is the proposed use compatible with adjacent land uses? *YES. Does not appear to be in conflict with neighboring residential and agricultural uses.*

D.) The proposed use is consistent with the Carlton County Comprehensive Plan or the intent of the ordinance. *YES. Not in conflict with the intent of the Carlton County Comprehensive Plan and 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. The property was used commercially for more than 30 years as a restaurant/bar. Apartments should be less of an impact to surrounding properties.*

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 property has not been a single family residence since enactment of zoning controls and the property immediately surrounding the property is vacant.*

4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES, as detailed in the application.*

5. Adequate off street parking is or will be provided. *YES, as detailed in the application.*

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. No odor, fumes, dust, noise or vibration should be 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 lighting is 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 or as amended by the following conditions.

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 applicant or subsequent property owner shall provide adequate solid waste and recycling receptacles for a 21-unit apartment.

6. The construction and operation of the apartment shall follow all applicable State Building Codes, Minnesota Department of Health Rules and Statutes and any other State required provisions.

7. The applicant shall comply with any applicable Minnesota Pollution Control Agency's requirements for stormwater.

**(B) Conditional/Interim Use #415009 Timber Limited, LLC**

Motion by Kuster, seconded by Gottschald and supported by yea votes to recommend approval of Conditional Use Permit #415009 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the conditions as follows:

*\*Findings\**

*The use will not be temporary. The use will not be owner specific. The use requires specific infrastructure. It is recommended the use is processed as a Conditional Use Permit.*

1. Is the conditional/interim 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, but would generate less noise, dust and will be in a building.*

B.) The proposed use does not create a greater potential for impacts than other uses listed that cannot be mitigated with appropriate conditions. *YES. Limiting hours, outside storage of materials and conducting the business inside (would mitigate any potential impacts).*

C.) Is the proposed use compatible with adjacent land uses? *YES. The proposed use does not appear to be incompatible with properties as business will be conducted inside.*

D.) The proposed use is consistent with the Carlton County Comprehensive Plan or the intent of the ordinance. *YES. It does not appear to be in conflict with the intent of the Carlton County Comprehensive Plan or Carlton County Zoning Ordinance #27 even though (use) is not listed.*

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. One property will have the building in the viewshed. Minimal increase in traffic and business will be conducted in building.*

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. Should not be an increase in traffic and all activities will be conducted inside a building.*

4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES. As per the application (adequate) road, well and holding tank (will be provided).*

5. Adequate off street parking is or will be provided. *YES, as per the application.*

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 business will be conducted inside a building and should result in minimal or no disturbance.*

7. Adequate control of lighted signs and other lights is provided so that a disturbance to neighboring properties will not result. *YES. Lighting will be restricted to operating hours.*

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 concrete paver manufacturing business, including delivery and pickup, shall be limited to 7:00 AM to 7:00 PM Monday through Saturday.
6. Lighting shall be restricted to the same hours as in Condition #5.
7. All materials related to the concrete paver manufacturing business shall be stored inside.
8. The applicant shall comply with applicable Minnesota Pollution Control Agency rules and statutes for air, noise and wastewater.

**(9)** None.

**(10)** Motion by Kuster, seconded by Manninen, and supported by all yea votes to adjourn at 9:00 p.m.

Respectfully submitted,

Heather Cunningham  
Recording Secretary