



PLANNING COMMISSION

Meeting Minutes

Wednesday, May 4, 2022 at 7:00 PM

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. ROLL CALL

BOARD MEMBERS PRESENT

Jack Ezell
Chair

Erik Abrahamson
Vice Chair

Byron Kuster
 Secretary

Sam Huhta

Dennis Lundin

Keith Depre

Dan Belden

STAFF PRESENT

Zoning and Environmental Services Administrator Heather Cunningham

Chief Deputy Zoning and Environmental Services Administrator Chris Berg:

Carlton County Commissioner Mark Thell:

3. APPROVE MEETING MINUTES

MOTION TO APPROVE MINUTES OF FEBRUARY 2, 2022

APPROVE

APPROVE AS AMENDED

1ST

Jack Ezell

Dan Belden

Erik Abrahamson

Sam Huhta

Dennis Lundin

Keith Depre

Byron Kuster

2ND

Jack Ezell

Dan Belden

Erik Abrahamson

Sam Huhta

Dennis Lundin

Keith Depre

Byron Kuster

VOTE TO APPROVE MINUTES

YES

Ezell
 Belden
 Abrahamson
 Huhta
 Lundin
 Depre
 Kuster

NO

Ezell
 Belden
 Abrahamson
 Huhta
 Lundin
 Depre
 Kuster

4. APPROVE AGENDA

MOTION TO APPROVE AGENDA

APPROVE

APPROVE
AS AMENDED

1 ST	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abraham <input type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input type="checkbox"/>	Byron Kuster <input checked="" type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abrahamson <input checked="" type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input type="checkbox"/>	Byron Kuster <input type="checkbox"/>

VOTE TO APPROVE AGENDA

YES

- Ezell
- Belden
- Abrahamson
- Huhta
- Lundin
- Depre
- Kuster

NO

- Ezell
- Belden
- Abrahamson
- Huhta
- Lundin
- Depre
- Kuster

5. CALL PUBLIC HEARING TO ORDER

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

6. LEGAL AD STATEMENT

Legal ads (2) were sent on April 14, 2022, and published in the Star Gazette on April 21, 2022. Legal ads (2) were sent on April 14, 2022, and published in the Pine Knot News on April 22, 2022.

7. FINDINGS OF FACT AND FINALITY OF DECISIONS

Chairperson Ezell read the findings of fact and a statement on finality of decisions.

8. PUBLIC HEARINGS

A.	Rezoning #522002 – Severt and Kimberly Grimm <i>Amend Official Zoning Map of Carlton County from the A-1 Zoning District to the A-2 Zoning District.</i>
APPLICANT/ REPRESENTATIVE	Name: Severt and Kimberly Grimm Address: 2530 County Road 61, Carlton, MN 55718
PUBLIC COMMENT	NA
CORRESPONDENCE	NA
B.	Conditional/Interim Use Permit #422001 – LeeAnne and Brandon Gibson <i>Operate a property cleaning business that includes temporary storage for recycling, resale and donated items acquired from the property cleaning business.</i>
APPLICANT/ REPRESENTATIVE	Name: LeeAnne and Brandon Gibson Address: 4329 County Road 145, Holyoke, MN 55749
PUBLIC COMMENT	See attached
CORRESPONDENCE	Name: Kirk Eckstine Email: captainmerrick72@yahoo.com Comment: Concerned resident of the county; not supportive of the request Name: Ralph LaPlant Email: northwoodsimages@yahoo.com

Comment: Opposition to the request due to unsightliness and a breeding ground for mosquitos and rodents.

Name: Mary Anderson
 Email: maryhd883@gmail.com

Comment: Opposition to the request; does not fit with character of neighborhood and concerns for groundwater contamination.

Name: Randy McCuskey
 Phone call: He is in support of small businesses.

9. CLOSE THE PUBLIC HEARING AND RE-OPEN PLANNING COMMISSION

The public hearing was closed at 8:59 PM. The Planning Commission meeting was re-opened at 9:10 PM.

A.

Rezoning #522002 – Severt and Kimberly Grimm

MOTION TO APPROVE REZONING			APPROVE <input checked="" type="checkbox"/>	APPROVE WITH CONDITIONS AS AMENDED <input type="checkbox"/>	DENY <input type="checkbox"/>		
1 ST	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abrahamson <input checked="" type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input type="checkbox"/>	Byron Kuster <input type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abrahamson <input type="checkbox"/>	Sam Huhta <input checked="" type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input type="checkbox"/>	Byron Kuster <input type="checkbox"/>
VOTE TO APPROVE REZONING WITH CONDITIONS			YES <input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Belden <input checked="" type="checkbox"/> Abrahamson <input checked="" type="checkbox"/> Huhta <input checked="" type="checkbox"/> Lundin <input checked="" type="checkbox"/> Depre <input checked="" type="checkbox"/> Kuster	NO <input type="checkbox"/> Ezell <input type="checkbox"/> Belden <input type="checkbox"/> Abrahamson <input type="checkbox"/> Huhta <input type="checkbox"/> Lundin <input type="checkbox"/> Depre <input type="checkbox"/> Kuster			

B.

Conditional/Interim Use Permit #422001 – LeeAnne and Brandon Gibson

MOTION TO APPROVE FINDINGS OF FACT			APPROVE <input checked="" type="checkbox"/>	APPROVE AS AMENDED <input type="checkbox"/>			
1 ST	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abrahamson <input type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input checked="" type="checkbox"/>	Byron Kuster <input type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/>	Dan Belden <input checked="" type="checkbox"/>	Erik Abrahamson <input type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input type="checkbox"/>	Byron Kuster <input type="checkbox"/>
VOTE TO APPROVE FINDINGS OF FACT			YES <input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Belden <input checked="" type="checkbox"/> Abrahamson <input checked="" type="checkbox"/> Huhta <input checked="" type="checkbox"/> Lundin <input checked="" type="checkbox"/> Depre <input checked="" type="checkbox"/> Kuster	NO <input type="checkbox"/> Ezell <input type="checkbox"/> Belden <input type="checkbox"/> Abrahamson <input type="checkbox"/> Huhta <input type="checkbox"/> Lundin <input type="checkbox"/> Depre <input type="checkbox"/> Kuster			

MOTION TO APPROVE OR DENY CUP/IUP WITH CONDITIONS			APPROVE WITH CONDITIONS <input type="checkbox"/>	APPROVE WITH CONDITIONS AS AMENDED <input type="checkbox"/>	DENY <input checked="" type="checkbox"/>		
1 ST	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abrahamson <input type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input checked="" type="checkbox"/>	Byron Kuster <input type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abrahamson <input type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input type="checkbox"/>	Byron Kuster <input checked="" type="checkbox"/>
VOTE TO APPROVE OR DENY CUP/IUP WITH CONDITIONS			YES <input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Belden <input checked="" type="checkbox"/> Abrahamson <input checked="" type="checkbox"/> Huhta <input checked="" type="checkbox"/> Lundin <input checked="" type="checkbox"/> Depre <input checked="" type="checkbox"/> Kuster	NO <input type="checkbox"/> Ezell <input type="checkbox"/> Belden <input type="checkbox"/> Abrahamson <input type="checkbox"/> Huhta <input type="checkbox"/> Lundin <input type="checkbox"/> Depre <input type="checkbox"/> Kuster			

10. NEW BUSINESS

A.	Interim Use Ordinance – Carlton County Cervid Farm Moratorium
B.	Revisions to Carlton County Subdivision Ordinance #28
C.	Bylaws and Rules of Decorum

11. OLD BUSINESS None

12. ADJOURNMENT 9:20 PM

MOTION TO ADJOURN			APPROVE <input checked="" type="checkbox"/>			DENY <input type="checkbox"/>	
1 ST	Jack Ezell <input type="checkbox"/>	Dan Belden <input type="checkbox"/>	Erik Abrahamson <input type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input checked="" type="checkbox"/>	Byron Kuster <input type="checkbox"/>
2 ND	Jack Ezell <input type="checkbox"/>	Dan Belden <input checked="" type="checkbox"/>	Erik Abrahamson <input type="checkbox"/>	Sam Huhta <input type="checkbox"/>	Dennis Lundin <input type="checkbox"/>	Keith Depre <input type="checkbox"/>	Byron Kuster <input type="checkbox"/>
VOTE TO ADJOURN			YES <input checked="" type="checkbox"/> Ezell <input checked="" type="checkbox"/> Belden <input checked="" type="checkbox"/> Abrahamson <input checked="" type="checkbox"/> Huhta <input checked="" type="checkbox"/> Lundin <input checked="" type="checkbox"/> Depre <input checked="" type="checkbox"/> Kuster	NO <input type="checkbox"/> Ezell <input type="checkbox"/> Belden <input type="checkbox"/> Abrahamson <input type="checkbox"/> Huhta <input type="checkbox"/> Lundin <input type="checkbox"/> Depre <input type="checkbox"/> Kuster			

ATTACHMENTS: Findings of Fact Worksheet – Conditional/Interim Use Permit #422001 LeeAnne and Brandon Gibson
 Summary of Public Comment - Conditional/Interim Use Permit #422001 LeeAnne and Brandon Gibson

HEATHER CUNNINGHAM,
ZONING AND ENVIRONMENTAL SERVICES ADMINISTRATOR **DATE** 5/4/2022

DRAFT
 FINAL

**CARLTON COUNTY FINDINGS OF FACT
CRITERIA SUPPORTING/DENYING A CONDITIONAL OR INTERIM USE PERMIT**

Name of Applicant: LeeAnne and Brandon Gibson

Date: May 4, 2022

Conditional/Interim Use Permit Number: 422001

Tax Parcel Number: 48-020-2520
and 48-020-3444

IS THE USE REQUESTED TEMPORARY?

No. The application indicates that the request is not temporary.

IS THE USE OWNER SPECIFIC?

Yes. The application indicates the use is owner specific.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

No. According to the application, the use includes existing or new 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: If the use is approved, this office recommends that the use is processed as an interim use and is owner specific. If approved, the use shall terminate at the sale of the property.

FINDINGS OF FACT:

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? No. Article 4, Section 5, Subdivision B of Carlton County Zoning Ordinance #27 does not specifically list this use as a permitted or conditional/interim use. The ordinance does however specifically indicate that junk yards are unlawful in the A-1 and A-2 zoning districts. This office has made the determination that the applicants have just rebranded their business by calling it a cleaning service. Their existing and proposed business model is in fact a junk yard or could also be considered a transfer station.

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? No. Article 5, Section 1, Subdivision K, 3 indicates that it is unlawful to create a junk yard within A-1 and A-2 Zoning Districts. This office has made the determination that the applicants have just rebranded their business by calling it a cleaning service. Their existing and proposed business model is in fact a junk yard or could also be considered a transfer station.
- 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? No. This office does not believe the use could be mitigated with enforceable conditions. This office has made the determination that the applicants have rebranded their business by calling it a cleaning service. Their existing and proposed business model is in fact a junk yard or could also be considered a transfer station. As documented in the attachments, this office has made several site visits since we received the first complaint. This office has informed the applicants of the rules pertaining to operating a junk yard. Yet the applicants have continued to use the property in a manner that is inconsistent with Carlton County Zoning Ordinance #27.
- C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT? No. Article 5, Section 1, Subdivision K, 3 indicates that it is unlawful to create a junk yard within A-1 and A-2 Zoning Districts. Junk yards are incompatible with residential uses. This office suggests the applicants search for property zoned M-1 Limited Industrial Zoning District, which considers junk yards, salvage yards, and solid waste management facilities to be conditional/interim uses.

D.) THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT? No. The request appears to be in conflict with the intent of the Carlton County Comprehensive Plan or Carlton County Zoning Ordinance #27. The plan and the ordinance support junk yards, salvage yards, and solid waste management facilities in the M-1 Limited Industrial Zoning District.

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. No. Article 5, Section 1, Subdivision K, 3 indicates that it is unlawful to create a junk yard within A-1 and A-2 Zoning Districts. Junk yards are incompatible with residential uses. The surrounding uses include residential, agriculture, forestry and recreational land.
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. No. The establishment of the use could impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. The surrounding vacant area is zoned A-1 and A-2, which is not compatible with a junk yard.
4. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. It appears that adequate utilities, access roads and drainage have been or are being provided.
5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. No parking will be allowed on County Road 145.
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. No. The use should not produce offensive odor, fumes, dust or vibration. The proposed use could produce vehicle or equipment noise that could constitute a nuisance.
7. ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. No. The application does not have a lighting plan submitted with the request.

DECISION:

If **ALL** answers are **YES** by a majority of the Planning Commission, the criteria for granting of the **(circle one)** Conditional or Interim Use Permit have been met. The **(circle one)** Conditional or Interim Use Permit will maintain the goals of health, safety and general welfare of the public. Please confirm with the applicant that they accept their application will be processed as an (circle one) IUP or CUP. Please confirm with the applicant that the conditions are acceptable.

Granted: NA

Denied: Operate a property cleaning business that includes temporary storage for recycling, resale and donated items acquired from the property cleaning business.

CONDITIONS:

NA

Motion By Depre Seconded By Belden

TO: APPROVE the above FINDINGS OF FACT

Action on Motion: 7 AYE 0 NO 0 ABSTAIN

Motion: Carried Defeated

Motion By Depre Seconded By Kuster

TO: DENY the IUP

Action on Motion: 7 AYE 0 NO 0 ABSTAIN

Motion: Carried Defeated

5/4/22
Date

[Signature]
Planning Commission Chairman

Planning Commission Chair: If changes are made to the decisional standards or conditions, please mark with ink and initial.

**SUMMARY OF PUBLIC COMMENT
PLANNING COMMISSION MEETING MAY 4, 2022
CONDITIONAL USE PERMIT #422001 – LeeAnne and Brandon Gibson**

<p>Name: Mike Dahl Address: 1660 County Road 146, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Sees the need for this type of business as a former forester for the DNR. During his career, he saw a lot of abandoned waste on public land. • Commended them as entrepreneurs.
<p>Name: Corey Switzer Address: 1669 13th Street, SPC 16, Clarkston, WA</p> <ul style="list-style-type: none"> • Concern for commercial traffic. • Good business, wrong location. • Nearby cemetery where relatives are buried. They should be able to rest without noise and vibration.
<p>Name: Susan Roper Address: 1481 County Road 8, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Have used Gibson's services on their property they have inherited in trust. • Good business plan. • Gibson's sorted on their land and not the subject property.
<p>Name: Ray Roper Address: 1481 County Road 8, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Have used Gibson's services. They are efficient.
<p>Name: Doug Engie Address: 4323 County Road 145, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Provided a written statement as well as photos. • Cited several sections of the ordinance that the Gibson's are in violation of including scrapping vehicles and maintaining a public nuisance. • Concerns with the current business plan include noise, vibration, dust, traffic, and environmental concerns with adjacent wetland. • Concerns with hours of operation which have in the past been at night and on the weekends.
<p>Name: Teri Henderson Address: Did not provide address</p> <ul style="list-style-type: none"> • Hired the Gibson's to clean her property. • Would recommend them to anyone looking for cleaning services.
<p>Name: Wanda Poppie Address: 2537 Martin Way, White Bear Lake, MN 55110</p> <ul style="list-style-type: none"> • Has seasonal property in the area. • Has not had any issues with noise. • Believes they provide a good service for the community.
<p>Name: Linda McCuskey Address: 4401 County Road 145, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Does not have issues with the request. • Does not think it is a junk yard. • Got a refrigerator from them. • They need time to follow the rules and they will comply.
<p>Name: Cindy Blanding Address: 4323 County Road 145, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Provided a written statement. • Believes it is a junk yard. They are scrapping cars on the property. • From dawn to dusk it is noisy. • Concerns with traffic and dust. • At one point they had a fuel tank on a trailer blocking the road. • Believes they are burning garbage based on the odor and color of the smoke.
<p>Name: Al Scichilone Address: 4323 County Road 145, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Provided a written statement. • Concerns with noise, dust, smoke and traffic. • Concerns with property values if this business is allowed on the property. • Concerns with an increase in theft in the neighborhood.

<p>Name: Gary Standen Address: 4360 County Road 145, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Lives adjacent to the subject property. • Has not witnessed smoke or an increase in traffic.
<p>Name: Harry North Address: 4308 County Road 145, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Lives adjacent to subject property. • Indicated the Gibson's have really cleaned up the property recently. • Has not heard noise or witnessed smoke. • Believes they need more guidance and the Gibson's will follow the rules.
<p>Name: David Schmidt Address: 3360 County Road 104, Barnum, MN 55707</p> <ul style="list-style-type: none"> • Indicated there is a need for this type of business. • Indicated there is a learning curve for them and they will do the right thing.
<p>Name: Dianna Schmidt Address: 3360 County Road 104, Barnum, MN 55707</p> <ul style="list-style-type: none"> • LeeAnne is her daughter. • She has been on cleaning jobs with LeeAnne and she is very good at what she does and the products she uses. • Indicated LeeAnne does the right thing but just needs to know how.
<p>Name: Mary Munn Address: 498 County Road 8, Holyoke, MN 55749</p> <ul style="list-style-type: none"> • Good business, wrong location. • Has a background in solid and hazardous waste. Believes it is a transfer station. • Believes this use belongs in an industrial area.
<p>Name: Brian Angell Address: 1805 Carlton Avenue, Cloquet, MN 55720</p> <ul style="list-style-type: none"> • Believes the county should be helping them with their business and not putting a stop to it. • County should lay out how they can do their business.
<p>Name: Severt Grimm Address: 2530 County Road 61, Carlton, MN 55718</p> <ul style="list-style-type: none"> • Good service that he would use as a realtor. • Seems like the wrong area for this type of business but believes the Planning Commission should work with them to figure out what they can do on their property.