

DRAFT
PLANNING COMMISSION MEETING
January 6, 2021, at 7:00 PM
Carlton County Transportation Building

(1) The meeting was called to order at 7:00 PM by Zoning and Environmental Services Administrator Cunningham.

Members Present: Jack Ezell, Jim Gottschald, Byron Kuster, Sam Huhta, Erik Abrahamson and Keith Depre

Members Absent: Dennis Lundin

Ex Officio Members Present: Commissioner Mark Thell and Heather Cunningham

Ex Officio Member Absent: None

(2) Acting as chairperson, Cunningham asked for nominations for chairperson. Gottschald nominated Ezell. There were no other nominations. Election of Ezell as chairperson supported by all yea votes. Cunningham turned the chair over to Ezell.

(3) Chairperson Ezell asked for nominations for officers. Abrahamson nominated Gottschald as vice chair. There were no other nominations. The election was supported by all yea votes. Gottschald nominated Abrahamson as secretary. There were no other nominations and the election was supported by all yea votes.

(4) Motion by Kuster, seconded by Huhta, and supported by all yea votes to approve the minutes of the October 7, 2020, meeting.

(5) Chairperson Ezell read statements regarding Findings of Fact and Finality of Decisions. Statements regarding Findings of Fact and Finality of Decisions were placed on the projector screen.

(6) Permit Request (no public hearing required):

(A) Minor Subdivision #820018: LuAnn Freiermuth

LuAnn Freiermuth of PO Box 23, Wrenshall, MN 55797, has requested a Minor Subdivision for her property described as Part of Government Lot 1 in Section 9, Township 48 North, Range 20 West in Eagle Township on Island Lake (PIN 90-010-1463).

LeAnn Freiermuth was present to represent the request. Chairperson Ezell read the description of the subdivision request and asked Ms. Freiermuth to further expound. Freiermuth indicated she owns approximately 10.2 acres of land. She would like to subdivide the property into three lots. She would like to construct a dwelling on one lot, there is an existing trailer home on one of the planned lots and a family member will purchase the third lot. She indicated she understands from the development review that the private road may not be named Blessings Lane.

Chairperson Ezell referenced the variance from 2005 and that further subdivision on Blessings Lane was not allowed unless the road was upgraded. Freiermuth indicated that the property was previously subdivided by her ex-husband along Blessings Lane. She did not want to use the existing Blessings Lane as it didn't make sense to go down the private road and then back up to her property.

Freiermuth indicated that she understands the existing septic system connected to the trailer needs to be inspected and an additional septic site needs to be located. She also indicated that she understands she needs to come into compliance with the recreational vehicle and deck.

Chairman Ezell asked if there were any questions from the Planning Commission. There were none.

Cunningham played the development review video and Freiermuth narrated.

Chairman Ezell asked if there were any questions from the Planning Commission. Cunningham pointed out that the survey had been marked up and indicated that the new road was a driveway. It is not a driveway but a private road. Freiermuth indicated that she understood and it will be constructed with a 22 feet wide driving surface. Depre indicated that the survey states the road will be 66 feet in width. Cunningham indicated that is the required right-of-way and the driving surface needs to be 22 feet in width.

Gottschald asked if the property could be further subdivided. Cunningham indicated that as proposed, the layout would make further subdivision more difficult. Cunningham indicated that she suggested to Freiermuth to use the existing Blessings Lane. Gottschald asked the applicant if she was aware of this and she indicated yes, she is aware that this layout makes further subdivision more difficult.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated December 30, 2020. Chairperson Ezell paused to ask Freiermuth to state that she was not using the existing Blessings Lane. Freiermuth indicated no, she is not using Blessings Lane except the first 125 feet which will be upgraded to township standards as required.

Chairperson Ezell asked Freiermuth if she understood and agreed to the conditions. Freiermuth responded yes.

Chairman Ezell asked if there were any questions from the Planning Commission. There were none.

(A) Minor Subdivision #820018: LuAnn Freiermuth

Motion by Kuster, seconded by Gottschald, and supported by yea votes to recommend approval of Minor Subdivision #820018 to the County Board with the four conditions, as follows:

1. The Private Roadway Agreement for Minor Subdivisions of Three or Fewer Lots shall be recorded by the applicant with the County Recorder within 6 months of granting the Minor Subdivision.
2. Before a zoning permit will be issued, the existing 125 feet of Blessings Lane and the proposed private road shall be constructed to the design standards listed in Appendix B of Carlton County Subdivision Ordinance #28.
3. The septic system located on Tract "A" is an existing system permitted under Septic Permit #283024. The permit does not identify a second site for a Type I SSTS. This will need to be completed by June 1, 2021.
4. Septic System #283024 will require a septic compliance inspection to be completed by June 1, 2021.

(7) Chairperson Ezell called the public hearing to order at 7:33 PM.

(8) Chairperson Ezell read a statement that legal ads were sent to the two legal newspapers. The Star Gazette ad was sent on December 17, 2020, and published December 24, 2020. The Pine Knot ad was sent on December 17, 2020, and published on December 25, 2020.

(9) Permit Requests:

(A) Conditional/Interim Use Permit #420005: David Douglas/Enbridge Energy

David Douglas of 1802 Douglas Road, Carlton, MN 55718, represented by Enbridge Energy Limited, Partnership (Trevor Lindblom of 11 East Superior Street, Suite 125, Duluth, MN 55802), has requested a Conditional/Interim Use Permit for a temporary contractor construction yard to support Enbridge Energy Line 3. The subject property is described as Part of the Northeast ¼ of the Northwest ¼, Part of the Northwest ¼ of the Northwest ¼, Southwest ¼ of the Northwest ¼ and the Northwest ¼ of the Southwest ¼ all in Section 15, Township 48 North, Range 17 West in Twin Lakes Township. The property address is 1802 Douglas Road (PIN 81-030-2970, 2990, 3000 and 3030).

Trevor Lindblom of Enbridge Energy located at 11 East Superior Street, Suite 125, Duluth, MN 55802 was present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked the authorized representative to expound on the request.

Lindblom indicated the property is currently an active gravel pit. The property is also adjacent to the right-of-way of Line 3. He indicated they intend to store timber mats for construction and vehicle parking on the property. They are requesting operating hours of 5:00 AM to 9:00 PM, Monday through Sunday. He indicated that normal hours will likely be 7:00 AM to 5:00 PM, Monday through Saturday. He also indicated they are requesting a sunset date of December 31, 2021. He indicated they have a lease agreement for the property and a road use agreement with Twin Lakes Township. They sent letters to the neighboring property owners.

Chairman Ezell asked if there were any questions from the Planning Commission. Kuster asked if there would be pipe storage. Lindblom indicated not for this property with the exception of pipe needed for the crossing of Otter Creek.

Lindblom indicated that the property has two other utility lines that traverse the property and Enbridge has made them aware of the proposed use.

Chairperson Ezell asked if the DNR had been contacted about the Munger crossing and Lindblom indicated yes.

Cunningham played the development review video and Lindblom narrated.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated December 30, 2020.

Chairman Ezell asked Lindblom if he understood and agreed to the conditions. Lindblom indicated yes. He did note that the paragraph above the conclusions and recommendations indicated that the property would be fenced and gated. He said they have not made that decision yet and asked for leeway. Cunningham indicated she did not have an issue with this request. It was not included as a condition.

Commissioner Thell asked if there would be fuel storage and Lindblom indicated no.

Chairperson Ezell read the letter dated December 30, 2020, from Twin Lakes Township and an email from Susan Chapin, Twin Lakes Township Clerk, dated January 5, 2021.

Chairperson Ezell asked if there were any comments in support or neutral of the request from the audience.

Diane Felde-Fink, Twin Lakes Township Chairperson, indicated she read the development review noting that it included a condition for making repairs in excess of normal wear and tear and that Douglas Road would be accessed from Highway 61. The township does not have any further issues with the request.

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

(10) As there were no additional questions for the applicants, Chairman Ezell closed the public hearing at 7:57 PM. The Planning Commission deliberated the conditional/interim use application as part of the Planning Commission meeting.

(A) Conditional/Interim Use Permit #420005

Motion by Gottschald, seconded by Abrahamson, and supported by yea votes to recommend approval of Interim Use Permit #420005 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the seven conditions, as follows:

FINDINGS OF FACT

IS THE USE REQUESTED TEMPORARY?

Yes. The application indicates that the request is temporary. Clarification is needed on the term of this request.

IS THE USE OWNER SPECIFIC?

No. The use should not be considered owner specific as indicated on the application.

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: This office recommends that the use is processed as an interim use. A date should be set by the Planning Commission for this use to sunset.

IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? No. Article 4, Section 5, Subdivision A and B of Carlton County Ordinance #27 does not specifically list temporary contractor construction yard as a permitted or conditional/interim use.

THE USE IS SIMILAR IN NATURE TO OTHER USES LISTED IN THE SAME ZONING DISTRICT. WHY OR WHY NOT? Yes. Permanent forest processing activities, including sawmills, debarking and chipping facilities and yarding areas are listed as conditional/interim uses in Zoning Districts A-1 and A-2. These activities would be similar in nature as they could potentially create nuisance noise, dust, vibration and traffic concerns. Also listed as a conditional/interim use is a regional pipeline.

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, if the use is temporary. The proposed use and any potential impacts could be mitigated with appropriate conditions, as detailed below.

IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT? Yes, if the use is temporary. Adjacent land uses appear to be residential and agricultural. There are two residences located adjacent to the subject property but the view appears to be obstructed by trees.

Potential impacts to these residences could be mitigated with conditions related to noise, dust and lighting.

THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT? Yes. The request does not appear to be in conflict with the intent of the Carlton County Comprehensive Plan or Carlton County Zoning Ordinance #27. The property has historically been used as gravel pit. The proposed use is similar in nature but will be temporary.

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 the use is temporary. The use of the property as a temporary contractor construction yard could be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted if conditions are not imposed or if the use were permanent. Property values within immediate vicinity should not be substantially diminished as the proposed use is temporary. Potential impacts need to be mitigated with conditions and a sunset date for the use.

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 should not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area as long as appropriate conditions are placed on this use as described and includes a sunset date.

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.

ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. No parking will be allowed on Highway 61, Douglas Road or the Willard Munger Trail.

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 shall comply with any requirements of the DNR, Twin Lakes Township and Carlton County regarding traffic and dust control. A condition has been developed for noise compliance monitoring with audits to measure and take corrective action.

ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes. A condition has been developed to control lights so that a disturbance to the neighboring properties will not result.

CONDITIONS

1. The application is processed as an Interim Use Permit. The use as a contractor construction yard shall terminate by December 31, 2021.
2. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as modified by Carlton County.
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. Lighting shall be directed away from neighboring properties so as not to be a nuisance.
6. The applicant shall comply with any requirements of the Carlton County Transportation Department, Twin Lakes Township and the Minnesota Department of Natural Resources (DNR) regarding traffic, dust control and signage. This includes any road repairs required above and beyond typical road maintenance completed by Carlton County, Twin Lakes Township or DNR.
7. The noise generated from the use 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 month of operation and if and when a signed, written complaint has been received by the Zoning and Environmental Services Office from a property owner within 0.25 mile of the subject property. The test results shall be filed with the Zoning and Environmental Services Office.

(11) Old Business: None

(12) Other Business: None

(12) Motion by Abrahamson, seconded by Depre, and supported by yea votes to adjourn the meeting.

Respectfully submitted,

Heather Cunningham
Zoning and Environmental Services Administrator
Recording Secretary