

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD VIRTUALLY ON THURSDAY, JULY 9, 2020.

9:05 AM – 10:11 AM

Planning Commission members in attendance: David Anderson
Steve Filipovich
Daniel Manick
Commissioner Keith Nelson
Sonya Pineo, Chair
Dave Pollock
Roger Skraba
Ray Svatos
Diana Werscha

Planning Commission members absent: None

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Northern Clearing Inc., a conditional use permit to establish an equipment staging site as an Industrial Use-Class II.
- B. Roger Kraabel, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II.

OTHER BUSINESS:

Motion by Skraba/Pollock to approve the minutes of the June 11, 2020 meeting.

In Favor: Anderson, Filipovich, Manick, Pineo, Pollock, Skraba, Svatos, Werschay – 8

Opposed: None – 0

Abstained: Nelson - 1

Motion carried 8-0-1

NEW BUSINESS:

Northern Clearing Inc.

The first hearing item was for Northern Clearing Inc., a conditional use permit to establish an equipment staging site as an Industrial Use-Class II. The property is located in S23, T50N, R17W (Brevator). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a temporary contractor yard.
- B. The request will include parking for approximately 50 pieces of heavy equipment and between 75 to 100 employee vehicles.
- C. The hours of operation will be from 6 a.m. until 7 p.m. Monday through Saturday. The applicant may ask to modify these hours of operation.
- D. Site A would be the employee parking area along with a mobile office.
- E. Site B would be the heavy equipment storage area.

F. Access to the property is a gated access with an access across Highway 53.

Mark Lindhorst reviewed staff facts and findings as follows:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 requires a conditional use permit for an Industrial Use Class-II.
2. The St. Louis County Comprehensive Land Use Plan specifically addresses industrial development as it relates to the future land use map. Industrial sites should have direct access to an arterial or collector road or railroad spur, avoid wetlands, and located where there has been extensive ground disturbance from previous industrial development or gravel operations. The proposed site has a direct access to an arterial road, no wetland impacts are anticipated, and the site is located on a previously permitted borrow pit thereby meeting the criteria for an industrial site.

B. Neighborhood Compatibility:

1. The property is zoned Multiple Use and Forest Agricultural Management which allows for multiple uses including commercial, industrial and residential.
2. The property has historic use as a gravel pit as well as conditional use permit approval for a temporary pipeline staging area in 2009 and a tire shredding business in 2014. The proposed temporary staging area for equipment storage and staff parking is consistent with current and past uses.

C. Orderly Development:

1. The area consists of residential development to the south, industrial uses to the north and large tracts of undeveloped land to the west.
2. The proposed site has an existing access onto an arterial road and will be well screened from public view.

D. Desired Pattern of Development:

1. The pattern of development consists of residential development adjacent to the south, commercial and industrial uses to the north and west and State Highway 33 borders the property to the east.
2. The proposed site location meets the access and environmental criteria for an industrial site outlined in the St. Louis County Comprehensive Land Use Plan.

Mark Lindhorst noted one item of correspondence that were sent to the Planning Commission prior to the hearing from the Town of Brevator opposed to this request.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow an equipment staging area as an Industrial Use Class-II, the following conditions shall apply:

Condition precedent

1. Applicant shall obtain approval for access from the appropriate road authority.

Conditions concurrent

1. The conditional use permit for the Industrial Use-Class II, shall expire upon completion of the proposed project as indicated on the conditional use application.
2. Waste shall be disposed in a manner acceptable to St. Louis County Solid Waste Ordinance 45.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. The property shall be kept in a neat and orderly manner.
5. The applicant shall comply with all county, state and federal regulations.

Peyton Olson, Northern Clearing Inc., stated they are a subcontractor for Precision Pipeline and the Enbridge Line 3 project. They have done an initial cultural/environmental survey. They are working on obtaining a stormwater pollution prevention plan with mandatory inspections. With this being the Enbridge project, they will start the project when they are told to go to work which could start as late as early December. They would mobilize their equipment in early November. The project could last three to four months, but may be extended due to delays. As far as equipment storage, they will be front-heavy before they go to work. After the work starts, there will be very little equipment left in the yard. There could be up to 100 vehicles only at the start of the day. They will not be operating heavy equipment out in the yard. They have a site-specific fire safety plan to address the concern for fire extinguishers. They do not anticipate dust as they intend to start in the winter. They initially requested hours of operation from 6 a.m. until 7 p.m. Monday through Saturday. They are requesting to have some activity 24/7. The main business hours will not change, but there could be some sort of activity in the other hours including deliveries, mechanics working in the yard or anyone being in the mobile work trailer. They have their safety crew that will do their site-specific safety analysis of the site. If it is deemed necessary to place signage on the ATV/snowmobile trail as they will be crossing it, they will.

Two members of the audience spoke:

Trevor Lindblom, Enbridge project director, was present and had nothing further to add.

Bonnie Vanderpool, 4101 Highway 33 North, Cloquet, is the adjoining property owner to the north. There are a number of residents that live in this immediate area. She is concerned about the number of conditional use permits on this property. She is also concerned about the ATV/snowmobile trail nearby.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* stated his concerns about the oil and asked if that issue will be handled by Minnesota Pollution Control Agency (MPCA) and by anyone else in the permitting process? *Mark Lindhorst* stated there is a condition that they must follow all county, state and federal regulations. There are protocols they must follow with other agencies.
- B. Commission member *Filipovich* asked if all of the heavy equipment will be moving in and out of the site consistently. *Mark Lindhorst* stated that this applicant is a large, clearing

company that works on a project. This will be a storage area where employees have a place to park and the heavy equipment will be stored.

- C. Commission member *Svatos* asked if the time to completion is really three to four months or if there could be an expiration date. His concern is that this could keep rolling over into next year.
- D. Commission member *Manick* brought up the number of conditional use permits on the property and asked if there are concerns exceeding what was previously allowed for the number of vehicles allowed? *Mark Lindhorst* stated that there is nothing in the Zoning Ordinance that says they can have only so many vehicles. The road authority will manage this to determine the number of vehicles that could be allowed, if there is any signage needed or if additional turn lanes are required.
- E. *Jenny Bourbonais*, Acting Secretary, stated that any concerns about the ATV/snowmobile trail would be addressed by the state trail authority. This is part of the condition that the applicant should follow all county, state and federal regulations.

MOTION

Motion by Skraba/Manick to approve a conditional use permit to allow an equipment staging area as an Industrial Use Class-II, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 requires a conditional use permit for an Industrial Use Class-II.
 - 2. The St. Louis County Comprehensive Land Use Plan specifically addresses industrial development as it relates to the future land use map. Industrial sites should have direct access to an arterial or collector road or railroad spur, avoid wetlands, and located where there has been extensive ground disturbance from previous industrial development or gravel operations. The proposed site has a direct access to an arterial road, no wetland impacts are anticipated, and the site is located on a previously permitted borrow pit thereby meeting the criteria for an industrial site.
- B. Neighborhood Compatibility:
 - 1. The property is zoned Multiple Use and Forest Agricultural Management which allows for multiple uses including commercial, industrial and residential.
 - 2. The property has historic use as a gravel pit as well as conditional use permit approval for a temporary pipeline staging area in 2009 and a tire shredding business in 2014. The proposed temporary staging area for equipment storage and staff parking is consistent with current and past uses.
- C. Orderly Development:
 - 1. The area consists of residential development to the south, industrial uses to the north and large tracts of undeveloped land to the west.
 - 2. The proposed site has an existing access onto an arterial road and will be well screened from public view.

D. Desired Pattern of Development:

1. The pattern of development consists of residential development adjacent to the south, commercial and industrial uses to the north and west and State Highway 33 borders the property to the east.
2. The proposed site location meets the access and environmental criteria for an industrial site outlined in the St. Louis County Comprehensive Land Use Plan.

DISCUSSION ON MOTION

- A. Commission member *Svatos* requested a friendly amendment to the motion to include condition 6: To allow the extended hours of operation to include deliveries and mechanical work. Commission member *Skraba* and Commission member *Manick* accepted the friendly amendment.
- B. Commission member *Filipovich* suggested that the applicant return within a year if the project is still ongoing just to explain what is going on. Commission members discussed whether or not a timeline should be given or if there should be a one-year review of the project if the work was not complete.
- C. *Jenny Bourbonais* stated that the first condition concurrent states that the permit shall expire upon completion of the project.
- D. *Jenny Bourbonais* stated that the Planning Commission has put a condition on other conditional use permits for a one year review to see if there are any issues that have come up and to ensure that the conditions are being met.

DECISION

The motion, as stated above, was approved. The following conditions shall apply:

Condition precedent

1. Applicant shall obtain approval for access from the appropriate road authority.

Conditions concurrent

1. The conditional use permit for the Industrial Use-Class II, shall expire upon completion of the proposed project as indicated on the conditional use application.
2. Waste shall be disposed in a manner acceptable to St. Louis County Solid Waste Ordinance 45.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. The property shall be kept in a neat and orderly manner.
5. The applicant shall comply with all county, state and federal regulations.
6. The hours of operation may be extended to 24 hours per day 7 days per week to include deliveries and mechanical work only.

In Favor: Anderson, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 8

Opposed: Filipovich - 1

Motion carries 8-1

Roger Kraabel

The second hearing item was for Roger Kraabel, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II. The property is located in S19, T63N, R19W (Field).

Mark Lindhorst, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a general purpose borrow pit. Pit activities will include washing, screening, crushing, portable hot mix and recycling of asphalt and concrete.
- B. The applicant is requesting a waiver from the standard hours of operation to start at 6 a.m.
- C. There will be an average of five trucks hauling from the site per day.
- D. There is access to a paved state highway.
- E. The nearest resident is approximately 640 feet from phased pit activity and the haul road entrance.
- F. The turn lane is a requirement for the road access from the Minnesota Department of Transportation (MNDOT).

Mark Lindhorst reviewed staff facts and findings as follows:

A. Plans and Official Controls:

- 1. Zoning Ordinance 62, Article V, Section 5.6 A., indicates general purpose borrow pits are an allowed use with a conditional use permit.
- 2. The property falls under Crossroad Commercial land use category of the St. Louis County Comprehensive Land Use Plan. This area is located at the corner of Highway 53 and 73. The intent of this category is to help communities guide future growth that would be most advantageous given environmental constraints, and various development opportunities (such as road access or proximity to existing development). The current location is unlikely to develop into a commercial crossroads community in the near future due to the rural nature and established residential use of the property.

B. Neighborhood Compatibility:

- 1. The zoning in the area consists of both Multiple Use and Forest Agricultural Management. The majority of the area consists of large tracts of forest land including four residences within one-quarter mile. The closest residence is located across the highway approximately 640 feet away.
- 2. There are two borrow pits located within one-quarter mile.

C. Orderly Development:

- 1. This is a rural area consisting of primarily large undeveloped parcels. The use of the borrow pit should have little to no effect on the future development of the surrounding area.

D. Desired Pattern of Development:

- 1. The location and character of the proposal is consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development. The proposed use will not affect the management of the forest resource that is predominant in the area which meets Goal NE-1 of the St. Louis County Comprehensive Land Use Plan. Objective NE-1.1 states the county approvals related to land use, development and management will be made to address current needs without compromising the ability to meet future needs.

Mark Lindhorst noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II in Gov't Lots 2 and 3, S19, T63N, R19W, the following conditions shall apply:

Condition Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres.
3. The applicant shall comply with all county, state and federal regulations.

Roger Kraabel, the applicant, stated the turn lane is mandatory per the Minnesota Department of Transportation (MNDOT). He also runs a logging business and the turn lane will help his other business. The cost will come out of his own pocket to add a turn lane. He does have a \$20,000 down payment. He asked how long it would take to approve the conditional use permit so he can get his large contractor in to work.

No audience members spoke.

Commission member *Manick* asked if the turn lane will use the applicant's driveway. *Roger Kraabel* stated he got the plans from MNDOT. Traffic from the north and from the south will be taken care of.

DECISION

Motion by Skraba/Manick to approve a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II in Gov't Lots 2 and 3, S19, T63N, R19W, based on the following staff facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 A., indicates general purpose borrow pits are an allowed use with a conditional use permit.
2. The property falls under Crossroad Commercial land use category of the St. Louis County Comprehensive Land Use Plan. This area is located at the corner of Highway 53 and 73. The intent of this category is to help communities guide future growth that would be most advantageous given environmental constraints, and various development opportunities (such as road access or proximity to existing development). The current location is unlikely to develop into a commercial crossroads community in the near future due to the rural nature and established residential use of the property.

B. Neighborhood Compatibility:

1. The zoning in the area consists of both Multiple Use and Forest Agricultural Management. The majority of the area consists of large tracts of forest land including four residences within one-quarter mile. The closest residence is located across the highway approximately 640 feet away.
2. There are two borrow pits located within one-quarter mile.

C. Orderly Development:

1. This is a rural area consisting of primarily large undeveloped parcels. The use of the borrow pit should have little to no effect on the future development of the surrounding area.

D. Desired Pattern of Development:

1. The location and character of the proposal is consistent with a desirable pattern of development because the proposed use is located in a rural area with low density development. The proposed use will not affect the management of the forest resource that is predominant in the area which meets Goal NE-1 of the St. Louis County Comprehensive Land Use Plan. Objective NE-1.1 states the county approvals related to land use, development and management will be made to address current needs without compromising the ability to meet future needs.

The following conditions shall apply:

Condition Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres.
3. The applicant shall comply with all county, state and federal regulations.
4. The hours of operation may be expanded to include a start time of 6 a.m.

In Favor: Anderson, Filipovich, Manick, Nelson, Pineo, Pollock, Skraba, Svatos, Werschay - 9

Opposed: None - 0

Motion carries 9-0

Motion to adjourn by Nelson. The meeting was adjourned at 10:11 a.m.