



Regular Meeting of the Planning Commission

Tuesday, October 11, 2022

7 pm Regular Meeting

101 14th Street, Cloquet, MN 55720

AGENDA

**Oath of Office
Michelle Wick**

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the August 10, 2022, Planning Commission meeting
5. Zoning Case 22-10; BBSC Holdings LLC, Lucky 7, Variance _____
6. Zoning Case 22-11; MN DNR, Conditional Use Permit _____
7. Zoning Case 22-12: Patti Arras, Variance _____
8. Zoning Case 22-13; SKB Environmental, Conditional Use Permit _____
9. Commissioner's Questions/Comments
 A. November Meeting Date
10. Adjourn

**NEXT MEETING:
November 9th @ 7 pm**



Regular Meeting of the Planning Commission

Wednesday, August 10, 2022

7:00 p.m.

101 14th Street, Cloquet, MN 55720

CALL TO ORDER

Chairman Wilkinson called the meeting to order at 7:02 p.m.

ROLL CALL

Attending: Planning Commission members: Terri Lyytinen, Uriah Wilkinson and Philip Demers; City: Al Cottingham and John Anderson.

Absent: Elizabeth Polling and Mark Cline.

Others Present: Jim Kuklis, Warren White, Eric Johnson, Tim Kleinman, Don Proulx, Jolene and Patrick Began, Jeff Schultz, Richard Lawson and Colin Novak.

AGENDA ITEMS

Additions/Changes to the Agenda

None.

July 26, 2022, Meeting Minutes

Chairman Wilkinson asked for any corrections or additions.

Motion: Commissioner Lyytinen made a motion to approve the Planning Commission meeting minutes from July 26, 2022, Commissioner Demers seconded. (Motion was approved 3-0).

Zoning Case 19-17: James Kuklis, Variances and Preliminary Plat

Chairman Wilkinson introduced Zoning Case 19-17, Variances and Preliminary Plat for James Kuklis for Trails Edge Second Addition and opened the public hearing. He asked Mr. Cottingham to provide an overview. Mr. Cottingham stated James Kuklis was proposing a variance and preliminary plat. The variance was to the Subdivision Code requirement of installing sidewalks. The preliminary plat is for the creation of 13 lots for 26 units with the associated utility and roadway extensions. This is a public hearing, and a legal notice was published in the Pine Knot on July 29th and property owners within 350 feet were notified. He referenced he had talked to one property to the south of the project who had concerns with the drainage from the site. Mr. Kuklis and his engineer Warren White were present to answer any questions.

Mr. Kuklis referenced they developed the current project in 2004 as rental senior townhomes, two of the units were sold in 2008. The second addition would be the same as the one that is currently being finished.



Regular Meeting of the Planning Commission

Wednesday, August 10, 2022

7:00 p.m.

101 14th Street, Cloquet, MN 55720

Eric Johnson, 1605 Maplewood Avenue stated that he and his neighbor had concerns with flooding from the development and the increased impervious surface.

Assistant City Engineer Anderson stated the city had reviewed this in detail with the developer and with the installation of swales and berming along the south property line there should be little to no water leaving the property to the south.

Chairman Wilkinson inquired as to where the water would be going.

Mr. Anderson stated that most of the runoff would be working it's way through pipes to the northeast portion of the site and then into a retention pond before discharging into the cities storm water system in 18th Street.

The Commission reviewed the variance criteria to be sure the criteria was met. They felt the city had already set a precedent with some of the street reconstruction projects by not installing sidewalks.

There being no further discussion Chairman Wilkinson closed the public hearing and called for a motion.

Motion: Commissioner Lyytinen made a motion recommending the City Council approve the variance to the subdivision code requirement for sidewalks for James Kuklis, Commissioner Demers seconded. (Motion passed 3-0)

Motion: Commissioner Lyytinen made a motion recommending the City Council approve the Preliminary Plat in the R2 – One- and Two-Family Residence District for James Kuklis, Commissioner Demers seconded. (Motion passed 3-0)

Mr. Cottingham noted this was a recommendation to the City Council and that it would be on their agenda on next Tuesday, August 16th at 6:00 pm.

Zoning Case 22-08: Minor's Incorporated, Variance and Site Plan

Chairman Wilkinson introduced Zoning Case 22-08, Variance and Site Plan for Miner's Incorporated for Caribou Coffee and opened the public hearing. He asked Mr. Cottingham to provide an overview. Mr. Cottingham stated Minor's Incorporated is proposing a variance and site plan. The variance is from the maximum impervious surface and the site plan is for the construction of Caribou Coffee the RC – Regional Commercial District. This is a public hearing, and a legal notice was published in the Pine Knot on July 29th and property owners within 350 feet were notified. Mr. Tim Kleinman was present to answer any questions.



Regular Meeting of the Planning Commission

Wednesday, August 10, 2022

7:00 p.m.

101 14th Street, Cloquet, MN 55720

The Commission discussed the site plan and the variance noting that the impervious surface coverage was being reduced from what it currently is. They also reviewed the variance criteria to be sure it was met.

There being no further discussion Chairman Wilkinson closed the public hearing and called for a motion.

Motion: Commissioner Lyytinen made a motion to approve the variance for Miner’s Incorporated to the maximum impervious coverage in the Regional Commercial District, Commissioner Demers seconded. (Motion passed 3-0)

Motion: Commissioner Lyytinen made a motion recommending the City Council approve the Site Plan for Miner’s Incorporated for Caribou Coffee in the Regional Commercial District, Commissioner Demers seconded. (Motion passed 3-0)

Mr. Cottingham noted this was a recommendation to the City Council and that it would be on their agenda on next Tuesday, August 16th at 6:00 pm.

Zoning Case 22-09: Pru Properties LLC, Land Use Guide Plan Amendment and Rezoning

Chairman Wilkinson introduced Zoning Case 22-09, Land Use Guide Plan Amendment and Rezoning for Pru Properties LLC and opened the public hearing. He asked Mr. Cottingham to provide an overview. Mr. Cottingham stated Pru Properties LLC is proposing a Comprehensive Plan Amendment, Land Use Plan, and rezoning for property northwest of Holmes Drive and 8th Street. The property is guided Low Density Residential and zoned R1 – Single-Family Residence and is proposed to be guided Highway Commercial and zoned RC – Regional Commercial. There are no specific plans for the development of the property currently. This is a public hearing, and a legal notice was published in the Pine Knot on July 29th and property owners within 350 feet were notified. Mr. Don Proulx was present to answer any questions.

Mr. Proulx provided an overview of the property noting he recently had a portion of the right-of-way vacated to try to save some of the trees by not constructing a road with city utilities which would have them all removed. He had met with some of the neighbors to explain what would possibly happen with the site and access being provided to Holmes Drive. He does have a potential buyer for the site, and they would use it for parking for the car dealership. This is really a low impact commercial use.

Jolene Began, 914 8th Street, stated she lives on 8th Street across from where the road for this development would come out and wondered about additional traffic. She also wondered about the pine trees that are currently there and if they were looking at a parking lot and the impact on property values.



Regular Meeting of the Planning Commission

Wednesday, August 10, 2022

7:00 p.m.

101 14th Street, Cloquet, MN 55720

Mr. Proulx stated the access to the site would be to Holmes Drive and not to 8th Street. He stated some of the pine trees would be removed but some were not on his property so they would stay. If the car dealership purchased the property they would be constructing a parking lot and not a building. He did not believe that the property values would decrease with the use of the property.

Patrick Began, 914 8th Street, stated he was concerned with the additional traffic on the frontage road. He was concerned with what other uses would go there if the parking lot wasn't constructed. He was also concerned with the wildlife, lighting and water runoff.

Chairman Wilkinson stated the site plan things would be reviewed at the time when something specific was proposed to be sure they met the minimum requirements of the code.

Jeff Schultz, 706 Sahlman Avenue, stated he would see this site from his property and is concerned with property value and the quality of life changing. He noted that the commercial zoning allows for a lot more uses.

Richard Lawson, 916 8th Street, stated he was concerned with light pollution from the site and that they currently have it from the car dealership.

Chairman Wilkinson again stated that these things would be reviewed at a later time.

Colin Novak, 915 8th Street, stated that he would like to see it left as is but understands development is going to occur.

Don Proulx stated that he could have removed everything and built a road and houses but felt that this would have a lesser impact on the area.

There being no further discussion Chairman Wilkinson closed the public hearing and called for a motion.

Motion: Commissioner Demers made a motion recommending the City Council approve the Comprehensive Plan Amendment (Land Use Plan) from Low Density Residential to Highway Commercial, Commissioner Lyytinen seconded. (Motion passed 3-0)

Motion: Commissioner Demers made a motion recommending the City Council approve the Rezoning from R1 – Single-Family Residence to RC – Regional Commercial, Commissioner Lyytinen seconded. (Motion passed 3-0)



Regular Meeting of the Planning Commission

Wednesday, August 10, 2022

7:00 p.m.

101 14th Street, Cloquet, MN 55720

Mr. Cottingham noted this was a recommendation to the City Council and that it would be on their agenda on next Tuesday, August 16th at 6:00 pm.

Commissioner's Questions/Comment

None

Next Meeting

September 13, 2022

Meeting adjourned 8:02 p.m.

Respectfully submitted,

Al Cottingham, City Planner/Zoning Administrator

DRAFT



Community Development Department

101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: October 5, 2022

ITEM DESCRIPTION: ZONING CASE 22-10: VARIANCE FOR BBSC HOLDINGS LLC, LUCKY 7, 201 DODDRIDGE AVENUE

Background

BBSC Holdings LLC, Lucky 7 has submitted a Variance application. The site is located at 201 Doddridge Avenue.

The variance is from the maximum size and number of signs on a gasoline pump island canopy. The applicant proposes to place three signs on the canopy where the Ordinance allows only two and the size of the signs are to be 4 feet in height where the Ordinance allows three feet with lettering not to exceed two feet. The sign shall not exceed 20 square feet in size so the proposed square footage is within the Ordinance maximum allowed. See attached canopy plan. The property is Zoned RC – Regional Commercial District.

A public hearing will be held on Tuesday, September 13, 2022 to consider a variance to the maximum size and number of signs on a gasoline pump island canopy. A legal notice was published in the Pine Knot on September 2, 2022 and property owners within 350 feet were sent notices of the public hearing.

Policy Objectives

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variance establishes that there are practical difficulties in complying with the official control. No variance may be granted unless **all** of the following conditions exist:



Community Development Department

101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

Financial Impacts

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

Advisory Committee Action Requested

The Commission should review the Variance and consider any comments pertaining to it. Staff is concerned with the precedence this would establish with other gas stations in town. There are currently 10 gas stations in town all of which currently meet the Ordinance requirements or were grandfathered in. Following this review the Planning Commission can approve the request, deny the request or table the request for some additional information.

Staff Recommendation

While staff understands the desire of the applicant to maintain their same appearance at all of their locations this is not a reason to grant a variance. Staff would recommend denial of a Variance.

Supporting Documents Attachments

- Resolution No. 22-10
- Location Map
- Canopy Plan
- Petitioners Narrative

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 22-10

A RESOLUTION DENYING A VARIANCE TO THE MAXIMUM SIZE AND NUMBER OF SIGNS ON A GASOLINE PUMP ISLAND CANOPY IN THE RC – REGIONAL COMMERCIAL DISTRICT FOR BBSC HOLDINGS LLC

WHEREAS, BBSC Holdings LLC is proposing a Variance to the maximum size and number of signs on a pump island canopy in the RC – Regional Commercial District; and

WHEREAS, the property of the proposed Variance is located at 201 Doddridge Avenue and is legally described as follows:

PT OF NE1/4 OF NE1/4 OF SW1/4 DESC AS COM AT CNTR OF SEC 23 TH N 89 DEG 57 MIN 46 SEC W 515 FT TO W R/W LN OF SECOND ST TH S 5 DEG 24 MIN 46 SEC E 180 FT TO PT OF BEG TH S 89 DEG 57 MIN 46 SEC E 82.91 FT TH S 0 DEG 56 MIN 0 SEC W 29.28 FT TH S 89 DEG 04 MIN 00 SEC E 60.22 FT TH S 0 DEG 39 MIN W 198.0 FT M/L TO NRLY R/W OF DODDRIDGE AVE TH WRLY ALG CURVE 121 FT M/L TO INTERS WITH LN DRAWN S 5 DEG 24 MIN 46 SEC E FROM PT OF BEG TH N 5 DEG 24 MIN 46 SEC W 216 FT M/L TO PT OF BEG AND COM CNTR SEC 23 TH W ALG E/W QTR SEC LN 515 FT TO W R/W LN SECOND ST TH S 5 DEG 24 MIN 46 SEC E 154.89 FT TO PT OF BEG TH CONT SRLY 25.11 FT TH S 89 DEG 57 MIN 46 SEC E 100.45 FT TH N 5 DEG 24 MIN 46 SEC W 25.11 FT TH N 89 DEG 57 MIN 46 SEC W 100.45 FT TO PT OF BEG AND COM CNTR SEC 23 TH W 515 FT TO W R/W LN OF SECOND ST TH S 5 DEG 24 MIN 46 SEC E 154.89 FT TO PT OF BEG TH CONT SRLY 97.11 FT TH S 84 DEG 35 MIN 14 SEC W 23 FT M/L TO ERLY R/W OF HWY 33 TH NWRLY ALG R/W 109 FT M/L TH S 89 DEG 57 MIN 46 SEC E 57 FT TO PT OF BEG AND COM CNTR SEC 23 TH W 515 FT TH S 5 DEG 24 MIN 46 SEC E 252 FT TO PT OF BEG TH CONT SRLY 106 FT M/L TO INTERS WITH E R/W LN OF HWY 33 TH NWRLY ALG R/W LN 111 FT M/L TO INTERS WITH LN BEARING S 84 DEG 35 MIN 14 SEC W TH N 84 DEG 35 MIN 14 SEC E 32 FT TO PT OF BEG AND COM AT IRON MONUMENT AT E QTR COR OF SEC 23 TH W 3169.65 FT TO W BDRY LN OF SECOND ST BEING PT OF BEG TH AT RT ANG S 65 FT TH AT RT ANG W 75 FT TH AT RT ANG N 65 FT TO QTR LN TH E ON QTR LN TO PT OF BEG EX COM

E QTR COR OF SEC 23 TH E 3169.65 FT TO W R/W LN SECOND ST BEING PT OF BEG TH S 00 DEG 02 MIN 14 SEC W 115 FT TH W 20 FT TH N 115 FT TH E 20 FT TO PT OF BEG AND SRLY 50 FT OF NRLY 115 FT OF NE1/4 OF SW1/4 LY BETWEEN ERLY BDRY LN OF HWY 33 AND WRLY BDRLY LN OF SECOND ST EXTENDED S EX COM AT E QTR QTR TH W 3169.65 FT BEING PT OF BEG TH S 115 FT TH W 20 FT TH N 115 FT TH E 20 FT TO PT OF BEG AND COM AT CNTR QTR COR OF SEC 23 TH N 89 DEG 57 MIN 46 SEC W 515 FT TO INTER WITH W BDRY OF SECOND ST TH S 5 DEG 24 MIN 46 SEC E 154.89 FT BEING PT OF BEG E 100 FT TH N 05 DEG 24 MIN 46 SEC W 25 FT TH W 100 FT TH S 05 DEG 24 MIN 46 SEC E 25 FT TO PT OF BEG EXCEPT E 15 FT THEREOF AND COM AT CNTR QTR COR OF SEC 23 TH W 515 FT TO W R/W LN OF SECOND ST TH S 5 DEG 24 MIN 46 SEC E 154.89 FT BEING PT OF BEG TH W 56.81 FT TO ERLY R/W OF HWY 33 TH N 19 DEG 44 MIN 54 SEC W 41.65 FT TH E 36.20 FT TH S 14.30 FT TH E 32.34 FT TH S 5 DEG 24 MIN 46 SEC E 25 FT TO PT OF BEG AND COM AT CNTR OF SEC 23 TH W 515 FT TO W R/W OF SECOND ST TH S 5 DEG 24 MIN 46 SEC E 180 FT TH S 89 DEG 57 MIN 46 SEC E 82.91 FT TO PT OF BEG TH S 29.28 FT TH E 60.22 FT TH S 47.07 FT TH E 15 FT TH N 77.53 FT TH W 75 FT TO PT OF BEG , Carlton County, Minnesota.

And,

WHEREAS, the Planning Commission reviewed the staff report and denies the Variance.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission denies Zoning Case 22-10 for a Variance for BBSC Holdings LLC from the maximum size and number of signs on a gasoline pump island canopy.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
URIAH WILKINSON	_____	MICHELLE WICK	_____

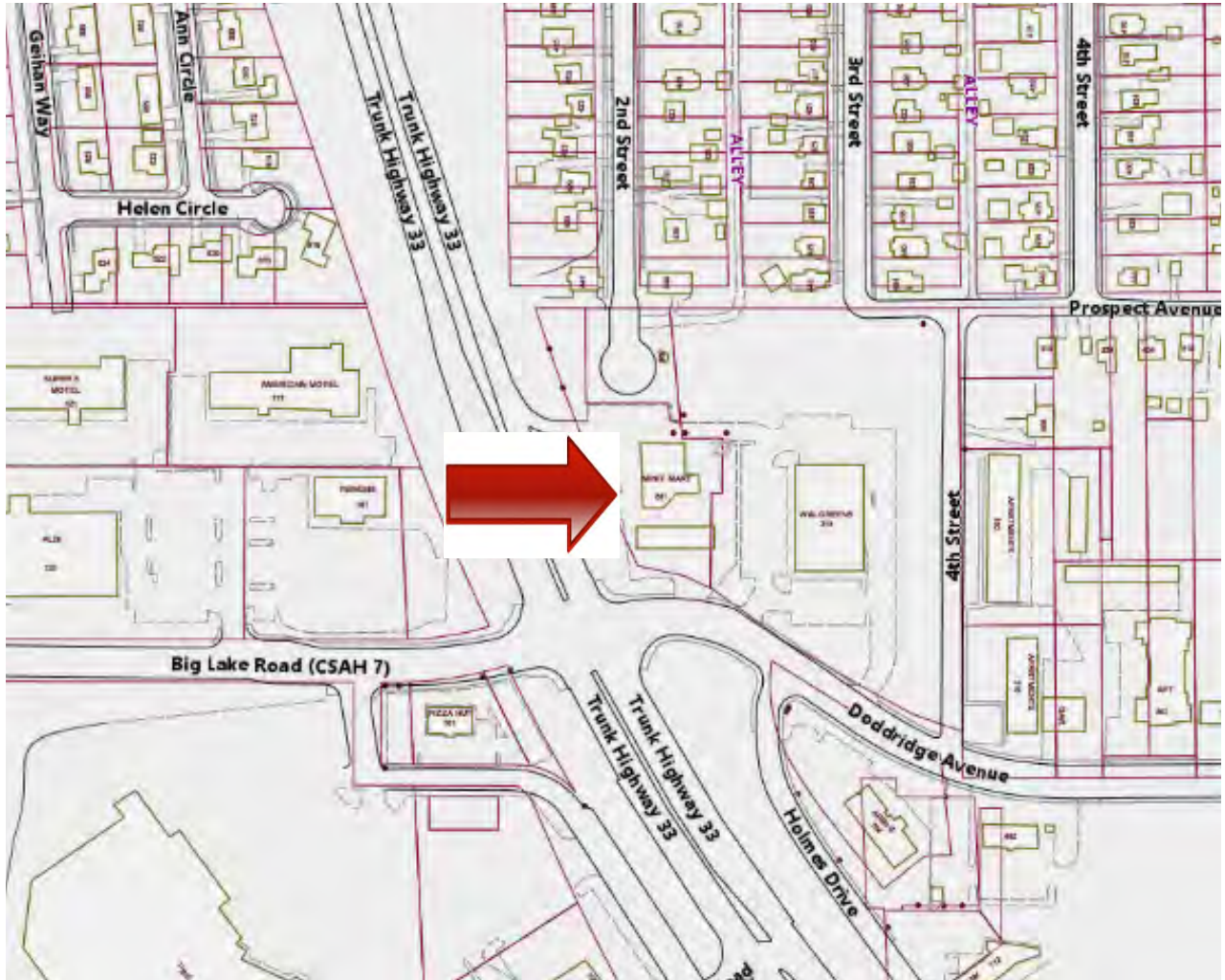
Passed and adopted this 11th day of October 2022.

CITY OF CLOQUET

 URIAH WILKINSON
 CHAIR

ATTEST: _____
 Alan Cottingham
 City Planner/Zoning Administrator

LOCATION MAP
BBSC Holdings LLC



NO SCALE



COMMUNITY DEVELOPMENT DEPARTMENT

101 14th Street • Cloquet MN 55720

Phone: 218-879-2507 • Fax: 218-879-6555

www.cloquetmn.gov

Zoning Application

PROPERTY OWNER: BBSC Holdings LLC
ADDRESS: 5441 Diamond Lane
CITY, STATE ZIP CODE: Virginia mn 55792
PHONE NUMBER & EMAIL: 218-741-9634

APPLICANT NAME: Robert Skalko
ADDRESS: 5441 Diamond Lane
CITY, STATE ZIP CODE: Virginia mn 55792
PHONE NUMBER & EMAIL: 218-741-9634

SITE LOCATION/ADDRESS: 201 Doddridge Ave Cloquet

PIN: 06-

LEGAL DESCRIPTION: PT OF NE 1/4 OF SW 1/4 Described as...
or attach documentation Parcel 06-230-1663

APPLICATION TYPE:

CONDITIONAL USE	<u> </u>	VARIANCE	<u> X </u>
COMP PLAN AMEND	<u> </u>	REZONE	<u> </u>
PRELIMINARY PLAT	<u> </u>	FINAL PLAT	<u> </u>
PLANNED UNIT DEV	<u> </u>	SITE PLAN	<u> </u>
ZONING AMEND	<u> </u>	WETLAND CERT/MIT	<u> </u>
ADMIN ADJUSTMENT	<u> </u>	VACATION	<u> </u>

DESCRIPTION OF PROPOSAL:

Allow for 3 - 4x4 or 3x3 (alternate) internally
illuminated signs of the Lucky Seven Logo to be
installed on our newly reimagined gas station canopy on 3 sides.

OWNER SIGNATURE: Robert Skalko DATE: 8-3-22

APPLICANT SIGNATURE: Robert Skalko DATE: 8-3-22

OFFICE USE:

FILING FEE: _____
DATE: _____
CASE NUMBER: _____

\$350



© 2021 Summit Signs. All Rights Reserved.

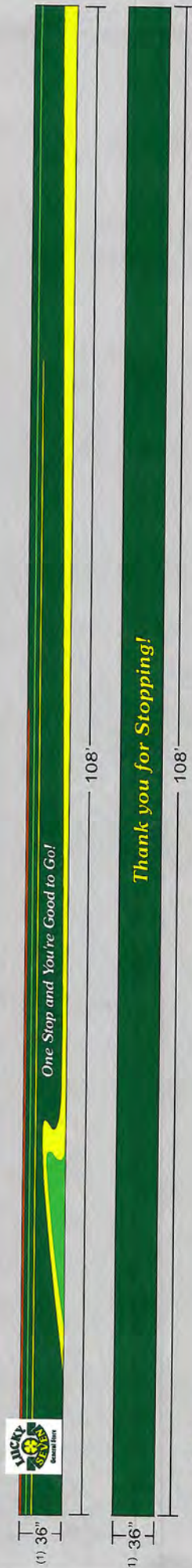
Lucky Seven (Cloquet) (Canopy)

P.O.

Office: 218-740-2754 Fax: 218-728-2163

SALES REPRESENTATIVE

DRAWN BY: Brian Date: 6/5/22



Color and material specifications:

- Black
- Pantone 349c
- Arlon Kiwi
- Arlon Primrose Yellow
- Lectron Laser
- 5" I
- 5" I

*Preferable 4x4.
Alternate 3x306"
on 3 sides.
See rendering.*



5'X5' BACKLIT SIGN WITH EMBOSSED FACE CASE PAINTED PMS 349 GREEN



*Color is approximate and for placement only as each computer monitor may display color differently. Please refer to actual material samples for precise color representations.

PRODUCTION QUESTIONS PLEASE CONTACT YOUR SALES REPRESENTATIVE

REVIEW CAREFULLY, THIS REFLECTS FINISHED PRODUCT!

Please Approve, sign and return by: _____
 If approval or missing information is not received by due date, the production schedule for your order may change which

Color Spelling Sign Off YOU MUST SIGN AND DATE BEFORE

Approve Change



Community Development Department

1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

PLANNING COMMISSION MEMO

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: October 5, 2022

**ITEM DESCRIPTION: ZONING CASE 22-11: CONDITIONAL USE PERMIT –
FENCE HEIGHT IN THEO/M –
OFFICE/MANUFACTURING DISTRICT**

Background

The Minnesota Department of Natural Resources (MNDNR) is proposing a conditional use permit to allow the construction of a 6 foot fence with a security arm for barb wire to a height of approximately 7.5 feet. The property involved is located west of 305 Business Park Drive East.

Chapter 17.5.05 Subd. 2 allows fences in the Commercial/Industrial Districts to be constructed to a height of 8 feet with a security arm for barb wire being above 6 feet as a conditional use.

A public hearing will be held on Tuesday, September 13, 2022 to consider the conditional use permit. A legal notice was published in the Pine Knot on September 2, 2022 and property owners within 350 feet were sent notices of the public hearing.

Policy Objectives

The Zoning Ordinance states Conditional Use Permits may be granted when they comply with the following approval criteria: (*Staff comments in italic*)

1. Consistency with the Comprehensive Plan. The relationship of the proposed use to the goals, objectives, and policies of the City of Cloquet Comprehensive Plan. *The proposed site is guided as Light Industry.*
2. Compatibility. The compatibility of the proposed use with existing development within three hundred (300) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible. *The land to the south is large lot residential. The land to the north, east and west is vacant and zoned O/M Office Manufacturing.*



Community Development Department

1307 Cloquet Avenue • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

3. Importance of services to the community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable. *This fenced area will be used to store equipment of the DNR.*

4. Neighborhood protections. The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. *The access to the site will be from both Business Park East and West. Screening of the storage area will be provided on the south and west sides.*

5. Conformance with other requirements of this Chapter. The conformance of the proposed development with all provisions of this Chapter. *The proposed fence with barb wire meets all of the requirements of the Zoning Ordinance.*

6. Other factor. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Planning Commission or the City Council feels are necessary for review in order to make an informed and just decision.

Financial Impacts

The Conditional Use Permit fee is \$400. The applicant has paid this fee to cover the cost associated with the application process.

Advisory Committee Action Requested

The Planning Commission should listen to the testimony that is presented at the public hearing for the conditional use permit. Following this testimony the Planning Commission should review the approval criteria and either approve, approve with conditions or deny the conditional use permit. The Planning Commission may impose conditions in the granting of conditional uses.

Staff Recommendation

Staff has reviewed the conditional use permit approval criteria requirements and would recommend approval of the conditional use permit subject to at least the conditions in the draft Resolution.

Supporting Documents Attachments

- Resolution No. 22-11
- Location Map
- Site Drawing

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 22-11

A RESOLUTION RECOMMENDING THE CITY COUNCIL OF CLOQUET APPROVE THE CONDITIONAL USE PERMIT TO ALLOW A 6-FOOT FENCE WITH BARB WIRE ABOVE THAT IN THE OFFICE/MANUFACTURING DISTRICT

WHEREAS, The Minnesota Department of Natural Resources (MNDNR) is proposing a Conditional Use Permit to allow a 6-foot fence with barb wire above that in the O/M – Office/Manufacturing District; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Knot and property owners within 350 feet were sent notice. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on September 13, 2022 at which time Zoning Case / Development Review No. 22-11 was heard and discussed; and

WHEREAS, the property of the proposed Conditional Use Permit is located west of 305 Business Park Drive East and is legally described as follows:

Lots 8 and 9, Block 2, Cloquet Business Park, Carlton County, Minnesota.

WHEREAS, the Planning Commission reviewed the staff report and recommends approval of the Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission recommends approval of Zoning Case 22-11 to the Cloquet City Council to allow a 6-foot fence with barb wire above that in the O/M – Office/Manufacturing District subject to the following condition:

1. The four lots should be combined into one tax parcel.
2. A fence permit shall be issued

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
URIAH WILKINSON	_____	MICHELLE WICK	_____

Passed and adopted this 11th day of October 2022.

CITY OF CLOQUET

URIAH WILKINSON
CHAIR

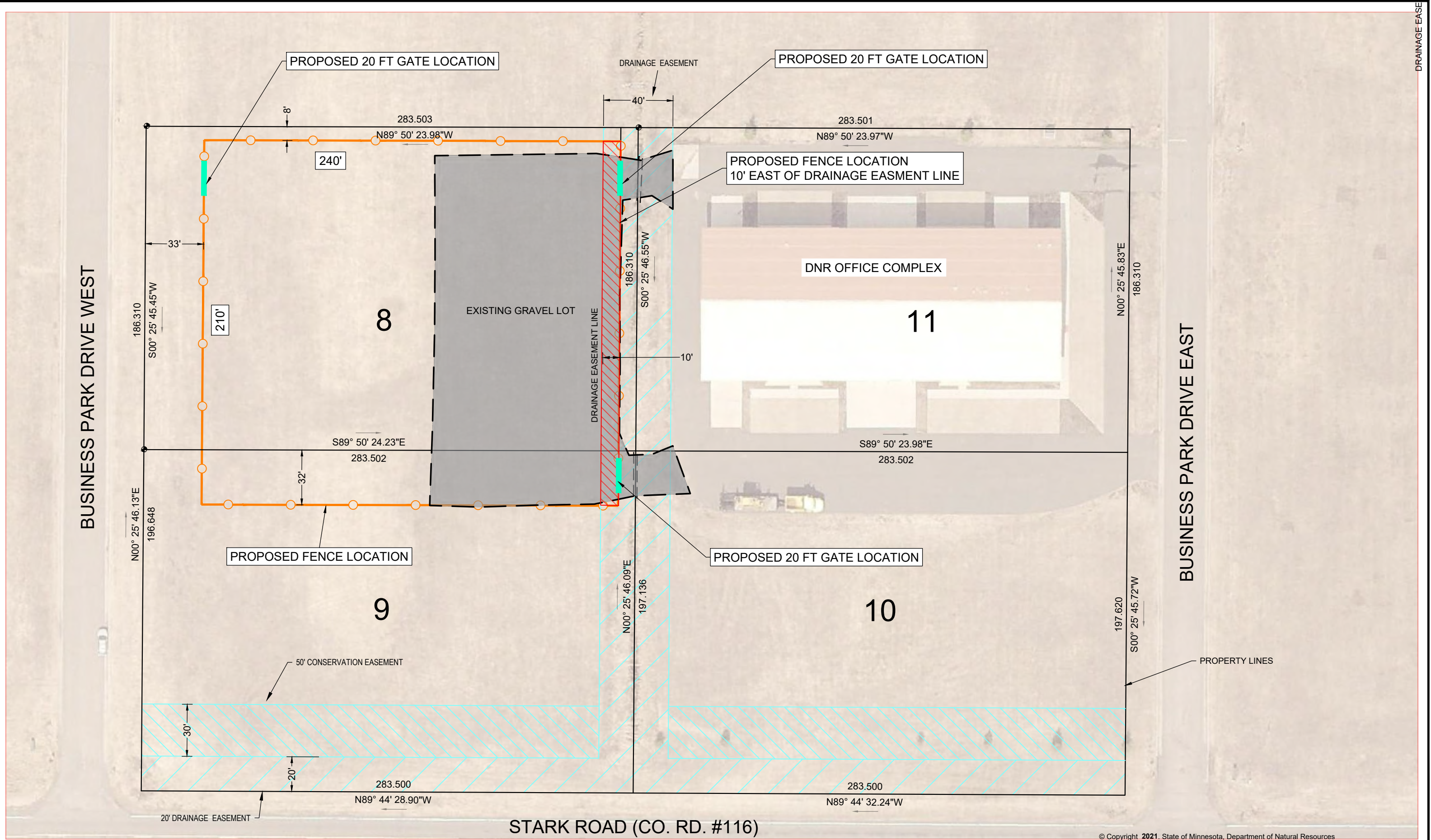
ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

LOCATION MAP

Minnesota DNR



NO SCALE



© Copyright 2021, State of Minnesota, Department of Natural Resources

	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.	Cloquet Area Office- Bullpen Fence CLOQUET AREA OFFICE Facilities		Revisions Date By	Title: Fence Location	Sheet: C-100												
		CARLTON COUNTY Section: 2 Township: 49 NEAR Cloquet Range: 17	<table border="1"> <tr> <td>Survey:</td> <td>SAS JULY 2022</td> <td>Designed:</td> <td>TK MAY 2022</td> </tr> <tr> <td>Drawn:</td> <td>SAS JULY 2022</td> <td>Drawn:</td> <td>TK MAY 2022</td> </tr> <tr> <td>Checked:</td> <td>JH JULY 2022</td> <td>Checked:</td> <td>XX ####</td> </tr> <tr> <td colspan="2">Horz. datum: Carlton County</td> <td colspan="2">Vert. datum: NAVD 88</td> </tr> </table>	Survey:	SAS JULY 2022	Designed:	TK MAY 2022	Drawn:	SAS JULY 2022	Drawn:	TK MAY 2022	Checked:	JH JULY 2022	Checked:	XX ####	Horz. datum: Carlton County		Vert. datum: NAVD 88
Survey:	SAS JULY 2022	Designed:	TK MAY 2022															
Drawn:	SAS JULY 2022	Drawn:	TK MAY 2022															
Checked:	JH JULY 2022	Checked:	XX ####															
Horz. datum: Carlton County		Vert. datum: NAVD 88																



COMMUNITY DEVELOPMENT DEPARTMENT

101 14th Street • Cloquet MN 55720

Phone: 218-879-2507 • Fax: 218-879-6555

www.cloquetmn.gov

Zoning Application

PROPERTY OWNER: MN Department of Natural Resources

ADDRESS: 500 Lafayette Road

CITY, STATE ZIP CODE: St. Paul, MN 55155

PHONE NUMBER & EMAIL: Toby Kuhlmann, 218-328-8963, toby.kuhlmann@state.mn.us

APPLICANT NAME: Toby Kuhlmann - DNR Facilities Advisor

ADDRESS: 1201 East Highway 2

CITY, STATE ZIP CODE: Grand Rapids, MN 55744

PHONE NUMBER & EMAIL: Toby Kuhlmann, 218-328-8963, toby.kuhlmann@state.mn.us

SITE LOCATION/ADDRESS: Cloquet Area DNR, 305 E. Business Park Dr., Cloquet MN 55720

PIN: 06-617-0260 & 06-617-0280

LEGAL DESCRIPTION: Lots 8 & 9, Sect. 2, Twp. 49, Range 17, Carlton County

or attach documentation

APPLICATION TYPE:

CONDITIONAL USE	<u> X </u>	VARIANCE	<u> </u>
COMP PLAN AMEND	<u> </u>	REZONE	<u> </u>
PRELIMINARY PLAT	<u> </u>	FINAL PLAT	<u> </u>
PLANNED UNIT DEV	<u> </u>	SITE PLAN	<u> </u>
ZONING AMEND	<u> </u>	WETLAND CERT/MIT	<u> </u>
ADMIN ADJUSTMENT	<u> </u>	VACATION	<u> </u>

DESCRIPTION OF PROPOSAL: Construction of a 240' x 210' x 6' chain link fence enclosure with 3 strands of barbed wire, creating a total fence height of 7'-4". This security enclosure will have three 20' double swing gates at the locations shown on sheet C-100 of the site plan entitled "Cloquet Area Office-Bullpen Fence". Vinyl privacy slats (color: Beige) will be installed on the South and West sides of the fence enclosure.

OWNER SIGNATURE: _____

APPLICANT SIGNATURE: _____

OFFICE USE:

FILING FEE: _____

DATE: _____

CASE NUMBER: _____



Community Development Department

101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: October 5, 2022

ITEM DESCRIPTION: ZONING CASE 22-12: VARIANCE – MINIMUM LOT WIDTH AND SIZE

Background

Patti Arras is proposing a variance to the minimum lot width and size requirements in order to subdivide her property into two lots. The property is located at 1519 Airport Road. Ms. Arras currently has two parcels of approximately 3-acres each, one of which is landlocked. She wishes to rearrange the property lines to create two new lot configurations.

The property is Zoned FR – Farm Residential District and has a minimum lot width of 200 feet and a minimum lot area of 5-acres. The proposed lots would be approximately 190 feet in width and 4.7 and 1.3 acres in size. This area is unplatted with many of the surrounding lots on the same side of Airport Road being similar in width and size to the smaller one proposed by Ms. Arras.

A public hearing will be held on Tuesday, October 11, 2022 to consider a possible variance from the minimum lot width and size requirements. A legal notice was published in the Pine Knot on September 30, 2022 and property owners within 350 feet were sent notices of the public hearing.

Policy Objectives

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variances establishes that there are practical difficulties in complying with the official control. No variance may be granted unless all of the following conditions exist:

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

Financial Impacts

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

Advisory Committee Action Requested

The Planning Commission should listen to the testimony that is presented at the public hearing for the variance. Following this testimony, the Planning Commission should review the variance criteria and either approve or deny the variance as submitted. The Planning Commission may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

Staff Recommendation

Staff has reviewed the variance requirements and would recommend approval of the variance. This is a unique situation in that Ms. Arras owns two parcels, one being landlocked, and is looking to relocate the property line thus still having two parcels. The lots being proposed are consistent with others in the area.

Supporting Documents Attachments

- Resolution No. 22-12
- Location Map
- Lot Drawing

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 22-12

**A RESOLUTION APPROVING A LOT WIDTH AND SIZE VARIANCE IN THE FR –
FARM RESIDENTIAL DISTRICT FOR PATTI ARRAS**

WHEREAS, Patti Arras is proposing a Variance from the minimum lot width and size requirements in the FR – Farm Residential District; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Knot and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on October 11, 2022, at which time Zoning Case / Development Review No. 22-12 was heard and discussed; and

WHEREAS, the property of the proposed Variances is located at 1519 Airport Road (PIN's 06-510-05110 and 06-510-5115) and is legally described as follows:

PT OF SE1/4 OF GOVT LOT 4 COM AT NE COR TH SRLY 991 FT TH WRLY 89 DEG 52 MIN 542 FT TO PT OF BEG TH CONT WRLY 127.5 FT TH SRLY 296 FT M/L TO S LN OF GOVT LOT 4 TH ERLY 127.5 FT TH NRLY 296 FT M/L TO PT OF BEG AND E 61 FT OF FOLL DESCR COM NE COR OF SE 1/4 SW 1/4 TH S ON E LINE 885 FT TO PT OF BEG TH W 479 FT TO PT OF BEG TH S 106 FT TH W 553.96 FT TH N 166 FT TH E 553.96 FT M/L TO A PT WHICH IS 479 FT W OF E LN OF GOVT LOT 4 TH S 60 FT TO PT OF BEG AND BEG AT SE COR OF GOVT LT 4 TH NRLY ALG THE 1/4 LINE 169 FT TH WRLY 290 FT TH NRLY 127.50 FT TH WRLY 250 FT TH SRLY 304.04 FT TH ERLY 540.14 FT TO PT OF BEG EX BEG AT SE COR OF GOVT LT 4 TH W ALG S LN 290 FT TH N 169 FT TH E 290 FT TH S 169 FT TO PT OF BEG , Section 22, Township 49, Range 17, Carlton County, Minnesota.

AND

COMM AT NE CORN OF SE1/4 OF SW1/4 TH S ON E LN 885 FT TO PT OF BEG TH W 479 FT TH S 106 FT TO PT TH W 553.96 FT TH N 166 FT TH E 1032 FT TO PT ON E LN TH S ALG E LN 60 FT TO PT OF BEG EX N 60 FT OF S 464.75 FT OF E 479 FT EX E 61 FT THEREOF & COMM AT SW CORN TH N 297 FT TO BEG TH E 288 FT TH N 166 FT TH W 288 FT TH S 166 FT TO BEG, , Section 22, Township 49, Range 17, Carlton County, Minnesota. And,

WHEREAS, the Planning Commission reviewed the staff report and approves the minimum lot size variance to allow the creation of one new lot.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission approves Zoning Case 22-12 for a minimum lot width (190' vs. 200') and size (1.3 and 4.7 acres vs. 5-acres) variance.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
MICHELLE WICK	_____	URIAH WILKINSON	_____

Passed and adopted this 11th day of October 2022.

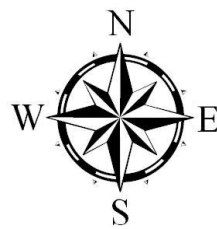
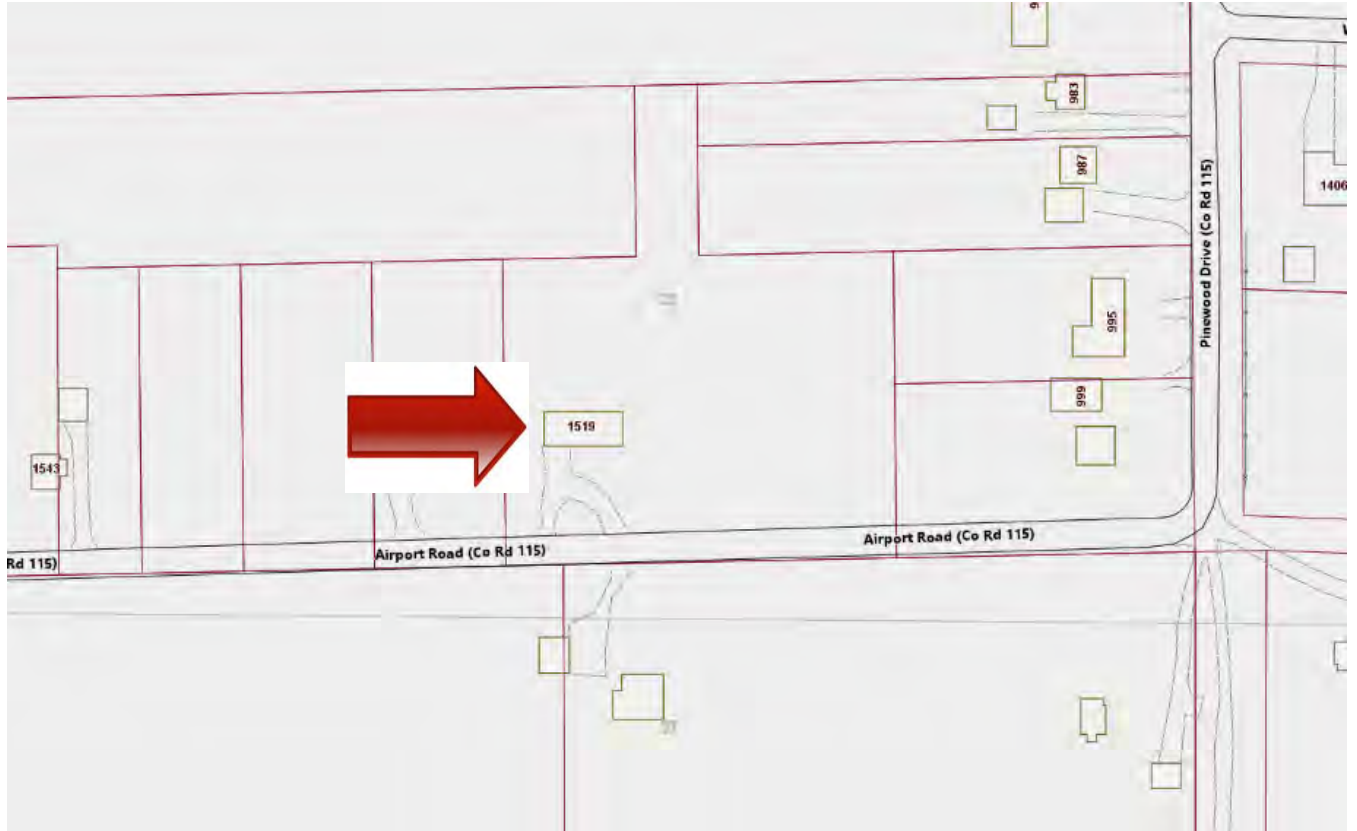
CITY OF CLOQUET

URIAH WILKINSON
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

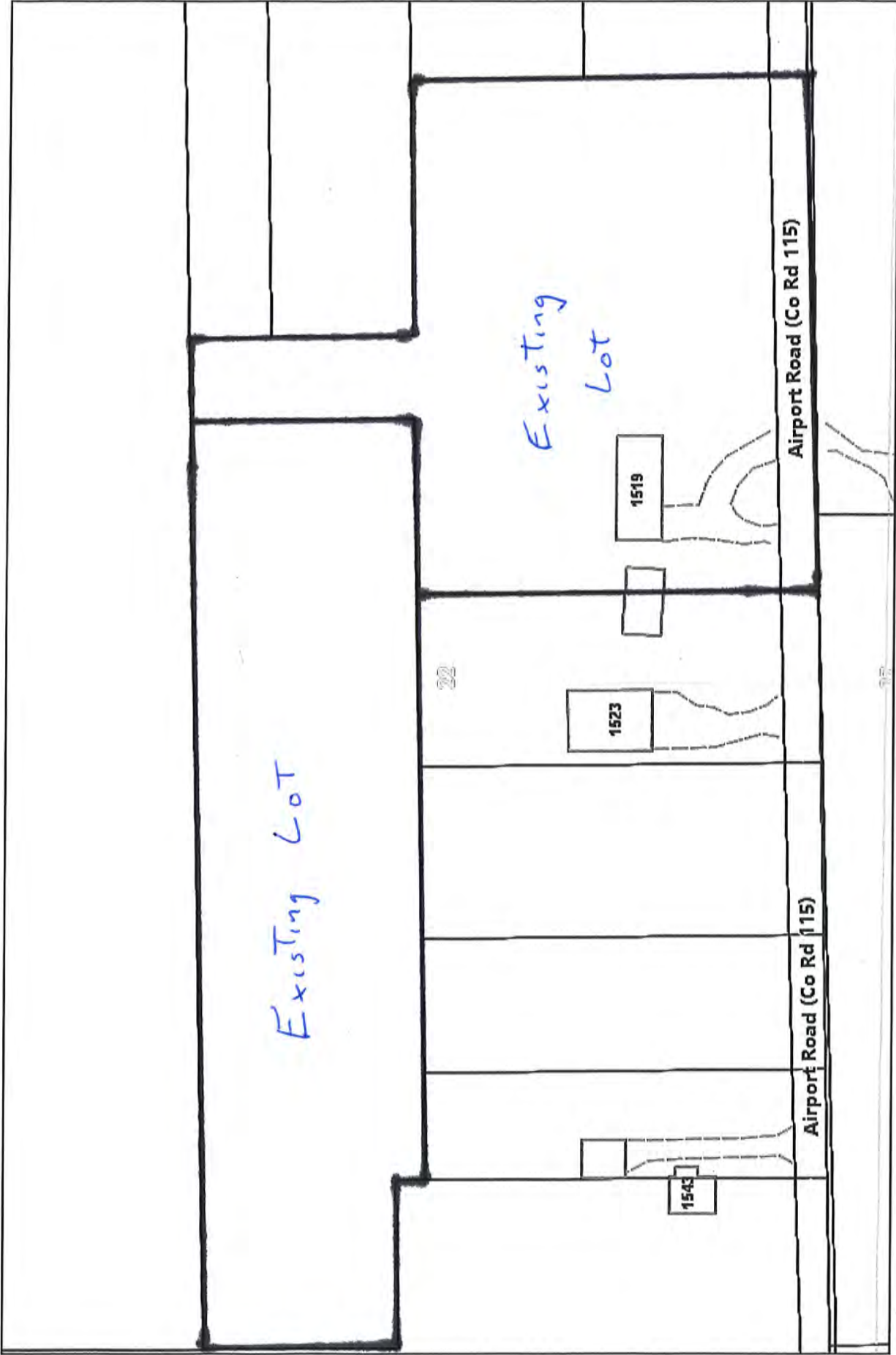
LOCATION MAP

Patti Arras



NO SCALE

GIS Mapping

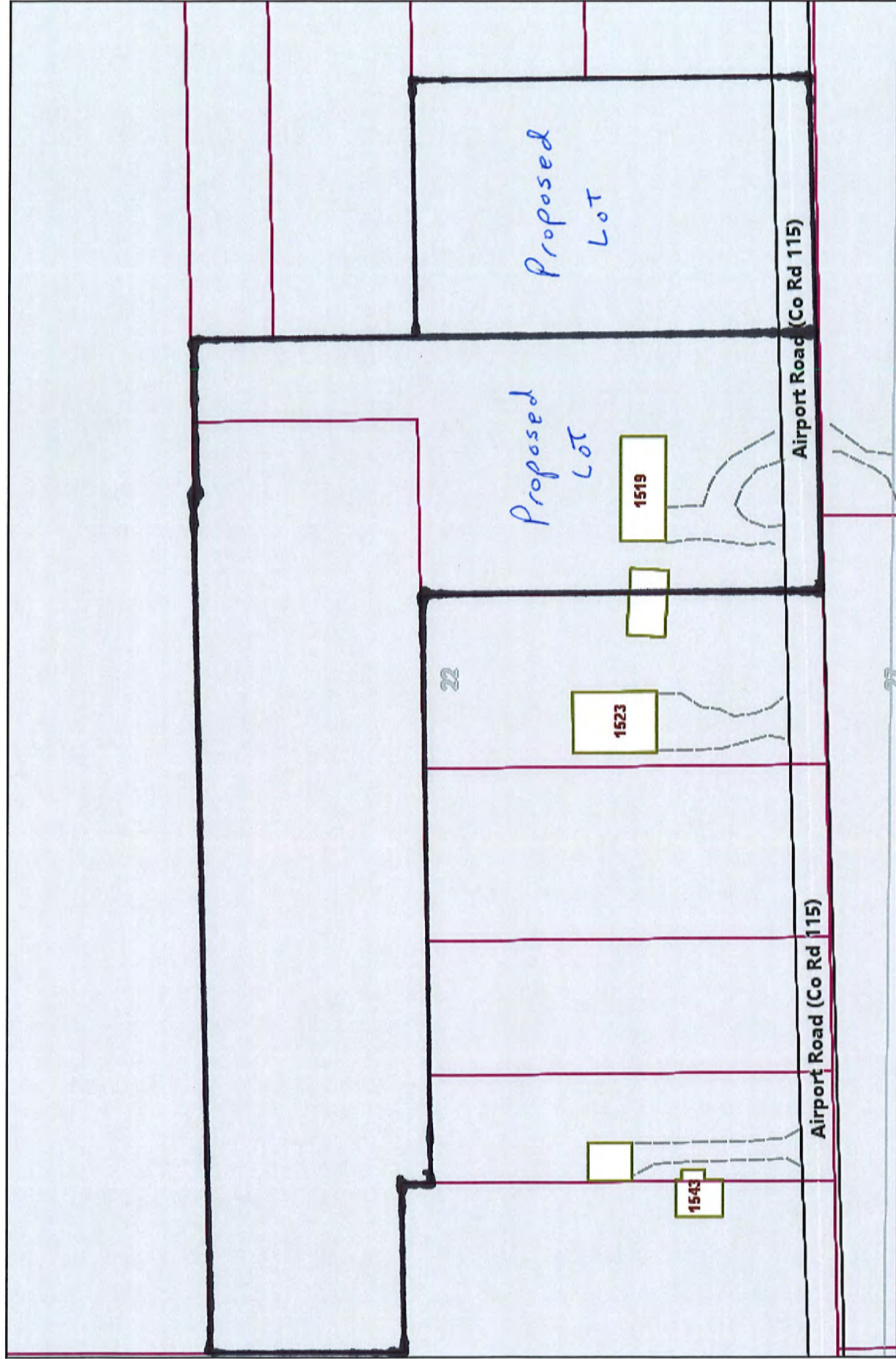


Feet

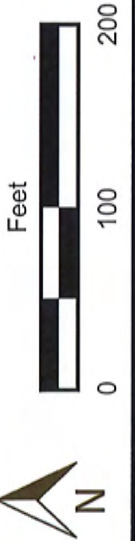


This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

GIS Mapping



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.





Community Development Department
101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: October 5, 2022

**ITEM DESCRIPTION: ZONING CASE 20-13: CONDITIONAL USE PERMIT
AMENDMENT FOR SKB ENVIRONMENTAL CLOQUET
LANDFILL**

Background

On February 15, 2011, the City Council approved a conditional use permit for Shamrock Environmental, LLC for an Industrial Waste Landfill at 761 Highway 45 subject to a number of conditions. On November 5, 2014, the condition that limited the hours of operation was amended to allow hours of 7:00 AM to 5:00 PM Monday through Saturday and Noon to 4:00 PM on Sunday. The Sunday hours were allowed on a trial basis only for the winter months of 2014 – 2015 and were specifically to allow SKB to dump paper sludge waste only with a maximum of 5 truckloads. In December 2019 the Planning Commission recommended approval (7-0) of a similar request as being proposed only that it was for SRFI material only. The applicant is proposing to amend the condition pertaining to hours of operation. The conditional use permit amendment is to amend the hours of SKB Environmental Cloquet Landfill to be open 24 hours per day, seven (7) days per week solely for SRFI material and coal ash being transported by individuals trained as a MPCA Licensed Landfill Operator in the HI – Heavy Industry District.

A public hearing will be held on Tuesday, October 11, 2022, to consider a conditional use permit amendment. A legal notice was published in the Pine Knot on September 30, 2022, and property owners within 1320 feet were sent notices of the public hearing.

Policy Objectives

The Conditional Use Permit is for the Industrial Landfill in the HI – Heavy Industry District. The landfill is a permitted use that conditions can be placed on to ensure adequate conditions and thresholds are in place to provide protections from the approved land use.



Staff Review

During the early operations of the landfill staff received anonymous complaints regarding the operations and upon investigation determined that they were unfounded. The landfill has been in operation for over ten years and has been a good neighbor when it pertains to noise. We have received complaints regarding the gravel mining operations in the same area which is why some people may have thought it was the landfill. With the extended hours that were approved in 2014 they were required to monitor the noise levels to determine what, if any, were the impacts on the Hilltop (to the southwest) neighborhood which is over 1,600 feet away from the site. The noise monitoring equipment showed that there was more noise coming from Interstate 35 and the railroad whistle than the trucks dumping loads at the landfill. There were no complaints filed with the city during this time frame.

Conditional Use Permit

This operation was approved as a Conditional Use in 2011 with conditions placed upon it. The Zoning Ordinance states Conditional Use Permits may be granted when they comply with the following approval criteria: *(Staff comments in italic)*

1. Consistency with the Comprehensive Plan. The relationship of the proposed use to the goals, objectives, and policies of the City of Cloquet Comprehensive Plan. *The Plan identifies the area as interim mining with commercial-industrial reserve following that.*
2. Compatibility. The compatibility of the proposed use with existing development within three hundred (300) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible. *The proposed use is compatible with the former use of this site as a gravel mining operation. Access to the site is via Highway 45 to the east along with two gravel operations, the Sappi wood lot and Carlson Timber. The closest residence is over 1,400 feet from the property boundaries.*
3. Importance of services to the community. The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable. *The landfill provides a location for industrial and demolition materials to be brought for business in Cloquet and the surrounding area.*



4. Neighborhood protections. The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. *With the approval in 2011 there were a number of conditions to protect the residents some 1400 feet away. This included a berm and plantings.*

5. Conformance with other requirements of this Chapter. The conformance of the proposed development with all provisions of this Chapter. *The proposed new hours of operation will be in compliance with all requirements of the Zoning Ordinance and the approved conditional use permit.*

6. Other factor. Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Planning Commission or the City Council feels are necessary for review in order to make an informed and just decision.

Financial Impacts

The applicant has paid the conditional use permit fee.

Staff Recommendation

Staff recommends that the Planning Commission move to adopt Resolution 22-12, A Resolution recommending approval of the conditional use permit amendment for property located at 761 Highway 45 for Shamrock Landfill subject to the conditions in the attached resolution.

Attachments

- Resolution 22-1
- Location Map
- Petitioner's Narrative
- Resolution 11-11 Approving the CUP

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 22-13

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR THE EXPANDED HOURS OF OPERATION FOR SHAMROCK LANDFILL

WHEREAS, an Application has been submitted by Shamrock Landfill to amend their existing conditional use permit which was approved on February 15, 2011 and amended on November 5, 2014. The amendment request is pursuant to 17.2.06 of the City Code, for the 59-acre Industrial Landfill to modify their hours of operation to allow 24 hours a day, seven days a week solely for the SRFI material and coal ash transported by individuals trained as a MPCA Licensed Landfill Operator, with the hours between 7am – 5pm, Monday – Saturday open to anyone: and

WHEREAS, As required by ordinance, notification was advertised in the Pine Knot and all property owners within 1320 feet were notified. A public hearing was held to consider the Application at the regular meeting of the Cloquet Planning Commission on October 11, 2022, at which time Zoning Case / Development Review No. 22-13 was heard and discussed; and

WHEREAS, the property of the proposed Conditional Use Permit Amendment is located at 761 Highway 45 and is legally described as follows:

That part of the West 390.00 feet of the Northwest Quarter of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35 and northerly of the South 100.00 feet of said Northwest Quarter of the Southeast Quarter.

AND ALSO

That part of the South 100.00 feet of the North Half of the Southeast Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies westerly of the right-of-way of the Great Northern Railway (now known as Burlington Northern Santa Fe Railroad).

AND ALSO

That part of the East 600.00 feet of the Northeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota, which lies southerly of Interstate Highway 35.

AND ALSO

The east 600.00 feet of the Southeast Quarter of the Southwest Quarter, Section 25, Township 49, Range 17, Carlton County, Minnesota.

AND ALSO

The South Half of Southeast Quarter lying West of Great Northern Railway Company's right-of-way (now known as Burlington Northern Santa Fe Railroad), Section 25, Township 49, Range 17, according to the United States Government Survey thereof.

EXCEPT those two parcels lying within the following described tracts;

1. Beginning at a point on the south line of said Section 25, distant 100 feet west of the southeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ thereof; thence run northeasterly at an angle of 68 degrees 00 minutes with said south line for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet; thence deflect to the left at an angle of 68 degrees 00 minutes for 475 feet; thence deflect to the left at an angle of 112 degrees 00 minutes for 500 feet to the beginning.
2. From a point on the south line of said Section 25 distant of 100 feet west of the southeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, thereof, run northeasterly at an angle of 68 degrees 00 minutes with said south section line for 475 feet to the point of beginning; thence continue northeasterly along the above described course to its intersection with a line run parallel with and distant 660 feet north of the south line of said Section 25; thence run west along said 660 foot parallel line to its intersection with a line run parallel with and distant 992 feet west of the east line of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 25; thence run south along said 992 foot parallel line to the south line of said Section 25; thence run east along said section line for 392 feet; thence deflect to the left 68 degrees 00 minutes for 475 feet; thence deflect to the right 68 degrees for 500 feet to the point of beginning.

WHEREAS, the Cloquet Planning Commission reviewed the Application to Amend the Conditional Use Permit for SKB Environmental Cloquet Landfill to modify their hours of operation to allow 24 hours a day, seven days a week solely for the SRFI material and coal ash transported by individuals trained as a MPCA Licensed Landfill Operator, with the hours between 7am – 5pm, Monday – Saturday open to anyone per Section 17.2.06 Subdivisions 3 and 4 of the Cloquet Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission recommends approval of Zoning Case 22-13 for an amendment to the Conditional Use Permit for SKB Environmental Cloquet Landfill subject to the following conditions:

1. The hours of operation shall be amended to allow 24 hours a day, seven days a week solely for the SRFI material and coal ash transported by individuals trained as a MPCA Licensed Landfill Operator, with the hours between 7am – 5pm, Monday – Saturday open to anyone.
2. No heavy equipment (bulldozer, front end loader and that type of equipment) shall be operated on site during these extended hours unless needed for snow removal.
3. The request shall be reviewed in one year to see how the amendment is working.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
MICHELLE WICK	_____	URIAH WILKINSON	_____

Passed and adopted this 11th day of October 2022.

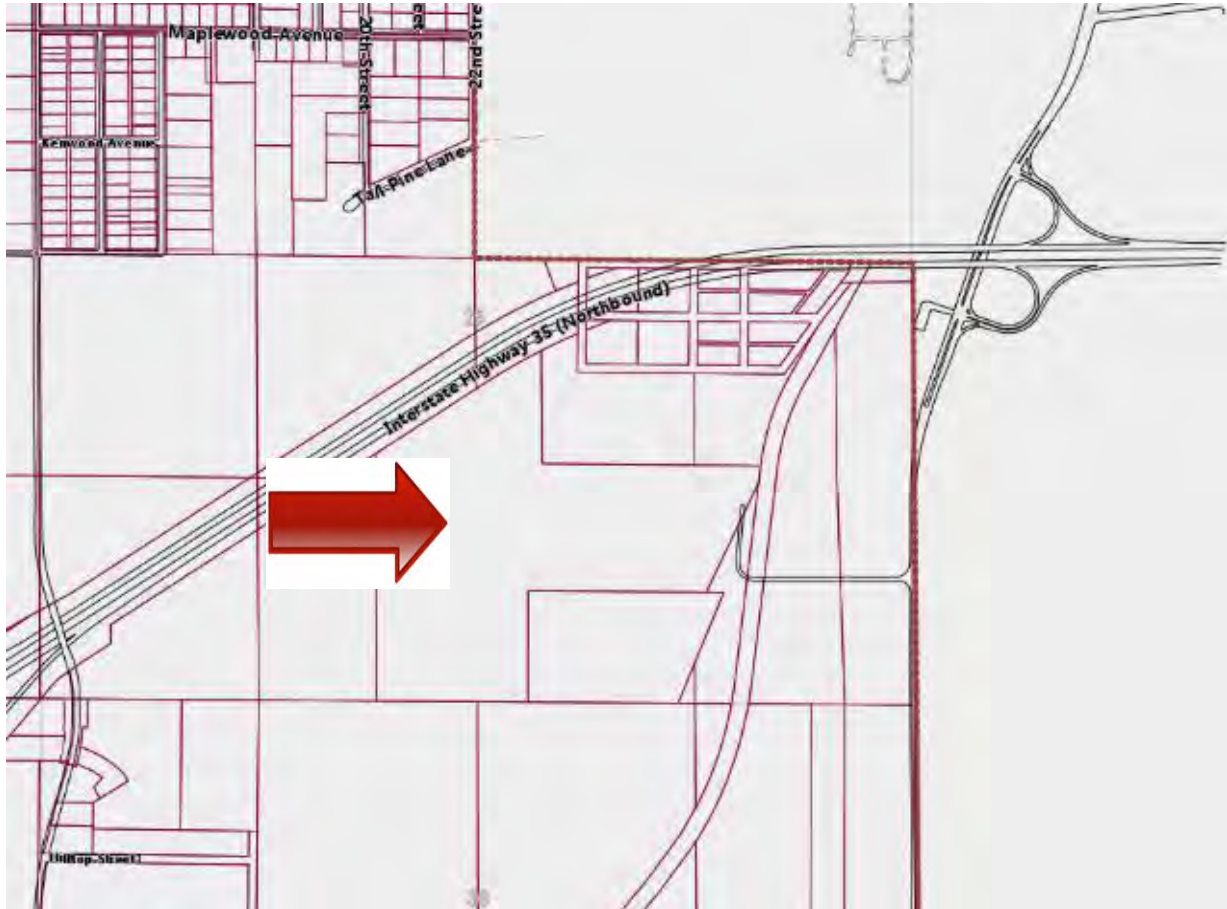
CITY OF CLOQUET

URIAH WILKINSON
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

LOCATION MAP

SKB Environmental Cloquet Landfill



NO SCALE



September 19th, 2022

Mr. Al Cottingham
City Planner/Zoning Administrator
City of Cloquet
101 14th Street
Cloquet, MN 55720

RE: SKB Cloquet Environmental Landfill CUP Zoning Application

Mr. Cottingham,

The specifics of our CUP Zooning Application request are as follows:

As a permanent change, SKB Environmental would like to alter our CUP language to allow 24 hours per day, 7 days per week disposal of the SRFI Waste (paper sludge) material being generated at the ST Paper facility in Duluth.

In addition, the need has recently arisen for the MN Power Hibbard Station located in Duluth to have the ability to dispose of their Coal Ash within the same potential hours.

All personnel that will be entering our site outside our normal gate hours will be trained as a MPCA Licensed Landfill Operator.

We appreciate the opportunity for your Planning & Zoning to consider our request.
Please let me know if you have any questions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kyle Backstrom".

Kyle Backstrom
SKB Environmental
District Manager
(218) 451-1386

**Final Conditional Use Permit (CUP) for the Shamrock
Environmental, LLC Industrial Waste Landfill
(Landfill), City of Cloquet (City), Minnesota,
Approved on 2-15-11 by the Cloquet City Council
(Resolution No. 11-11)**

This Conditional Use Permit (CUP) supersedes the prior 1971 Carlton County CUP (71-39) and the 1975 City of Cloquet CUP (75-5) for this property as described per the attached **legal description**.

CUP Approval Conditions

Host Fee: The Owner/Operator will adhere to the attached Host Fee Agreement titled “**Host Fee Agreement Between the City of Cloquet and Shamrock Environmental, LLC.**”

Visual Screening: Within one year of CUP approval, or within the first growing season, whichever occurs first, Owner/Operator along with the property owner, shall construct a six-foot high visual screening berm topped with dense coniferous tree species (e.g., spruce) adjacent to the soccer fields located along the east side of Hilltop Park in accordance with the plan submitted and approved as part of the CUP (**see attached diagrams**). The Owner/Operator will maintain the visual screening berm and trees. The Owner/Operator shall obtain an easement from Ulland Brothers to maintain this screening berm. The Owner/Operator shall also maintain and shall not remove the 20 foot wide visual screening berm or trees within that berm on their property along Interstate 35.

St. Louis River Trail Safety Improvements: Prior to Landfill waste acceptance, the Owner/Operator will work with Carlton County to install appropriate intersection safety controls on both the trail and the access road from County HWY 45 pursuant to Carlton County and Minnesota Department of Transportation recommendations. These recommendations should be consistent with other trail crossings for similar intersections on this trail and other recreational trails throughout the state. All such necessary and appropriate intersection safety controls shall be installed prior to the commencement of waste acceptance if the Carlton County Highway Department can complete the improvements by such time. The Owner/Operator has agreed to pay Carlton County for the cost of the intersection safety controls. A plan has been submitted to the City (**see attached**) and approved by the City as part of the CUP.

Operational CUP Conditions

Permit compliance: The Owner/Operator shall secure the appropriate Local, County, State, and Federal permits prior to Landfill waste acceptance and comply with all applicable provisions, conditions, ordinances, and requirements. City shall be provided copies of all permits secured by the Owner/Operator for Landfill permitting, construction, operation, and closure.

Development Approved: The area of the Landfill property shall be limited to 59 acres, more or

less, as described in the legal description submitted to the City with the CUP application. Only 42 of these 59 acres shall be used as a landfill, to the extent that landfill means area of waste placement. The height of the Landfill shall be limited to Elevation 1228 feet as indicated by the final cover grading plan (Drawing C-1 05) in the 2010 MPCA permit application. If Owner/Operator applies to the MPCA to modify the lateral or vertical extent which results in an increase of the disposal airspace, or to change the waste type, of this Landfill, the Owner/Operator will be required to make a new CUP application to the City. Recyclable material, soil, alternate cover, process material stockpiles, and any other material stockpiles shall not exceed a maximum of Elevation 1240 feet. Any recyclable material stockpile between elevation 1228' and 1240' shall be relocated within one week unless longer storage periods are approved by the City.

Acceptable/Unacceptable Waste: The Landfill can only accept for disposal construction, demolition debris, and industrial wastes as described in its MPCA solid waste permit. The Landfill will not accept municipal solid waste (MSW) or hazardous waste as defined by Minnesota Rules and Statutes. Unacceptable material that is incidental within acceptable waste loads shall be separated and disposed at an offsite location approved to accept the material.

Operating Hours: The normal operating hours for waste acceptance at the Landfill will be from 7:00 AM to 5:00 PM Monday through Friday and 7:00 AM through 1:00 PM on Saturday, except during periods of construction (e.g. during landfill liner construction, subgrade construction, or other construction related to cell expansion for the landfill, or construction related to installation of final cover when a cell is being capped) when hours are 7:00 AM to 7:00 PM Monday through Friday and 7:00 AM to 3:00 PM on Saturdays. The Landfill may operate on a 24-hour basis as needed for special events, leachate hauling, and emergency conditions (as defined below). When possible, the Owner/Operator will provide written notice to the City and receive City approval when accepting waste outside of normal operating hours. In the event of an emergency where written request for approval is not possible, the Owner/Operator must notify the City verbally and follow up in writing within 72 hours after the request providing justification for the changed hours and the estimated time when normal operating hours will resume. An "emergency condition" is defined as a catastrophic event in the region requiring immediate removal of waste to restore order.

Landfill Access: Landfill customers, vendors, and contractors shall access the Landfill property only from the east, off of County HWY 45. Landfill access is not allowed via 14th Street, whether by private or public roadways, except for emergency management purposes (e.g., police and fire protection).

Landfill access is not allowed via the anticipated frontage road referenced below, running along I-35 unless all other access to the landfill has been eliminated by the City, County, State or other entity. No landfill access is allowed via the southern end of the pit off of the "Old Carlton Road" (see attached map) unless all other access to the Landfill has been eliminated by the City, County, State, or other entity. The Owner/Operator shall maintain a sign at the entrance which defines the hours of operation, Owner/Operator contact information, and description of waste accepted for disposal.

Access Controls: The Owner/Operator shall control the Landfill property to prevent unauthorized waste dumping (see attached site plan). Controls shall include a locked entrance gate on the access road and property boundary no trespassing signs. Scavenging or removal of

the waste from the disposal area is prohibited unless as part of recycling or reuse program by the Owner/Operator.

Certified Operation: The Owner/Operator shall have a Minnesota Pollution Control Agency (MPCA) certified landfill operator present at the facility during all operating hours while waste is being accepted. In the absence of an MPCA certified landfill operator (as long as there continues to be a certification by the MPCA), no waste may be accepted.

Litter/Debris Clean-Up: The Owner/Operator is responsible for the clean-up of all litter and debris from adjacent property, ditches, and access roads resulting from the Landfill operation and/or from vehicles using the Landfill to assure it does not become a public nuisance. Methods to control litter and debris shall be described in a **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Dust Control: Dust from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall control dust as described in the **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Noise Control: Noise from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall control noise as described in the **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Odor Control: Odor from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall control odor as described in the **Litter, Dust, Noise, and Odor Management Plan** approved by the City.

Aesthetic Control: Waste areas shall be covered as outlined in the MPCA permit and in this CUP. Disposal areas not receiving waste for a period of 120 days shall be covered with 12-inches of compacted soil cover. Waste slopes reaching final grades shall receive 12-inches of compacted intermediate cover and be vegetated within 120 days unless final cover is being placed. If delayed by winter conditions, soil cover and vegetation shall be placed during the following growing season

Vector Control: The Owner/Operator shall take proper measures, including hiring a contracted service, as necessary to mitigate vector issues.

Fire Protection: The Owner/Operator shall operate the Landfill in accordance to the **Fire Protection Plan** submitted and approved as part of the CUP. Burning of materials at the Landfill is prohibited.

City Inspection: The City or its agents has the right to inspect the Landfill as necessary to verify compliance with the conditions of the CUP. All City personnel or its agents must be accompanied by a landfill employee while on site.

Records: The City shall receive copies of regulatory correspondence to or from other Local, County, State, and Federal agencies. The Landfill's operating record of daily operations shall be made available for review if requested by the City.

Notifications: The City shall be notified of any change in ownership or contract operation of the Landfill, with new contact information provided.

Annual Reporting: The Owner/Operator shall submit to the City, by January 31 of each year, a report summarizing CUP compliance for the preceding year. The Owner/Operator shall identify that each condition has been achieved. If Landfill operation was out of compliance with certain conditions during the previous year, the Owner/Operator shall indicate what steps were taken to bring the landfill operation back into compliance with the condition, or how the non-compliance was otherwise resolved

CUP Condition Enforcement

The Owner/Operator has five (5) business days from receipt of notification from the City to remedy any non-compliance with the CUP as determined by the City or its agents. The City must notify the Owner/Operator in writing sent to the company's headquarters at 13020 Dem-Con Drive, Shakopee, MN 55379 or personally speak with specifically designated management agent(s) of the Owner/Operator to notify them of any issue of non-compliance. If compliance cannot be achieved in five (5) business days, the Owner/Operator must provide written justification as to why compliance cannot be achieved along with a proposed schedule for compliance. The owner/operator and City shall then agree to a reasonable timeframe to resolve the non-compliance. The City shall be notified in writing by the Owner/Operator when an outstanding condition is brought back into compliance.

Supplemental Conditions

In addition to all of the above conditions, as modified herein, the following supplemental conditions will be added to the Conditional Use Permit.

End Use Planning: During the life of the Landfill, the Owner/Operator agrees to participate in ongoing land use planning initiatives surrounding the landfill property. An **End Use Plan** for the Landfill shall be agreed upon between the City and the Owner/Operator no less than 5 years prior to the closure of the Landfill, as determined by historical annual volumes.

Interstate 35 Frontage Road Easement: Upon approval of Resolution No. 11-11, the site Owner/Operator agrees to enter into an agreement for a term of 30 years to sell to the City for \$1, a 66-foot right-of-way easement for a frontage road along Interstate 35. The City can only act on purchase of this easement if the remainder of the frontage road from 14th Street to County Highway 45 is constructed within 2 years of the purchase of said easement (**diagram of the frontage road easement attached**).

Leachate Management: Leachate from the landfill operation shall be kept to a minimum such that it does not become a public nuisance to adjacent properties. Owner/Operator shall manage leachate as described in the **Supplemental Operational Plan** approved by the City. At no time shall leachate overflow the lined area onto unlined areas.

Authorized Wells for Non-Landfilling Purposes: Owner/Operator is authorized to construct a

single well for the purpose of supplying water for normal household uses (drinking water, restroom facility, etc.), for Owner/Operator's employees, vendors, and customers.

Storage of MSW: All putrescible incidental MSW at the landfill must be stored in a container no larger than 10 cubic yards and must be removed from the site and properly disposed of when full, or weekly, whichever comes first. All non-putrescible MSW must be stored in a container no larger than 30 yards and must be removed from the site and properly disposed of when full, or monthly, whichever comes first.

Recycling Storage: All recyclable material stockpiles that will remain on the site for greater than 30 days shall be located on the northern portion of the site and shall not accumulate in stockpiles greater than the amount of material that can be recycled within one year. All material that is picked out of the landfill working face shall be moved to the stockpile area within 30 days of being recovered from the landfill.

Crushing Activities: Crushing operations on the landfill shall not occur simultaneously with crushing activities at the nearby gravel mining operation. Owner/Operator shall coordinate all crushing operations with the gravel mining operation to ensure compliance with this condition.

Organizational Disclosure: Prior to the commencement of landfill operations, Shamrock Environmental, LLC shall disclose all of its owners, members, and/or investors to the City, to the extent it is non-proprietary information.

The conditions of this CUP may be amended from time to time as necessary if mutually agreed upon in writing between the City and the Owner/Operator.

Attachments

- Legal Description
- Host Fee Agreement Between the City of Cloquet and Shamrock Environmental, LLC
- Visual Screening Improvements – Hilltop Park
- St. Louis River Trail Improvements
- Landfill Road Access Map
- Site Plan
- Litter, Dust, Noise, and Odor Management Plan
- Fire Protection Plan
- Proposed Frontage Road Alignment
- Supplemental Operational Plan