

Polk County  
Planning Commission  
January 24, 2014

Call to Order: 9:00 A.M.

Members in Attendance: Kerry Winkelmann, Donovan Wright, Rolland Gagner, Osmund Moe, Wayne Melbye, Robert Franks, Don Diedrich, Courtney Pulkrabek and Mike Powers.

Members Absent: Arlet Phillips, Dennis Yell

Also Present: Polk County Environmental Services' staff: Josh Holte & Michelle Erdmann

Minutes: A motion was made to approve the minutes from December 13, 2013 by Powers. Second by Moe. All in favor.

Election of Officers:

A motion was made by Diedrich to nominate Winkelmann for Chairman. Second by Powers. Diedrich motioned for nominations to cease, second by Powers. All in favor. Winkelmann is the Chairman.

A motion was made by Winkelmann to nominate Gagner as Vice-Chair. Powers seconded the motion. Winkelmann motioned that nominations cease. Second by Moe. All in favor. Gagner is the Vice-Chair.

**Public Hearing:      TALBED Re-Zone                      Jack Lorshbough                      Parcel #33.00124.00**

Winkelmann stated that this hearing was tabled from December 2013 and turned the hearing over to Holte.

Holte briefly reviewed the information presented in December which can be found in those minutes.

Gagner asked if Jack now owns all 65+ acres? Lorshbough said not yet, the purchase hinges on the hearings. If approved he will be buying all 65+ acres, with 8.25 re-zoned to Industrial. Gagner then asked him if the 8.25 acres is large enough for his business plans? Lorshbough said it is. Melbye asked to see the slides of the property (Holte showed them) to verify the size. Powers asked Lorshbough if all he wants is 8.25 rezoned and the rest left as agricultural. Lorshbough stated yes that is his wish.

Frank Bauer, neighbor, asked if the business will be kept inside? Lorshbough said that the appliance recycling business will be kept inside.

The neighbor to the south, Anthony Weber, stated that he is happy Lorshbough has already started cleaning up stuff in the yard and there okay with the request, but feel it needs restrictions.

A motion was made by Melbye to recommend approval to re-zone the 8.25 acres to the County Board with the condition that the CUP is approved. Sent by Franks. All in favor.

**Public Hearing: TABLED Conditional Use Permit Jack Lorshbough Parcel #33.00124.00**

Winkelmann stated that this hearing was tabled from December and turned the hearing over to Holte.

Holte stated that the applicant is requesting a Conditional Use Permit to operate a reduction/recycling facility on an 8.25 acres portion of his property that will be rezoned in the Industrial District, and located in Gully Township.

PC Zoning Ordinance requirements in section 16.3000 state that a reduction/recycling facility is allowed as a Conditional Use in the industrial district.

The applicant's property is located along State Highway 92 on the easterly edge of the city limits of Trail. The property needs to get approval from the Planning Commission and the County Board to be rezoned to the Industrial District as a condition of the CUP. The applicant would like to run an appliance recycling operation on his property inside of the existing warehouse and eventually would like to recycle scrap metal on this property.

Applicant has stated that scrap metal located outside would be kept in an orderly fashion. If needed the applicant would be willing to use a fence, berm or transplant trees as needed to avoid an eyesore or conflict. Any snow removal and run off will be kept on applicant's property and tall grass and fire hazards will be kept down.

Comments received were: Elvin and Cindy Erickson were at the last hearing and were strongly opposed to the request. They are residents of Trail and live within ¼ mile of the proposed site. Mr. Erickson read a letter at the December hearing, showed pictures of Mr. Lorshbough's other salvage yard in Pinewood and stated their opposition.

Pulkrabek stated that he received comments from neighbors within ¼ mile and they are opposed to the rezone and CUP. Frank Bauer, neighbor to the West, handed Holte a letter with signatures stating they are opposed. Holte read the letter and signatures to the Board then passed it around for review. The letter was the same letter as presented by Mr. Erickson at the December hearings.

Holte then went over slides of the property, the location and Mr. Lorshbough's operational plan. Staff recommends approval of the CUP with the following conditions:

- 1) The applicant must get approval for the rezoning of his property before any CUP can be issued, and the portion of property zoned industrial and being used for the recycling operation must be split off to form its own parcel within one year.
- 2) The screening (trees, fences, and/or berms) must be provided and maintained to not harm the visual aspects of the community. All unlicensed vehicles/equipment and salvage material shall be kept behind the screening at all times.

- 3) An operational plan shall be developed which includes hours of operation, vermin control, screening of material, noise, dust, light and the activity conducted must be in accordance with the operational plan.
- 4) The facility/operation is in compliance with the Polk County Solid Waste Ordinance and any other applicable ordinances.
- 5) At no time shall garbage, refuse, or salvaged materials be burned on the premises.
- 6) The facility/operation is in compliance with all applicable Minnesota Pollution Control Agency and U.S. Environmental Protection Agency rules and regulations.
- 7) Hazardous material management complies with Federal, State, and Local Regulations.
- 8) Any required County, State, or Federal licenses have been issued.
- 9) No on-site disposal (dump or landfill) shall be allowed.
- 10) No long-term stockpiling of waste or regulated materials.
- 11) Operation will be subject to periodic administrative review by Polk County Planning and Zoning staff to ensure compliance with the conditions of this permit.
- 12) If the conditions of this permit are not followed the CUP may be revoked and the salvage operation would be required to close; the property would then need to be cleaned up and restored to its natural state within a reasonable amount of time.

Powers asked for explanation of #11 above – Holte stated that they would review as needed – receiving a complaint on the property or if they are in the area, they will drive by to check it out.

Mrs. Weber – neighbor to the south of the property, stated that the property has been an eyesore for many years. It is also a fire hazard. Mr. Lorshbough has already started working to improve the yard by cleaning it up and mowing. A barrier around a deep hole on the property has been erected. Noise was a concern of the Erickson's – however there is always noise around Trail with other operators/operations in the area – crop sprayer, gravel operation, farmers – those don't have restricted hours of operation like the Ericksons want placed on this operation. Mrs. Weber feels that this is good for the community. The rodents are already there and feels that the new business coming in will make that problem get better not worse.

As for the Erickson's concerns about unlicensed vehicles, Mrs. Weber stated that the City of Trail has rules and they don't do anything about enforcing them. The Weber's do have environmental concerns as do the Erickson's and they would like to see some restrictions placed on the CUP. Otherwise they are in favor of the request by Mr. Lorshbough.

Diedrich stated that they County Board is in favor of the request with restrictions/requirements placed on it. Franks asked Lorshbough about capacitor's, lighting and HHW waste and reminded him that those items need to be secured. Holte stated that Lorshbough has an MPCA permit – pending this CUP approval – that would require those kinds of things.

Cory Carlson – area crop sprayer – said his concern is with the remainder of the property, ag land, and the possibility of the business spreading over onto that part. Holte stated that is why he suggested that the rezoned parcel be split off, so that they are separate. He can add in a condition that there is no spreading of salvage onto the remainder of the parcel of land. Lorshbough said he had no problem with that condition.

Gagner asked if there were HHW at the Pinewood location? Lorshbough said there was. Franks asked about fire plans, he has a concern with contamination in the ground water. Lorshbough stated he would call the fire department, and he has to follow MPCA and Federal guidelines.

Pulkrabek asked why here? Lorshbough said because of the existing warehouse. Gagner asked about access to the property? Lorshbough said there is one off Hwy 92 and the township road. Wright stated that you say you will put up a fence when/if it is needed. He would like to see one now to help keep it visually nice and to control stuff from blowing. Gagner said Lorshbough might be able to get a grant to help with the fencing. Diedrich stated that there is already screening in the recommend conditions and that should be enough for now. Wright still believes he should do it now. Holte stated that to start with, the operation will all be inside, that's why it is worded as it is. Weber stated that there are eyesores all over, are we going to require those to be fenced too?

Melbye stated that we need to trust Polk County Zoning will do the job of checking and that Mr. Lorshbough will do what needs to be done. He does suggest year round trees for fencing, but feels good that we have "reins" on the situation.

Gagner asked about hours of operation? Holte stated possibly 7 days a week, 6 a.m. – 10 p.m. to help accommodate loading, etc. Those will not be standard, year round hours.

Holte stated that he has amended the conditions:

#3 – will add "and are maintained"

#7 - Will add no storage on the ag property.

#11 – will add "bi-annual administrative review"

Gagner asked about a container for storage of HHW outside of the building? Diedrich stated that would be redundant for us to regulate as the state and federal permits would require what is needed. Powers asked if there were any plans to clean up the Pinewood location? Lorshbough said he is still working there. Powers said he has concerns with possible future problems based on the Pinewood situation. He stated that he checked with the MPCA and got papers/information. He wants this Polk County property watched so we don't have another site like at Pinewood.

Carlson said that the old carrot plant is looking good. Lorshbough has already started cleaning things up. Webers stated that they will be the first to complain if things get out of hand. Carlson was curious and asked Lorschbough how he handles things. Lorshbough said that they extract the Freon, remove the capacitors and they are stored till they are removed from the property. There will be no garbage recycling done at this facility.

Weber said that there really is not a lot of room for outside storage due to the buildings, roads and lay of the land.

Melbye made a motion to recommend approval with amended (by Holte) conditions to the County Board.

Second by Moe.

Ayes – Diedrich, Powers, Gagner, Melbye, Moe, Franks

Nayes – Wright, Pulkrabek

Motion Carries.

Powers asked Holte to notify the neighbors of the decision. Holte stated that he would notify the neighbors and provide them with a copy of the resolution and State permit info.

Holte informed Lorshbough that this will go before the County Board on Tuesday January 28<sup>th</sup> at 9:30 a.m. for final approval.

Holte then went over Ordinance amendments/revisions looking for the Planning Commission's approval and to move the changes out for public comment and County Board final approval. (copy of those proposed changes/revisions are attached)

A motion was made by Powers to recommend approval of the Ordinance amendments/revisions. Second by Melbye. All in favor.

Winkelmann adjourned the meeting. Next meeting is February 28, 2014.