

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD **THURSDAY, AUGUST 8, 2019, ST. LOUIS COUNTY PUBLIC WORKS, LOWER-LEVEL TRAINING ROOM, VIRGINIA, MN.**

9:00 A.M. – 11:30 A.M.

Planning Commission members in attendance: David Anderson
Steve Filipovich
Daniel Manick
Commissioner Keith Nelson
Dave Pollock
Roger Skraba, Vice Chair
Diana Werschay

Planning Commission members absent: Sonya Pineo
Ray Svatos

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

NEW BUSINESS:

- A. Ohotto Service Inc. – a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II.
- B. Thorsten Otterness – a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II.
- C. Lakes Gas Co. – a conditional use permit for a bulk propane business as an Industrial Use-Class II.

OTHER BUSINESS:

Motion by Manick/Werschay to approve the minutes of the July 11, 2019 meeting.

In Favor: Anderson, Filipovich, Manick, Pollock, Skraba, Werschay - 6

Opposed: None – 0

Abstained: Nelson - 1

Motion carried 6-0-1

The Planning Commission workshop for Short Term Rentals will be August 15, 2019.

NEW BUSINESS:

Ohotto Service Inc.

The first hearing item is for Ohotto Service Inc., a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II, located in S4, T61N, R18W (Angora). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a general purpose borrow pit.
- B. The pit will include concrete and asphalt recycling.

- C. There has been no MPCA NPDES permit to date.
- D. An access easement has been provided.
- E. The applicant is requesting the standard hours of operation.
- F. This pit was formerly a Department of Natural Resources (DNR) pit used for a road project.
- G. The previous landowner had removed material from another adjoining parcel. The landowner of that parcel is aware of the material being removed and was paid for it. There is a buffer setback requirement that needs to be followed.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.5 F., indicates general purpose borrow pits are an allowed use with a conditional use permit.
 - 2. The proposed site falls within the Industrial Land Use category of the St. Louis County Comprehensive Land Use Plan. This designation consists of actively mined areas, ancillary operation to mining and industrial business. This site is located next to Louisiana Pacific property and near the old Ainsworth strand board plant. The proposed borrow pit is consistent with the designated uses.
 - 3. The St. Louis County Comprehensive Land Use Plan under Objective LU-4.5 states that the development of new general purpose borrow pits should be directed to areas designated as Forest and Agriculture (FA) on the Future Land Use Map. The proposed site is zoned Forest Agriculture Management that allows general purpose borrow pits with a conditional use permit.
- B. Neighborhood Compatibility:
 - 1. The neighborhood consists of larger tracts of land. There has been a fair amount of previous extractive use in the area.
 - 2. There is a cemetery located approximately 1/8 mile to the west of the SW corner of the subject parcel. There is a dwelling approximately 88 feet south of the south property line of the subject parcel. The applicant is proposing to meet all buffer requirements.
- C. Orderly Development:
 - 1. Since this property is bounded by the railroad on the east, future development is not likely to be hindered by this use. Those properties located to the east would need to use a different access route.
- D. Desired Pattern of Development:
 - 1. Louisiana Pacific owns the former Potlatch facility located approximately one-half mile west of the subject property. They also own property to the west and to the north of the subject parcel.
- E. Other Factor
 - 1. Legal access has been demonstrated.

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, the following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. Provide written agreement from adjacent landowner for reduced no disturbance buffer or construct a berm along the property line of the disturbed area to prevent further encroachment.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The applicant shall comply with all county, state and federal regulations.
3. The Wetland Conservation Act shall be followed.

Jerry Ohotto, the applicant, stated he has obtained an easement from Louisiana Pacific and is waiting for permission for the 50 foot no-disturbance buffer. He would like to excavate into that hill if the material could be used. He just wants to do what it would take to get a permit.

The *Planning Commission* discussed the following:

- A. Inquired if staff would feel it be practical to obtain a written agreement with the adjoining landowner when the landowner is a company in an industrial area. *Mark Lindhorst* stated there is supposed to be a 50 foot no-disturbance buffer. If that buffer is not in place, the applicant needs to obtain permission from the landowner or the applicant needs to build a berm. To restore that area would be a large undertaking and the applicant is not at fault for excavating there. *Jenny Bourbonais*, Acting Secretary, stated that without permission from the adjoining landowner, there would be no way to allow excavation within the no-disturbance setback. This is a Zoning Ordinance 62 standard.
- B. Inquired if it is fair for the applicant to pay for a berm. *Mark Lindhorst* stated that the Planning Commission could approve a waiver for no further excavation beyond the berm.
- C. Inquired if a waiver could be granted if no permission is given by Louisiana Pacific. *Jenny Bourbonais* stated yes. Staff cannot approve a waiver, but the Planning Commission can. This will only be for the property line where existing excavation has occurred. All other no-disturbance setbacks will be met: 50 feet to the north property line, 50 feet to the east property line and 100 feet to the south property line because there is a dwelling located 88 feet from the south property line.

DECISION

Motion by Nelson/Manick to approve a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II, based on the following facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.5 F., indicates general purpose borrow pits are an allowed use with a conditional use permit.
2. The proposed site falls within the Industrial Land Use category of the St. Louis County Comprehensive Land Use Plan. This designation consists of actively mined

areas, ancillary operation to mining and industrial business. This site is located next to Louisiana Pacific property and near the old Ainsworth strand board plant. The proposed borrow pit is consistent with the designated uses.

3. The St. Louis County Comprehensive Land Use Plan under Objective LU-4.5 states that the development of new general purpose borrow pits should be directed to areas designated as Forest and Agriculture (FA) on the Future Land Use Map. The proposed site is zoned Forest Agriculture Management that allows general purpose borrow pits with a conditional use permit.

B. Neighborhood Compatibility:

1. The neighborhood consists of larger tracts of land. There has been a fair amount of previous extractive use in the area.
2. There is a cemetery located approximately 1/8 mile to the west of the SW corner of the subject parcel. There is a dwelling approximately 88 feet south of the south property line of the subject parcel. The applicant is proposing to meet all buffer requirements.

C. Orderly Development:

1. Since this property is bounded by the railroad on the east, future development is not likely to be hindered by this use. Those properties located to the east would need to use a different access route.

D. Desired Pattern of Development:

1. Louisiana Pacific owns the former Potlatch facility located approximately one-half mile west of the subject property. They also own property to the west and to the north of the subject parcel.

E. Other Factor

1. Legal access has been demonstrated.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. In the event that permission is not given by the industrial property owner to the west, a waiver may be granted for a zero foot no-disturbance setback on the west property line.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The applicant shall comply with all county, state and federal regulations.
3. The Wetland Conservation Act shall be followed.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Werschay - 7

Opposed: None – 0

Motion carries 7-0

Thorsten Otterness

The second hearing item is for Thorsten Otterness, a conditional use permit for a general purpose borrow pit as an Extractive Use-Class II, located in S31, T60N, R21W (French). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The request is for a general purpose borrow pit to include screening, washing and crushing.
- B. There is an estimate of 50,000 to 100,000 cubic yards of material removed per year.
- C. The proposed access to the property is across tax forfeited land. The St. Louis County Land Department is moving forward to grant permission to cross this land.
- D. The hours of operation will be Monday through Saturday from 8 a.m. until 5:00 p.m. with no activity on Sundays and holidays. These hours were recommended by the French Township land use committee.
- E. There are wetlands located on the property that do not allow excavation and would provide a buffer.
- F. The applicant owns the next parcel over so the no-disturbance setback is not applicable. However, the applicant cannot excavate on this property because it is zoned Residential (RES)-7 which does not allow general purpose borrow pits.
- G. The applicant's access would be off of the Green Rock Road which could handle the truck traffic.
- H. The crusher would be located in a low area where the hill and the vegetation could buffer the sound.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.5 F., indicates general purpose borrow pits are an allowed use with a conditional use permit.
 - 2. The proposed site falls within the Lakeshore Development Area (LDA) of the St. Louis County Comprehensive Land Use Plan. This area is intended for rural development next to lakes including infill, new and redevelopment of residential properties, as well as commercial and mixed uses.
- B. Neighborhood Compatibility:
 - 1. The property is located approximately 800 feet from the shoreline of South Sturgeon Lake. The majority of the parcels within this area are large with limited development except for the shoreland riparian areas.
 - 2. The closest residence from the proposed haul road is 120 feet and 600 feet from the proposed pit area. All undisturbed buffer areas will be maintained. The applicant is proposing screening and washing which will limit the noise associated with operations of a borrow pit. The applicant has not indicated crushing as a proposed activity within the pit.
- C. Orderly Development:
 - 1. This property, as well as the surrounding area away from the shoreline, consists of large tracts of land zoned as Multiple Use (MU) and Forest Agricultural Management (FAM). These areas allow for a wide range of uses including borrow pits, commercial and residential uses.

2. The proposed use will provide needed borrow for existing and new development in the surrounding community. There is only one other permitted borrow pit located within French Township approximately one mile to the north.

D. Desired Pattern of Development:

1. Development consists of lakeshore homes along the riparian corridor and large undeveloped forested land outside the shoreland area.
2. The future land use map identifies the proposed area within the Lakeshore Development Area. As stated in the Comprehensive Land Use Plan, the LDA is given flexibility necessary to allow for evolving nature of the rural economy which includes allowances for businesses that are essential to the ability to live and work in rural areas.

Mark Lindhorst noted one item of correspondence from the Town of French in favor of the proposal if the hours of operation are restricted as proposed and if all statutes, policies and guidelines are followed.

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, the following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The applicant shall demonstrate legal access across tax forfeited property.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres as legally described as the NE1/4 of the NW1/4, S31, T60N, R21W.
3. The applicant shall comply with all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.

Thorsten Otterness, the applicant, stated that the hours of operation (8 a.m. until 5 p.m.) that French Township recommended were for the crushing use only. He would like to utilize the standard hours of operation (7 a.m. until 8 p.m.) for the other borrow pit uses. They will just crush material from the site. There will be a general contractor doing the work. French Township went over the pros and cons of this project. Borrow material is needed in the area with septic systems and roads to repair. They first did test holes and found good gravel in this area and this is a good opportunity to use material. In the future once the material is expended, they could extend Erickson Road and create lots along the river. They estimate up to 24 trucks per day.

There are natural berms and dips along with vegetation between his property and the Dundas property to the north. They will not do any logging before crushing.

Three members of the audience spoke in opposition or with concerns.

Stefan Dunda, 7378 Channel Drive, Side Lake, stated French Township did not notify them of any public meetings. They are permanent year-round residents that live north of the subject property. He is concerned about noise from the rock crusher. He asked about the decibel level for the rock crusher. He is concerned about traffic on the Green Rock Road. He asked if the pond on the property is considered a wetland.

Jenny Bourbonais, Acting Secretary, added that Wetland Conservation Act requirements need to be followed.

Jennifer Jerulle, 7284 Rearing Pond Road, Side Lake, stated that this project is impacting up to 5,000 people between locals and tourists who may not know about it. She is concerned that many people are not aware of this project. Water, dust, noise, truck traffic and land values are the biggest concerns. She is not sure why this pit is needed because there is a borrow pit located in Bearville. She recommended holding off on approving this permit to wait for community input. She requested that the crushing operation be allowed Monday through Thursday because many people arrive in the area on Friday.

Elaine Dunda, 7378 Channel Drive, Side Lake, stated their disappointment that French Township did not send notice to adjoining property owners for their township meeting. She asked about an environmental review and whether or not one could be petitioned now. There was not enough time to petition for any environmental review before the hearing. She is concerned about Green Rock Road.

Mark Lindhorst added that every landowner within one-quarter mile was notified of this proposal as well as French Township.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Commissioner *Nelson* stated that if there was an emergency situation, the hours of operation could be waived. *Mark Lindhorst* stated that the applicant would just need something from the county regarding the emergency situation.
- B. Inquired how much land the applicant has. *Thorsten Otterness* stated there are 100 acres on this side of the river.
- C. *Mark Lindhorst* clarified that if someone will excavate more than 40 acres for mineral exploration, it would require a mandatory environmental review. This property, once removing the buffers and wetland area, is less than the 40 acres and a mandatory environmental review is not required. One could have been petitioned or requested before the public hearing. The environmental review would not stop the project; it would look at environmental issues to see if the project would meet the requirements of going to an Environmental Impact Statement (EIS).
- D. If there are complaints, staff will follow-up with these complaints. If there are multiple complaints, the Planning Commission could review the case and possibly revoke the permit.

- E. The hours of operation pertaining to the crushing operation. Commissioner *Nelson* added it would be an expensive operation and unreasonable to limit crushing less than 40 hours per week. These were the recommended hours of operation from French Township.

DECISION

Motion by Nelson/Anderson to approve a general purpose borrow pit as an Extractive Use-Class II, based on the following facts and findings:

A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.5 F., indicates general purpose borrow pits are an allowed use with a conditional use permit.
2. The proposed site falls within the Lakeshore Development Area (LDA) of the St. Louis County Comprehensive Land Use Plan. This area is intended for rural development next to lakes including infill, new and redevelopment of residential properties, as well as commercial and mixed uses.

B. Neighborhood Compatibility:

1. The property is located approximately 800 feet from the shoreline of South Sturgeon Lake. The majority of the parcels within this area are large with limited development except for the shoreland riparian areas.
2. The closest residence from the proposed haul road is 120 feet and 600 feet from the proposed pit area. All undisturbed buffer areas will be maintained. The applicant is proposing screening and washing which will limit the noise associated with operations of a borrow pit.

C. Orderly Development:

1. This property, as well as the surrounding area away from the shoreline, consists of large tracts of land zoned as Multiple Use (MU) and Forest Agricultural Management (FAM). These areas allow for a wide range of uses including borrow pits, commercial and residential uses.
2. The proposed use will provide needed borrow for existing and new development in the surrounding community. There is only one other permitted borrow pit located within French Township approximately one mile to the north.

D. Desired Pattern of Development:

1. Development consists of lakeshore homes along the riparian corridor and large undeveloped forested land outside the shoreland area.
2. The future land use map identifies the proposed area within the Lakeshore Development Area. As stated in the Comprehensive Land Use Plan, the LDA is given flexibility necessary to allow for evolving nature of the rural economy which includes allowances for businesses that are essential to the ability to live and work in rural areas.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. The applicant shall demonstrate legal access across tax forfeited property.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres as legally described as the NE1/4 of the NW1/4, S31, T60N, R21W.
3. The applicant shall comply with all county, state and federal regulations.
4. The Wetland Conservation Act shall be followed.
5. Crushing operations shall be limited to Monday through Friday from 8 a.m. until 5 p.m. with the standard hours of operation of Monday through Saturday from 7 a.m. until 8 p.m. allowed for all other uses.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Werschay - 7

Opposed: None – 0

Motion carries 7-0

Lakes Gas Co.

The third hearing item is for Lakes Gas Co., a conditional use permit for a bulk propane business as an Industrial Use-Class II, located in S17, T61N, R15W (Kugler). *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The request is for a bulk propane business.
- B. The applicants wish to locate a 66.5 foot by 10 foot bulk propane tank on the subject property.
- C. There will also be an 8 foot by 10 foot storage structure.
- D. The hours of operation will be Monday through Friday from 7:30 a.m. until 4:30 p.m.
- E. There is an estimate of 3 trucks per week during the summer months and 8 trucks per week in the winter months.

Stephen Erickson reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 1. Zoning Ordinance 62, Article V, Section 5.6 A., indicates bulk storage tanks are an allowed use with a conditional use permit.
 2. The property falls within the Forest and Agriculture land use category of the Comprehensive Land Use Plan.
 - a. Goal LU-7 of the Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county. The proposal will provide a refill point to service residents in the surrounding area.
- B. Neighborhood Compatibility:
 1. The general area consists of parcels 40 acres in size with a few smaller acreage parcels to the south of the proposed use.
 2. There is one seasonal residence approximately 440 feet east of the proposed bulk storage tank. The closest residence is approximately 900 feet south of the proposed bulk storage tank.

C. Orderly Development:

1. The proposed use is bordered by rural vacant land to the west and residences to the north, south and east.
2. The development along Highway 135 is a mixture of residential and rural vacant land.

D. Desired Pattern of Development:

1. The subject parcel, as well as a majority of the surrounding area, is zoned Forest Agricultural Management (FAM).
 - a. Forest Agricultural Management zone districts allow a wide range of uses.
 - b. Bulk tank storage is an allowed use in a Forest Agricultural Management zone district with a conditional use permit.

Stephen Erickson noted three items of correspondence from Renee Zupancich, Jennifer Scherle and James and Cathy Wright in opposition to this proposal. It should be noted that all correspondence was given to the Planning Commission prior to the hearing.

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 bulk propane business as an Industrial Use - Class II, the following conditions shall apply:

Condition Precedent:

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

Conditions Concurrent:

1. The local fire department shall be made aware of the location of the new tanks.
2. All state and federal regulations for installation of a LP gas tank shall be followed.
3. Existing vegetative buffer between the proposed tank and Highway 135 shall be maintained.
4. A parcel review shall be recorded prior to the issuance of a land use permit.

Jess Blake, Lakes Gas Co. assistant regional manager, stated there is a small opening with no trees that they would propose access to Highway 135. They try to find a strategic site so they can service their customers and pass on the savings to their customers. The landowner approached them regarding the site. Highway 135 is a state highway and a 10-ton road making it convenient for heavy vehicles. They would have no issues with the bulk trucks or the transports. The majority of the homeowners in this area use propane as a heating source.

At the Kugler Township meeting, there were concerns with safety. They have done research on this. There are no documented cases in the United States of a 30,000 gallon propane tank exploding. They have to follow OSHA, NFPA and other federal rules where safeties are built into tanks to prevent disasters from happening. The impact on the environment will be minimal at the proposed location. They are not planning on removing a lot of trees. They are developing less than one-half acre on a parcel that is almost 9 acres in size. Propane has no environmental impact and dissipates up in the air which prevents water contamination. One Kugler resident does have health issues with exhaust. This residence is located 900 feet away from the proposed tank location and

will be through the trees. The person they are buying this property from is not opposed to having this tank on the property next to his.

They will follow all criteria and required setbacks. The tank will be 130 feet from Highway 135. They will add a driveway to access the tank. The turnaround is on the property around the tank. There are design standards they will need to follow on a state highway. There is a powerline along the highway. Their development will be located behind the powerline.

They do have these bulk propane storage tanks in rural areas to help service their customers. The transport trucks do remain running because that is what triggers the pump. The other vehicles are required to be shut off.

Three members of the audience spoke in opposition.

Renee Zupancich, 8890 Highway 135 North, stated their property is directly south of the applicant parcel. She handed out a petition in opposition signed by area residents. She has Eosinophilic Esophagitis and it can be triggered by allergens including car exhaust. Her biggest fear is being stuck inside her home because of the increased pollutants. Her other concern is the highway because it is not an easy access and the road is narrow and people drive too fast. Semi trucks coming in and out of this area are at risk. Property values and potential road limits are also a concern.

Jennifer Scherle, 8704 Highway 135 North, stated their property is about 440 feet from the applicant property. There is an underground powerline that runs about 500 feet from the power pole along the highway to the back of their cabin. They had permission from the landowner to dig underground. The reason this area was cleared was because of a massive fire caused by a tree falling on the line. They lost 10 acres due to the fire. Having a tank there is worrisome with the threat of fire. She is concerned about the road because there is a curve there and it is hard to pull out when traffic is rounding that curve at 60 mph. She handed out pictures of propane tanks along Highway 169. They did not get a notice from Kugler Township regarding a township meeting. This is not a buildable site for anyone. There is plenty of vacant land in the area. The power line is not well maintained and she has made multiple efforts to contact Lake Country Power to do something about it.

Jim Ritala, 8875 Highway 135 North, stated he moved here three years ago. He is concerned about future industrial development in the area. He added that MNDOT may have to expand a lane where the propane business is located. The current landowner is not in the area. He is also concerned about people trying to sell their property in a rural area.

No other audience members spoke.

The *Planning Commission* discussed the following:

- A. Inquired if staff had made a site visit. *Jenny Bourbonais*, Acting Secretary, stated that the site had not been developed when the request was made. There was no site to take pictures of.

- B. The Minnesota Department of Transportation (MNDOT) would be the road authority to approve road access. They would have the final say on if sight lines meet minimum standards.
- C. Inquired if there is a scientific method to determine the dissipation of particles. *Jess Blake* stated that there are too many variables to say for sure. Propane dissipates in the air 36 cubic feet per second. It takes about 30 to 45 minutes to offload fuel. During the winter, there could be trucks in there 2 to 3 times a week to refill and during the summer, once per month.
- D. Inquired if a FAM-3 zone district is 9 acres. *Jenny Bourbonais* stated that this is a lot of record and the road splits the property. There was no separate subdivision of the property.
- E. The county is seeing more natural gas/propane usage with cost being a huge factor. The unfortunate part is that both facilities need to be managed. This is a piece of property that Lakes Gas Co. is committed to buying and paying taxes on. The applicant did say they would keep natural vegetation in place. They are not using this property to park trucks or use as a storage yard.

DECISION

Motion by Nelson/Manick to approve a conditional use permit for a bulk propane business as an Industrial Use - Class II, based on the following facts and findings:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 A., indicates bulk storage tanks are an allowed use with a conditional use permit.
 - 2. The property falls within the Forest and Agriculture land use category of the Comprehensive Land Use Plan.
 - a. Goal LU-7 of the Plan is to provide sufficient opportunities for commercial development to serve local and regional markets throughout the county. The proposal will provide a refill point to service residents in the surrounding area.
- B. Neighborhood Compatibility:
 - 1. The general area consists of parcels 40 acres in size with a few smaller acreage parcels to the south of the proposed use.
 - 2. There is one seasonal residence approximately 440 feet east of the proposed bulk storage tank. The closest residence is approximately 900 feet south of the proposed bulk storage tank.
- C. Orderly Development:
 - 1. The proposed use is bordered by rural vacant land to the west and residences to the north, south and east.
 - 2. The development along Highway 135 is mixture of residential and rural vacant land.
- D. Desired Pattern of Development:
 - 1. The subject parcel, as well as a majority of the surrounding area, is zoned Forest Agricultural Management (FAM).
 - a. Forest Agricultural Management zone districts allow a wide range of uses.
 - b. Bulk tank storage is an allowed use in a Forest Agricultural Management zone district with a conditional use permit.

The following conditions shall apply:

Condition Precedent:

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

Conditions Concurrent:

1. The local fire department shall be made aware of the location of the new tanks.
2. All state and federal regulations for installation of a LP gas tank shall be followed.
3. Existing vegetative buffer between the proposed tank and Highway 135 shall be maintained.
4. A parcel review shall be recorded prior to the issuance of a land use permit.

In Favor: Anderson, Manick, Nelson, Pollock, Skraba, Werschay - 6

Opposed: Filipovich - 1

Motion carries 6-1

Motion to adjourn by Skraba. The meeting was adjourned at 11:30 a.m.