

**CITY OF PEQUOT LAKES  
PLANNING COMMISSION RESOLUTION 20-\_\_**

**A RESOLUTION APPROVING THE REQUEST FOR A CONDITIONAL USE  
PERMIT FOR AN EXTRACTIVE USE**

**WHEREAS**, the applicant, North Fork Boulders & Excavating, seeks a Conditional Use Permit under City Code Section 17-11.6 to allow North Fork Boulders & Excavating along Wild Acres Road, legally described on the attached Exhibit A (the “Property”), which is zoned Agriculture; and,

**WHEREAS**, the Planning Commission conducted a public hearing on May 14, 2020, and received public testimony regarding the proposed Conditional Use Permit; and

**WHEREAS**, all required notices regarding the public hearing were properly made; and

**WHEREAS**, the Planning Commission, having reviewed and considered the application, staff analysis and public testimony regarding the proposed Conditional Use Permit at its meeting of May 14, 2020, does hereby resolve the Conditional Use Permit application as set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PEQUOT LAKES, MINNESOTA**, that it adopts the following findings of fact related to the requested Conditional Use Permit.

A. Mandatory Criteria:

1. Criteria #1: The use or development is an appropriate conditional use in the land use zone.

Finding #A1: The proposed extractive use is an appropriate use in the Agriculture zone; extractive uses are listed as interim uses in the Agriculture zone.

2. Criteria #2: The use or development, with conditions, conforms to the comprehensive land use plan.

Finding #A2: The subject property lies within the Extractive Use Overlay District.

3. Criteria #3: The use with conditions is compatible with the existing neighborhood.

Finding #A3: The proposed use is compatible with the surrounding neighborhood. There are several extractive uses in the surrounding area, including Pequot Lakes and Ideal Township. There is a large extractive use operation on the adjacent properties to the east of the subject property.

4. **Criteria #4:** The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

Finding #A4: The proposed use will not be injurious to the public as necessary permits for stormwater and pollution control will be obtained, as well as permits for noise and air emissions. The proposed use will not pose a threat to groundwater quality.

**B. Additional Criteria:**

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.

Finding #B1: The proposed use will not be injurious to the use and enjoyment of property in the immediate vicinity. Applicant has indicated equipment shall not be housed or operated less than 1,000 feet from a residential use district and other neighboring properties are either undeveloped or contain extractive uses themselves.

2. The conditional uses will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Finding #B2: The proposed use will not impede the normal and orderly development of surrounding vacant properties for uses predominant in the area; the neighborhood is largely zoned for agriculture and forestry uses.

3. The conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.

Finding #B3: The proposed use will not require public facilities or services at public cost. Section 17-8.5, Subdivision 4 of the City Code does contain a provision requiring the applicant to furnish a bond to guarantee that rehabilitation, reclamation, and restoration are completed to the satisfaction of the City.

4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.

Finding #B4: The proposed use will not create traffic congestion on Wild Acres Road.

5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

Finding #B5: The applicant has not indicated that adequate measures have been taken to provide sufficient off-street parking and loading space. However, given the size of the site, there is more than ample space for off-street parking.

6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

Finding #B6: The proposed use will not be injurious to the public as necessary permits for stormwater and pollution control will be obtained, as well as permits for noise and air emissions. The proposed use will not pose a threat to groundwater quality.

7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

Finding #B7: There are not any known significant historic, natural or scenic features located on the property that would be damaged or destroyed by the proposed use.

8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

Finding #B8: The proposed use will not contaminate groundwater as the proposed extraction shall take place at least five (5) feet above the water table, if not more. In addition, the necessary stormwater management permits will be obtained to control stormwater onsite and prevent erosion. The nearest surface water body, Island Lake, is more than 3,000 feet to the north of the property, so it is unlikely that the proposed use will pollute surface waters.

**BE IT FURTHER RESOLVED** that, in accordance with the Planning Commission’s findings of fact above, the Conditional Use Permit for an extractive use at the Property is hereby approved with the following conditions:

- 1. List the conditions of approval.

**BE IT FURTHER RESOLVED** that, in accordance with City Code Section 17-11.5, any person aggrieved by the Planning Commission’s resolution of the Conditional Use Permit application herein may appeal such resolution to the City Council by filing written notice of intent to appeal with the City Administrator within fifteen (15) days of the date of this Resolution indicated below.

Passed by the Planning Commission of the City of Pequot Lakes, Minnesota this 14<sup>th</sup> day of May, 2020.

\_\_\_\_\_  
Andrew Birch  
Chair

ATTEST:

\_\_\_\_\_  
Dawn Bittner  
Zoning Specialist