

**MINUTES
PEQUOT LAKES PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 21, 2020**

PRESENT: Andrew Birch, Laura Larson, Nathan Norton, Tom Paulbeck, Wesley Wilson, virtually via Zoom; and Mark Hallan, in person at City Hall. ABSENT: Christopher Savino

CITY PLANNER: Justin Burslie, Sourcewell, virtually via Zoom

ZONING SPECIALIST: Dawn Bittner, in person at City Hall

ADMINISTRATIVE ASSISTANT: Jennifer Peterson, in person at City Hall

COUNCIL LIAISON: Absent

1. Call Meeting to Order

Chair Birch called the meeting to order at 6:03PM.

2. Consider Agenda

added 5.3 Xcel Energy – Heart of the Good Life Development Proposal.

3. Public Hearing

3.1. North Fork Boulders and Excavating (continuation)

Applicants request an Interim Use Permit for an Extractive Use

Mr. Burslie explained the Staff Report. Applicants were present virtually via Zoom.

Discussion ensued regarding the Storm Water Prevention and Pollution Plan (SWPPP).

Chair Birch asked the Applicant if they have a Storm Water Prevention and Pollution Plan. Mrs. Swenson assumed the MPCA permit is the SWPPP. Mr. Burslie explained to Mrs. Swenson that there is a separate plan (SWPPP) for how they will conduct the plan and what each step is during the process. Mrs. Swenson thought she had submitted the plan (exhibit C and MPCA Permit) however, those documents are different from the SWPPP. Chair Birch asked Mrs. Swenson if she does in fact have the SWPPP. Mrs. Swenson said she would look through her paperwork.

PUBLIC COMMENT OPENED: No public Comment

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Hallan, to approve the Interim Use Permit and Resolution, contingent upon receiving the Bond and Storm Water Pollution and Protection Plan, based on the following Findings of Fact:

1. The subject property meets the minimum lot size and use standards for the Agriculture zone, being 70 acres in size, more than 500 feet wide, and having ample space within the building envelope for the proposed operation.
2. The subject property lies within the Extractive Use Overlay District.
3. Applicant has supplied the required information including a site plan, a description for restoration, and has indicated that Wild Acres Road will serve as the primary haul route.
4. Applicant has proposed to excavate an approximate 18 acre area, including an approximate 5.25 acre stockpile/processing area. This excavation area is more than 50 feet from all property lines.
5. The proposed excavation area is more than 50 feet from the right-of-way of Wild Acres Road, being approximately 830 feet from the right-of-way.
6. Applicant has indicated signage and locked gate as barriers to the site.
7. Applicant has indicated existing topsoil will be removed and placed along the east and west excavation areas.
8. The excavation area is more than 800 feet from the nearest residence, located on the parcel directly north of the excavation area. There is also a residence on the property to the northwest that is approximately 1,000 feet from the excavation area. The nearest lake, Island Lake to the north, is more than 3,000 feet from the processing area, and the nearest stream is more than one mile to the north of the site. The excavation area is more than one mile outside the Wellhead Protection Area.
9. Excavation will not occur at a water-producing depth as approximately 30 feet from the existing elevation will be excavated. Applicant has indicated that depth to saturated soil after material is removed is estimated to be 50' to 60'.
10. Applicant has applied for a Construction Stormwater General Permit from the MPCA.
11. Applicant has indicated the location of a holding pond for stormwater runoff and their plan to revegetate excavation area.
12. Applicant has stated they plan to reclaim the pit area by sloping the banks, grading the pit floor, reapply the top soil, and seed with vegetation such as rye, timothy, alfalfa, and clover to all disturbed areas.
13. City Code requires 4 inches of black topsoil be placed on all areas, vegetation shall be restored by planting of appropriate grass seeds or planting of shrubs or trees, banks of excavation not backfilled shall be sloped to 3:1 slope, and reclamation of extractive use sites and haul roads shall be completed within 1 year after cessation of the operation.
14. The proposed extractive use is an appropriate use in the Agriculture zone; extractive uses are listed as interim uses in the Agriculture zone.

15. Wild Acres Road is currently being used as a haul route for other excavation operations in the area. The applicant has indicated their trucks will be accessing on and off of Wild Acres Road and routed to their required destination.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. The proposed use will not create traffic congestion on Wild Acres Road.
22. 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.
23. 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.
24. 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.

And subject to the following Conditions:

1. All submittal requirements of this interim use approval (below) shall be submitted to and approved by the city prior to any excavation of material on the subject property.
2. Applicant shall furnish a site specific Stormwater Prevention and Pollution Plan to the City, as well as MPCA, NPDES and MPCA General Permit. Applicant has provided MPCA NPDES/SDS General Permit C00056287.
3. Topsoil berms shall be placed and vegetated in such a way as to screen the excavation area from view and to serve as a noise and dust buffer for area residences, as indicated on attached Exhibit A.

4. Applicant shall install fencing on all sides of the excavation area as a safety barrier, as indicated on attached Exhibit B.
5. The applicant shall furnish a bond in the amount that is acceptable to the City Engineer and the Planning Commission to serve as a guarantee that the restoration and rehabilitation requirements are met to the satisfaction of the City.
6. The applicant shall submit information required in Section 8.5 "Extractive Uses and Restoration" Subparts 5 (B) (C) and (D). (These are indicated on Exhibits A & B and Map C)
7. The applicant shall provide a detailed restoration plan meeting the requirements of Section 8.5 "Extractive Uses and Restoration" Subpart 4, as indicated on Exhibit C.
8. The applicant shall provide soil boring data/ground water elevation for at least three boring sites throughout the excavation area. The boring locations shall be spaced at least 100' apart. Applicant has provided soil boring data/ground water elevation for 3 boring sites throughout the excavation area.
9. Extraction operations shall take place between 7:00 AM and 6:00 PM, Monday through Friday.
10. The slopes surrounding the excavation area shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
11. Four (4) inches of black topsoil shall be placed on all areas.
12. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area.
13. The banks of all excavation not backfilled shall be sloped not steeper than 3:1 and said bank shall require the establishment of vegetation.
14. This extractive use shall terminate 5 years from date of approval, May 21, 2025.
15. Reclamation of the extractive use site shall be completed within one (1) year after the cessation of the operation.

Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Norton - AYE; Paulbeck - AYE; and Wilson - AYE. Motion carried.

A motion was made by Planning Commission Member Hallan, seconded by Planning Commission Member Larson to close the public hearing.

4. Open Forum

No one appeared under Open Forum.

5. New Business

5.1 Alan Brown - Variance Extension Request

Mr. Burslie explained the Staff Report. Applicant was present virtually via Zoom.

A motion was made by Planning Commission Member Norton, seconded by Planning Commission Member Larson, to extend applicant's time to act on the Variance approval to May 21, 2021 based on the following Findings of Fact:

1. Circumstances out of applicant's control have prevented him from beginning construction of the new cabin.

And subject to the following Conditions:

1. All conditions of the October 17, 2019 approval remain;
2. Applicant shall act upon the October 17, 2019 approval by May 21, 2021.

Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Norton - AYE; Paulbeck - AYE; and Wilson - AYE. Motion carried.

5.2 Tom Steffens – Sketch Plan Review

Mr. Burslie explained the Staff Report. Applicant was present via Zoom.

Mr. Steffens stated the property was initially platted for garage units. He would like to build a 12-unit apartment building. Mr. Steffens described the site data included in the agenda packet. The building will be owned by a single entity, each unit will be long-term rental apartments and will not be sold as condominiums.

Discussion ensued regarding different options and or concerns for this potential plan:

- Rezoning property from Shoreline Commercial to Shoreline Residential;
- If rental units are the correct use for this land;
- Concerns this will be intrusive to the neighbors;
- Septic system and well systems;

The consensus of the Commission is Mr. Steffens is going to need to further research this plan.

Commissioner Norton left virtual meeting due to another commitment at 6:50 PM.

5.3 Xcel Energy – Heart of the Good Life Development Proposal

Mr. Burslie explained the Staff Report. Timothy Mauseth, representing Xcel Energy, was present virtually via Zoom and explained their plan to construct a new service center next to the Public Works Facility on Derksen Road.

Discussion ensued regarding the Proposal:

- Possibility of turning the plan so the fenced in storage area be along Derksen Road so it is not visible from the south lot;
- Appearance of the location;
- Operations of the building;

- What the storage area will consist of, i.e. equipment / supplies;

The consensus of the Commission is the proposal is a good idea for the Heart of the Good Life Development.

6. Old Business

7. Approval of Minutes

7.1 Approval of April 16, 2020 Minutes

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Paulbeck, to approve the April 16, 2020 Minutes.

Roll Call Vote: Birch - AYE; Hallan - AYE; Larson - AYE; Paulbeck – AYE; and Wilson - AYE. Motion carried.

8. P & Z Administrator's Report

8.1 Permits and Correspondence

Ms. Bittner pointed out the 18 permits issued and the 5 letters sent.

8.2 Potential Violations/Enforcement Actions

Ms. Bittner and the Commission discussed the violations.

9. Adjournment

A motion was made by Planning Commission Member Wilson, seconded by Planning Commission Member Paulbeck, to adjourn the meeting. The meeting was adjourned at 7:11PM.

Respectfully submitted,

Jennifer Peterson
Administrative Assistant