

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
SPECIAL MEETING  
SEPTEMBER 7, 2005**

PRESENT: Bill Habein, Dean Williams, Tom Adams, Mark Hallan, Roger Varilek and Scott Pederson. ABSENT: Tom Woog and John Derksen.

CITY PLANNER: Lisa Barajas, Community Growth Institute.

ZONING ADMINISTRATOR: Dawn Bittner.

The meeting was called to order by Tom Adams, Vice-Chair, at 6:30 p.m.

APPLICANT: Bauerly Brothers, Inc.

Applicant requests a Conditional Use Permit for an Extractive Use.

Ms. Barajas explained the Staff Report and stated that the extractive use would be located on the western 40 acre parcel without structures. The structures are located on the eastern 40 acre parcel.

Holly Brisk and Robert Stuckmayer were in attendance representing Bauerly Brothers, Inc.

JOHN DERKSEN ARRIVED AT 6:37 p.m.

The applicants had nothing to add to the Staff Report at this time. There was no public comment. The applicants did state that this is the best possible source, closest to the project. There is no well on this parcel and they will not be doing any washing, just Class 5. There will be a crusher on site to create Class 5. The only dust will be the haul road on site. The berms will be temporarily seeded within 7 days to vegetate the berms. The berms will be located behind the trees. This is a one-time deal, only this project. The completion date is sometime early 2006 as they need to gravel the entire road.

The project is located west of Field of Dreams, off County Road 17, approximately 5 miles in length, County Road 114.

Mike Loven of the Street Department was asked to check Wild Acres Road, from the Nelson Pit to County Road 16, for the current condition and the condition at the end of this project. They plan to haul 40,000 Cubic Yards and use belly dumps hauling approximately 16 yards.

The water table was questioned. Applicant stated they plan to only dig approximately 12 to 15 feet. They augured 20 to 25 feet and the auger was dry.

Staff recommendations stated that slopes surrounding excavation area be restored to 25%. The Restoration Plan indicates restoration at 3:1 and should be changed to 4:1.

The City Engineer has not been contacted to make recommendation on an acceptable bond. After discussion, the Planning Commission decided that \$50,000 bond was acceptable.

Condition #6 should be changed to add “truck traffic” and “operation hours from 7 A.M. to 7 P.M.”

Applicants stated that they have a backup alarm strobe light that is OSHA approved.

Staff was directed to inspect the site and have the Street Department inspect the road when completed before releasing bond.

An Extraction Fee for future pits was discussed. Some areas call it a “gravel tax” and is generally 6 to 7 cents per yard, truck volume. Staff was directed to forward this to the City Council at their next meeting. The funds should be targeted for road improvement projects or dirt hauled to our roads needing work in lieu of “tax”.

The loose gravel on County Road 16 was discussed. It was determined that this gravel was not falling off of trucks, but rather it tracked from Evenson Road during that improvement project.

A motion was made by Mark Hallan, seconded by Roger Varilek, to approve the Conditional Use Permit for an Extractive Use, based on the following Findings of Fact:

1. The property meets the minimum lot, size, and use standards for the Agriculture zone, being 40 acres in size, more than 500 feet wide, and having ample space within the building envelope for the proposed operation.
2. The applicant has supplied the required information including a site plan and a completion plan, and has indicated that Wild Acres Road will serve as the primary haul route.
3. The applicant has proposed to excavate a 3.0 ± acre portion of the property. This excavation area is more than 50 feet from all property lines. The edge of the proposed berm around the area to be excavated is 80 feet from the western property line at its closest point.
4. The proposed excavation area is more than 50 feet from the right-of-way of Wild Acres Road, being approximately 530 feet from the right-of-way.
5. The applicant has not indicated what type of fencing, if any, will be erected around the excavation site. The applicant has proposed to use vegetated berms and stockpiles as a means of screening of the excavation site and associated machinery.

6. The applicant has proposed that haul roads and site entrances will be regularly watered to control dust, indicating that calcium chloride will be placed if necessary. The applicant has obtained a Nonmetallic Mineral Processing Air Emission General Permit that limits the production of air emissions and sets conditions for operation. The applicant has indicated that all equipment to be used has been tested and meets EPA noise level requirements.
7. The processing area is more than 1200 feet from the nearest residence, located on a property to the west of this property. There is also a residence on the property to the east that is approximately 1900 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 processing area is also more than one mile outside of the wellhead protection area.
8. Excavation will not occur at a water-producing depth as approximately 12 to 15 feet from the existing elevation will be excavated. The applicant has indicated that drilling of 20 feet in depth did not encounter groundwater and proposes that excavation activities will maintain not less than five (5) feet of distance between the excavation base and the water table.
9. Stormwater drainage and management will occur on the site with little change in drainage patterns over the majority of the site. Stormwater in the excavation area will drain to the base of the excavation area and be maintained therein and it does not appear likely that stormwater would drain from that area as that area will be approximately 4 to 24 feet lower than the surrounding area.
10. The applicant has proposed that stormwater above the edge of the extraction area will be maintained with vegetative berms and proposes to install silt fences to control erosion where no natural grass waterways exist to filter water that could potentially leave the site, if needed. The applicant has obtained a National Pollution Discharge and Elimination Systems (NPDES) permit that provides limitations and controls for stormwater management.
11. The applicant has submitted a restoration plan for the extraction area, indicating that the topsoil that will be stored as berms during excavation will be spread at a depth of 3 to 4 inches over the site after sloping has been completed. The Ordinance requires a minimum of 4 inches of black topsoil be placed on all areas.
12. The applicant has proposed to re-seed the excavation area with a pasture mix, which is similar to what currently exists in the area.
13. The applicant has proposed to restore the excavation area with slopes having a grade of approximately 32% at the steepest area.
14. The proposed extractive use is an appropriate use in the Agriculture zone; extractive uses are listed as conditional uses in the Agriculture zone.
15. The Comprehensive Plan identifies the intersection of Wild Acres Road and County Highway 16 as being in need of realignment to meet City Road Standards and in need of a maintenance agreement with Jenkins Township. Wild Acres Road is currently being used as a haul route for other excavation operations in the area. The applicant has indicated that there will be approximately 10 to 15 trucks continuously hauling on this road associated with their operation. The applicant has also proposed to maintain the haul route, but has not provided details on how that will be done.

16. The proposed use is compatible with the surrounding neighborhood. There are several extractive uses in the surrounding area, including in Pequot Lakes, Breezy Point, and Ideal Township. There is a large extractive use on the adjacent properties to the south of the subject property.
17. The proposed use will not be injurious to the public as necessary permits for stormwater and pollution control were obtained, as well as permits for noise and air emissions. The proposed use will be temporary and also 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. There are few homes in the area that are located more than 1000 feet from the proposed extraction area 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 as this is a temporary use and the neighborhood is largely zoned for agriculture and forestry uses.
20. The proposed use will not require public facilities or services at public cost as the applicant has indicated that they will maintain their haul route. Section 8.5, Subdivision 3 of the Ordinance 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 as the road does not have a high traffic volume and the addition of ten to fifteen trucks is unlikely to create congestion.
22. The applicant has indicated that no parking changes will take place at this site, but has not indicated where employees will be parking. However, given the size of the site, there is more than ample space for off-street employee parking.
23. The applicant has obtained a permit from the Environmental Protection Agency regulating air emissions and noise levels. The applicant has also indicated that they intend to meet all EPA noise level requirements and do not plan to use blasting or other explosives at the site. In addition, the applicant has indicated that dust will be controlled with regular watering of the haul road and site entrance, with application of calcium chloride if needed.
24. There are not any significant historic, natural, or scenic features located on the property that would be damaged or destroyed by the proposed use.
25. 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 have been obtained to control stormwater onsite and prevent erosion. There 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.

subject to the following conditions:

1. The berms shall be vegetated per Stormwater NPPDES requirements, in such a way as to screen the excavation area from view and to serve as a noise buffer for area residences.

2. The excavation area shall not extend closer than 80 feet from any property line, as proposed, so as to minimize any disturbance to residences in the area.
3. The applicant shall furnish a bond in the amount of \$50,000.00 to the City of Pequot Lakes.
4. The slopes surrounding the excavation area shall be reshaped to more closely resemble existing, pre-excavation slopes, with grades not to exceed 25%, or 4:1.
5. In restoration, the excavation and operations area shall be re-vegetated as soon as possible and shall have appropriate erosion control measures installed until the vegetation has been established.
6. Extraction operations and truck traffic shall occur only between 7:00 A.M. and 7:00 P.M., with no operations on Sundays or holidays.
7. The conditional use permit for extraction operation shall be valid only for the duration of the County Road 114 project, approximately 5 miles in length, or 12 months, whichever time period ends first.
8. No less than four (4) inches of topsoil shall be placed on all areas on the excavation site as part of the restoration process.
9. City Staff will review site and roadway to verify site restoration and roadway conditions prior to release of bond

All members voted "aye". Motion carried.

A motion was made by Dean Williams, seconded by Mark Hallan, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator