

WABASHA COUNTY PLANNING COMMISSION

NOTICE OF MEETING

The Wabasha County Planning Commission will hold a regular meeting on **May 23, 2016 at 7:00 p.m.** in the County Board Room of the Courthouse Annex Building, 625 Jefferson Ave., Wabasha, MN. This meeting is open to the public.

Agenda

1. Call to order.
2. Approve agenda.
3. Approval of the minutes from the April 25, 2016 meeting.
4. Public Hearing:
 - Application submitted by Steve Jech for a Conditional Use Permit to allow for the operation of an excavation business on parcel R02.00235.00 located in Sec. 26, T. 108 N., R. 12 W., Town of Elgin (27854 County Road 73, Elgin, MN).
5. Close public hearing.
6. Take action as necessary on Jech application.
7. Public Hearing:
 - Application submitted by John and Bruce Danckwart requesting to amend an existing conditional use permit to allow for expanded hours of operation for an existing solid waste transfer station. The location of the request is described as parcel R05.00357.00 located in Sec. 34, T. 110 N., R. 10 W., Town of Greenfield (16269 627st St., Kellogg, MN)
8. Close public hearing.
9. Take action as necessary on Danckwart application.
10. Other business.
11. Adjourn

MINUTES OF THE APRIL 25, 2016
WABASHA COUNTY PLANNING COMMISSION MEETING

1. Vice-Chair Jeanne Pietig called the meeting to order at 7:00 p.m. Other members present were Gayle Gillespie, Ken Jacob, John Mortenson, Rich Hall, and John Lubinski. Vice-Chair Pietig turned the meeting over to Zoning Administrator Krause for election of officers.
2. Zoning Administrator Krause opened the floor for nominations of Chair. Gayle Gillespie nominated Jean Pietig. No additional nominations were made. Motion by Gillespie/Lubinski to close the nominations and to cast a unanimous ballot for Jean Peitig to serve as Planning Commission Chair. Motion carried. Chair Peitig resumed control of the meeting.
3. Chair Pietig opened the floor for nominations of Vice-Chair. Gayle Gillespie nominated Kent Jacob. No additional nominations were made. Motion by Lubinski/Mortenson to close the nominations and to cast a unanimous ballot for Ken Jacob to serve as Planning Commission Vice-Chair. Motion carried
4. Motion by Gillespie/Jacob to approve the agenda as presented. Motion carried.
5. Motion by Mortenson/Lubinski to approve the minutes of the March 28, 2016 meeting. Motion carried.
6. Public Hearing:
 - Application submitted by Dean Klein to expand an existing feedlot to 998.2 animal units on parcel 11.00194.00 located in Sec. 25, T. 111 N., R. 13 W., Town of Mount Pleasant (69363 County Road 2, Lake City, MN).
7. Motion by Gillespie/Mortenson to close the public hearing. Motion carried.
8. Motion by Lubinski/Mortenson to move to the findings. Motion carried.
9. Motion by Mortenson/Lubinski to forward the CUP request from Dean Klein to the County Board for consideration with a recommendation that the request be approved with three conditions. Motion carried. The three conditions are as follows:
 - The number of animal units on the respective parcel shall be limited to 998.2.
 - The owners shall maintain compliance with the MPCA regulations that pertain to feedlots.
 - The construction of any new buildings shall adhere to the setback requirements established in the Wabasha County Feedlot Ordinance or the Wabasha County Zoning Ordinance.
10. Public Hearing:

- Application submitted by Trevor Denman to transfer the dwelling density from parcel 04.00371.06 to allow for the construction of a second dwelling on parcel 04.00253.06 located in Sec. 25, T. 110 N., R. 11 W., Town of Glasgow (20454 631st St., Kellogg, MN)

11. Motion by Mortenson/Lubinski to close the public hearing. Motion carried.

12. Motion by Mortenson/Gillespie to move to the findings. Motion carried.

13. Motion by Gillespie/Jacob to forward the CUP request from Trevor Denman to the County Board for consideration with a recommendation that the request be approved with one condition. Motion carried. The one condition is as follows:

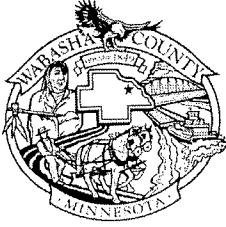
- A deed restriction to prohibit any dwellings shall be recorded on all of parcel 04.00371.06

14. Possible ordinance revisions was briefly discussed.

15. Motion by Motion by Jacob/Gillespie to adjourn the meeting at 7:39 p.m.

Chairman

Date



Wabasha County Zoning Department
625 Jefferson Avenue
Wabasha, MN 55981
Phone: 651-565-3062 Fax: 651-565-3159

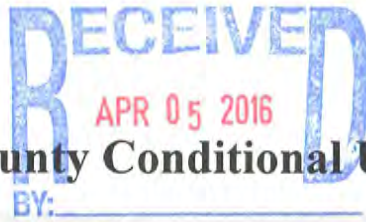
To: Wabasha County Planning Commission
From: Kevin Krause, Wabasha County Zoning Administrator
Re: Steve Jech CUP request
Date: May 10, 2016

On April 5, 2016 a Conditional Use Permit application was submitted by Steve Jech for a an excavation business to be on parcel R02.00235.00 located in Section 26, Township 108 North, Range 12 West, Town of Elgin. The above described property is Zoned A-2 and Contractor/builder business or excavation companies are conditional uses of the district.

One point of concern with the business on the property is in regards to the structures being utilized. A structure that is being used for a commercial business in Minnesota is required under the Minnesota State Building Code to meet the code requirements for a commercial building. A landowner cannot construct an agricultural building without any building code requirements and utilize the same building as a commercial business with employees. One condition to consider if the Planning Commission recommends approval is **that any structure utilized as part of the excavation business shall meet all requirements of the Minnesota State building code before a Conditional Use Permit can be issued.**

Another point of concern is in regards to the amount of truck traffic being generated from the business. The application does not address the issue. Access to the property is over a county road, but the road is gravel for a considerable distance and is adjacent to a couple of subdivisions that are located within City Limits. Land located around incorporated cities is zoned A-2 as a means to guide development so as to have concentrated services to help reduce costs to local

units of government and to help limit the amount of agricultural lands being taken out of production. To help protect the ability for the City of Elgin to expand and have land uses that are not in conflict with each other, I have several recommendations for conditions. One condition is **that no gravel, recycled asphalt, recycled concrete, sand, or other fill material shall be stored on the property. The Conditional Use Permit, if granted, shall only permit the use of the property to be used to store and service equipment used in the proposed excavation business and shall not be expanded unless by a revised CUP issued by Wabasha County.** The total number of employees shall be limited to three (plus one office employee). The application states “three on-site employees” which is rather ambiguous. An employee “off-site” still has the ability to make an impact through use of a heavy truck on the surrounding community. And finally, **the applicant shall abide by all representations and commitments presented in the application or presented to the Planning Commission and shall adhere to all conditions as approved by the County Board.**



Parcel ID # R02.00235.00

Wabasha County Conditional Use Permit Application

- An accurate and complete conditional use permit application shall be submitted along with a \$300 application fee to begin processing a conditional use permit. **Incomplete applications will not be processed.**
- A plot plan shall be submitted with all conditional use permit applications.
- Applications must be received by the Zoning Department on or before the 20th day of the month in order to be considered by the Planning Commission at the meeting in the **proceeding** month.
- As per state statute, notice of the public hearing for your request will be sent to all landowners within ¼ mile of the property upon which you are proposing a conditional use.

Applicant's name: Steve Jech Phone number: 507-876-2415

Applicant's address: 27854 Co. Rd 73 Elgin MN 55932

Address of property: 27854 Co. Rd. 73 Elgin MN 55932

Legal description: Sec. 26, T. 108, R. 012, Township of Elgin

The following questions shall be answered in order to consider your application.

1. Proposed Conditional Use: (List all proposed uses, number of employees, hours of operation, etc. Attach additional sheets if necessary)

our excavation business has been at this location for 23 years. This new building was built with the anticipation of us starting our farming operation with our son, Trevor, who is currently a senior. They will farm the ag. land that we currently rent out. This building will be to work on equipment. We are requesting this conditional use permit for the excavation company. This will be sold in the near future, Steve will retire from it and Steve and Trevor will continue to farm the land. The excavation company is seasonal, has three on site employees which are gone before 5:00. This includes the secretaries. We removed a large quonset building that was close in square footage. It needed to be replaced. We did an addition to the existing barn.

2. Describe the volume of traffic that will be a direct result of your proposal and the measures to be implemented to ensure sufficient off-street parking and loading space. There is no reason that our vehicles would impact the roadway. We have more than adequate parking for our vehicles on our private property.

✓ # 14331 - \$ 300⁰⁰ Receipt # 6297

3. Explain the general character of the surrounding properties and how your proposal will not have an adverse effect on the character and quality of the area. Majority of the land surrounding us is owned by us. It is good agriculture land that we will farm.
4. Describe measures to limit any harmful or nuisance effects which may include stormwater runoff, noise, dust, smoke, odor, or other factors. We have had no issues in the past with neighbors, noise, odor etc. Nothing that we do affects the runoff.
5. Indicate the local township official notified of your request (see clerk list on back of application), the date the official was notified, and any applicable permits you may have received from the township. Ron Peterson and permit was given to LaVonne Beck, permit date 10-29-15

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for staff of the Wabasha County Zoning Department to enter onto the property on which the conditional use is being proposed by this application during daylight hours to collect information relative to my proposal. I further agree to withdraw this application if substantive false or incorrect information has been included. I also understand that the \$300 fee is nonrefundable once a public hearing has been conducted on my proposal.

[Signature]
SIGNATURE OF APPLICANT

3-31-16
DATE

OFFICE USE ONLY

Zoning District: A-1 A-2 A-3 R-1

Conditional use requested under which section of the ordinance: _____

Date submitted: _____

Date of public hearing: _____

Date presented to County Board: _____



Google earth



New Septic

- Well to proposed new building: 119 ft
- Road to proposed new building: 172 ft
- Building to drainfield: 125 ft
- West property Line to Building: 369 ft
- Edge of Stream to Building: 305 ft

NOTE: Indicate distances to property lines, all buildings to be used as part of the conditional use (provide dimensions also), location of public roadways, parking areas, driveways, landscaping for screening, stormwater drainage, and the location of the sanitary sewer system.



North

-92.228144

44, 123140



Wabasha County Zoning Department
625 Jefferson Avenue
Wabasha, MN 55981
Phone: 651-565-3062 Fax: 651-565-3159

To: Wabasha County Planning Commission
From: Kevin Krause, Wabasha County Zoning Administrator
Re: John and Bruce Danckwart request to amend a CUP
Date: May 11, 2016

On April 20, 2016 an application was submitted by John and Bruce Danckwart to amend an existing Conditional Use Permit to allow for expanded hours of operation for a solid waste transfer facility. The location of the request is on parcel R05.00357.00 located in Section 34, Township 110 North, Range 10 West, Town of Greenfield.

The existing solid waste transfer facility was granted a Conditional Use Permit in 2013. The three conditions of the original CUP are as follows:

1. Hours of operation shall be 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. to 1:00 p.m. on Saturday.
2. Wabasha Rubbish Removal LLC shall be the sole operator of the facility. If Wabasha Rubbish Removal LLC discontinues operation of the facility for any reason, this CUP shall be terminated by the County Board.
3. Access to the solid waste transfer facility from the town road (627th Street) shall be on property owned by the same individual(s) who hold title to the transfer facility.

The applicants are asking to amend the hours of operation from the original CUP to allow for expanded hours (see application for proposed hours). Such a request does not provide the County the ability to terminate in whole the existing CUP or to amend anything other than what is being requested in the application. A condition could be recommended by the Planning Commission which is lesser than the request by the applicant, but it cannot be so reduced to be less than what was already established with the existing CUP.

Based upon the fact that the request is simply to change the hours of operation of a business with a valid CUP and the fact that the business has maintained compliance with the MPCA for operating a solid waste transfer facility, I have no recommendations at this point in time. It will simply be a process of having the applicant better explain the reason for their request and making a determination from public comment at the public hearing as to whether or not the change would be injurious to the use and enjoyment of other property in the immediate vicinity.

RECEIVED
APR 20 2016
LA

Parcel ID # R.05.00357.04

Wabasha County Conditional Use Permit Application

- An accurate and complete conditional use permit application shall be submitted along with a \$300 application fee to begin processing a conditional use permit. **Incomplete applications will not be processed.**
- A plot plan shall be submitted with all conditional use permit applications.
- Applications must be received by the Zoning Department on or before the 20th day of the month in order to be considered by the Planning Commission at the meeting in the **proceeding** month.
- As per state statute, notice of the public hearing for your request will be sent to all landowners within ¼ mile of the property upon which you are proposing a conditional use.

Applicant's name: John And Bruce Danckwart Phone number: 507-458-5330
Applicant's address: 12922 622nd ST Kellogg, MN 55945
Address of property: 16269 627th ST Kellogg, MN 55945
Legal description: Sec. 34, T. 110, R. 010, Township of Greenfield

The following questions shall be answered in order to consider your application.

1. Proposed Conditional Use: (List all proposed uses, number of employees, hours of operation, etc. Attach additional sheets if necessary)

Change Hours of Operation;

Attached Sheet

2. Describe the volume of traffic that will be a direct result of your proposal and the measures to be implemented to ensure sufficient off-street parking and loading space.

Pl # 6308 - ✓ # 12483 \$ 300.⁰⁰

OUR RECEIVING HOURS STAY THE SAME AS DOCUMENT NO. A310787 FILED 03/26/2013 EXCEPTION TO THIS WOULD BE CITY-WIDE CLEANUPS, OCCURRING ON SATURDAYS IN THE SPRING & FALL EXTENDING HOURS TO 6:00 PM.

LOAD OUT NEED TO CHANGE DUE TO INCREASED VOLUME AND WINTER CONDITIONS. EXTENDED TIME

7 DAYS A WEEK 5:00 AM TO 9:00 PM.

REASONING: HELP KEEP SMELL CONTAINED, PCA VOLUMES CONTROLLED AND FREEZING IN TRAILER MOST LOAD HALF AT NIGHT AND HALF IN THE MORNING.

THE LOAD OUT TAKES PLACE INSIDE THE BUILDING, THE NOISE OR ODOR FACTOR SHOULD NOT BE A FACTOR IN THE INCREASE OF HOURS

BRUCE A BAKER

WABASHA RUBBISH REMOVAL LLC

3. Explain the general character of the surrounding properties and how your proposal will not have an adverse effect on the character and quality of the area. _____

4. Describe measures to limit any harmful or nuisance effects which may include stormwater runoff, noise, dust, smoke, odor, or other factors. _____

5. Indicate the local township official notified of your request (see clerk list on back of application), the date the official was notified, and any applicable permits you may have received from the township. _____

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for staff of the Wabasha County Zoning Department to enter onto the property on which the conditional use is being proposed by this application during daylight hours to collect information relative to my proposal. I further agree to withdraw this application if substantive false or incorrect information has been included. I also understand that the \$300 fee is nonrefundable once a public hearing has been conducted on my proposal.



 SIGNATURE OF APPLICANT

4-20-2016

 DATE

OFFICE USE ONLY

Zoning District: A-1 A-2 A-3 R-1

Conditional use requested under which section of the ordinance: _____

Date submitted: _____

Date of public hearing: _____

Date presented to County Board: _____

Plot Plan

NOTE: Indicate distances to property lines, all buildings to be used as part of the conditional use (provide dimensions also), location of public roadways, parking areas, driveways, landscaping for screening, stormwater drainage, and the location of the sanitary sewer system.



North