

**MINUTES OF THE
ORONOCO TOWNSHIP PLANNING ADVISORY COMMISSION
2122 CAMPUS DRIVE SE, SUITE 100
ROCHESTER MN 55904**

Minutes of the regularly scheduled meeting of the Oronoco Township Planning Advisory Commission held on **Monday, October 17, 2022**, at 6:00 p.m. at the Oronoco Community Center, located at 115 Second Street SW, Oronoco, Minnesota.

Members Present: Ms. Paige Collins, Chair; Mr. Rich Albrecht, Vice Chair; Ms. Tammy Matzke; Mr. Adam Rucker; Ms. Angela Smith; Ms. Lori Berg; and Ms. Cindy Collins

Members Absent:

Staff Present: Ms. Kristi Gross, Senior Planner; Mr. Elliot Mohler, Planner; and Ms. Stephanie Kruckenberg, Secretary

ADMINISTRATIVE BUSINESS:

Ms. Paige Collins, Chair, called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Mr. Albrecht made a motion to approve the agenda as written, seconded by Mr. Rucker. The motion carried unanimously.

Ms. Paige Collins introduced Ms. Cindy Collins as the newest member of the Oronoco Township Planning Commission.

Ms. Berg made a motion to approve the minutes of September 19, 2022, as written. Mr. Rucker seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS:

Oronoco Township Conditional Use Permit #OR2022-003CUP by Olmsted Aggregate and the Arthur Kaul Trust. The request is for a conditional use permit to expand an existing mineral extraction facility by 20.27 acres east

of the existing area. The property is located at 3296 100th St NW Oronoco in the SE 1/4 of Section 21 T108N R14W, Oronoco Township.

Mr. Mohler presented the staff report, dated October 17, 2022, to the commission. The staff report is on file at the Olmsted County Planning Department.

Ms. Paige Collins asked if the recommended conditions were in addition to the already existing conditions from the previous Conditional Use Permit for the site. Mr. Mohler answered yes.

Mr. Albrecht asked how long the mining/extraction will be occurring.

Ms. Smith asked for clarification on recommended condition 2.

Ms. Paige Collins asked if there has been any reclamation done on the existing extraction site.

Ms. Paige Collins opened the public hearing.

Chris Priebe of G-Cubed at 14070 Highway 52 SE in Chatfield, addressed the commission presenting geological data and proposing a plan with the DNR for transplanting any native vegetation that may be found on the site, pointing out that the proposed expansion has previously been used as pasture so the likelihood of finding native plants of concern are low. Mr. Priebe proposed an additional condition to complete a vegetation study in partnership with the DNR prior to disturbing the land.

Ms. Smith asked what the purpose of adding a condition for a vegetation study would be. Mr. Priebe answered the intention would be to avoid the need to come back in front of the planning commission if the DNR study produced any negative findings of the property.

Ms. Paige Collins asked Mr. Priebe how many acres the original mining site included. Mr. Priebe answered 38 acres more or less.

Ms. Smith asked why the applicant wants to expand before they have exhausted the existing area. Mr. Priebe answered the plan is to reclaim the existing mining space as they move into the proposed expansion space.

Mr. Albrecht clarified that the extraction is for sand only.

Ms. Smith asked if there is a need for a water permit if it is a sand only extraction site. Mr. Priebe answered no, there is no water usage.

Mr. Albrecht asked if the reason for no buffer is due to no neighbors. Mr. Priebe answered yes, the surrounding properties are all agricultural properties.

Jennifer Lee residing at 889 Minnesota Ln SE in Oronoco addressed the applicant asking what geologic studies he has done on the site, expressing concern about a large karst sinkhole in

the proposed expansion area. Ms. Lee noted that a sinkhole present on her property is not mapped on the karst geological map, but it appears to run into the karst geology on the proposed expansion area. Ms. Lee also expressed concern with building off of a previous conditional use permit from many years ago, calling out inconsistent data presented regarding truck trips per day and per hour.

Mr. Rucker asked Ms. Lee when the sinkhole appeared on their property. Mr. Lee answered 2017.

Ms. Smith asked Ms. Lee who put together the karst geology map she brought with her. Ms. Lee answered the Olmsted County Sheriff's Office.

Mr. Albrecht asked Mr. Priebe for suggestions on how to address the karst concern. Mr. Priebe stated another condition could be added to ensure that there are no sinkholes on the expansion site, also noting that the sand extraction would not go far enough into the ground to hit karst geology.

Discussion ensued regarding the geology and probability of a sinkhole on the expansion site.

Ms. Lee requested that the data about traffic is clarified. The commission clarified that the new data in the current conditional use permit states 30 truck trips per day, and that is the expected traffic and any new data presented in the new conditional use permit will supersede the previous application.

Mr. Brian Kaul representing property owners Art and Jim Kaul at (9415 50 Ave NW in Oronoco) noted that there are multiple property owners on this property, and the vegetation study was done previously with the original conditional use permit application.

Ms. Smith asked Mr. Kaul how long the property has been wooded. Mr. Kaul answered that the property was pasture prior his grandfather being born. Mr. Kaul also guaranteed the reclamation of the property back to pasture after the extraction efforts are complete.

Mr. Albrecht asked what the expectancy of the mining operation would be. Mr. Kaul stated the majority of the current site has been used for large scale construction projects and the future site would be used for smaller projects such as housing developments.

Ms. Collins asked if the proposed 20 acres will likely last longer than the original 38 acres, barring any major road projects in the area. Mr. Kaul answered yes.

Ms. Smith asked about the topography of the site during and after the extraction and reclamation process. Mr. Kaul answered that the site will be re-leveled after extraction is complete. Ms. Smith asked if other material is brought in to level the ground. Mr. Kaul

answered it depends. Mr. Kaul pointed out that a pit can be repurposed as a pond and provide an ideal environment for wildlife and vegetation.

With no one else wishing to be heard, Mr. Rucker moved to close the public hearing, seconded by Ms. Berg. Ms. Paige Collins closed the public hearing.

Ms. Smith explained her conversations with the DNR regarding vulnerable plant species on the property and what would happen if there was vulnerable species identified on the property.

Ms. Smith noted that the DNR stated there are vulnerable species identified within feet of the site, which could suggest that there are vulnerable species on the site itself.

Discussion ensued regarding an endangered or threatened species study.

Ms. Smith suggested adding to condition 5 that the reclamation plan includes native plants/seed mix to ensure that it's not an invasive or non-native reclamation effort. Ms. Paige Collins asked if the commission requires the applicant to reclaim the land with native plants and grasses would it prevent future development or use of the land for something other than mining/quarrying.

Discussion ensued regarding the reclamation plan.

Mr. Rucker moved to re-open the public hearing, seconded by Ms. Berg. Motion carried unanimously.

Mr. Brian Kaul residing at 9415 50 Ave NW in Oronoco addressed the commission expressing concern with the request for native grasses, stating the neighboring properties have all been mined and that there is no grasses near the property.

Ms. Paige Collins asked Mr. Kaul if they have existing berms on the North side of the property. Mr. Kaul answered no.

Ms. Jennifer Lee residing at 889 Minnesota Ln SE in Oronoco addressed the commission stating concern for inconsistency with the conditions and reclamation plans. Ms. Paige Collins answered that there are a set of standard conditions that are used for different application types.

Mr. Chris Priebe with G-Cubed at 14070 Highway 52 SE in Chatfield stated that the seed mix that is used is the standard requirement from the Minnesota Pollution Control Agency that has certain characteristics that assist the vegetation with rapid seeding and germination.

Mr. Rucker moved to close the public hearing, seconded by Mr. Albrecht. Motion carried unanimously.

Mr. Mohler shared the Olmsted County GIS Map with the Geology>Sinkhole Probability layer turned on and showed that there is a low or low to moderate probability on the proposed expansion site and the existing mining site.

Ms. Smith asked if there is a requirement to use the MPCA seed mix. Mr. Priebe answered it's not required, just the suggestion of the MPCA. Ms. Smith expressed interest in identifying adjacent vegetation to ensure consistent plant life in reclamation plans for future conditional use permits to reduce habitat destruction and encourage native habitat replacement.

Mr. Rucker moved to approve OR2022-003CUP with the staff-recommended findings and conditions. Mr. Albrecht seconded the motion. The motion carried 6-1.

Findings:

- 1. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property;** The proposed 20.27-acre expansion of the existing mine pit should not be injurious to the use and enjoyment of other properties in the neighborhood. This sand mining operation has existed since 2004. No new traffic is proposed and no expansion of daily volume extraction is proposed. Nearby properties are zoned similarly.
- 2. The proposed use will not impede the normal and orderly development and improvements of the surrounding property;** The proposed use is limited to a portion of the property and will not impede the normal and orderly development and improvements of surrounding properties. The operation is located approximately 1,000 feet from any nearby dwelling.
- 3. Adequate utilities, parking, drainage and other necessary facilities will be provided;** The proposed expansion is not proposing any increase in traffic or volume of extracted material. The existing haul road should be adequate.
- 4. Adequate ingress and egress will be provided to minimize traffic congestion in the public streets;** No new access to County Road 112 is proposed.
- 5. The traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the Township or County in order to handle the additional traffic generated by the use;** The proposed use is not expected to generate any more trips than are already in existence for the purposes of the sand pit mine operations.
- 6. Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, or lighting which would otherwise disturb the use of neighboring property;** No unordinary odors, noises, dust, etc. will be created by the proposed use. Attached documentation shows the use of Best Management Practices to reduce noises and control dust.
- 7. The special criteria or requirements indicated in the A-2 Agricultural Protection District of the Oronoco Zoning Ordinance, General Regulations, are complied**

with; The proposed use adheres to all special criteria and requirements of the A/RC - AER District.

- 8. The water and sanitary systems are or would be adequate to prevent disease, contamination and unsanitary conditions.** There are no proposed well or septic facilities.

Conditions:

1. All conditions approved for OR2004-003CUP are to remain in effect, except for condition number 12. Condition number 12 shall be repealed and replaced.
2. The applicant must comply with Minnesota Statutes section 84.08895 and associated rules. The applicant must submit a request for review through Minnesota Conservation Explorer and a complete review conducted by Minnesota Department of Natural Resources prior to any ground construction on the site. If negative findings are found through the review process by Minnesota Department of Natural Resources, this application **MUST** come back to the Oronoco Township Planning Advisory Commission for review.
3. The applicant must obtain a Minnesota Department of Natural Resources Water Appropriation Permit if construction dewatering of stream water or ground water or washing of gravel in volumes that exceed 10,000 gallons per day, or one million gallons per year.
4. The applicant must adhere to the mining and reclamation plan submitted on August 24, 2022, with any additions or changes approved through the Conditional Use Permit.
5. The site shall be reclaimed within six (6) months after mining operations are completed.

The commission took a 5-minute break.

CONTINUED ITEMS:

Oronoco Township Zone Change OR2022-003ZC by Michael Bassett. The request is for a Zoning District Amendment for approximately 34 acres to change from A-3 Agricultural District to R-1 Low Density Residential District. The property is located in the SW 1/4 of the NE 1/4 in Section 27 of Oronoco Township abutting County Rd 112 and County Rd 121.

Oronoco Township General Development Plan OR2022-002GDP by Michael Bassett. The request is for a general development plan for Michael Basset to develop a 34 acre parcel to include 12 single family residential lots. The property is located in the SW 1/4 of the NE 1/4 in Section 27 of Oronoco Township abutting County Rd 112 and County Rd 121.

Mr. Mohler presented a summary of new information obtained regarding requests for a wetland delineation and soil information made by the commission at the September 19th meeting. Mr. Mohler noted that the OCPD has received payment of fees for the wetland delineation application and the cover page for the delineation, as well as the soil borings data of the road base and the full report of the soil borings.

Ms. Smith asked for clarification on the process of approval by the commission for the preliminary plat based on the wetland delineation results. Mr. Mohler clarified that the commission should be looking closely at the wetland information at the preliminary plat level.

Mr. Mohler presented the geotechnical evaluation received from Chosen Valley Testing based on the geotechnical borings done on the site.

Ms. Berg moved to re-open the public hearing, seconded by Ms. Smith. Motion carried unanimously.

The applicant, Michael Bassett (residing at 2071 Wild Wings Pass in New Market MN), addressed the commission.

Tim Arvidson, with Stonebrooke Engineering at (noted that there are two potential wetland sites on the proposed development site, one of which will not be impacted by construction but the southern lying wetland may be impacted and the applicant will work with the Olmsted County LGU to minimize impacts to ideally under 2000 square feet (currently around 3700 square feet). Discussion ensued.

Ms. Berg asked about the stormwater pond previously proposed and the boring logs showing moisture in those areas. Mr. Arvidson answered that the road will be built on a solid base even if they need to bring in additional material to ensure that.

Mr. Albrecht asked about an additional turn lane on 18th Avenue. Mr. Arvidson answered there is no plan within this application or development to add a turn lane on 18th Avenue.

Ms. Collins asked if the preliminary plat will include a more detailed and finalized map based on the environmental factors that are uncovered/determined through the delineation and soil boring and study process.

Ms. Smith asked for clarification on bringing in or removing material to build up or reduce grade for the road in the development.

Ms. Janelle Rosin residing 1475 90th St NW addressed the commission, asking for clarification about raising 90th street and the potential effect that would have on her property. Mr. Arvidson answered that they are not planning on doing any grade changes on the road that will impact

Ms. Rosin’s property or driveway. Ms. Rosin also asked if the trees and woods will be taken down. The applicant answered they are hoping to go around the woods and existing trees.

Jasmina Polis residing at 8930 18 Ave NW addressed the commission expressing concern about the widening of 18th Avenue. Mr. Arvidson answered that the slopes of the road go outside of the right of way and the County is hoping to acquire more right of way to be able to address the slope and grade issue of the road. Discussion ensued regarding road right of way.

Ms. Polis also urged the commission to place conditions of including green space in the development and commented on the need for consistency in conditions and requirements for different development applications. Mr. Mohler provided further insight regarding the land use plan and zoning ordinances.

Ms. Smith asked if the preliminary plat would include details such as vegetation location and green space location. Ms. Paige Collins answered that typically some type of green space or natural features are noted on the plat.

Ms. Polis noted traffic concerns, asking if it’s possible to slow down development or guide location of development away from the higher traffic and concerning areas until the roundabout is in place. Ms. Paige Collins answered that there are measures in place in the development process to help mitigate traffic concerns and the commission cannot tell developers where they can and cannot develop based solely on high traffic concerns.

Discussion ensued regarding the traffic on 18th Avenue and the future construction planned.

Matt Polis 8930 18 Ave NW address the commission, asking about the easement process if the County implements or expands a right-of-way easement onto his property.

Ms. Matzke moved to close the public hearing; Mr. Rucker seconded the motion. Ms. Paige Collins closed the public hearing.

Ms. Berg asked about trees on the property and which ones are the ones the developer is trying to preserve.

Mr. Albrecht moved to recommend approval of OR2022-003ZC with the staff-recommended findings. Mr. Rucker seconded the motion. The motion carried unanimously.

Findings:

- 1. Proposed land uses are in accordance with the Oronoco Township General Land Use Plan. The request is consistent with the Oronoco Township General Land Use Plan. The Olmsted County Board of Commissioners voted to**

redesignate the property as Suburban Development in July of 2022. The CLUES model shows similar scores to existing surrounding developments. A Land Use Plan Amendment was approved by the Olmsted County Board of Commissioners in July. The property is now designated as Suburban Development.

2. The amendment is in the public interest; **The property is in the public interest because it is being developed in accordance, and consistent, with the character of the area. There are several nearby subdivisions including River Ridge, White Birch, Thunderbluff, and Windermere.**
3. The proposed development is timely based on surrounding land uses, proximity to development and the availability and adequacy of infrastructure: **The development is timely, there are several residential developments within the proximity of the proposed zone change. The County determined the site was consistent with the County Land Use Plan and amended the land use from Potential Suburban to Suburban Development to allow the development to go forward. The development is located and will be accessed from County Road 121. There is a future round-a-bout planned by MnDot for the intersection of 18th Ave (CR112) and Highway 63. The construction date is set for 2026.**
4. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood: **The general development plan associated with this application shows 12 single-family residential lots on 34 acres. The development is utilizing the existing contours on the site and is similar in size and scope to other developments within the vicinity.**
5. The proposal does not result in spot zoning: **The proposal is not spot zoning because it is consistent with the underlying land use designation as well and other uses within the proximity of the development.**
6. The proposal is consistent with a General Development Plan for the area if one exists: **This request is being reviewed concurrently with a general development plan for the area.**

Mr. Rucker moved to recommend approval of OR2022-002GDP with the staff-recommended findings and conditions. Mr. Albrecht seconded the motion. The motion carried unanimously.

Findings:

1. In the review of General Development Plan, the Planning Advisory Commission and the Board of Commissioners shall make findings indicating that:
 - a. Proposed land uses are in accordance with the Olmsted County General Land Use Plan and Zoning Map; **This GDP is proposed after the approval of Land Use Plan Amendment O2022-003LUPA to redesignate approximately 34 acres from Resource Protection-Potential Suburban to Suburban Development. If approved, the applicant, Michael Bassett will need to apply to rezone the 34-acre parcel. R-1 is consistent with a Suburban Development land use designation. The zone change application will be handled through Oronoco Township.**
 - b. The street pattern is appropriate to serve properties under consideration; **Proposed local streets appear to be designed to benefit from the topography, discourage through traffic, and to provide the minimum number of streets necessary for safe access to adjacent properties. Olmsted County Public Works has been in conversation with Mr. Bassett regarding gaining access from 90th St NW (County Road 121). Mr. Bassett is aware of the requirements that are being placed on the development of this property by Olmsted County PublicWorks (see referral comments).**
 - c. The proposal makes provision for planned capital improvements and streets based on the County Capital Improvement Plan and Thoroughfare Plan; **The Oronoco Township Planning Advisory Commission and the Oronoco Township Board have expressed concern over traffic issues at the intersection of 18th Ave NW (County Road 112) and 75th St NW (US Highway 63). MnDOT has plans to construct a roundabout at this intersection sometime between 2026.**
 - d. The proposal makes adequate provision for surface water drainage, soil erosion control, water supply, and sewage treatment, consistent with State law and rule and County or Township ordinance; **A grading plan will be required with any future development of this site to prevent unwanted surface water drainage and to promote soil erosion control. Said grading plan should be included with the Plat application materials that will be administered through Oronoco Township. All 12 lots will be served by individual sewer and water.**
 - e. The lot, block and street layout are consistent with the General Land

Use Plan use, development, and resource management policy, and subdivision design principles; **The lot, block and street layout is consistent with the subdivision design principles and the General Land Use Plan. The applicant, Mr. Bassett, has agreed to include an easement on the northeast of the property to allow for future gain of access for development on the properties to the north and/or east. The road serving this development is proposed to be a public road maintained by Oronoco Township.**

- f. Unique natural resource features and sensitive areas are protected through the open space provisions and appropriate lot layout; **There are floodplain soils present on the property. The applicant has been made aware of this and has agreed to minimize construction on these soils. If construction on these soils is necessary, a conditional use permit will be required.**
- g. Development will occur in an orderly fashion; **Development will occur in an orderly fashion.**
- h. Connecting roads are adequate to handle projected traffic, or provision has been made to correct deficiencies. **Oronoco Township has mentioned in previous LUPA and GDP applications that there are many traffic concerns from residents regarding 18th Ave NW (County Road 112) and 75th St NW (US Highway 63). There are future plans for a roundabout to be constructed at this intersection, but the timeline for this project falls anywhere between 2026.**

Conditions:

1. A 66-foot ROW easement instead of a 33-foot ROW easement must be shown in the northeast corner of the property on the Final Plat.
2. Configuration of the lot layouts should ensure Lot 9 will maintain at least two acres if the 66' easement is to become right-of-way.
3. An Olmsted County Access Permit will be required for the proposed access onto County Road 121.
4. A Right of Way Utility Permit will be required for the reconstruction of County Road 121.
5. The applicant must adjust roadway lane width from 11' to 12' and flatten the profile near the intersection to 3.5% per comments from Olmsted County Public Works Department.
6. A wetland delineation must be completed prior to the approval of the preliminary plat.

ADJOURN:

Ms. Smith moved to adjourn, Mr. Rucker seconded.

Ms. Paige Collins adjourned the meeting. The meeting adjourned at 8:23 p.m.

Respectfully Submitted:

Ms. Paige Collins, Chair