

MINUTES
MONTHLY ORONOCO TOWN BOARD MEETING
June 3, 2019 5:30 PM

The **Pledge of Allegiance** was recited.

The monthly Oronoco Town Board Meeting was called to order on June 3, 2019 by Chair Neil Stolp. Supervisors Charlie Lacy and Ken Mergen were present as well as Clerk Lucy Shonyo. Treasurer Kim Stanton was absent.

The **order of agenda** was changed to do the Milestone Materials items in succession.

Minutes Approval:

April 1, 2019 monthly meeting of Oronoco Town Board – Neil Stolp made a motion to approve the April 1 minutes. Charlie Lacy second, motion carried 3 – 0. On May 14 an email was received from Zumbro Township clerk Dori Kline indicating Zumbro supervisors agreed with the cost sharing principles noted in these minutes.

April 2, 2019 Reorganization Meeting – Neil Stolp made a motion to approve the April 2 minutes. Charlie Lacy second, motion carried 3 – 0. This statement was struck: “Meetings cancelled due to weather will be rescheduled two days later unless the situation dictates otherwise” since this does not allow for legal notice required for some board meetings; replaced by “Meetings cancelled due to weather will be rescheduled with date and time posted on the township’s website.”

May 6, 2019 monthly meeting of the Oronoco Town Board - Neil Stolp made a motion to approve the May 6 minutes. Charlie Lacy second, motion carried 3 – 0.

Agenda Topics

Road Report - Scott Schumacher, Neil Stolp

- Rocking is done
- Chloride application will start June 19, weather permitting
- Culvert on Ruckers’ field driveway needs to be replaced
- Blacktop patching to be started, again as weather permits
- Road signs are being vandalized and stolen. Citizens should call Neil Stolp to report missing or damaged signs.
- Charlie Lacy got 2 road calls: 11th Ave NW between the trailer business needs attention and 75th St, and 20th Ave NE. Farmington Township rocked 20th Ave NE, Schumacher’s graded.
- There’s a sink hole at the edge of the road across from Alice Flood’s house. Ken Mergen will examine on his way home.

OR2019-002ZC, applicant Milestone Materials

Oronoco Township Zone Change #OR2019-002ZC by Milestone Materials to change the zoning district from A-2 Agricultural District to A/RC AER Agricultural/Resource Commercial District-Aggregate Extraction and Reuse for a 76 acre mineral extraction facility north of the Goldberg Quarry. The property is located South of 82 St NE West of 11 Ave NE and North of Highway 63 (75 St NW) in the NW 1/4 of Section 36 of Oronoco Township, T108N R14W.

Neil Stolp opened the public hearing.

Kristi Gross from Olmsted County Planning was present to present the application, background information and findings.

Requested Action

The applicant is requesting approval to allow a change of zoning district of 76 acres from A-2 Agricultural District zoning district to A/RC AER Agricultural/Resource Commercial District-Aggregate Extraction and Reuse.

Background and Analysis

The property is owned by Adam Benike. The applicant is Milestone Materials. The property is currently zoned A-2 Agricultural Protection Zoning District. It is identified as Resource Protection in the Olmsted County Land Use Plan.

The property is located south of 82 St NE, west of 11 Ave NE, and north of Highway 63 (75 St NW) in the NW 1/4 of Section 36 of Oronoco Township, T108N R14W. 82nd St NE is identified as a local road in the Rochester-Olmsted Council of Governments (ROCOG) transportation plan. US Highway 63 is identified as a Interregional Corridor. An Interregional Corridor is described in the ROCOG 2040 Long Range Plan as "Serve as primary freight routes, handling movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel. And serve inter-city, inter-regional or interstate travel at higher speeds, with a high level of continuity to minimize indirection of travel between regional origins and destinations."

The Environmental Commission changed their review for Land Use Plan Amendments and Zoning District changes to differ the review to the Planning Advisory Commission. Due to the size of the project an Environmental Assessment Worksheet (EAW) is mandatory prior to permit approval. The EAW has been submitted for its initial review. A zoning district amendments cannot be conditioned. The EAW will advise the future conditional use permit. The soils on the property are generally not prime agricultural according to the crop equivalency rating (CER). Most of the site contains soils with less than 55 CER which according to the Oronoco Township Zoning Ordinance is not classified as prime agricultural land.

OR2019-002ZC, applicant Milestone Materials, continued

The property is surrounded by the A-2 zoning district. The Golberg Quarry is to the south of the property. The applicant has stated that all haul routes will utilize the Golberg Quarry and no new access will be created on township roads. The Golberg Quarry has been in operation since the 1950's. It is a legal non-conforming use.

West of the property is the River Corridor District. According to the Oronoco Township Zoning Ordinance Article 2, Section 2.02, The River Corridor District is "all land located within 1,000 feet from the ordinary high water mark or the landward extent of a floodplain designed by ordinance whichever is greater of Lake Zumbro, Middle Fork Zumbro River, South Branch Middle Fork Zumbro River and the South Fork Zumbro River." Quarry operations are not permitted within this district.

North and East of the property is zoned A-2 Agricultural Land. The land is primary farm land. There are three farm dwellings to the north of the property and six non-farm dwellings to the east of the property along 81 St NE. A farm dwelling is a dwelling located on a farm parcel. A farm parcel is land that is at least 35 acres in size in the A-2 zoning district. A non-farm dwelling is a dwelling located on land less than 35 acres in size. The closest dwelling to the east is approximately 130 feet from the east property line of the proposed quarry property. The closest property to the north is approximately 360 feet from the northern property line of the proposed quarry.

Referral comments have been reviewed for the zone change with no outstanding comments. MN DNR (attached) stated they do not have concerns about the zone change but had comments for the future conditional use permit. We will keep these comments on record to include in the future conditional use permit file.

PLANNING COMMISSION RECOMMENDATION:

The Oronoco Township Planning Commission held a public hearing on May 20, 2019. A few property owners spoke about the request and voiced their concerns over an expanded mineral extraction facility. The people said that Milestone Materials has been a good neighbor, however they would not like to see the quarry expand.

Mr. Rucker moved to recommend approval of Oronoco Township Zone Change #OR2019-002ZC by Milestone Materials to change the zoning district from A-2 Agricultural District to A/RC AER Agricultural/Resource Commercial District-Aggregate Extraction and Reuse with the staff-recommended findings, seconded by Mr. Albrecht. The motion carried unanimously.

Findings

Approval for a Zoning Amendment is measured against criteria found in the Amendment Findings section of Article four (4) of the Oronoco Township Zoning Ordinance. Findings required by this ordinance for the Zone Change, with staff responses, are shown below.

OR2019-002ZC, applicant Milestone Materials, continued

According to Article 4, Section 4, Subdivision H, "Amendment Findings:"

1. The proposal is consistent with the policies of the Oronoco Township General Land Use Plan;

The Oronoco Land Use Plan only addresses mineral extraction and quarries within the water resource area. Based on the zoning for the property and the underlying county land use designation for the property we conclude that the property is not classified as water resource area. The land use designation of the current parcel according to the Olmsted County Land Use Plan is Resource Protection and Resource Protection-Potential Suburban.

The Olmsted County Land Use Plan identifies the Resource Protection Area as "areas intended for exclusive resource related use; areas intended primarily for agriculture and other resource uses, with limited rural residential development; recreational commercial and other resource related business uses; limited land intensive commercial and industrial uses; limited urban commercial and industrial uses in locations with exceptional access and other site characteristics; and natural resource areas."

2. The amendment is in the public interest;

The proposed amendment is in the public interest because it is consistent with the goals and policies of the Land Use Plan. Geologic resources including sand, gravel, and rock dictate the location of extraction facilities. Such facilities are considered a reasonable use in the Resource Protection Area.

3. The proposed development is timely based on surrounding land uses, proximity to development, and the availability and adequacy of infrastructure;

The surrounding land uses are agricultural. The proposed zoning district is compatible with the agricultural zoning district.

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 proposed zoning district requires conditional use permits for any uses within the district.

5. The proposal does not result in a spot zoning;

The proposal is not spot zoning since the A/RC/AER is an agricultural zoning district designation.

6. The proposal is consistent with a General Development Plan for the area, if one exists.

A conditional use permit is required if the zoning change is approved. It is not subject to a general development plan.

Staff Recommendation

The above stated findings support the approval of the zone change from A-2 Agricultural District to A/RC/AER Agricultural Resource Commercial Aggregate Extraction and Reuse district.

OR2019-002ZC, applicant Milestone Materials, continued

Neil Stolp asked if anyone wanted to speak for or against the zone change.

Andrew Peters with Milestone Materials spoke in favor of granting the zone change. He agrees with the County's findings and states Milestone Materials has always adhered to rules. He noted no new access points will be created on township roads.

Ed Ambruster, 1200 81st St NE, has lived near the property for 30 years. Milestone Materials has been a good neighbor but fears this extension could hurt property values. He is opposed to the change and wants it to stay as it is. He asked if berms could be constructed to shield his property from the extension.

Andrew Petes, Milestone Materials, responded that berm construction would be worked out in the CUP (Conditional Use Permit) process, and that it will be "quite a while till we get there" (near Mr. Ambruster's property). He can't predict demand.

Barbara Ambruster, 1200 81st St NE, spoke against granting the zone change, expressing it will impact hunting on their property.

When no others present wished to speak Neil Stolp closed the public hearing. Supervisor Charlie Lacy offered to recuse from discussing or voting on this matter as he is a neighbor to the property under consideration. Board members did not ask him to recuse. OT-PAC also did not ask him to recuse.

Neil Stolp noted that neighbors' objections could be worked out, that OT-PAC (Oronoco Township Planning Advisory Commission) had voted unanimously in favor of the zone change, and County findings support the zone change. Charlie Lacy talked with neighbors and got positive comments. Ken Mergen noted that the "materials are there".

Ken Mergen made a motion to approve OR2019-002ZC allowing the zone change from A-2 Agricultural District to A/RC/AER Agricultural Resource Commercial Aggregate Extraction and Reuse district. Neil Stolp second, motion carried 3-0.

**OR2019-001EAW, applicant Milestone Materials (Goose Rock Quarry)
Summary**

Milestone Materials has submitted an Environmental Assessment Worksheet (EAW) and are requesting the Oronoco Town Board approve the EAW for distribution.

OR2019-001EAW, applicant Milestone Materials (Goose Rock Quarry), continued

Kristi Gross from Olmsted County Planning was present to present the application and background information.

An EAW is needed since the Goose Rock Quarry site is greater than 40 acres (it is 76 acres). The EAW was previously distributed to Oronoco Town Board members. According to Environmental Quality Board rules (EQB) the local government unit is the Regulatory Government Unit (RGU) for mineral extraction EAW's. Therefore, Oronoco Township is the RGU.

Recommendation

Milestone Materials has submitted a previous draft document, which was reviewed revisions were required. Milestone has successfully addressed the requested revisions and planning staff has determined the document to be complete and recommends the Oronoco Town Board approve the EAW for distribution.

Next Steps

After the Board determines the application is complete planning staff will distribute the draft EAW for comments and publish the notice in the EQB Monitor and local paper. Based on the current timeline, this will be submitted to the EQB Monitor by June 10 for publication on June 17. The 30 day comment period will end on July 24.

Charlie Lacy moved to accept the Goose Rock Quarry EAW and approve it for distribution based on Olmsted County Planning staff recommendations. Ken Mergen second, motion carried 3-0.

OR2019-002VAR, applicant Greg Huey

Neil Stolp opened the public hearing.

Kristi Gross from Olmsted County Planning was present to present the application, background information and findings.

Summary

Oronoco Township Variance #OR2019-002VAR by Greg Huey to build a dwelling closer than the required setback to the ordinary high water mark and allow for more impervious surface than the allowed 25% of the lot area. The property is located in the Special District known as Cedar Beach Zone A. The address of the request is 11361 Cedar Beach Dr NW

Background

The property in question is zoned SD-Special District Cedar Beach Zone A. Mr. Huey is proposing to replace the existing dwelling on the property with a 30x30 dwelling with a 30x30 attached

OR2019-002VAR, applicant Greg Huey, continued

garage. The applicant is requesting a variance to the ordinary high water mark and a variance to the 25% impervious surface allowed area for the lot.

The lot is approximately 7000 square feet. Attached is an exhibit showing the approximate location of the dwelling. There is conflicting information provided in Mr. Huey's application. His site plan is showing the dwelling will be 70-75 feet from the ordinary high water mark and the narrative states he will be 65' from the ordinary high water mark. This should be clarified before a decision is made on the request.

Variations requested

1. Variance to allow a dwelling closer than the required 75' from the ordinary high water mark and closer than 30' from the top of the bluff.
2. Variance to allow a property with more than 25% of impervious surface.

Referral Comments

MN DNR area hydrologist, Nicole Lehman has submitted comments regarding the variations and has recommended denial.

Analysis and Findings

Planning Staff has following recommendations for the variations:

Planning staff recommend continuance of the variations for the following reasons:

1. The variance to the bluff impact zone was realized during the analysis for the staff report and was not part of the public notice for the request.
2. Due to the unique characteristics of the lot, staff suggests the applicant obtain a certificate of survey for the property highlighting the ordinary high water mark, top of the bluff and proposed dwelling with impervious surface square footage shown on the survey.
3. The applicant should supply exterior elevations of the dwelling. The floor plan as shown shows stairs, is this a basement, is there an upstairs, what is the style of dwelling being proposed on the lot?

Ultimately, planning staff does not feel there is substantial information provided in order to assess the required findings. Mr. Huey is proposing to replace the existing dwelling with a new structure and must demonstrate why the variations are required.

Neil Stolp asked for comments for or against granting this variance.

Greg Huey spoke in favor of granting the variance. His drawing was based on his neighbor's property line stakes. He has heard that "impervious pavers don't work" and are clogged within a few years. He could move the structure closer to the road.

OR2019-002VAR, applicant Greg Huey, continued

Mark Thein spoke in favor of granting the variance. In the Cedar Beach area “all lots require variances”.

Alice Flood, a neighbor, supports granting the variance.

When no others present wished to speak Neil Stolp closed the public hearing.

The board noted there was no opposition from neighbors but a survey of the property should be done. The DNR has objections, and county planning findings indicate that more information is needed and recommends a continuance to allow more information to be gathered.

Charlie Lacy moved to continue OR2019-002VAR to allow time for county planning staff recommendations to be met. Neil Stolp second, motion carried 3-0.

This item will be on the July agenda.

OR2019-001PLAT, River Ridge Four – This item was on the agenda but was not discussed. It will be reviewed by OT-PAC on June 18th.

Letter from Zumbro Township – Zumbro Township informed Oronoco Township that they will be pursuing purchasing land from “tree farm” owners for their septic site. This land is in Oronoco Township.

Ryan’s Bay Road – The land survey was done by Zillgitt Civil Design. Ken Mergen will ask Zillgitt not to place stakes until the land is purchased. Per Kristi Gross the metes & bounds split must happen before closing on the property.

Sunset Bay Septic SSD letter – On May 23rd a letter was sent to Sunset Bay property owners who were part of the Subordinate Service District. This letter informed them that Oronoco Township did not qualify for state funding and the project was not moving forward. It also provided information about dissolving the SSD.

Cedar Beach septic mound work – There will be some repair work on the Cedar Beach mounds. Residents will be notified as soon as timing is known.

Commissioner Mark Thein addressed the board

Commissioner Thein requested the board initiate a text amendment changing the ordinance requiring a fence around a homeowner’s pool. Currently the county requires a fence and Rochester city requires a cover.

Commissioner Mark Thein, continued

Ken Mergen made a motion to initiate a text amendment making a pool cover an acceptable alternative. Neil Stolp second, motion carried 3-0. OT-PAC will address.

There was a discussion of the damage done to township roads by overweight vehicles on roads before weight restrictions are lifted in the spring.

There was discussion of the MN Statute that allows for townships to apply to receive part of road fines collected on violations occurring on roads passing through a township. Oronoco Township has applied for this program and was recently notified the application was complete. Commissioner Thein expressed concern that this was shortchanging county law enforcement funds.

Oronoco Townships possible hiring a Deputy to provide increased patrols in the township was discussed. Some area townships have hired a deputy.

FEMA funds are available for township roads damaged due to weather.

Administrative Business

Treasurer's Report

Treasurer Kim Stanton was not present but had prepared the Treasurer's Report. The YTD Statement of Receipts, Disbursements and Balances as of May 31, 2019 shows: Receipts \$57,521.71 and Disbursements \$329,209.39 with an ending balance of \$234,333.50. May net payroll (paid in June) totaled \$2,185.94, bills totaled \$71,770.41.

The CD coming due next month will not be renewed in anticipation of upcoming Ryan's Bay Road expenses. **Neil Stolp made a motion to accept the Treasurer's report as presented.**

Charlie Lacy second, motion carried 3-0.

Approval to Pay Bills - Claims totaling \$71,770.41 and net payroll totaling \$2,185.94 were presented for payment. **Ken Mergen made a motion to approve claims and payroll payments. Charlie Lacy second, motion carried 3-0.**

OT-PAC Report – OT-PAC met in May.

- OR2019-002ZC, the zone change requested by Milestones Materials was approved.
- Rachel Stanton resigned.
- Charlie Lacy recommended appointing Al Stork to fill Rachel Stanton's position. **Ken Mergen made a motion to appoint Al Stork to a 3 year term on OT-PAC. Neil Stolp second, motion carried 3-0.**
- OT-PAC will begin a study of the Land Use Plan.

Olmsted County Maintenance Agreement – Neil Stolp made a motion to accept the Olmsted County Maintenance Agreement for work on township roads. Ken Mergen second, motion carried 3-0. The document will be signed electronically and sent to Lori Collins.

Pine Island donation request – The board declined to make the requested donation.

ORI# - Oronoco Township was informed that our registration is complete.

Dog Bite Report – The Sheriff’s Dept sent a report of a dog bite.

Township Records – This was not discussed.

Neil Stolp made a motion to adjourn at 8:25 pm. Charlie Lacy second, motion carried 3-0.

Respectfully Submitted

Lucy Shonyo, Clerk

Neil Stolp, Chair