

To: Planning Commission
From: Land Use Management
Meeting Date: June 17, 2024
Report date: June 7, 2024

PUBLIC HEARING: Request for CUP for a Contractors Yard

Request, submitted by David and Victoria Bauer (Owners) for a Conditional Use Permit (CUP) to operate a Contractor's Yard for tree and brush storage and mulching.

Application Information:

Applicant: David and Victoria Bauer (Owners)
Address of zoning request: 21726 287th Street Red Wing, MN 55066
Parcel(s): 31.010.0102
Abbreviated Legal: Part of the N ½ of the NE ¼ of Section 10 TWP 112 Range 15 in Featherstone Township
Township Information: Featherstone Township is aware of the request. The Applicant has been in contact with the Township. Staff will update the PAC with additional information regarding the Township's position at the June 17, 2024 meeting.
Zoning District: A-2 (Agricultural District)

Attachments and links:

Application and submitted project summary
Goodhue County Zoning Ordinance Article 11 Section 33 Contractors Yard
Site Map(s)

Background:

The Applicants purchased the property in 2023 to store brush and logs from tree removal work completed in the Red Wing area. The brush and logs are brought to the site to be mulched and hauled off-site. The property contains five accessory buildings that are not proposed to be used for the Contractor's Yard. There will be no on-site office or sales, no on-site equipment storage apart from a lawnmower and front end loader, and no on-site staff apart from individuals loading/unloading brush, logs, and mulch. The Applicants have already begun storing logs and brush on-site.

Contractors Yards are defined in the Goodhue County Zoning Ordinance as: "A site used for storage, maintenance, and staging of vehicles, equipment, and materials related to contracting work in any of the building trades, landscaping, road building, sewer installation, transport and hauling, or similar professions in which work is principally conducted off-site". Based on the use of the property and business operations, staff has determined the operation qualifies as a Contractors Yard requiring a Conditional Use Permit in the A-2 District.

Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses

No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of

other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage, and other necessary facilities, to provide sufficient off-street parking and loading space, to control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Project Summary:

Property / Building Information:

- The subject property consists of a single parcel comprising approximately 26.95 acres.
- The property and adjacent land to the east, west, and south is zoned A-2 (Agricultural District). Land to the north is zoned A-3 (Urban Fringe District). Adjacent land uses consist mainly of forested bluffs among medium-density residential, row crop agriculture, and feedlot operations. Shoreland of an unnamed creek is located on the northernmost portion of the property and runs along 287th Street to County 1 BLVD.
- Section 10 of Featherstone Township is limited to 12 dwellings one per original $\frac{1}{4}$ $\frac{1}{4}$ section as an A-2 zoned section. There are currently 7 dwellings in Section 10 therefore dwelling density is available for up to 5 additional dwellings. The Applicant's parcel does not contain a dwelling but is considered an eligible building site by County Zoning since the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ is currently not occupied by a dwelling.
- The property contains five accessory buildings. These structures are not proposed to be used for the business. The property contains forested bluffs with a flat field at the bottom of the bluff where brush and logs are stored until mulched. A dry run creek runs through the property near the existing structures and continues along 287th Street.

No new structures are proposed for the Contractor's Yard.

- The property does not have existing exterior lighting and no lighting is proposed to be installed.
- There is the potential for noise to be generated by the trucks hauling and the brush being ground into mulch. Truck traffic is proposed to consist of one log loader truck taking 3 to 4 trips 2 or 3 days per week yearround. The processing of logs into mulch would occur once per year for 2 or 3 days. Mulch would be hauled off-site after processing in approximately 50 trips per year. This results in a maximum of 674 truck trips per year or 1.8 trips per day.
- The nearest dwelling is located approximately 750 feet east of the proposed brush pile (parcel 31.010.0102 owned by Brent Seely). This property is separated from 287th Street and the Applicants' property by wooded bluffs.
- 287th Street is a dead end road accessed from County 1 BLVD to the northeast. Trucks will pass 4 parcels with dwellings on the way to and from the property. Three of these dwellings are within 80 feet of 287th Street.
- There is the potential for dust to be created by the operation as it is located on an aggregate road. The road authority is Featherstone Township. The Planning Commission may consider adding a condition that dust control be applied to 287th Street by the Applicant.

Business Information:

- The property owners own and operate Rivertown Tree Service out of Hastings, MN. The main activity on this site is the loading and unloading of logs and brush to be stored until they are ground

into mulch. No repair work is conducted on-site and there is not a public office on-site. There will be no composting on-site. The only equipment stored on-site will be a tractor lawnmower and front end loader.

- Primary hours of operation will be year-round, 2 to 3 days per week from 7:00 AM to 4:00 PM.
- There are no on-site employees associated with the business except for loading/unloading logs and brush, grinding, and hauling mulch. Individuals will occasionally be on-site to maintain the property by mowing overgrown trees and grass.
- The truck used for hauling brush and logs is a log loader truck. The weight of the truck full is 50,000 pounds (25 tons) and the empty truck weighs 25,000 pounds (12.5 tons).
- Parcel access is located off 287th Street on the northeast side of the property. Adequate emergency vehicle access is available to service the facility.
- The Applicants added a 6 foot culvert over the dry run for trucks to access the proposed brush and log storage area.
- Ample space exists on the property to accommodate parking requirements.
- The property entrance is gated at 287th Street. No signage is proposed to be installed.

Drainage/Landscaping:

- The site has varying topography with steep wooded bluffs and flatter areas at the top and bottom of the bluff. Drainage flows into the dry run creek which runs along 287th Street to County 1 BLVD as a designated Shoreland stream.
- No additional grading or excavating is proposed. Existing trees and vegetation screen the property from 287th Street during leaf-on conditions. The brush storage area is somewhat visible from the end of 287th Street.

Draft Findings of Fact:

The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.

1. The proposed Contractors Yard does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity. Truck trips are proposed to be limited to a few days per week.
2. The Contractor's Yard is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use, as proposed, appears compatible with existing adjacent land uses. Grinding of logs into mulch is proposed to occur only a few days per year.
3. A review of the Applicant's submitted project summary indicates adequate utilities, drainage, and other necessary facilities are available to accommodate the proposed use. The access road may be impacted by truck traffic and is narrow in some spots. The Applicant has indicated they will apply dust control if required. The Applicant has stated a desire to work with the Township on road maintenance.
4. The facility has ample room to provide sufficient off-street parking and loading space to serve the use and meet the Goodhue County Zoning standards.

5. The submitted plans detail adequate measures to prevent or control offensive odor, fumes, and vibration so that none of these will constitute a nuisance. Dust generated on the roadway may be addressed by requiring the Applicant to apply chloride/dust control. Noise caused by the mulching of brush is proposed to be limited to a few days per year during daytime hours. Truck noise may be mitigated by limited truck trip days and duration.

Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.

Staff Recommendation:

LUM Staff recommends the Planning Advisory Commission

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend the County Board of Commissioners **APPROVE** the request submitted by David and Victoria Bauer (Owners) for a Contractors Yard to store brush and logs for processing into mulch.

Subject to the following conditions:

1. The Contractors Yard shall be constructed according to submitted plans, specifications, and narrative unless modified by a condition of this CUP;
2. Compliance with Goodhue County Zoning Ordinance including, but not limited to, Article 22 (Agricultural District) and Article 11 Section 33 (Contractors Yards);
3. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations; and
4. No on-street parking, loading, or off-loading is permitted.



GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 31.010.0102Permit # 224-0030

PROPERTY OWNER INFORMATION

Last Name BAUERFirst DAVID & VICTORIAStreet Address 19998 Kirby AvenueCity HastingsState MNZip 55033Attach Legal Description as Exhibit "A" ☐

Authorized Agent

Phone

Mailing Address of Landowner:

Mailing Address of Agent:

PROJECT INFORMATION

Site Address (if different than above): 21726 28th Street, Red Wing, MN 55066

Lot Size

Structure Dimensions (if applicable)

What is the conditional/interim use permit request for?

Grinding wood into mulch and then mulch will be hauled away.
Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized

DISCLAIMER AND PROPERTY OWNER SIGNATURE

I hereby swear and affirm that the information supplied to Goodhue County Land Use Management Department is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant in applying for this variance is inaccurate or untrue. I hereby give authorization for the above mentioned agent to represent me and my property in the above mentioned matter.

Signature of Landowner:

David C BauerDate 5-24-24

Signature of Agent Authorized by Agent:

TOWNSHIP INFORMATION

Township Zoning Permit Attached? ☐

If no please have township complete below:

By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the request.

Signature

Title

Date

Comments:

COUNTY SECTION

COUNTY FEE \$400

RECEIPT # 273370996DATE PAID 5/24/24

Applicant requests a CUP/IUP pursuant to Article ____ Section ____ Subdivision ____ of the Goodhue County Zoning Ordinance

What is the formal wording of the request?

Shoreland ____ Lake/Stream Name ____ Zoning District ____

Date Received ____ Date of Public Hearing ____ DNR Notice ____ City Notice ____

Action Taken: ____ Approve ____ Deny Conditions:

RECEIVED

MAY 24 2024

Land Use Management



GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

PROJECT SUMMARY

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).

Recycle brush and logs.

2. Planned use of existing buildings and proposed new structures associated with the proposal.

No plans for the buildings.

3. Proposed number of non-resident employees.

No one will be working there.

4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.

7:00 AM to 4:00 PM, 2 to 3 days a week, 12 months.

5. Planned maximum capacity/occupancy.

None.

6. Traffic generation and congestion, loading and unloading areas, and site access.

One truck going in & out 2/3 days a week. 3 or 4 Times on those Days.

7. Off-street parking provisions (number of spaces, location, and surface materials).

None.

8. Proposed solid waste disposal provisions.

None.

9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.

None.

10. Existing and proposed exterior lighting.

None.

11. Existing and proposed exterior signage.

None.

12. Existing and proposed exterior storage.

Five small buildings.

13. Proposed safety and security measures.

Gated area.

14. Adequacy of accessibility for emergency services to the site.

Yes.

15. Potential for generation of noise, odor, or dust and proposed mitigation measures.

Yes, once a year when grind brush & logs (2/3 days a year).

16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.

Maintaining over growth of trees and mowing grass.

17. Existing and proposed surface-water drainage provisions.

None.

18. Description of food and liquor preparation, serving, and handling provisions.

None.

19. Provide any other such information you feel is essential to the review of your proposal.

None.

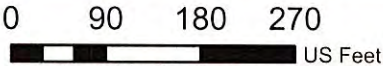
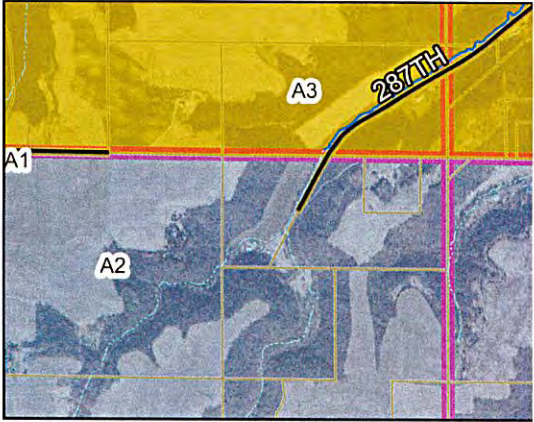


SITE PLAN

State the use of the property. Show the size, shape and location of structures with distance to property lines and location of ALL wells and septic systems.

Legend

- | | |
|----------------------------|--------------------------|
| Intermittent Streams | Blufflands |
| Protected Streams | 30% Slope or Greater |
| Lakes & Other Water Bodies | Bluffland Protected Soil |
| Shoreland | |
| National Wetland Inventory | FEMA Flood Zones |
| Parcels | 2% Annual Chance |
| Registered Feedlots | A |
| Dwellings | AE |
| Municipalities | AO |
| | Floodway |

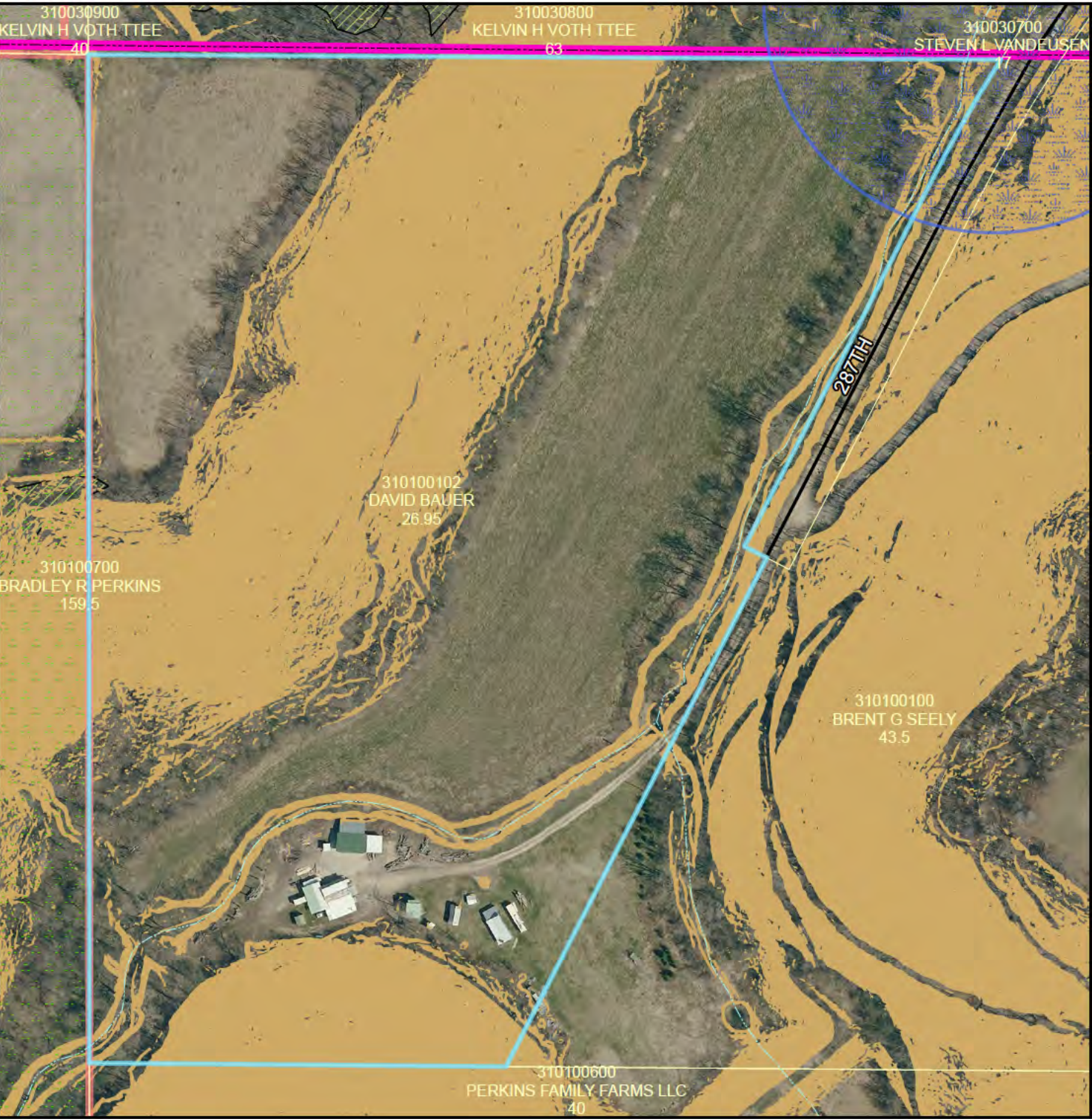


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2023 Aerial Imagery
Map Created May, 2024 Samantha Pierret



MAP 01: PROPERTY OVERVIEW



PLANNING COMMISSION

PAC Meeting
June 17, 2024

David & Victoria Bauer (Owner)

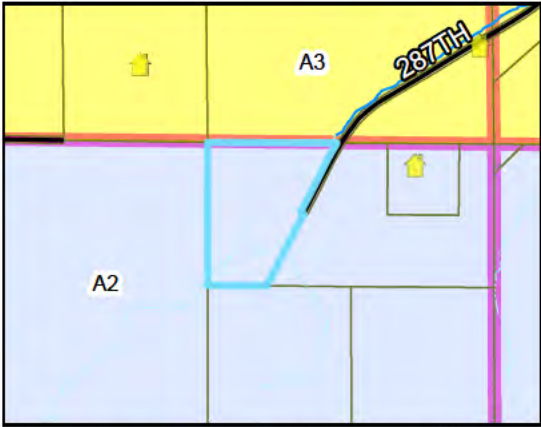
A2 Zoned District

Part of the N 1/2 of the NE 1/4 of
Section 10 TWP 112 Range 15
in Featherstone Township

Request for CUP to establish a
Contractor's Yard for tree and brush storage
and mulching

Legend

- | | |
|----------------------------|---------------------------|
| Intermittent Streams | Blufflands |
| Protected Streams | 30% Slope or Greater |
| Lakes & Other Water Bodies | Bluffland Protected Soils |
| Shoreland | |
| Historic Districts | FEMA Flood Zones |
| Parcels | 2% Annual Chance |
| Registered Feedlots | A |
| Dwellings | AE |
| Municipalities | AO |
| | X |



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PAC Meeting
June 17, 2024

















David & Victoria Bauer (Owner)

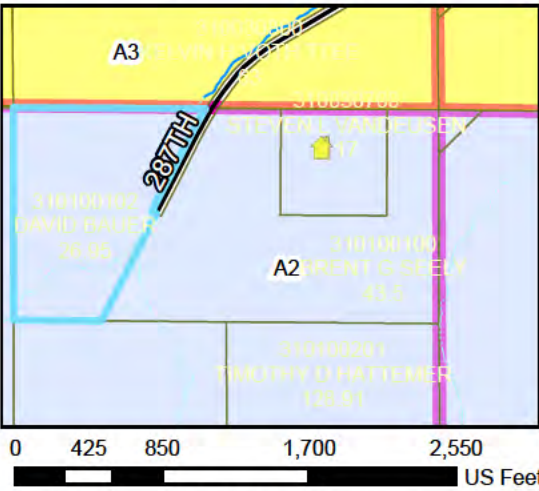
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- | | | | |
|---|----------------------------|---|---|
|  | Intermittent Streams |  | Blufflands
30% Slope or Greater |
|  | Protected Streams |  | Bluffland Protected Soils |
|  | Lakes & Other Water Bodies |  | FEMA Flood Zones
2% Annual Chance |
|  | Shoreland |  | A |
|  | Historic Districts |  | AE |
|  | Parcels |  | AO |
|  | Registered Feedlots |  | X |
|  | Dwellings | | |
|  | Municipalities | | |

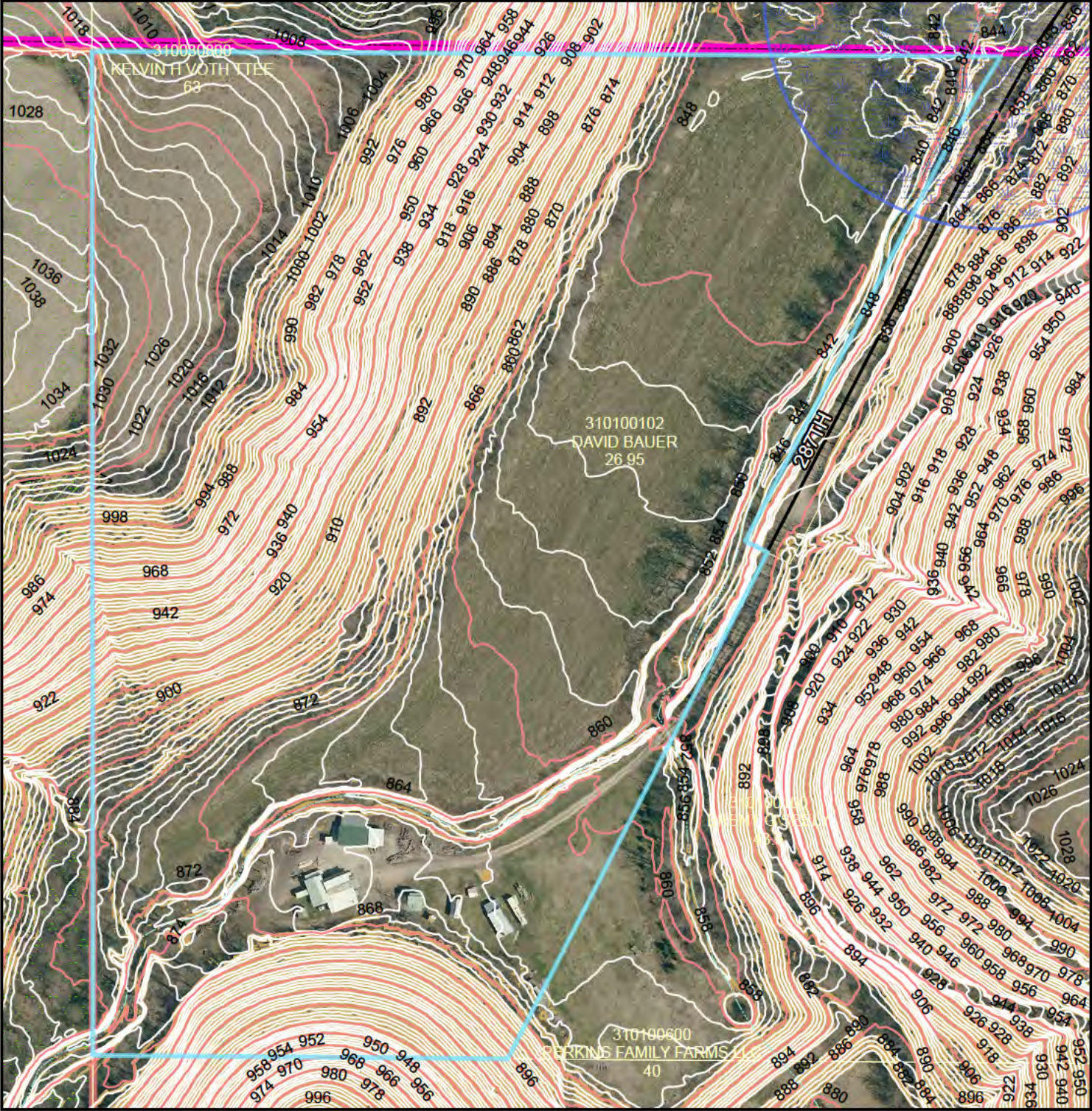


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MAP 03: ELEVATIONS



PLANNING COMMISSION

PAC Meeting
June 17, 2024

David & Victoria Bauer (Owner)

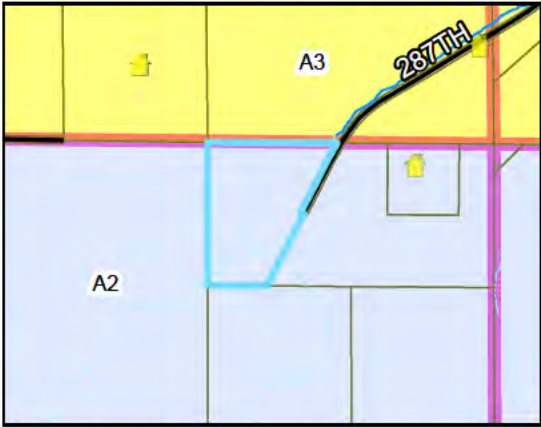
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Legend

- | | |
|----------------------------|---------------------------|
| Intermittent Streams | Blufflands |
| Protected Streams | 30% Slope or Greater |
| Lakes & Other Water Bodies | Bluffland Protected Soils |
| Shoreland | FEMA Flood Zones |
| Historic Districts | 2% Annual Chance |
| Parcels | A |
| Registered Feedlots | AE |
| Dwellings | AO |
| Municipalities | X |



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