

Carver County Planning Commission

Regular Meeting - **Tuesday, June 18, 2024**

Commissioners' Meeting Room

2nd Floor Human Services Bldg

Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of May 21, 2024 regular meeting
Pages 1-1 through 1-2
- 2.) **File #20240021**– Public hearing on application by Wyatt Held, representing
Minger Construction for an Interim Use Permit.
(Land Reclamation/Borrow Pit)
San Francisco Township Pages 2-1 through 2-17

Other Business

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

June 10, 2024

TO: Carver County Planning Commission & San Francisco Town Board

FROM: The Land Management Department

SUBJECT: Application for an Interim Use Permit (Land Reclamation – Borrow Pit)

FILE #: PZ20240021

APPLICANT: Minger Construction (Wyatt Held)

OWNER: Doug Hillstrom and Anne Keenan

SITE ADDRESS: 18190 County Rd 40 Carver, MN 55315

PERMIT TYPE: Land Reclamation of 10,000+ cu. yds. (Borrow Pit)

PURSUANT TO: County Code, Chapter 152, Section(s) 152.081 and 152.082 (C)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 08-017-0700

STAFF ANALYSIS:

1. Doug Hillstrom and Anne Keenan own an approximate 80-acre parcel located in the South Half (S½) of the South Half (S½) of Section 17, San Francisco Township. The property is improved with an existing farmstead (i.e. house and associated buildings), scattered woodlands, and agricultural production land. The site is also located in the Agricultural Zoning District and the Carver County Water Management Organization - CCWMO (Bevens Creek watershed).
2. Minger Construction Company ("Minger"), represented by Wyatt Held, has secured the contract with Carver County to realign a segment of County Road 40 located between Hwy. 25 and Co. Rd 52 in San Francisco Township. The intent of the road reconstruction is to widen road shoulders, straighten the road, flatten slopes, correct drainage issues, and improve safety. With construction happening this summer, the road project requires importing a large amount of soil to the project area. Conveniently located next to the road corridor, the subject property is the proposed site for the soil borrow area. The close proximity of the borrow area reduces project costs and eliminates the impact of loaded haul trucks on County roads traveling to a borrow pit site. The zoning code classifies this type of soil removal as land reclamation.
3. Minger is requesting an Interim Use Permit (IUP) pursuant to Section 152.081 and 152.082 (C)(1) of the Carver County Zoning Code which allows for land reclamation involving 10,000 cubic yards or more as an Interim Use Permit (IUP) as follows:

§ 152.081 INTERIM USE PERMIT (IUP).

The county may authorize an interim use of a property by means of an IUP. These interim uses may be utilized in a temporary manner as approved by the County Board. In reviewing the interim use permit application, the county will establish a specific date or event that will terminate the use of the property. In granting an IUP, the County Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission and County Board shall make the following findings where applicable.

(A) General provisions.

- (1) The use conforms to the zoning regulations.
- (2) The date or event that will terminate the use can be identified with certainty.

- (3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- (4) The user agrees to any conditions that the governing body deems appropriate for permission of the use.
- (5) Any interim use may be terminated by a change in zoning regulations.
(Ord.70-2010, passed 1-25-11, passed 7-20-21)

§ 152.082 INTERIM USE PERMIT-AG DISTRICT.

(A) Minimum criteria for issuance.

- (1) If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
- (2) The activity conforms to all other county ordinances, state, and federal regulations.
- (3) Minimum five acre lot size; unless another size is specified under a particular provision.
- (4) Waste generated shall be treated in accordance with Chapter 52 of this code of ordinances. The county may require design by a registered engineer.
- (5) The activity shall be located on a hard surfaced (blacktop or concrete) road unless specific approval for location on a township road is given by the affected township or townships. The Town Board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect.
- (6) The activity is of a scale that the demand for support services such as sewer, water, police, fire protection, emergency equipment access, roads or streets, can be accommodated within the context of the service levels available in the commercial agricultural area. Adequate water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
- (7) The operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs-traffic capacity or roads, waste disposal or management, fire or police protection, sewage treatment and dispersal-that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions.

- (1) Permit shall be subject to administrative review or compliance review as set by the permit.
- (2) The operational plan and site plan shall become part of the permit.
- (3) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The site plan and operational plan shall become part of the permit.
- (4) The applicant must submit a copy of workers compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (5) All buildings used in the operation must meet the State Building Code.
- (6) The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
- (7) The date or event that will terminate the use shall be identified.

(C) Activities (For the purpose of this section, conditional use permit activities may also be considered and processed as interim uses).

- (1) Mining and/or land reclamation involving 10,000 cubic yards or more (allowed in AG Preserve if the principal use remains ag and restoration is suitable for farming).
 - (a) The permit shall be issued only upon findings that:
 1. There is no substantial environmental impact or that the impact will be alleviated through a restoration program and other condition of the permit; and
 2. The activity will have no substantial adverse impact on surrounding property or that the impact will be alleviated through the conditions of the permit.
 - (b) Each permit shall contain the following minimum standards unless modified by the County Board, and all activities shall conform to these and any additional standards.

1. General operating requirements must address operating hours, dust control, housekeeping, safety and specifying compliance review.
2. Minimum requirements for the operation.
 - (i) Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.
 - (ii) No non-granular material shall be removed unless the permit is specifically for such an operation.
 - (iii) Vertical faces shall be kept to a minimum except during actual mining.
 - (iv) Mining shall not take place within 50 feet of a property line. All slopes at property lines shall maintain a 2.5:1 slope or flatter. The setback from the assumed road right-of-way shall be a minimum of 50 feet. The setback from all homes shall be a minimum of 500 feet, excluding the residence of the mine owner and/or permittee. The setback from a bluff shall be a minimum of 100 feet.
 - (v) The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation. The Board may order the exclusive use of white noise beepers on trucks and equipment utilized on the site.
 - (vi) Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
 - (vii) The maximum permitted operational area for mining shall be 35 acres. Only one active IUP for mining is allowed for a parcel.
 - (viii) Stockpiles in excess of 1,000 cubic yards shall not be located within the Floodplain Overlay District.
 - (ix) Any mining within 300 feet of a Class 3 through 8 wetland must include a plan to improve public value(s), in conjunction with any Wetland Conservation Act requirements.
 - (x) A mandatory traffic study shall be prepared by a licensed engineer.
 - (xi) The operation must comply with applicable watershed management rules.
3. *Site/operational plan.* A plan shall be drawn on both a 1 inch = 200 feet half section map and a 1 inch=200 feet aerial plat showing at a minimum the operational area, mining area, phasing of mining, erosion control measures or structures, restoration areas, type of restoration, and staging of restoration, any areas where mining will be below the water table or result in standing water.
4. *Reclamation plan.* A reclamation plan must include the grading plans, on-site topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and an end use plan for final site restoration. The operator and owner must follow the reclamation plan approved by the County Board. The following minimum standards and conditions apply.
 - (i) The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No graded slope shall exceed a 5:1 ratio (20%). The final grade slope shall commence at the setback. Berms will be removed to the original elevation of the land, unless the Board has approved a different elevation as part of the end use plan. Restored slopes must be 8:1 or flatter within 500 feet of the top of a bluff.
 - (ii) Excavated, graded or back-filled areas shall meet the following requirements.
 - A. All materials used for back-filling in any area of the reclamation shall be free of all contaminants and shall be non-noxious, non-flammable and non-combustible.
 - B. The graded or back-filled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.
 - C. Such graded or back-filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches and seeded or sodded.
 - D. Such topsoil as required by the preceding subsection shall be planted with trees, shrubs, legumes or grasses.
 - (iii) Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.

- (iv) Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.
- (v) Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protecting Water Quality in Urban Areas."
- (vi) Unless otherwise amended or approved by the county, all final grades and site restoration efforts shall be consistent with the reclamation plan.
- (vii) When the end-use is some form of open space, the type of vegetative regrowth must provide appropriate habitat for wildlife consistent with the form of end-use.
- (viii) The end-use plan shall consider the safe use of the property. The end-use plan shall be consistent with the Comprehensive Plan and the zoning ordinance.
- (ix) Within nine months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, stockpiles of extracted mineral materials and debris shall be removed from the subject property.
- (x) For each phase, within nine months after completion of mineral extraction for that phase, reclamation must be completed. If the permit is terminated earlier, reclamation must be completed within nine months after termination.
- (xi) Soil and Water Conservation District and watershed review and recommendations. As a part of the original application for an interim use permit, the applicant shall submit grading plans, phased reclamation plans and water control plans to the Carver County Soil and Water Conservation District and to the governing bodies of the watersheds for review and recommendations. The recommendations on the phased reclamation, grading, soil and water retention plans may be included as conditions of the IUP. The permit may require reforestation. Reforestation requirements shall be based on the recommendation of the Natural Resources Conservation Service and/or the DNR Forester.

5. *Performance securities and insurance.*

- (i) The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.
- (ii) A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the county for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit.

(Ord.70-2010, passed 1-25-11; Am. Ord. 80-2015, passed 6-16-15; Am. Ord. 97-2021, passed 7-20-21) Penalty, see § 152.999)

- 4. The submitted project narrative (dated May 13, 2024) describes the project. Minger has an agreement with the property owner to remove approximately 46,000 cubic yards of soil from the property during the mid-July to mid-September 2024 timeframe. The borrow area is currently a tilled crop production field. The soil would be directly trucked to the adjacent project area. Work vehicles include three articulated dump trucks, an excavator, and a bulldozer. Working hours would be 7:00AM to 7:00PM, Monday through Friday. Five employees will work the site to enable roughly 240 trips "in and out of the site" per day. There will be no public access to the site and no signage on the property.
- 5. The applicant has submitted site plans (dated May 31, 2024) showing the existing and proposed conditions for where soil would be removed from a 7.3-acre area on the southeast corner the Hillstrom property west of Co Rd 40. The site plan shows a 50-foot setback from property lines, which complies with the setback requirement for land reclamation activities. The site plan shows the contractor trucks using a temporary rock construction entrance to Co Rd. 40. Thus, the trucks would not travel outside of the road construction zone. At the initiation of the project activities, the field's topsoil is stripped and stockpiled (and stabilized) on the southwestern portion of the property. The site plans show perimeter sediment control on the outside boundary of the disturbed area. The final stabilization site plan contains contour lines showing the borrow area is concentrated on a hill in the center of the project area, reducing the hill's height by about 15 feet. Restoration of the project area includes decompaction of the sub-soil and regrading the field to allow for continued agricultural use.

6. Since there is no public road impact of the soil-hauling trucks, there is not a concern about daily truck traffic on public roads. The applicant's narrative mentions the road will be closed to the public during the soil removal activities.
7. Carolyn Fackler, Carver County Public Works Project Manager for this segment of Co Rd 40 reconstruction, reviewed the application materials. In an email dated June 5, 2024, she stated: *"This information is consistent with what we've been discussing with the contractor in the field. It is to support our construction project and we are in agreement with what is being proposed."*
8. A CCWMO permit is required, and Stormwater Management standards would need to be met for the reclamation of all disturbed areas. Erosion control and stormwater permits have been submitted to the CCWMO and are under review. In an email dated June 4, 2024, Abigail Ernst, WMO Water Resources Program Analyst, noted the stockpile should be surrounded by a silt fence. The CCWMO permit would be issued when all other permitting requirements are met and the surety for the CCWMO permit is submitted. Mike Wanous of the Carver County Soil & Water Conservation District stated in a June 7, 2024, email: *"Since this site is also going to be getting a permit from the WMO – we will provide our comments through that process."*
9. The San Francisco Town Board reviewed and recommended approval of the request during their May 13, 2024, Town Board meeting without any additional comments or conditions.

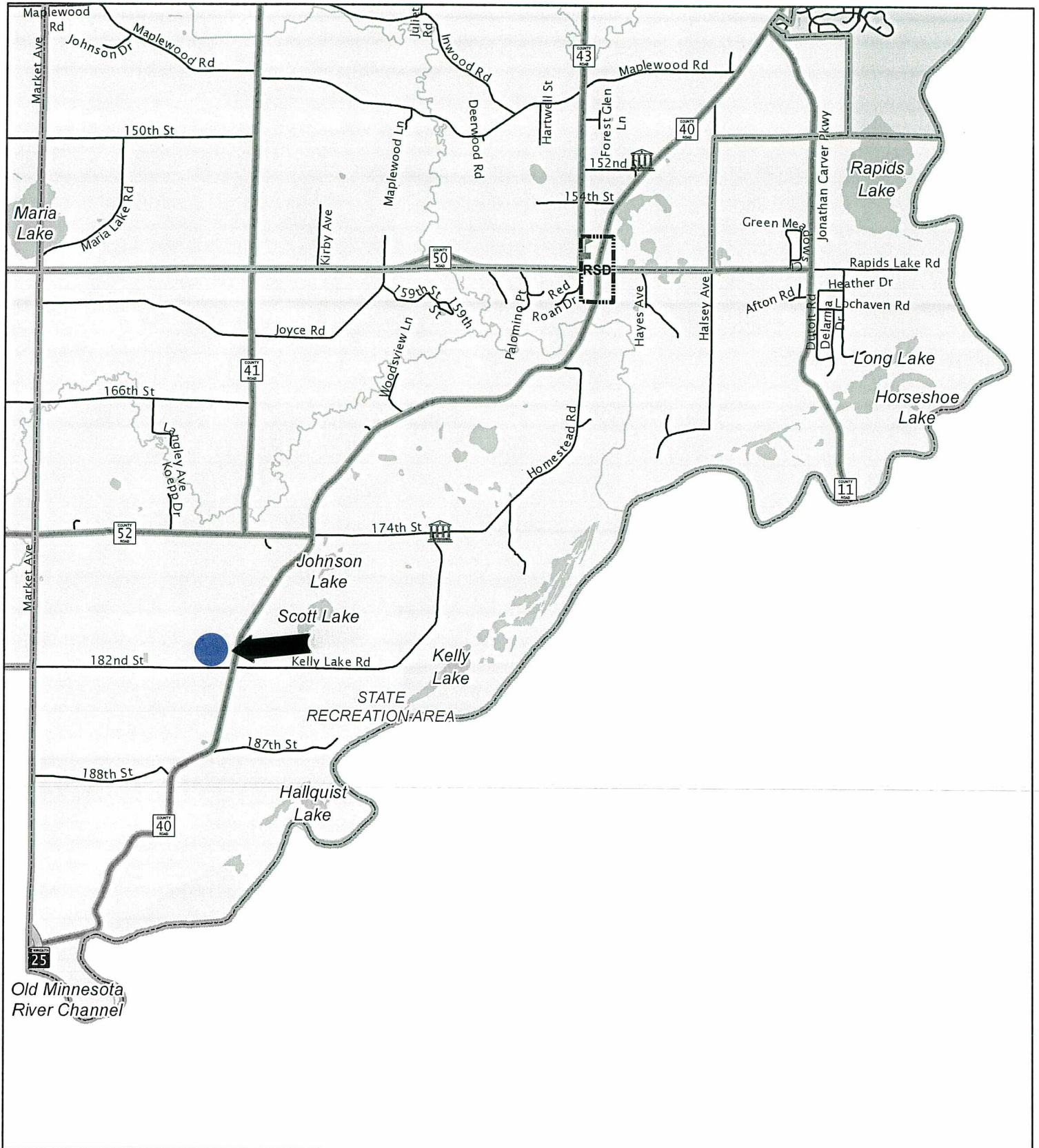
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the Interim Use Permit application to allow Minger Construction Company to remove approximately 46,000 cubic yards of soil from the subject property (PID 08-017-0700), the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The Interim Use Permit (IUP) is issued to Minger Construction Company. The permit allows for the remove of approximately 46,000 cubic yards of materials from the subject property. The permit shall not be terminated until all reclamation areas have been completed to the satisfaction of the approved CCWMO permit.
2. The termination date of the IUP shall be when the permittee has completed all permit requirements of the necessary Carver County, CCWMO and other agency permits.
3. The soil movement and land reclamation activities shall operate in accordance with the submitted project narrative (dated May 13, 2024), site plans (dated May 31, 2024), and any/all CCWMO permit approval(s) (i.e. stormwater management, erosion control, etc.), and any/all Carver County Public Works access requirements/right-of-way standards. If there are any inconsistencies between previously submitted versions, the terms of the most recent shall prevail and shall be considered requirements of this permit. The soil movement and land reclamation activities shall be operated and maintained in accordance with the Carver County Zoning Code. These plans shall be attached to and be considered part of this permit.
4. All required plans shall be prepared, submitted, approved, and implemented in accordance with the Carver County Water Management Organization (CCWMO) Water Management guidelines and permit requirements. Any and all site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Permittee shall obtain an NPDES permit as required by the MPCA.
5. The Permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations.
6. The hours of operation shall be in conjunction with the roadway construction, approximately from 7:00AM to 7:00PM Monday through Friday. Dirt hauling shall not occur on federally observed holidays.

7. If internal access roads are used to the extent that dust becomes a problem for surrounding properties, the access roads shall be treated with water or other similar dust control measures.
8. All storage of equipment and materials used in the operation shall be kept within the project area identified in the submitted site plan.
9. Noise pollution shall be kept to the requirements/standards of the Minnesota State Statute Chapter 7030.
10. No trash, garbage, waste, construction debris, or other similar materials shall be deposited in or near the project area.
11. Permittee agrees to defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the permittee's performance or failure to adequately perform its obligations pursuant to this permit, or arising out of a dispute as to the ownership of the property.

SAN FRANCISCO TOWNSHIP



This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



Map Created by Carver County GIS

S 1/2 SEC. 17, T.114, R.24





Minger Construction, Inc.
General Contracting

620 Corporate Drive
Jordan, MN 55352

PHONE: 952-368-9200

FAX: 952-368-9311

CSAH 40 – Borrow Pit

05/13/2024

Minger Construction plans on borrowing 46,000 cubic yards from the property of Doug Hillstrom. The intention of this borrow pit is to flatten out the current property and use the material for a road project that is adjacent to the property. The operation to get the material will be with an excavator, 3 articulated dump trucks, and a bulldozer, there will be no screening for this process. The working hours for the site will be from 7:00 AM to 7:00 PM Monday through Friday and Minger will have a maximum of 5 employees working at the site, which will be the only other people that will have access to the site. There will be roughly 240 trips in and out of the site per working day with haul trucks as this site is connected to our CSAH 40 – Belle Plaine Area project. No parking spaces will be available onsite when Minger is borrowing the material, we will be parking on our CSAH 40 Project. We will not be storing any materials or have any storage onsite. The property is currently agricultural land and Minger will put the land back into agricultural use for the landowner after the borrowing is complete. Minger will be disturbing 7.3 acres of land with the borrow pit. We don't plan on using any signage for the site as we will have CSAH 40 closed for our road project as the borrowing activity will be taking place. We plan on starting to borrow material out of this property around mid-July and be done with the activity by mid-September.



Minger Construction, Inc.
General Contracting

620 Corporate Drive
Jordan, MN 55352

PHONE: 952-368-9200

FAX: 952-368-9311

CSAH 40 – Borrow Pit

Topsoil Management Plan

The purpose of this plan is to lay out how Minger Construction will manage topsoil onsite for the CSAH 40 – Borrow Pit. This plan will cover how Minger will strip topsoil, temporary methods of erosion control, slope dressing, subsoiling methods, phasing of striping and replacing topsoil, and locations of stockpiles/windrows.

Topsoil Stripping and Windrowing Methods

Minger Construction will utilize scrapers to strip the topsoil off of the farm field.

Temporary Methods of Erosion Control

Temporary methods of erosion control will be rapid stabilization method 3. Once all topsoil has been stripped on the site Minger will stabilize.

Topsoil Reapplication Procedures

Replacement of topsoil will be done by a with a LGP bulldozer, excavator, and haul trucks. After topsoil has been placed Minger plans on tilling the topsoil to de-compact it.

Subsoil De-Compaction Methods

Subsoil de-compaction will be achieved with a MTS 13-38 plow that will be towed by a tractor. Subsoil de-compaction will occur before topsoil is placed.

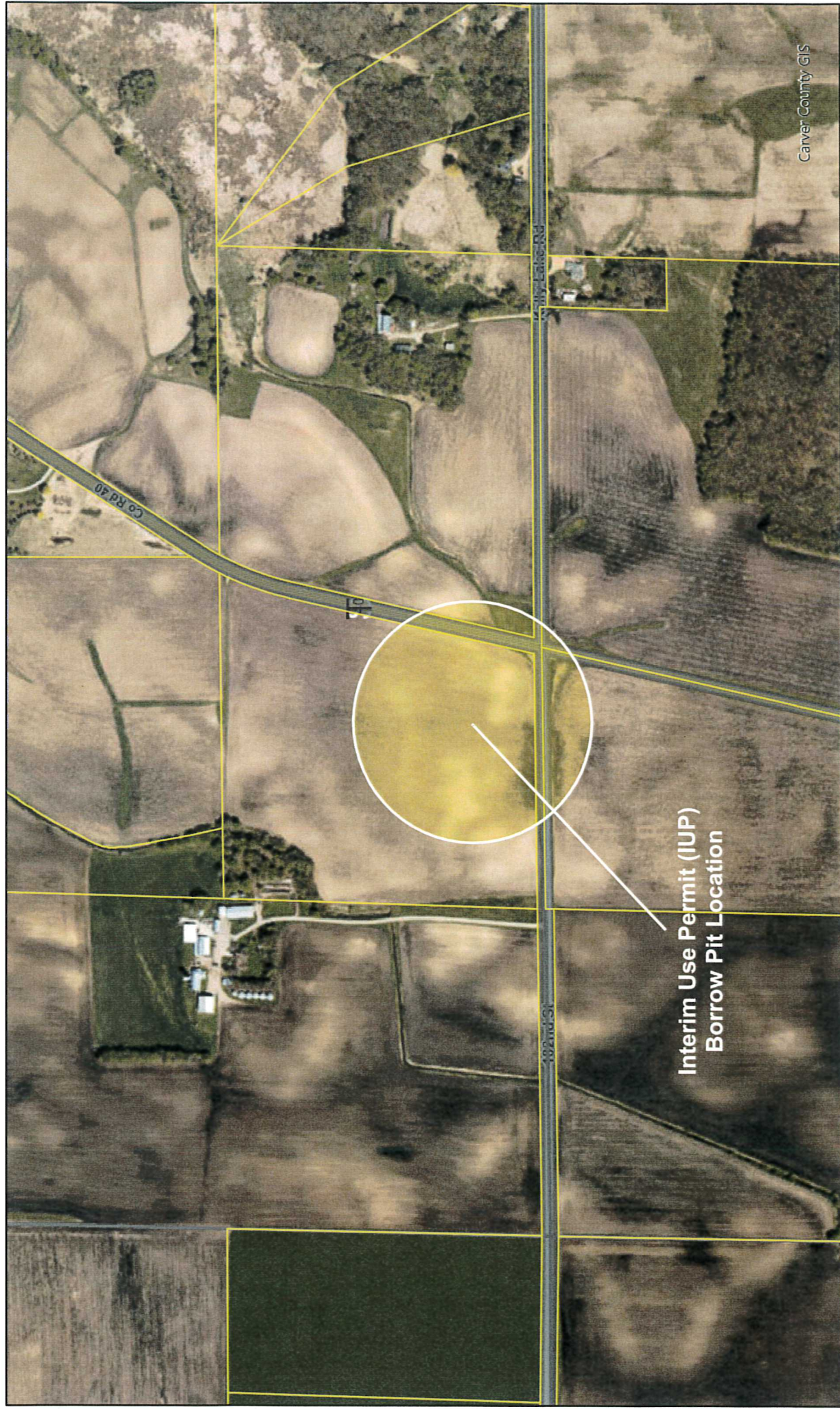
Construction Phasing of Stripping and Replacing Topsoil

The phasing for the stripping of topsoil will occur around mid-July. Work for borrowing material out of the area will occur over a roughly 2-month period. Once enough material has been borrowed Minger will replace the topsoil and hand the field back over to Doug Hillstrom.

Locations of Stockpiles and Windrows

The locations of Stockpiles on this site will be located in the southwest corner. See attached borrow pit plans for location.

MINGER CONSTRUCTION - BORROW PIT (CO RD 40)

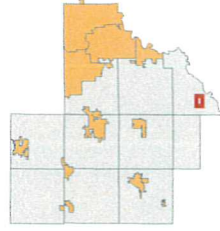
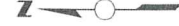


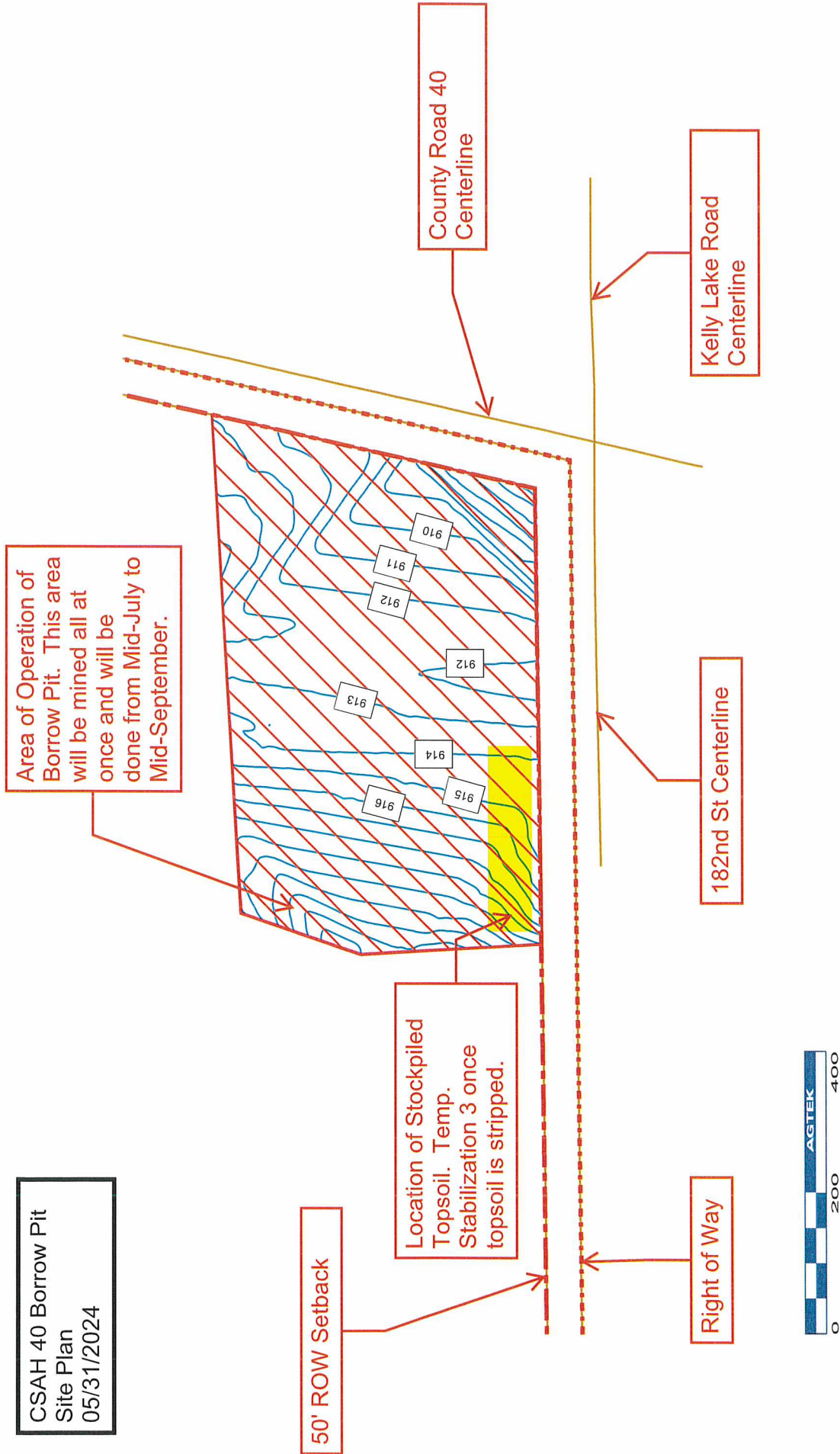
Date: 6/10/2024

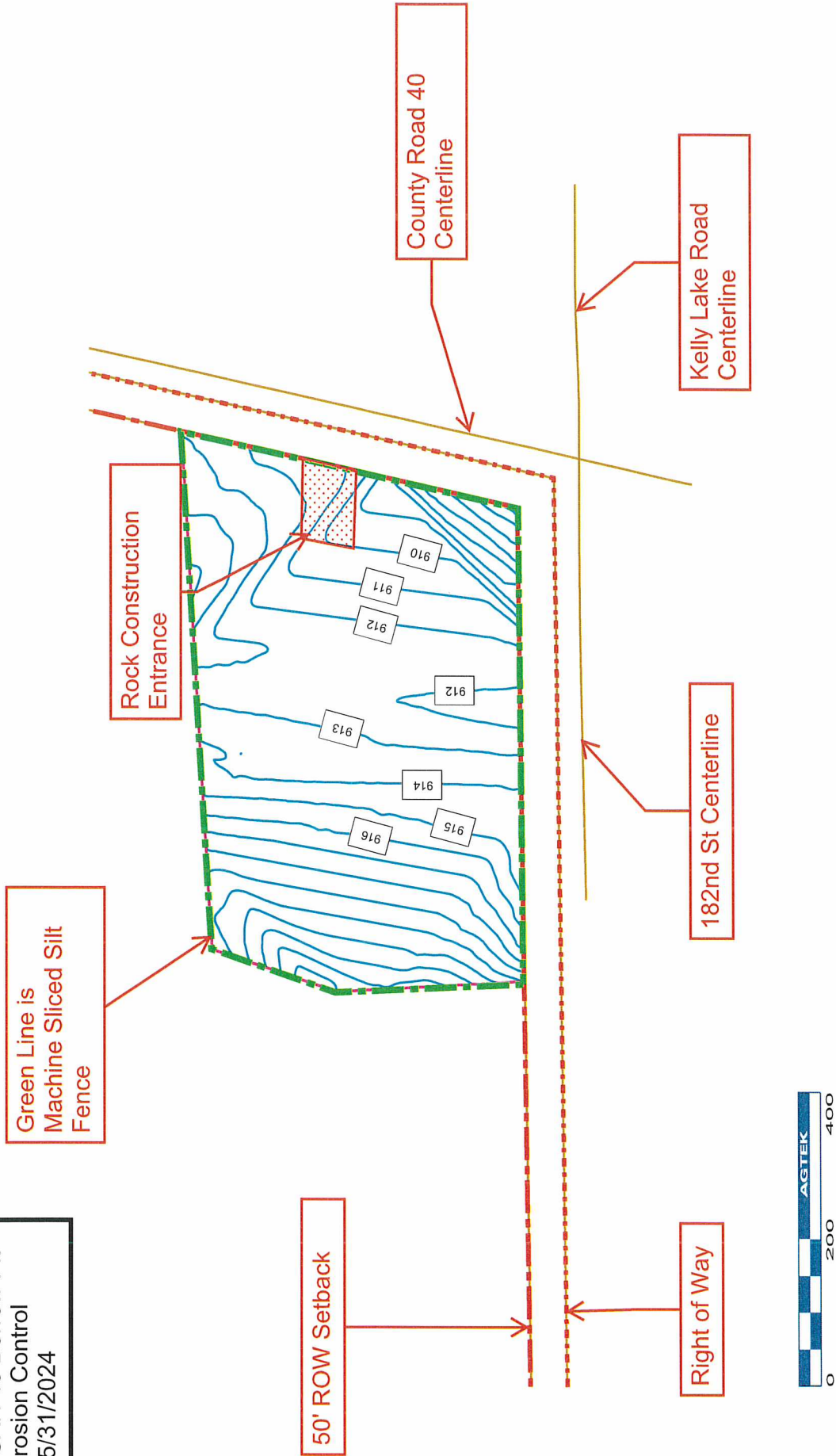
This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.



2-11

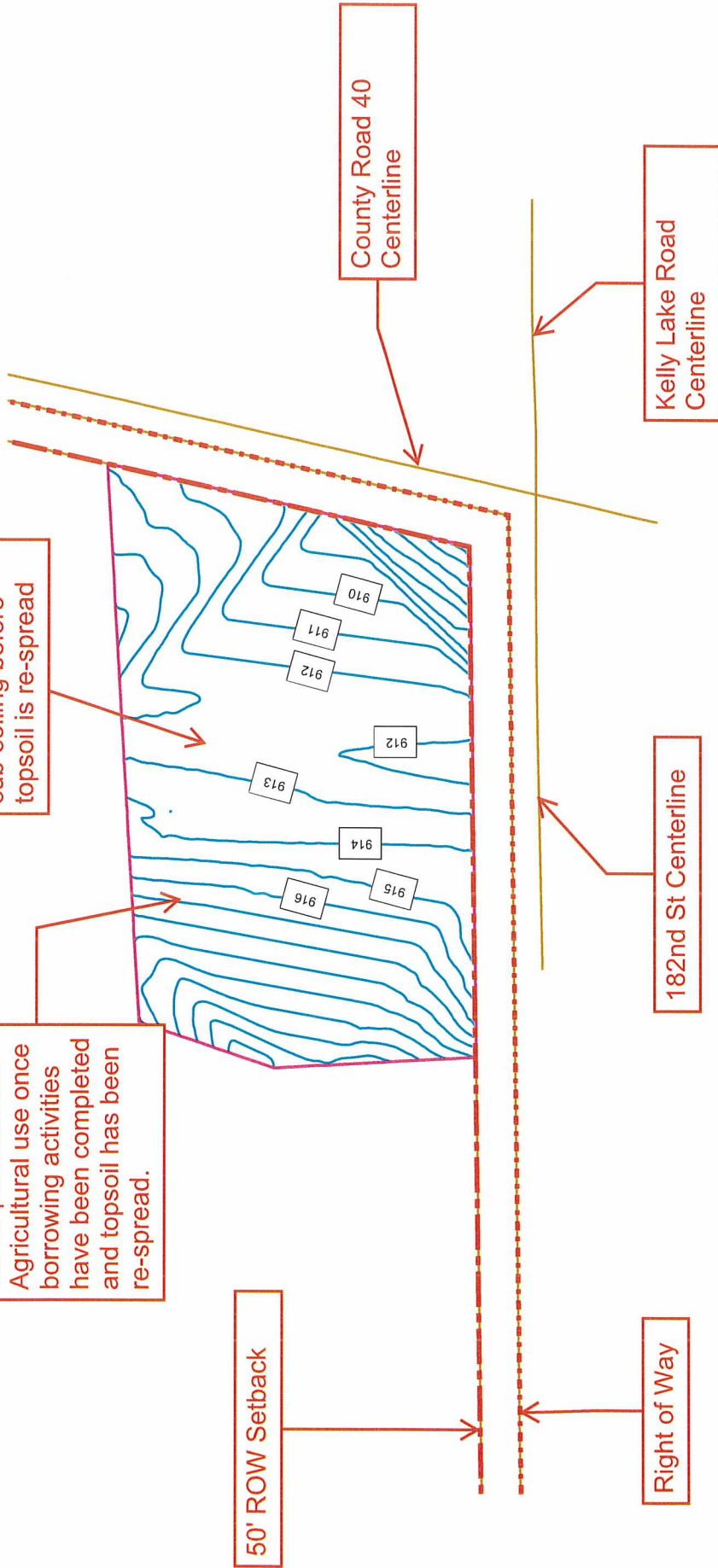




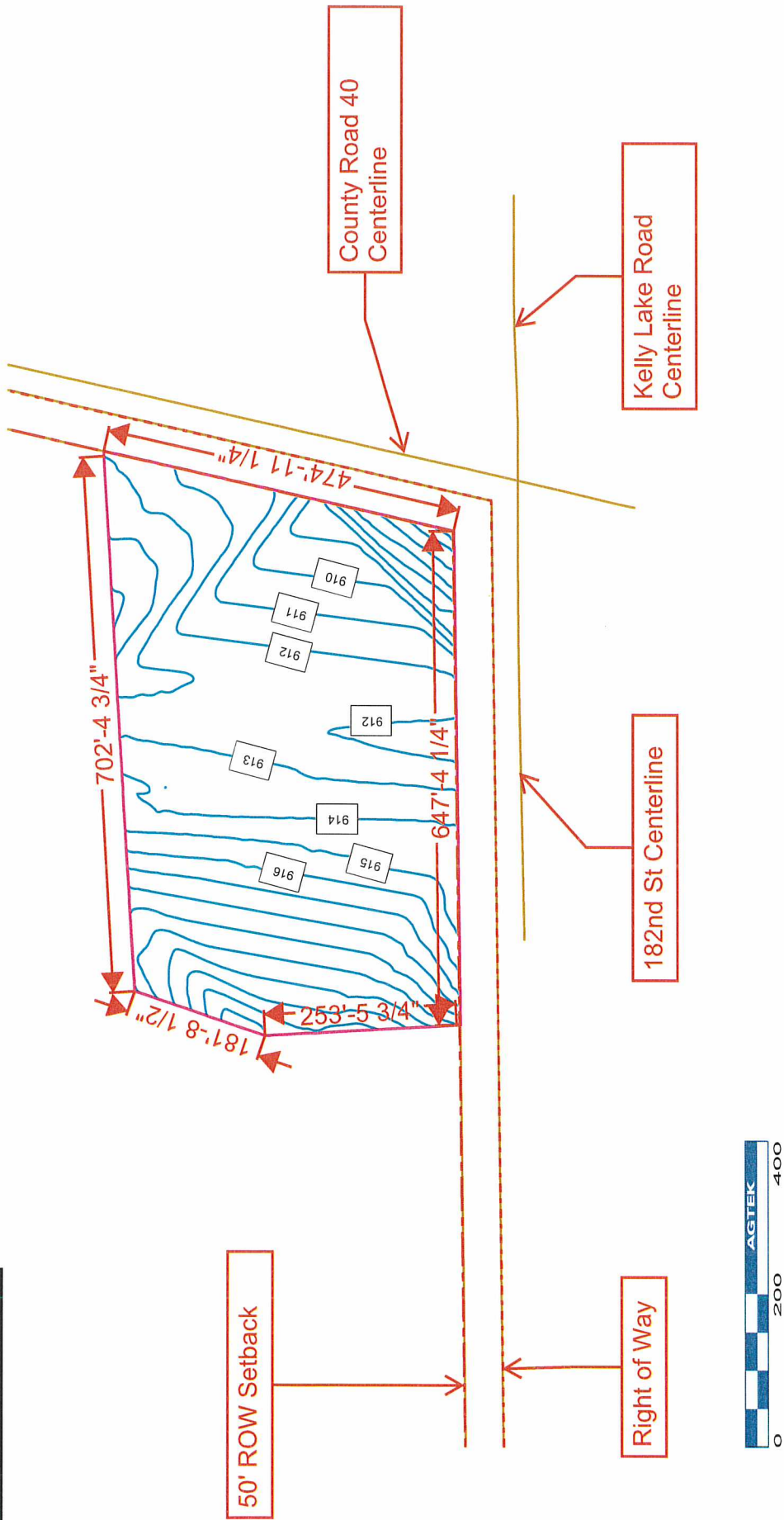


Finish Grade of the new field. This field will be put back into agricultural use once borrowing activities have been completed and topsoil has been re-spread.

Field will be decompacted by sub-soiling before topsoil is re-spread



CSAH 40 Borrow Pit
Site Plan Dimensions
05/31/2024





Township Presentation & Recommendation Form

PARCEL # 08.0170700	Permit # PZ20240021	
Owner's Name: Doug Hillstrom	Owner's Mailing Address: 18710 County Rd 40	
City: Belle Plaine	Owner State: MN	Owner Zip: 56011
Applicant (if other than owner): Wyatt Held (Minger Construction)	Site Address: NW Quadrant of 182nd Street & County Road 40	

Type of Request: ☐ CUP ☒ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal

Description of Request:
Minger Construction is looking to borrow 46,000 CY of material from PID 08.0170700 for the Carver County CSAH 40 - Belle Plaine Area Project. After borrow is complete Minger will turn the field back over to the owner and he will continue to use it as agricultural land.

Date of County Public Hearing: 6/18/2024 **Date of Township Meeting:** 05/13/2024

Actions:

Township Action Taken:

☒ Recommends approval and use of the Township Road (if applicable) with the following comments:

☐ Recommends denial for the following reasons:

☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Signature of Applicant

Date

5/13/24

Signature of Township Official

Date

5/13/24

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 08-017-0700

File# PZ20240021

APPLICANT: Minger Construction (Wyatt Held)

OWNERS: Douglas Hillstrom & Anne Keenan

*** * * * ***

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 17, Township 114 North, Range 24 West.

DRAFTED BY: Carver County Land Management Department

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – June 18, 2024
Minutes

Members Present: Scott Wakefield, Scott Hoese, Greg Grazzini, Frank Mendez, Matthew Kerber, Andy Steinhagen, John P Fahey

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Christina Neel, Jennifer Tichey

Pursuant to due call and published notice thereof, the June 18, 2024, regular meeting of the Carver County Planning Commission was called to order by Chairman Hoese at 7:00 p.m.

Minutes – Chairman Hoese called for a motion on the minutes from the May 21, 2024, meeting. A motion was made by Wakefield and seconded by Kerber to approve the minutes from the May 21, 2024, regular meeting. All voted aye. Motion carried.

Agenda – Chairman Hoese asked if there were any additions or deletions to the agenda. Hearing none, he asked for a motion to approve the agenda. A motion was made by Wakefield to approve the agenda as printed. Grazzini seconded the motion for approval. All voted aye. Motion carried.

File #PZ20240021 – Minger Construction – Chairman Hoese called the public hearing to order at 7:01 p.m. to consider a request by Wyatt Held, representing Minger Construction. The purpose of the public hearing was to consider a request for an interim use permit for land reclamation/borrow pit of 10,000+ cu. yds. pursuant to Chapter 152 of the County Code. The property is located in Section 17 of San Francisco Township.

The following were present: Wyatt Held, Don Shermock, Margaret Shermock

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated May 13, 2024

Exhibit F – Staff Report addressed to the Planning Commission and San Francisco Township dated June 10, 2024, and all attachments.

Neel stated property owners, Doug Hillstrom and Anne Keenan, own an approximate 80-acre parcel improved with an existing farmstead, scattered woodlands, and agricultural production land. Minger Construction, represented by Wyatt Held, has secured the contract with Carver County (road construction project) to realign a segment of County Rd 40 located between Hwy

25 and County Rd 52. This project consists of widening road shoulders, straightening the road, flattening slopes, correcting drainage issues, and improving overall safety. The project requires importing a large amount of soil to the project area and the close proximity of the borrow pit reduces project costs and eliminates the impact of loaded haul trucks on County roads. The Zoning Code classifies this type of soil removal as land reclamation and allows this activity as an Interim Use Permit. Minger Construction has an agreement with the landowner to remove approximately 46,000 cu. yds. of soil from the property between mid-July and mid-September 2024. The soil would be directly trucked to the adjacent project area. The work vehicles include three (3) articulated dump trucks, an excavator, and a bulldozer. The proposed hours of operation are from 7:00 a.m. to 7:00 p.m., Monday through Friday. Five employees will work the site to enable roughly 240 trips 'in and out of the site per day. There will be no public access to the site and there will be no signage on the property. The submitted site plan, dated May 31, 2024, shows the existing and proposed conditions of where soil would be removed from an approximate 7.3-acre area on the southeast corner of the Hillstrom property, west of County Rd 40. The site plan also shows a 50-foot setback from all property lines, which is compliant with the requirements for land reclamation. The haul trucks will use a temporary rock construction entrance to County Rd 40 and would not travel outside of the road construction zone. The topsoil will be stripped and stockpiled and stabilized on the southwesterly portion of the property. The site plan also shows perimeter sediment control on the outside boundary of the disturbed area. The final stabilization site plan contains lines showing the borrow area is concentrated on a hill in the center of the project area, reducing the hill's height by about 15 feet. Restoration of the project area includes decompaction of the subsoil and regrading the field to allow for continued agricultural use. Daily truck traffic on public roads is not a concern with this project, since County Rd 40 will be closed to public traffic during the soil removal activities. Carolyn Fackler, Carver County Public Works Project Manager for this segment of the County Rd 40 reconstruction, reviewed the application materials and commented, "This information is consistent with what we've been discussing with the contractor in the field. It is to support our construction project and we are in agreement with what is being proposed." A CCWMO permit is required and Stormwater Management standards would need to be met for the reclamation of all disturbed areas. Erosion control and stormwater permits have been submitted and are currently under review. Abigail Ernst, WMO Water Resources Program Analyst, noted the stockpile should be surrounded by a silt fence. The CCWMO permit will be issued when all other permitting requirements are met and the surety for the CCWMO permit is submitted. Mike Wanous, Carver County Soil & Water Conservation District Manager, stated "this site is also going to be getting a permit from the WMO and we will provide comments through that process." The San Francisco Town Board reviewed the request and recommended approval at their May 13, 2024, meeting without any additional comments or conditions. Neel read the proposed conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the application, the deficiencies found in the required findings should be referenced.

Chairman Hoese asked the applicant if he had any additional information or comments.

Wyatt Held, representing Minger Construction, stated he had no additional comments.

Margaret Shermock, 18180 Kelly Lake Rd, asked if the property is still in the Hillstrom's ownership and if there is a maximum number of trucks for hauling or trips that can be made in one day.

Neel replied that the property ownership is in the name of Doug Hillstrom and Anne Keenan.

Mielke addressed the question about the trucks and hauling from the site. He clarified that San Francisco Twp determined that the activity from this request is not one that requires approval of the Township mining ordinance. That is why the request is being heard at the County level for an Interim Use Permit for mining/land reclamation. There is no restriction in the County guidelines on the number of trucks or trips that will be made in a day. There is no through traffic on this segment of the road, as the road is closed because of the construction.

Don Shermock, 18180 Kelly Lake Rd, asked when this hauling project would begin and how long the reconstruction of County Rd 40 would take before completion.

Wyatt Held, Minger Construction, replied that the project completion date is the end of November 2024. He stated the hauling from this site will occur between July and September and there will be no more material removed from this site after that date.

Mr. Shermock stated the area on the Hillstrom property is approximately 10 acres. He asked if there would be material removed from another 10 acres on the property at a future date, or with another phase of the road project.

Mr. Held replied that this is a one-time only deal, as they are about 75,000 cu. yds, short of the necessary materials for the project.

Mr. Shermock asked if the land will be developed after the road project is completed.

Mr. Held stated the topsoil will be removed and set aside and the project materials removed to reduce the hill and then the topsoil will be replaced and the land returned to agricultural use.

Mrs. Shermock asked if Scott Lake is protected from any impact from the excavating.

Mr. Held stated he is working through the permitting process for that.

Mr. Shermock asked if this project would be completed in November as they had heard it would be done on phases over a two or more-year period.

Mr. Held stated November 15, 2024, is the project completion date.

Mrs. Shermock asked if this was a MnDOT project.

Mielke replied this is a Carver County Public Works project and Minger Construction is the contractor who will be doing the work. They have an agreement with the Hillstrom's to remove material to flatten the hill. When the project is completed, the topsoil will be returned so the

Hillstroms can continue agricultural production on the land. Mielke explained this permit is an interim use permit which is specific to this project and only in effect until this project is completed. It is different from a conditional use permit which would run with the land.

Mrs. Shermock asked if the EPA is involved with any environmental concerns from this project.

Mielke replied that the County Water Management Department is reviewing the request for stormwater erosion sediment control. This is also a condition for issuance of the permit.

Chairman Hoesse asked what kind of material will be removed from the site.

Mr. Held replied it is a silty clay which is good common embankment material.

Chairman Hoesse asked how far the material will be hauled.

Mr. Held stated the trucks will travel from the site northward on County Rd 40 to County Rd 52 and then south about three-quarters of a mile. The road will be closed and they will be reconstructing it.

A motion was made by Fahey to close the public hearing. The motion was seconded by Mendez.

Mielke recognized there was no one present to represent San Francisco Township and added that their recommendation was to approve the request.

Chairman Hoesse called for a vote on the motion to close the public hearing. All voted aye. Motion carried. The public hearing was closed at 7:19 p.m.

Chairman Hoesse asked what cover crop is used once the project is completed.

Mr. Held replied that is up to the Hillstroms, but very likely it will be winter wheat. A goal for Minger Construction is to do sub-soiling about 12 inches deep before replacing the top soil.

Steinhagen made a motion to **approve and issue Resolution #24-05** incorporating the findings of fact and staff recommendations approving the Interim Use Permit for land reclamation of 10,000+ cubic yards (approximately 46,000 cubic yards) of material from the site. Kerber seconded the motion for approval. All voted aye. Motion carried.

Adjournment

A motion was made by Wakefield and seconded by Grazzini to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:21 p.m.