

# **Empire Township Planning Commission, Meeting Minutes**

**July 20, 2021**

The Empire Township Planning Commission was called to order by Tom Kaldunski at 8:00 PM.

Present were: Tom Kaldunski, Trent Larson, Jared Sachs, Doug Clark, Jane Kansier, Brad Fisher, Charles Seipel-Teng, and liaison Jamie Elvestad. Commission Member Bob Bjerke was absent.

The notice for public hearings #1 and #2 was read. The Clerk's Office has not received comments regarding the hearings.

Public Hearing #1, to consider a rezoning request from Aggregate Industries for property at 17755 Biscayne Ave. was opened.

Jane Kansier reported that Aggregate Industries has filed an application to amend the Zoning Map to rezone approximately 145 acres from Agricultural Preservation (AG) to Mineral Extraction (ME). The purpose is to allow a mining operation to take place on the property. The property currently lies in the Mining Overlay District.

Trent Larson made a motion to close Public Hearing #1. Doug Clark seconded. Motion passed 4-0.

Trent Larson made a motion to recommend approval for rezoning approximately 145 acres at 17755 Biscayne Ave. from AG to ME. Jared Sachs seconded. Motion passed 4-0.

Public Hearing #2, to consider an IUP to permit mineral extraction activity by Aggregate Industries for property at 17755 Biscayne Ave., was opened.

It was reported that the property, currently owned by Aggregate Industries, proposes to mine the approximately 145-acre site in two phases. Phase 1 is expected to begin in 2022 with Phase 2 starting after the completion of Phase 1 and lasting approximately 2-3 years. It is anticipated that approximately 2 million tons per year will be extracted from the site. It is proposed that a conveyor system, coming from the west side of the property will remove the aggregate from the property, instead of using trucks.

Mining will take place with the use of a backhoe and these areas will be immediately backfilled with sand when mining is complete. The MBWSR has determined that there are no wetlands at the site.

The applicant is proposing the hours of operation for mining, processing and conveying to take place 24 hours per day, 6 days per week, excluding Sundays. The applicant is proposing a 100'

setback on the east side of the property along with a 15' to 20' high earthen berm. They are also proposing no setbacks on the north and west side of the property.

The Planning Commission reviewed information on the placement of the conveyor and the requirements for reclamation. A minimum of 18" of loamy material over the compacted sand will be needed as part of the reclamation process. The 18" requirement was the result of successful reclamation at other Aggregate Industries mines.

The residents at 17621 Biscayne Ave. expressed concerns with potential noise from the mine as well as the potential for truck traffic. They were opposed to 24-hour operations.

Patty Bestler with Aggregate Industries explained that no processing or wash plant activities will take place at the site. The site will produce approximately 200 CY annual in sand fill sales, and trucks will only be used for that activity. Aggregate will be removed by the conveyor. Employees and other service trucks will access the site via a private road coming in along the west side of the property.

A reclamation bond in the amount of \$4,000 per disturbed acre (minimum of \$320,000 total) will be required.

The Planning Commission recommended that all setbacks be in compliance with the Zoning Ordinance. This includes having a 50' setback on the north and west sides. Additionally, they will require the construction of a 2-wire fence.

Discussion was held on the possibility of offering a probationary period for 24-hour operation, subject to review after complaints. There was no consensus on this recommendation.

Trent Larson made a motion to close Public Hearing #2. Jared Sachs seconded. Motion passed 4-0.

Tom Kaldusnski made a motion to recommend approval of the IUP for mineral extraction at 1775 Biscayne Ave., with the recommendations as discussed during the hearing and with hours of operation taking place between the hours of 6:00 AM and 6:00 PM, with the option to operate at 24 hours per day for a maximum of 30 days per year, with prior notification required. Jared Sachs seconded. Motion passed 4-0.

The Planning Commission reviewed a request and draft agreement to Transfer Residential Building Right and Grant of Conservation Easement between the owners of the property owned by J. Empey Development, LLC and Woznak Dakota Farmstead, LLC., and Empire Township.

The property owners are requesting the transfer of the existing two residential building rights on their property to a property owned by Daren Betzold. The transfer would leave the owner with no remaining building rights. There is some language in the agreement that still needs to be worked out between Mr. Empey and the Township attorney.

Jared Sachs made a motion to recommend approval for the transfer of two residential building rights from the property owned by J. Empey Development, LLC and Woznak Dakota Farmstead, LLC. to the property owned by Daren Betzold (PID #120330025033). Tom Kaldunski seconded. Motion passed 4-0.

The Planning Commission reviewed a metes and bounds subdivision application and an agreement for the assignment of residential building rights for the property owned by Kenneth Duclos on Clayton Ave. The Planning Commission confirmed that there is one residential building right on the existing farmed parcel owned by Mr. Duclos (PID # 120120001015). It was noted that in the survey, the frontage for the new lot needs to be at least 220’.

Trent Larson made a motion to recommend approval of the subdivision and assignment of residential building right for the Kenneth Duclos property, contingent on the receipt of an updated survey showing 220’ of frontage for all new parcels. Doug Clark seconded. Motion passed 4-0.

John Anderson presented a concept plan showing a proposed new residential subdivision application for the Poplar Grove Farm property, on the north and south sides of 197th Street. Phase 1 would take place south of 197th Street and contain 15,000 sq. ft. lots. Phase 2 would be north of 197th Street and consist of a PUD that includes smaller lots and slab on grade townhomes. The development will include trail connections and accommodate a gas line easement. The Planning Commission reviewed roadway setbacks. It was recommended that Mr. Anderson double check with the County on the Biscayne Ave. future road setbacks. The Planning Commission did not have other concerns regarding the proposed subdivision.

It was reported that the operators of Mimsical Pies have not begun operation. It was recommended that they touch base with the Township when they are ready to begin.

The Planning Commission reviewed proposed comprehensive plan amendments from the City of Lakeville; including the Ruddle Property- west of Dodd Blvd. and north of 225<sup>th</sup> Street; the Adelman Property, recently annexed from Eureka Township; and the Timberland Partners Property, west of Buck Hill Road. The Planning Commission had no comment on the proposed comprehensive plan amendments.

The Planning Commission Meeting adjourned at 10:15 PM.