

# SALEM TOWNSHIP PLANNING AND ZONING MEETING

August 15, 2018

**Members Present:**

Rick Lutzi  
John Donovan  
Sonya Mansfield  
Lisa Munis  
Teresa Carstensen  
Greg Reich  
Vincent Hoover

**Alternates Present:**

Brenda DeCook  
David Rassel

**Alternates Absent:**

Matt Petersen  
Kate Herness

**Call Meeting to Order**

The meeting was called to order at 7:00 PM by Sonya Mansfield.

**Pledge of Allegiance**

**Secretary's Report** Greg made a motion to approve the minutes, John seconded, minutes approved.

**CUP request – Public Hearing**

**Eric DeCook - Sand pit**

7:02 p.m. Roger Ihrke presented staff report. Property was rezoned in 2006. CUP was approved in 2008 but not opened. The former CUP was pulled due to inactivity. Haul road to be moved to driveway on CSAH 25 from CSAH 5 to address concerns of neighbors. Height of berms now 6 feet above roadway. Culverts to be removed and water redirected back to pit. No barbed wire fences. Trees/shrubs to be planted on berms and berms will be mow able. Eric would like to be a good neighbor to the Beech's. The dirt shed will be moved to new site. There is maybe one year left in current property. The soil on new property is poor quality, not good for farming. There are probably 20 acres that will be mined, lake may be only 10 acres when complete. Eric is planning to build a home there one day. Eric has talked to Soil and Water about regarding and the pond.

Lisa asked Roger about an EAW, this site does not require one because of its small size. Could a cumulative assessment be done? Roger said this could be done but it would be difficult on smaller operators. He advised talking to engineers to look at the cost of this, if it is wanted. Township could put an assessment on future operators, it is something to consider. Lisa asked about truck traffic increasing and safety of other residents being a concern. Roger responded that he is not a traffic engineer. The County Engineer has looked at this and the county is main user of product coming out of pits.

Lisa said that ORDINANCE SECTION 4.02 #1 which states:

“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 township does not have a responsibility to larger communities, to provide for their needs. Roger responded, correct. Eric responded that traffic west of the intersection of CSAH 5 and CSAH 25 is ¼ to 1/3 less, so moving the haul road should help. Traffic may also be reduced since the other pit opening is closer to Rochester. Lisa said that the common ground is safety, an accident may happen.

Lisa asked if they have their own drivers? Eric responded that customers have their own trucks, they have a few trucks. Call if there is a problem with trucks coming in and out of the pit.

Meeting opened to public comment- Rick made a motion to open meeting to public, seconded by Greg, passed, 7:25 p.m.

Betty Beech, neighbor, was concerned about truck traffic, Leitzen's and across road at Eric's current site, traffic will increase. Sonya commented that Leitzen's is a rezone not a CUP. B. Beech asked about length of time this pit will be open? Eric said hopefully 3-5 years. He may talk to Ready Mix about dredging and running pipe through a culvert. It would speed up product removal. B. Beech asked could a time limit be put on this CUP? Lisa responded that we don't have interim CUP's, but bond is a way to speed pits along. B. Beech asked about well contamination. They have a 130 foot well and water was reached at 13 feet. Roger replied that the DNR did a study with test wells at pits and found no connection between contamination and wells. B. Beech asked how many pits open? Sonya, 7, Dan's would be 8, Eric's would be 9. Dan, Eric and Leitzen's are each working on closing a pit. B. Beech asked how many acres are in CUP's? Sonya responded 700 + acres, Eric will not be mining entire parcel but whole parcel is rezoned. Brenda DeCook said that land is rezoned to Agriculture Resource Mining, that way they can still use it for agriculture.

Will Mahler said that Eric seems to be downscaling, can it be in writing? Eric responded that there is not much sand on this property and the pond will have a sand bottom when finished with mining. W. Mahler referred to the 4.02 section in the Ordinance, pit injurious to other properties, Roger is not canvassing other neighbors. Could another pit be closed before this one is opened? There are other places in Olmsted County that have sand. Couldn't we find out how much will be needed in the next 5 years? How much is there?

Brenda DeCook responded that Ready Mix will be out next spring and will be moving south of current spot, Eric is changing sites because sand is running out at current site. You cannot guess how much sand is available, not all of acres will be opened. Rick responded that we cannot afford to check all the sites and get an estimate on quantity of sand. Eric responded that Oronoco has a different type of sand.

Lisa said that as long as people are in business there is a need. Other pits did not impact as much, maybe it is time to look at the whole, P&Z is to look at this. Three to four percent of land in township is being mined.

Lisa addressed the Beech's concern about drop in property value. They should check with Ryan Kraft, the County Assessor, he would have an estimate of property value, if not try a fee appraiser. Roger added that property has been rezoned since 2006. Property value after mining is usually increased, Rochester has lakefront property after their mines were finished.

David Strain, neighbor, asked about soil being moved and diverting the waterway? Eric responded that water will not be redirected but going to CSAH 25 ditch, on the north swale they will try to redirect to west. They will remove access road across from Beech's.

B. Beech asked board if a yes or no vote to limit the number of pits could be added on the November ballot? Would the board be in favor of closing a pit before opening new one? Rick responded that it takes 6 months to a year to open a pit. B. Beech, could it be a limited number of pits? Sonya responded that each pit has different clientele. B. Beech, it is an emotional issue to residents, they face a loss of equity in home value. Sonya responded that sand benefits many.

W Mahler asked if Sonya was an advocate for the sand mines. Sonya responded that no, she is not an advocate, as a resident the product that is used in the local township comes from the local township. Rick said that the sand the township uses comes from township and is paid for with taxes.

Lisa responded that even when she has a different opinion from the board, she is heard. Property owners have rights to have a business. Maybe it would be possible to get a question to limit the number of pits on the November ballot. Eric responded that some of the struggle is that City of Rochester ran out of sand and 20 years from now sand in township will probably be gone. John Donovan replied that if the county grows by 5000 people a year, building homes and cement require sand. The township cannot pick winners and losers in the sand business. It is better to have a sand pit than a hog facility. Brenda said that she lives between 2 pits, it is amazing to watch wildlife and waterfowl that come to the pits. Eric will be living by his pit.

B. Beech, how will they mine (direction)? Eric said there is not enough sand on the north end of property to mine.

8:11 p.m. Greg made a motion to close the public hearing, seconded by Teresa, passed. Public comment closed.

Board to discuss, Conditional use #5 Town board is researching the proposed bond. Rick asked about a County sound ordinance? Roger responded no. John responded that there was no way to enforce. Rick asked if there was a way to stop jake braking? Roger, no. Roger said that there is a change to # 18, 3<sup>rd</sup> sentence "berms must extend at least 6 ft. above height of road". John asked if there will be berms after pit is reclaimed? Roger responded that berms are to be used in reclamation of pits. Eric can plant bushes or trees, he would like to work with neighbors. John said that pit owners can enforce rules against jake braking.

Sonya asked for a motion to approve or deny. John made a motion to approve with what was discussed along with staff recommendations to board. Greg seconded. Motion passed. Six yes,

Sonya Mansfield, Teresa Carstensen, John Donovan, Rick Lutzi, Vincent Hoover, and Greg Reich and one no, Lisa Munis. 8:21 p.m.

**Discussion of town board's directive towards developing a land-use plan.** Greg commented that a short plan would be good. John thought Kalmar's plan was a good one, we could tweak it to fit our needs. Sonya did not like Haverhill's or Elmira's, they were very negative in nature. Rochester Township's was simple and generic. Sonya said we should identify the primary goals for a land use plan. Our land use plan can specify no large subdivisions. It can also specify that subdivisions be located on county roads not township roads. John, we can deny subdivisions. Roger said we should create goals and TCPA will help shape it. John said it gives township a backing of what residents want. Lisa said we should poll citizens on goals of township. Sonya suggested that we identify undeveloped parcels in close proximity to Rochester and Byron which may be subject to future development. Encourage the cities of Byron and Rochester to concentrate on urban development. Roger commented that Rochester Township just went through this process, a map will be created. Township can ask county to incorporate their land use plan into theirs. Things to look at Residential development, resource mining, and agricultural resources. We will continue to look at the next meeting.

### **Other Business**

**Conditional Use Permits for Sand Pits and renewal date reviews** (the purpose of this is to devise a sheet with the bond renewal dates and have that checked every meeting to see if any are coming up).

### **Upcoming Reviews**

September:

Paws and Claws 84-15 (From November)

Breutzman Country Kennel 06-02

Glen Donley 09-01

Builders Sand (Bryce DeCook Property)

Chris DeCook Landscaping

### **Adjournment**

Greg Reich moved to adjourn, seconded by Vince Hoover. All in favor. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Sonya Mansfield  
Chair

Teresa Carstensen  
Secretary

DRAFT