
MEMORANDUM



TO: Mayor & City Council
FROM: Mary Lou DeWitt, Comm. Dev. Zoning Specialist
SUBJECT: **Conditional Use Permit for Sylva Corp. for the properties #24-071-0020 and #90-005-1200**
DATE: September 20th, 2022

Informational Only

Background:

The Planning Commission held a public hearing on September 19th, 2022 for a Conditional Use Permit for the expansion of outside uncovered storage. Larry Doose, applicant is the co-owner of Sylva Corporation, located at 900 Airport Road, and is purchasing the two properties west of their current site. Property PID #24-071-0020 is in Mille Lacs County and PID #90-407-0210 is in Sherburne County. Sylva Corporation is a wood chipping industry and would like to expand their outside storage to these two sites.

The City Council finalized the rezoning of these two sites from D-1, Airport District to MN-1, Industrial District. The MN-1, Industrial District Ordinance requires a Conditional Use Permit if 50% of the site would be used for uncovered outside storage, provided that:

- (a) The exterior storage area must be located to the rear of the building or site;
- (b) The exterior storage area must be fenced and fully screened from view.

Obtaining the requirement for the storage area to be fenced or fully screened from view will be difficult since the site is in an open area. The vegetation kept will be a buffer along the wetlands. With the wetlands on each site, outside storage on either site will be minimized. To compromise with the fencing/screening requirement the exterior storage should be contained where it is not visibly offensive.

Analysis:

The two sites are west of their current manufacturing site across 19th Avenue South. The City has allowed the manufacturing business to store pellets of woodchip material on the site of #24-071-0020.

The Public Works Director would like a 6 (six) foot apron of 2 – 3 inch diameter crush rock to the separate sites where 19th Avenue South pavement will not be disturbed by heavy equipment. Employee parking should be at the main building site and adhere to the City Parking Ordinance requirements. Heavy equipment needs to be stored on hard surfaced area.

The applicant plans to remove all of the trees and brush from the site except for an 8' to 10' foot strip of vegetation to buffer along the edge of the wetland areas.

Staff contacted Mille Lacs County and Sherburne County for their input for the sites proposed use. Comments from emails are below:

Mille Lacs County Comments: Dilan Christiansen, Wetlands Land Service Office

I met with Sylva on site back in April and we discussed the wetlands on the property. Sylva initially wanted to fill all of the wetlands, but I informed them that they would not be allowed to fill

the type 2/3/4 wetlands due to De Minimis restriction and proximity to a public waterway. I then informed them that replacement would be their only route if they wanted to fill and have heard nothing since.

I would greatly appreciate it if Sylva could submit a site plan of where they intend on storing the materials on the parcels, how they would access them, and what measures will be taken to avoid wetland impact (e.g. silt fences, seeding, buffer strips, stabilization of exposed materials, etc.). Additionally, if the Conditional Use Permit could specify that no wetland impacts are allowed without an approved Joint Application/replacement plan that would be awesome.

Sherburne Counties Comments: Zach Guttormson, Sherburne County Zoning

It's unclear at this time if the applicant will need to apply for a replacement plan. If they are proposing to avoid wetland impacts then they wouldn't need to apply for a replacement plan. A wetland delineation would be informative – the applicant could design/plan around wetland impacts OR would know if wetland impacts would occur.

I believe a reasonable condition regarding Sherburne County WCA would be the language directly from our ordinance:

Landowners and/or applicants must obtain a wetland exemption certificate, no-loss certificate, wetland replacement approval, or wetland excavation permit prior to impacting a wetland. The application with required fees must be submitted to the Sherburne County Zoning Department and processed as per the Minnesota Wetland Conservation Act.

CONDITIONAL USE PERMIT STANDARDS

The issuance of a Conditional Use Permit finds the proposed location complies with the following standards:

1. The proposed use does not violate the health, safety or general welfare of Princeton residents.
2. The proposed use has been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation.
3. Adequate parking and loading is provided in compliance with the Ordinance.
4. Possible traffic generation and access problems have been addressed.
5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
6. The proposed use conforms to the City's Comprehensive Plan and is compatible with present and future land uses of the area.

CONDITIONS: In approving any Conditional Use Permit, conditions can be applied to protect the best interests of the surrounding area or the City as a whole. Failure by the applicant or

property owner to comply with the conditions of approval shall result in the revocation proceedings according to subsection E.

The conditions may include, but are not limited to, the following:

1. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in Subd. 1 and the economic, noise, glare or odor effects of the conditional use on nearby property.
3. Refuse and service areas, with particular reference to the items in Subd. 1 and Subd. 2 above.
4. Utilities, with reference to location, availability, and compatibility.
5. Diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
7. Required yards and other open space;
8. General compatibility with present and future land uses of the area; and
9. Hours of operation.

Conclusion / Recommendation for Parcel #90-005-1200:

The Planning Commission approved the Conditional Use Permit to allow Sylva Corporation the expansion of their current manufacturing facility for uncovered outside storage on the land west of their current site at PID #90-403-0210; with the following conditions:

1. The current CUP Resolution #05-01 conditions be followed.
2. No more than 30 (thirty) feet in height of exterior materials on site.
3. City Storm Water Ordinance and N.P.C.A. compliance followed.
4. Applicant obtain from Sherburne County an application and approval for wetland exemption certificate, no-loss certificate, wetland replacement approval, or wetland excavation permit prior to impacting a wetland.
5. Applicant file a notice to the FAA (Form 7460-1) for an airspace study to be conducted on the piles, equipment, or structures on the property.
6. Access to the site will need an improved entrance from 19th Avenue. Sylva Corporation will install a 6 (six) foot apron of 2 – 3 inch diameter crushed rock for 50' feet into the property.
7. The exterior storage should be contained where it is not visibly offensive.

Conclusion / Recommendation for Parcel #24-071-0020:

The Planning Commission approved the Conditional Use Permit to allow Sylva Corporation to allow the expansion of their current manufacturing facility for uncovered outside storage on

the land west of their current site at PID #24-071-0020; with the following conditions:

1. Applicant submit to Mille Lacs County Wetlands Land Services a site plan of where they intend on storing the materials on the parcel, access to the site, and measures taken to avoid wetland impact.
2. No wetland impacts are allowed without an approved Mille Lacs County Joint Application / Replacement Plan.
3. Applicant file a notice to the FAA (Form 7460-1) for an airspace study to be conducted on the piles, equipment, or structures on the property.
4. No more than 30 (thirty) feet in height of exterior materials on site.
5. Natural buffer screening will stay to protect the wetland area.
6. The current CUP Resolutions #07-09 and #20-01 be followed.
7. Access to the site will need an improved entrance from 19th Avenue. Sylva Corporation will install a 6 (six) foot apron of 2" – 3" inch diameter crushed rock for 50' feet into the property.
8. The exterior storage should be contained where it is not visibly offensive.

