



TO: Advisory Planning Commission Members

FROM: Brian C. Peterson AICP, Planning Director; 3/11/16

Meeting Date: March 15, 2016

Agenda Item

Item # 7 - Public Hearing: Conditional Use Permit and Minor Subdivision/Final Plat Approval request by the City of Red Wing Public Works Department, 229 Tyler Road N., Red Wing, MN and Xcel Energy, 801 East Fifth Street, Red Wing, MN to operate a Public Works Maintenance Shop and Yard on the easterly portion of Outlot A of Tyler Hills Second Addition – Material Storage and Concrete/Asphalt Crushing Operation

Action Requested

Motion to Recommend Approval of the Request, subject to conditions of approval

Attachments

- Application and Narrative
- Hearing Notice
- Area Map
- Red Wing Zoning Map
- Proposed Tyler Hills Fourth Addition with Air Photo
- Proposed Tyler Hills Fourth Addition Plat
- Site Plan, Stormwater Plan, Landscape Plan, Map Showing Existing Scenic Easement
- Stormwater Design Memo by S.E.H. Inc.
- Existing Conservation (Scenic) Easement
- Existing Roadway and Drainage Easement Agreement
- Tyler Hills Second Addition Plat
- Figure 5.1 Land Use Plan from Comprehensive Plan
- S.E.H. Sound Study Memorandum

Background

A public hearing was conducted on this matter on February 16, 2016 by the Advisory Planning Commission and the Red Wing City Council reviewed the matter at a meeting conducted on February 22, 2016 and adopted a motion to direct the Advisory Planning Commission to conduct a second public hearing to

reconsider the request. The site is intended to be used throughout the year for material storage and in the fall of the year, for up to 30 days for crushing and stockpiling of concrete and asphalt. The proposed Material Storage and Concrete/Asphalt Crushing Operation would be located on Lot 1, Block 1 of Tyler Hills Fourth Addition and covers approximately 7.78 acres.

Proposed Development: The City proposes to relocate its material storage site that is currently located in the Upper Harbor to property currently owned by Xcel Energy that is adjacent to the Goodhue County landfill, City Ash Landfill, and Xcel Energy Ash Landfill off of Bench Street (County Highway 1). It is expected that the City will enter into a lease agreement with Xcel Energy to use the site and Xcel's private road and utility access. The site is legally described as Outlot A of Tyler Hills Second Addition and is zoned AR (Agriculture Residential Zoning District). The use is considered a Public Works Maintenance Shop and Yard according to the zoning code and is allowed with a conditional use permit in this zoning district.

The Public Works Department describes the use of the site as follows:

The site will be used for a number of public works operations with the hours of operation being generally 7 am to 5 pm Monday through Saturday. Other hours of operation would only be in emergency situations only. Storage of concrete, blacktop, fill, and dirt that is removed from construction projects will be on piles in an area approximately 48,000 sq./ft. on the site to be crushed, screened, or stored and used on future projects. Crushing will be done one time a year, usually in the fall and lasts for about a month to a month and a half (30 work days). Crushing hours are 7-5 Monday – Friday. The location of this crushing operation is placed on the far eastern edge of the site. An area approximately 33,000 sq. /ft. will also be used for processing black dirt and storage of light poles, water, storm, and sewer pipes, and other materials. The two pipe storage areas are approximately 10,000 sq. /ft. Poles and pipes will be stored either on the ground or in cradles just off the ground. A 20"x30" shed will be located on the site for the storage of a front end loader. The site also includes an area designated for future development with similar operations, this area is approximately 60,000 (there is a second public hearing scheduled for March 15, 2016 to consider a conditional use permit for this use). The City is currently in negotiations with a company that would sublease this future development site for a material processing facility and this future use would require its own conditional use permit. Traffic accessing the area would range from 10-30 pickups and trucks per day. Storm water ponds will be built to control runoff; one will be built right away and the other to be built at the time of a future development.

Zoning

As noted, the property is zoned Agriculture Residential as is the adjacent landfill properties on the west side of Bench Street. In 2012, the City approved an expansion of the Xcel Energy Ash Landfill operations that is located on property immediately adjacent and to the north of Outlot A. At that time, the City approved removing Outlot A from the Planned Unit Development for Tyler Hills primarily

because the outlot lies approximately 200 feet below the residential development in Tyler Hills, it is accessed from Bench Street, and it is adjacent to landfill and other more intensely used property with a large buffer between it and residential land uses.

A Public Works Maintenance Shop and Yard operation is permitted in the AR zoning district with a conditional use permit. The use is defined as follows:

Public Works Maintenance Shops and Yards – A publicly owned repair, storage, or material processing facility or public works yard, which may include offices, used to provide public works services to the community. These uses may generate negative impacts largely through their need for outside storage of equipment and materials, the large expanse of land needed for this storage, and the creation of dirt, dust and noise, along with intermittent truck traffic. These uses generally can be made compatible through screening, and the imposition of limited performance standards, and thus are not objectionable in most industrial, agricultural, or commercial districts.

Minor Subdivision and Plat

When the Tyler Hill Second Addition was approved, the developer did not have a plan for how they would use the property that was located in Outlot A and so Tyler Hills Second Addition was approved with this outlot with the idea that it would be replatted once there was a proposed use for the property. Outlot A was not a unified part of the residential development on top of the bluff because it was completely separated by steep wooded slopes with no access from the residential area. Outlots are defined in the zoning code as follows: A non-buildable lot included within the boundary of a recorded plat which has been set aside as a park or other land dedicated to public use or reserved to private use. Such land may be subdivided in the future for buildable purposes. Xcel acquired Outlot A prior to 2012 and a small part of the stormwater management system that is part of the Xcel Energy ash landfill is located on the northern edge of Outlot A.

The City and Xcel propose to replat Outlot A as a new plat to be known as Tyler Hills Fourth Addition. Because it creates fewer than 3 developable lots, this is a Minor Subdivision. The proposed plat is shown attached and includes Lot 1 to be used by the City in phase 1 of the development as shown on the site plan and Lot 2 for proposed future development. There is a second public hearing on March 15, 2016 to consider a proposal from the City for a Public Works Maintenance Shop and Yard for Material Processing Facility – processing of ash to recover and recycle metals. The balance of the property is proposed as outlots with Outlot B reserved for use by the City for road access and Outlot A covering the balance of the property to remain unused at this time except that Xcel Energy has its existing stormwater ponds located on this outlot.

Stormwater Management, Landscape, Restoration Plan

Stormwater Management, Grading and Erosion Control: Figure 2 shows the Stormwater Plan, Landscape Plan and Restoration Plan and includes grading

and erosion control measures. These plans are preliminary in nature. Two stormwater ponds are proposed to manage stormwater from the proposed development. The east stormwater pond is proposed to manage development on Lot 1 and the western pond to manage stormwater related to Lot 2. These systems are designed to bypass the Xcel Energy stormwater system so that they are separate systems for environmental monitoring purposes. If the conditional permit is to be approved, there should be a requirement for a final stormwater management plan, grading plan, and erosion control plan to be reviewed and approved by the City Engineer prior to project commencement. At a minimum, these plans should address the following:

1. Pond grading contours and outlet structure details
2. Grading contours developed for bypass swale/diversion berm
3. Refined drainage calculations for pond, piping, and outlet structure
4. Typical section defining access road and laydown surfaces
5. Rip-Rap energy dissipater details
6. Refined site restoration plan defining blanket areas and turf reinforcement areas
7. Site lighting plans if any proposed
8. Define fencing, gates, storage bins, etc. – location and details

Landscape Plan: The landscape plan is fairly simple. It primarily involves revegetating disturbed slopes with turf. Thirty five trees were identified as being removed by the development and the city requires their replacement. It is recommended that these trees be replanted in city parks and boulevards.

Buffer Discussion

The development site has been placed in the eastern portion of the property, as far as possible from residential development that lies south and west of the site. Homes in the Tyler Hills subdivision average about 200 feet above the elevation of the development site. In addition, Tyler Hills has buffer areas of steep bluff side protected by Scenic Easements and when Xcel Energy received its approval in 2012 for the ash landfill expansion it was required to grant the city a 250 foot buffer on Outlot A through a conservation easement (See PUD and Scenic Easement Dimensions Map). In addition to being separated from the development site by approximately 200 feet of elevation change, the nearest three existing homes to the development site are approximately 850 feet, 1000 feet, and 1200 feet away in horizontal distance; a substantial buffer distance. To provide context, homes in the western section of the old Fairgrounds neighborhood are separated by less than 200 feet of horizontal distance from the Clay City development. Scenic easements on the steep slopes in the Clay City development were used to protect those homes from further development.

Prior to development of plans for the Public Works Maintenance Shop and Yard, the City contracted with a qualified consultant to complete a Phase 1 Archaeological Study. It was determined that there are mound groups on the property located adjacent to Outlot A to the east. Lot 1, Block 1 has been

established so that there will be the required buffer that is part of an outlot that will be unbuildable.

Road and Utility Access

The City will enter into a lease agreement with Xcel Energy for the use of the property. In addition, the lease will spell out the City's authority to use Outlot B for roadway and utility purposes. The lease will also spell out the City's authority to use the existing Xcel Energy private road that will provide access to Bench Street. Xcel Energy has a roadway and drainage easement that allows it access from their property, over what is now Goodhue County property and has the authority to permit the City to also use this easement (see attached). Water and sewer access will also be available via these roadway agreements.

Comprehensive Plan

Figure 5.1 shows the City's Future Land Use Map that provides general direction for land use decisions. Outlot A is part of an Activity Center that was meant to show where more active commercial, institutional, and mixed use development should take place. The specific area is obviously a more industrial activity center with the County, City, and Xcel landfills and nearby Solid Waste Campus, S.B. Foot Tannery, and other industrial uses off of Bench Street. With the substantial buffer between the proposed site and residential uses to the south and west, it appears that the development is consistent with the intent of the Comprehensive Plan.

Additional Questions Raised at the City Council Meeting on February 22, 2016.

Environmental Assessment Worksheet: A question was raised about whether the City was required to complete an Environmental Assessment Worksheet (EAW) for the project. The requirements for preparing a mandatory EAW are listed in the Minnesota Rules. The rules set forth various types of project that the size of various types of projects that require that an EAW be completed. The proposed project does not meet the definition of any of the mandatory EAW projects listed, therefore, an EAW is not required for the project.

Environmental Impact of the Concrete and Asphalt Crushing Operation: A question was raised about whether the Concrete and Asphalt Crushing Operation would result in an environmentally hazardous material that should be collected and treated. The City's consultant and the City Public Works Department staff researched this question and have determined that the Best Management Practice (BMP) for operations like this provide for a storm water sedimentation basin to collect and treat runoff from the stockpile area. No other treatment for an operation like this is recommended.

Sound Concerns: A question was raised about the impact of the concrete and asphalt crushing operation in terms of sound. Attached is a memorandum from the City's consultant, S.E.H. that provides information about the sound impacts

from the operation. The City's performance standards for sound are shown below:

City of Red Wing Sound Ordinance			
Duration of Sound	6:00 PM - 10:00 PM (residential districts) and		
	7:00 AM - 6:00 PM (all districts)	6:00 PM - 7:00 AM (all other districts)	10:00 PM - 7:00 AM (residential districts)
Less than 10 min.	75 db	70 db	60 db
Between 10 min. and 2 hours	70 db	60 db	50 db
In excess of 2 hrs.	60 db	50 db	40 db

The attached sound memorandum and map show what the approximate decibel reading would be from the crushing operation at various distances. These decibel readings would be further decreased, according to the memorandum, because the calculations did not take into account any natural attenuation or buffering of the sound from outside factors. "The measured values would be further decreased by additional attenuation from the atmosphere, the height difference between the receptors further up the bluff and the crushing operations as well as the trees surrounding the operations." These are also the decibel readings when the crusher has material in it and is actually crushing the material. The duration of this decibel reading is less than 10 minutes and drops down substantially after the material has been crushed.

Even with the conservative decibel levels shown in the memorandum, the nearest existing receptor is approximately 1,350 feet away in distance and 235 feet higher in elevation and has a calculated decibel reading of 59, a level below the 75 db that is allowed between the hours of 7 AM and 5 PM at this location for a duration of sound less than 10 minutes. The nearest property owner has building site at approximately 1000 feet away and over 200 feet higher in elevation and has a calculated decibel reading of 62; also below the city sound performance standard of 75 db that is allowed.

For comparison purposes, 30 db is the sound of soft whispering; 50 db is the sound of rainfall; 60 db is the sound of normal conversation; 80 db is the sound of city traffic.

It appears that the crushing operation meets the City's requirements in terms of sound performance standards. A condition of approval could be considered that prohibits operation of the crushing operation on weekends and limits the crushing operation to week days.

Dust: A question was raised about potential dust that could impact on nearby homeowners. The City Public Works staff have operated a crushing facility for several decades on the Upper Harbor property. They have not seen dust as an issue at all with the operation because the material is wet in the fall of the year

and does not create dust problems. If for some reason, the material was dry and dust became an issue, the city would use best management practices to spray the material with water to eliminate the problem. This will be monitored closely.

Finding of Facts

The Advisory Planning Commission and City Council are required to make certain Finding of Facts with the approval of a Conditional Use Permit. Below are the findings that must be made and the staff recommendation related to each finding:

- 1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Staff Response: The proposed conditional use permit is a relatively low intensity use that is buffered by over 200 feet of elevation from adjacent residential uses and over 1000 feet of horizontal distance to the nearest residence. Based on the sound analysis of the concrete and crushing operation, it appears that the operation meets the City's sound performance standards. The proposal meets this finding that it will not be detrimental or endanger public health, safety, morals, comfort or general welfare.

- 2) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement or surrounding property for uses permitted in the district, or substantially diminish property values.

Staff Response: The proposed conditional use permit is a relatively low intensity use that is buffered by over 200 feet of elevation from adjacent residential uses and over 1000 feet of horizontal distance to the nearest residence. In addition the use is restricted to day time operation. Based on the sound analysis of the concrete and crushing operation, it appears that the operation meets the City's sound performance standards. It appears that the proposal meets this finding that it will not be injurious to the use and enjoyment of other property in the vicinity or impede the normal and orderly development or improvement of surrounding property or diminish property values.

- 3) Adequate utilities, access roads, drainage, or other necessary facilities have been or will be provided.

Staff Response: The proposed conditional use permit has access to the private Xcel Energy road that is built for truck traffic and the proposed stormwater management plan will adequately manage stormwater from the site. The City will also install other utilities needed for the site.

- 4) Adequate measures have been or will be taken to minimize traffic congestion in public streets.

Staff Response: The proposed conditional use permit is a relatively low intensity traffic generator and Bench Street is designed to handle the minor traffic increase that will result from the project.

- 5) The conditional use permit is consistent with the applicable policies of the Comprehensive Plan.

Staff Response: The proposed conditional use permit is for a use that is compatible with the adjoining landfills and industrial uses that abut Bench Street and fit with the industrial activity center that is generally identified in the City's Future Land Use Map that is part of the adopted Comprehensive Plan. The project appears to be compatible with the City's Comprehensive Plan.

- 6) The conditional use shall, in all other respects, conform to the applicable regulations or the district in which it is located.

Staff Response: The proposed conditional use permit meets all other aspects of the zoning regulations.

Minor Subdivisions and Plats require finding of facts, below is the list of findings that must be made and the staff recommendation for each finding:

1. The proposed subdivisions, including the design, are consistent with any adopted component of the Comprehensive Plan.

Staff Response: The proposed minor subdivision and plat is for a use that is compatible with the adjoining landfills and industrial uses that abut Bench Street and fit with the industrial activity center that is generally identified in the City's Future Land Use Map that is part of the adopted Comprehensive Plan. The project appears to be compatible with the City's Comprehensive Plan.

2. The physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, stormwater management are such that the site is suitable for the type of development or use contemplated.

Staff Response: The proposed minor subdivision and plat is for a use that is compatible with the adjoining landfills and industrial uses that abut Bench Street and fit with the industrial activity center that is generally identified in the City's Future Land Use Map that is part of the adopted Comprehensive

3. The site is physically suitable for the proposed density of development.

Staff Response: The proposed minor subdivision and plat appears to be well suited to the site because of its placement on the far eastern section of the property.

4. The design of the subdivision or the proposed improvements will not cause significant environmental damage

Staff Response: The proposed minor subdivision and plat will not cause significant environmental damage because stormwater is well

managed on the site and there are large buffer properties to provide great distance for any noise resulting from the activities.

5. The design of the subdivision or the type of improvements will not cause serious public health and safety problems.

Staff Response: The proposed minor subdivision and plat should not cause any public health or safety problems because no problems of this nature have been identified.

6. The design of the subdivision or the type of improvements will not conflict with easements of record.

Staff Response: The proposed minor subdivision and plat does not conflict with any easements of record; to the contrary, the subdivision takes advantage of existing road, utility and conservation easements.

7. Existing City infrastructure, including but not limited to, roads or highways, water supply systems, and sanitary sewer systems, are adequate to serve the proposed subdivision.

Staff Response: The proposed minor subdivision and plat includes a site plan that will construct adequate road and utility improvements for the development.

Staff Recommendation

Staff recommends approval of the conditional use permit and minor subdivision and plat request, subject to the following conditions of approval:

1. Prior to commencement of any part of the proposed project, the City Council shall have approved and executed a lease agreement with Xcel Energy that specifies the terms of the city's use of the site, and access to private roads and utilities.
2. The Tyler Hills Fourth Addition plat shall not be recorded until the lease agreement is executed.
3. Prior to commencement of any part of the proposed project, the applicant shall complete a final grading plan, erosion control plan, storm water management plan, and road and utility plan that shall require review and approval by the City Engineer.
4. Outlot A shall be considered an unbuildable lot unless it is platted in the future as a buildable lot and the specific use of the property is clarified.
5. If lots 1 and 2 of Block 1 discontinue use as a Public Works Maintenance Shop and Yard for a period of one year or more, any future use of these lots shall require a new conditional use permit.
6. Lot 1, Block 1 of Tyler Hills Fourth Addition shall not be used for crushing operations on weekends or official holidays.
7. The City shall require a new conditional use permit application prior to use of Lot 2, Block 1 of Tyler Hills Fourth Addition.

The Advisory Planning Commission may want to consider additional conditions of approval that respond to citizen feedback from the public hearing.



Project Number: _____

This application form is required as part of any request to process the planning actions listed below. The City of Red Wing requires specific material to be submitted in conjunction with this form.

Planning Department General Zoning Application Form

Applicant's Name: <u>City of Red Wing</u>	Owner's Name: <u>Xcel Energy</u>
Address: <u>229 Tyler Rd N.</u>	Address: <u>801 E. 5th St.</u>
<u>Red Wing, MN 55066</u>	<u>Red Wing, MN 55066</u>
City State Zip	City State Zip
Telephone: <u>651-385-3654</u>	Telephone: <u>651-385-5604</u>
Email: <u>lynn.nordlinger@cityofredwing.mn.us</u>	Email: <u>charles.kinney@xcelenergy.com</u>
Do you have a developer on this project? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you have an architect/engineer on this project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name: _____	Name: <u>SEH</u>
Address: _____	Address: <u>3535 Vadnais Rd. SE. Paul, MN 55110</u>
Phone: _____	Phone: <u>651-490-2163</u>
Email: _____	Email: <u>dhengs@schinc.com</u>

Parcel Number: <u>55-929-0150</u> Gross Acres: <u>60.44</u> Zoning: <u>AR</u> (Full legal must be attached)		
Address of Project: <u>1500 Bench St.</u>		
<input type="checkbox"/> Administrative Subdivision	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Annexation Application	<input type="checkbox"/> Easement Vacation	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Bed and Breakfast	<input type="checkbox"/> Environmental Assessment	<input type="checkbox"/> Street & Alley Vacation
<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Variance
<input type="checkbox"/> Certificate of Design Review	<input type="checkbox"/> Grading Permit	<input type="checkbox"/> Zoning Appeal
<input type="checkbox"/> Combination of Parcels	<input checked="" type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Other _____
Description of request: _____		

☐ **Residential Development** How many residential units are being requested? Total units: _____

Single Family: _____ Condominiums: _____ How many lots will be created? _____

Duplex: _____ Townhomes: _____ Do you intend to market the units for sale? ☐ Yes ☐ No

Other: _____ Apartments: _____ Do you intend to market the units for rent? ☐ Yes ☐ No

Authority to file application: ☒ Ownership ☐ Power of Attorney ☐ Contract to purchase ☒ Other

I hereby certify that the above information and accompanying documents are true and accurate to the best of my knowledge and acknowledge that the process of this application may require additional fees and expenses for the preparation of necessary environmental documentation and planning studies.

Rick Alford
Applicant's signature

2-1-16
Date

For City of Red Wing Use Only

Application Base Fee: _____ Receipt Number: _____

Escrow Account Fee: _____

Total Paid: _____

City Review Expenses: _____

Escrow Acct. Balance _____

Add'l Amount Owed / (Refund): _____ Receipt Number: _____

Date Application Is Complete: _____ 60 day review deadline: _____

Request for Extension Filed: _____ Extension deadline: _____

☐ Approved Date: _____

☐ Conditions (For CUPs, planned developments, plats, and variances please see attached resolution)

☐ Denied Reasons for denial: _____

Zoning Administration

Narrative and Legal Description for Request

Legal Description: Outlot A of Tyler Hills Second Addition, in the City of Red Wing, Goodhue County, State of Minnesota

Narrative: The City proposes to relocate their materials storage site to property currently owned by Xcel Energy that is adjacent to the Goodhue County landfill, City Ash landfill, and Xcel Energy Ash landfill in the Bench Street area which is Outlot A, Tyler Hills 2 Development. Staff has been working with SEH to develop a site plan including storm water ponds, access roads, grading, stormwater and erosion control and vegetation and restoration plans.

The site will be used for a number of public works operations with the hours of operation being generally 7 am to 5 pm Monday through Saturday. Other hours of operation would only be in emergency situations only. Storage of concrete, blacktop, fill, and dirt that is removed from construction projects will be on piles in an area approximately 48,000 sq/ft on the site to be crushed, screened, or stored and used on future projects. Crushing will be done one time a year, usually in the fall and lasts for about a month to a month and a half. Crushing hours are 7-5 Monday – Friday. An area approximately 33,000 sq/ft will also be used for processing black dirt and storage of light poles, water, storm, and sewer pipes, and other materials. The two pipe storage areas are approximately 10,000 sq/ft. Poles and pipes will be stored either on the ground or in cradles just off the ground. A 20"x30" shed will be located on the site for the storage of a front end loader. The site also includes an area designated for future development with similar operations, this area is approximately 60,000. Traffic accessing the area would range from 10-30 pickups and trucks per day. Storm water ponds will be built to control runoff; one will be built right away and the other to be built at the time of a future development.



PUBLIC HEARING NOTICE

Notice of Hearing for Public Works Maintenance Shop and Yard for Material Storage and Concrete/Asphalt Crushing Operation

Notice is hereby given that the City of Red Wing Advisory Planning Commission will hold a public hearing in the City Council Chambers at City Hall on **Tuesday, March 15, 2016, at 7:00 p.m.**, to hear and make a recommendation on a request by the City of Red Wing Public Works Department, 229 Tyler Road, Red Wing, MN and Xcel Energy, 801 East Fifth Street, Red Wing, MN for a Minor Subdivision and Plat approval of Outlot A of Tyler Hills Second and for a Conditional Use Permit to operate a Public Works Maintenance Shop and Yard on the easterly portion of the same property. A public hearing was conducted on this matter on February 16, 2016 and the Red Wing City Council reviewed the matter at a meeting conducted on February 22, 2016 and adopted a motion to direct the Advisory Planning Commission to conduct a second public hearing to consider the request. The site is intended to be used throughout the year for material storage and in the fall of the year, for up to 30 days for crushing and stockpiling of concrete and asphalt. The proposed Material Storage and Concrete/Asphalt Crushing Operation would be located on Lot 1, Block 1 of Tyler Hills Fourth Addition and covers approximately 7.78 acres.

The Red Wing Zoning Code requires a Conditional Use Permit for a Public Works Maintenance Shop and Yard to be located within the AR (Agriculture Residential) zoning district.

PIN 55.929.0150 The legal description of this property is as follows: Outlot A of Tyler Hills Second Addition, in the City of Red Wing, Goodhue County, Minnesota.

Written or oral comments to said application may be presented at this public hearing or filed with the City Clerk prior to this hearing. Each response will be duly considered and evaluated before any formal action is taken by the Planning Commission.

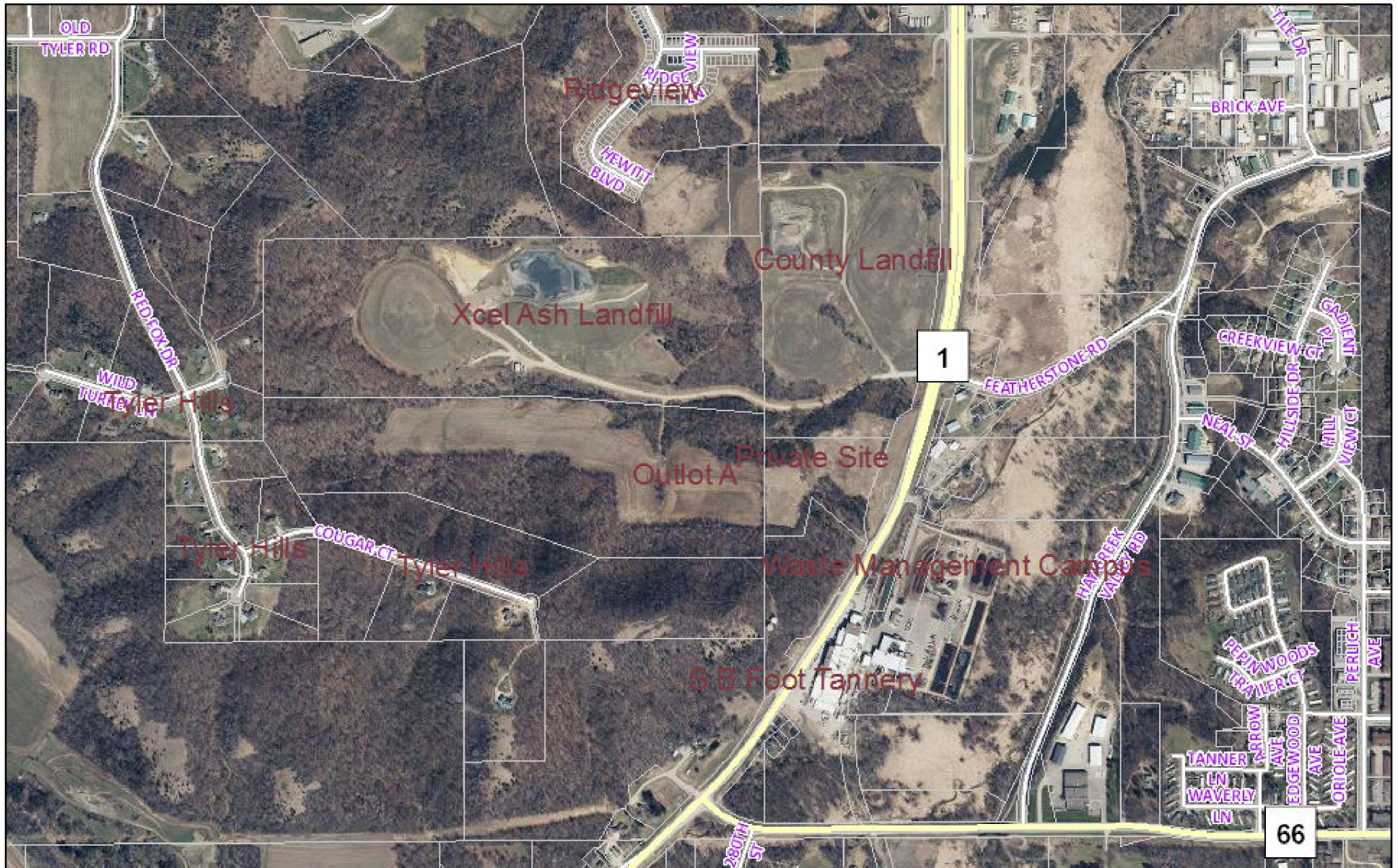
Kathy Seymour Johnson
City Clerk
City of Red Wing, Minnesota

Date: **March 2, 2016**

Publish once in the Republican Eagle: **March 5, 2016**

NOTE: The City of Red Wing Zoning Ordinance requires that this notice be mailed to each of the owners of all property located within 500 feet of the property described above.

Area Map



February 11, 2016

Major Roads 19,200

US Highway

State Highway

County Roads 19,200

County Roads - Gravel

County Roads - Paved

Roads 19,200

Township or Other Roads

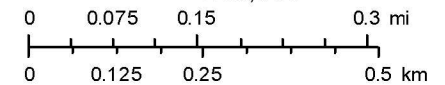
Roads 19,200

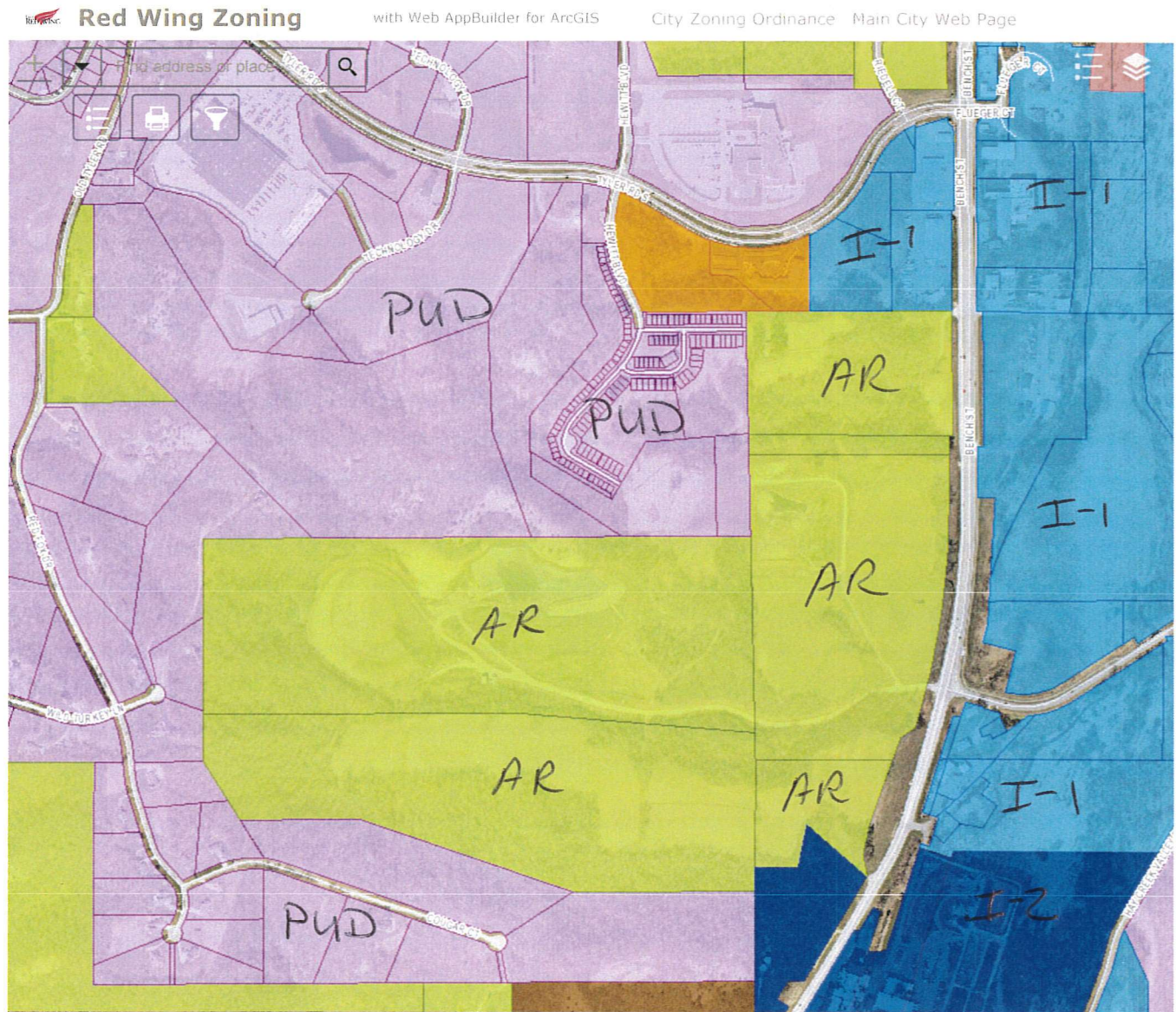
Township or Other Roads

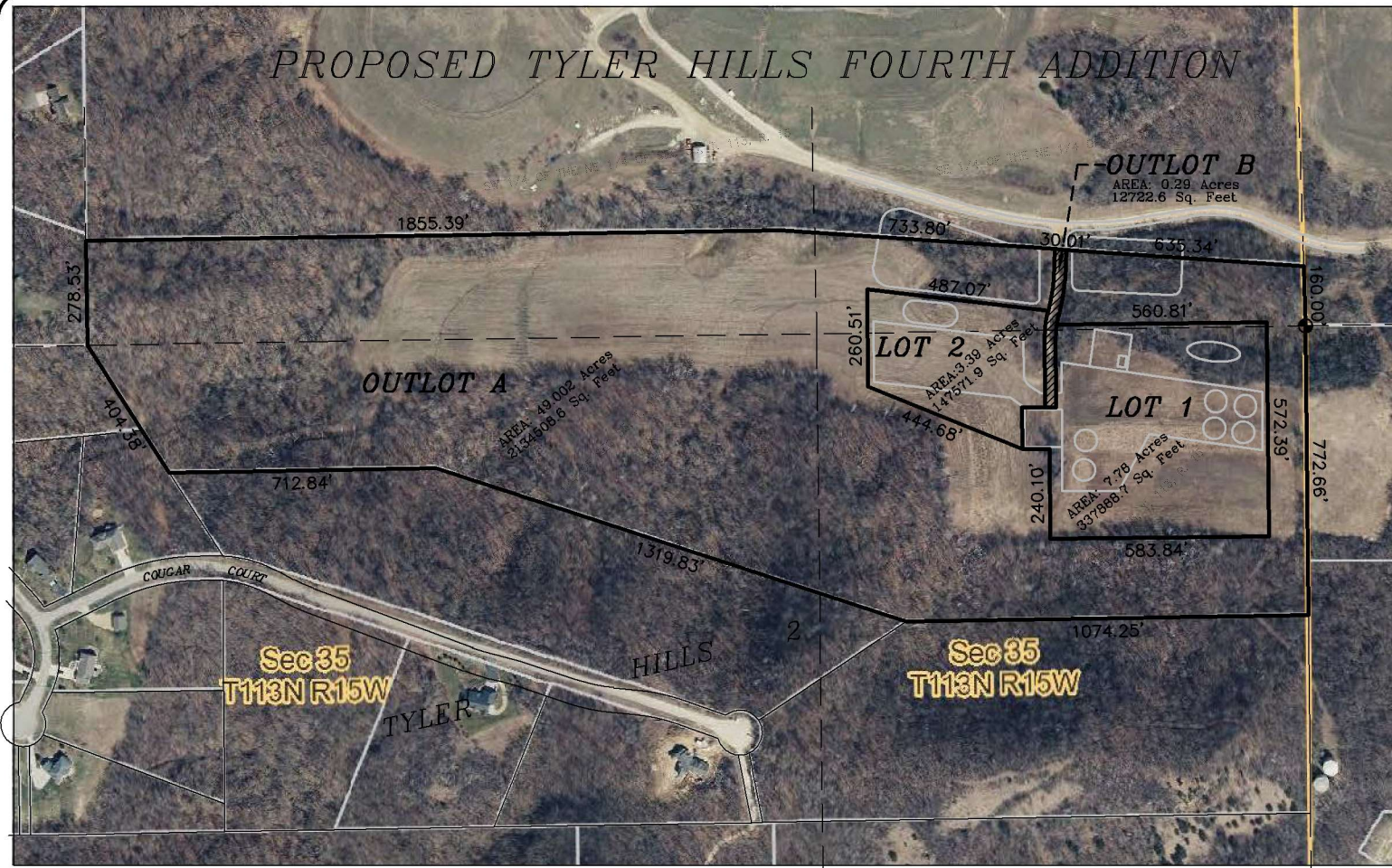
ESRI Major Roads

Parcels

1:10,800







s/plats/tyler hills 2/city of rw-xce/tyler hills fourth addition.dwg

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

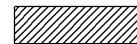
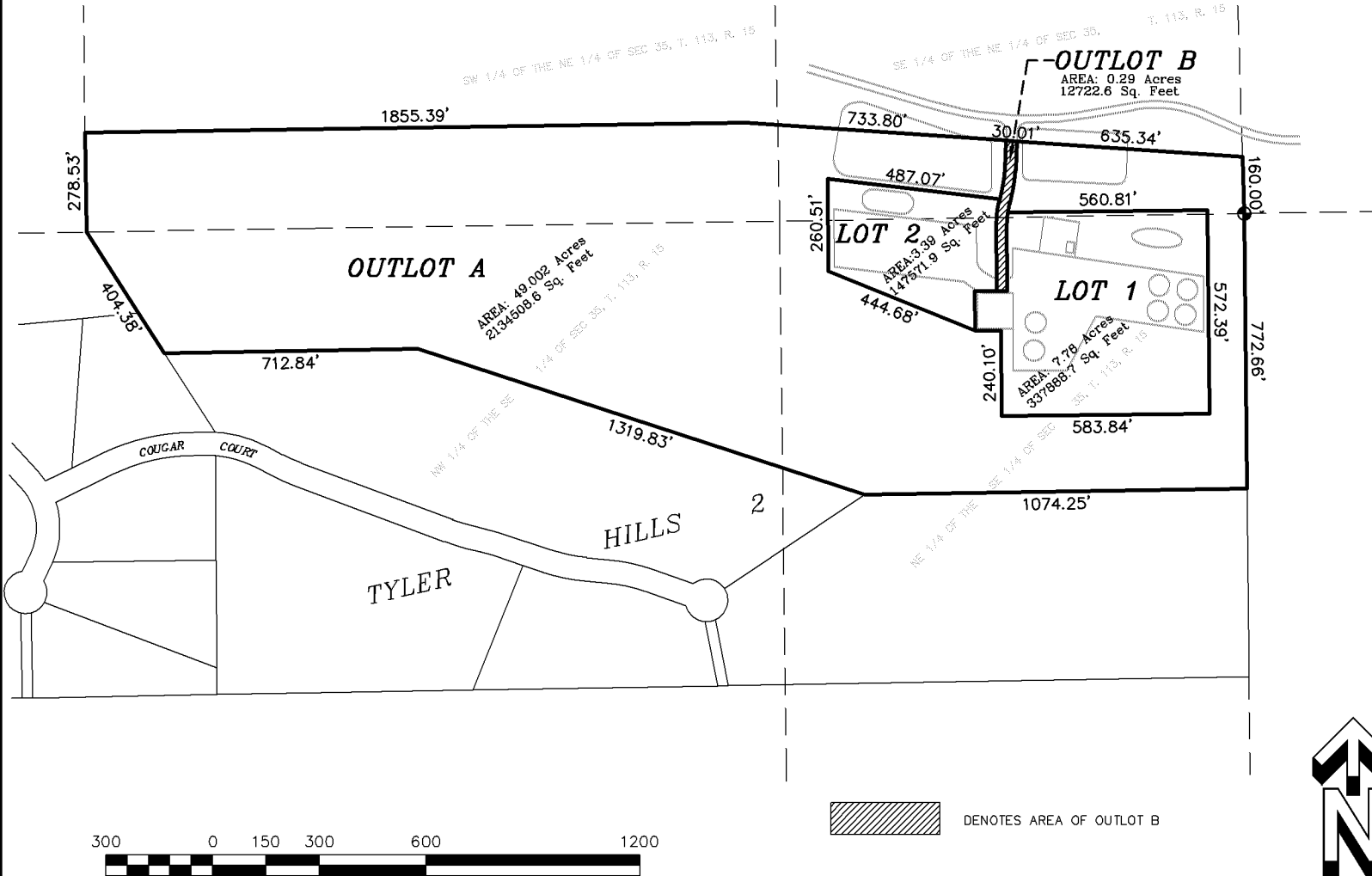
SKETCH PLAN FOR: CITY OF RED WING
c/o BRIAN PETERSON

JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558

Marcus S. Johnson
Minnesota License No. 47480
Date: February 9, 2016
BK. NA PG. NA W.O.# DRAWING NUMBER
SHEET 1 OF 1 SHEETS 16-153 S-6088

PROPOSED TYLER HILLS FOURTH ADDITION



DENOTES AREA OF OUTLOT B



s/plots/tyler hills 2/city of rw-xce/tyler hills fourth addition.dwg

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

SKETCH PLAN FOR: CITY OF RED WING
c/o BRIAN PETERSON

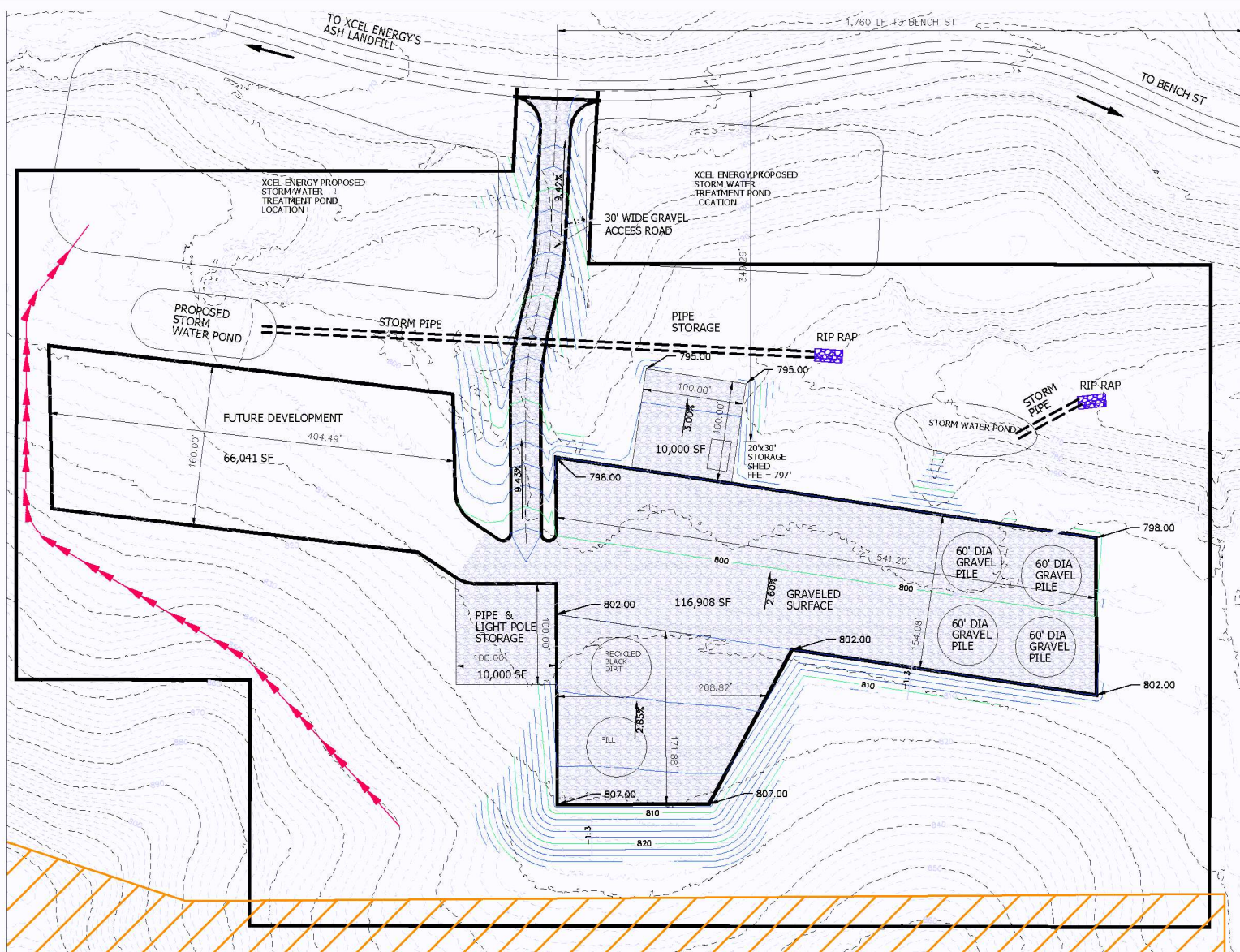
JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

1203 MAIN STREET, RED WING, MN 55066
(651) 388-1558

Marcus S. Johnson
Minnesota License No. 47460
Date: February 9, 2016

BK.	NA	PG.	NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS				16-153	S-6088

P:\XCEL\144253\5- final-map\51-drawings\10-Civil\City\Long\long map2.dwg 2/2/2016 3:02 PM mgal



NOTES

- 1 SITE ELEVATIONS BASED ON EXCEL ENERGY LIDAR USING LOCAL SITE COORDINATES OF XCEL ENERGY ADF DISPOSAL FACILITY.
- 2 CONTOUR INTERVAL IS 2'.

LEGEND

- SCENIC EASEMENT
- GRAVEL SURFACE
- DIVERSION BERM
- LEASE BOUNDARY

CONCEPTUAL
NOT FOR CONSTRUCTION

DRAWN BY: MGC
DESIGNER: BJR
CHECKED BY: DRH
DESIGN TEAM

SEH
651.490.2000
3535 VANDANAS CENTER DRIVE
ST. PAUL, MN 55110-5196
www.sehinc.com

City of
RED WING

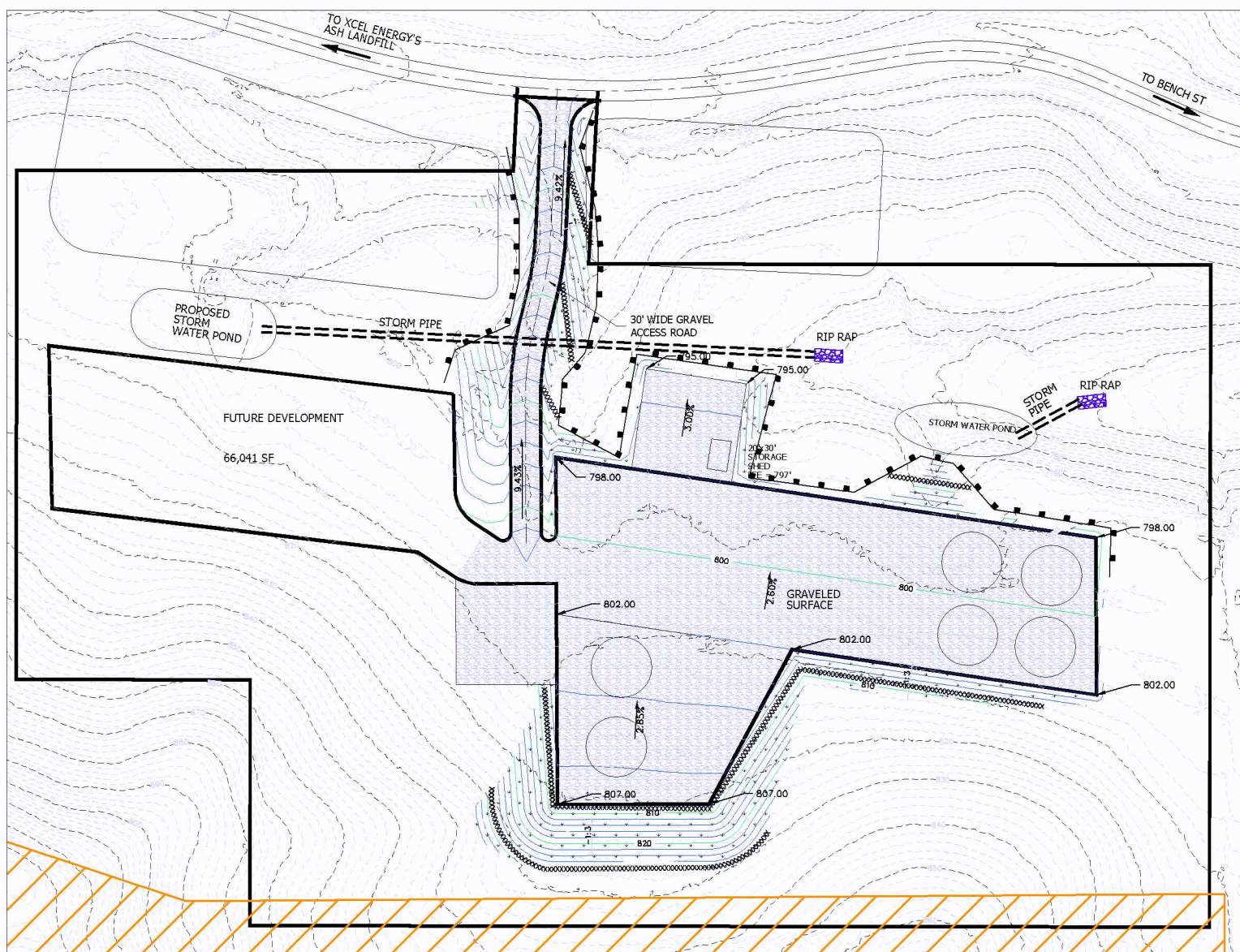
CITY OF RED WING, MN
MATERIAL STORAGE
CONDITIONAL USE PERMIT
REQUEST

SITE PLAN

FILE NO.
RWING 135849

FIGURE
1

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NOTES

- 35 TREES WILL BE REMOVED. TREES WILL BE REPLACED THROUGHOUT THE CITY PARKS AND BOULEVARD SYSTEM.
- PLACE 4" TOPSOIL, SEED, FERTILIZER AND MULCH OVER ALL DISTURBED AREAS. EROSION CONTROL BLANKET SHALL BE USED FOR ALL SLOPES GREATER THAN 4:1.
- INSTALL TURF REINFORCEMENT MAT ALONG BERMS ON SLOPES GREATER THAN 10%.

LEGEND

- SEEDING
SITE - MNDOT 25-141
POND - MNDOT 33-261
- SCENIC EASEMENT
- DIVERSION BERM
- STRAW WATTLE
- SILT FENCE

**CONCEPTUAL
NOT FOR CONSTRUCTION**

DRAWN BY: MSO
DESIGNER: BJR
CHECKED BY: DRH
DESIGN TEAM



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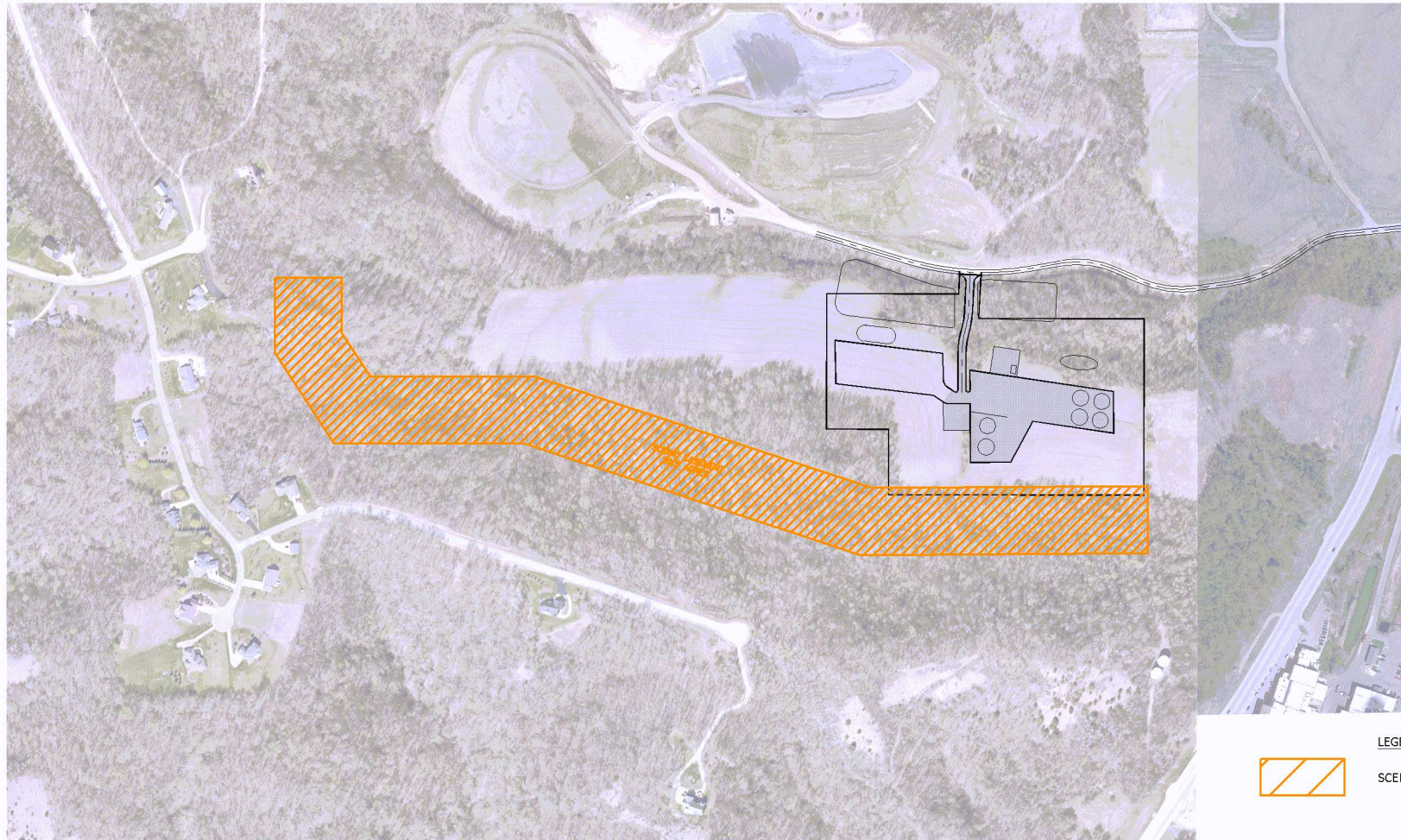
CITY OF RED WING, MN
MATERIAL STORAGE
CONDITIONAL USE PERMIT
REQUEST

**STORM WATER,
LANDSCAPING AND
RESTORATION PLAN**

FILE NO.
RWING 135649

**FIGURE
2**

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LEGEND

SCENIC EASEMENT

**CONCEPTUAL
NOT FOR CONSTRUCTION**

DRAWN BY: MSC
DESIGNER: BJR
CHECKED BY: DRH
DESIGN TEAM



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CITY OF RED WING, MN
MATERIAL STORAGE
CONDITIONAL USE PERMIT
REQUEST

PUD AND SCENIC
EASEMENT
DIMENSIONS MAP

FILE NO.
RWING 135849

FIGURE
3



Building a Better World
for All of Us®

MEMORANDUM

TO: Darryl Heaps

FROM: Dan Cazanagli

DATE: January 28, 2016

RE: Stormwater Design for City of Red Wing Material Storage Lay Down Area
SEH No. RWING 135849 14.00

The City of Red Wing plans to develop a material storage (stock pile) facility on parcel leased from XCEL Energy.

In accordance with the Red Wing Zoning Ordinance 57 - Stormwater Management Regulations, new developments disturbing over one acre require a Stormwater Management Plan.

Per Ordinance 57, the key requirements applicable to this development are:

1. Provide rate control, specifically no increase in peak discharge rate for 2, 10, and 100-year 24-hour rainfall events.
2. Provide runoff volume control, specifically retain the runoff volume from rainfall events of up to 1-inch depth.

Providing runoff volume control, also provides stormwater quality treatment in form of sediment particle and pollutant removal. To meet the second requirement infiltration practices are encouraged unless they pose an environmental risk due to the nature of discharge and/or proximity of bed rock, karst or groundwater. Also, infiltration may not be feasible if soils are deemed to be predominantly clay with low permeability. Preliminary assessment, subject to further more detailed confirmation indicate that karst, bedrock or groundwater are not a concern. The site soils are silty to sandy loam, mostly in the Hydrologic Group B, considered to have an infiltration rate of 0.3 to 0.45 inches per hour (per MPCA guidelines). The area to be developed is approximately 3 acres in size. One way to meet the criteria mentioned above is to build a basin that can provide both detention storage (for rate control) and infiltration (for runoff volume reduction). Essential this basin would be a dry pond with a granular media substrate for infiltration.

A simple HydroCAD model was developed to assess the performance of the basin under the following assumptions:

Curve Number of 65 for existing conditions (grass/wood, fair condition) and a Curve Number of 85 for proposed conditions, corresponding to a gravel surface.

Time of concentration (TC) of 5 minutes (minimum value typically used for small surfaces) for both existing and proposed conditions. The basin assumptions and model results are summarized in the following table.

ASSUMPTIONS

15-IN RCP OUTLET PIPE @ 790.0

	Existing	Proposed
CN	65	85
TC(min)	5	5
Area (ac)	3.0	3.0

HYDROCAD RESULTS

Flow Rates(cfs)	Existing	Proposed
2-yr Peak	1.6	0.5
10-yr Peak	5.9	4.5
100-year Peak	17.4	9.8

1-inch unfiltered volume

area	3 ac
volume	10890 cu-ft

PROPOSED POND GEOMETRY (~3H:1V SLOPES)

	Elevation	Area(sq-ft)	Cumulative
BOTTOM	786.0	1261	0
	787.0	1667	1459
	788.0	2130	3353
	789.0	2650	5739
OUTLET	790.0	3227	8673
	791.0	3861	12212
	792.0	4551	16413
	793.0	5298	21333
BERM (MIN)	794.0	6101	27027

Certified, Filed, and or Recorded on:
July 01, 2013 1:31 PM
Signed: *Lisa M Hanni*, Deputy
LISA M HANNI
GOODHUE COUNTY RECORDER
Fee Amount: \$46.00

CONSERVATION EASEMENT

THIS EASEMENT ("Easement") dated effective the 24th day of June, 2013 is by and between **Northern States Power Company**, a Minnesota corporation, d/b/a Xcel Energy (hereinafter referred to as "NSP") with an address of 414 Nicollet Mall, Minneapolis, Minnesota 55401 and the **City of Red Wing**, a statutory city under the laws of the State of Minnesota (hereinafter referred to as "City"), County of Goodhue, State of Minnesota, with an address of 315 West 4th Street, Red Wing, Minnesota 55066.

WITNESSETH:

WHEREAS, NSP is the owner of that certain tract or parcel of land situated in the County of Goodhue, State of Minnesota legally described as follows and hereinafter referred to as "Property":

Outlot A of Tyler Hills 2nd according to the plat thereof on file and of record in the office of the County Recorder for the County of Goodhue and State of Minnesota.

WHEREAS, City has requested from NSP a Conservation Easement, hereinafter referred to as "Easement" in order to preserve and control the use of that portion of the "Property" described as follows and hereinafter referred to as "Easement Property":

The Southerly, Southwesterly and Westerly 250 feet of Outlot A of Tyler Hills 2nd.

NOW, THEREFORE, in consideration of the sum of One Dollar and no/100 (\$1.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, NSP does hereby grant and convey, in perpetuity, subject to the conditions and restrictions hereinafter set forth, and City hereby accepts from NSP, the Easement Property for the purpose of preserving, for the benefit of the City and others, said Easement Property.

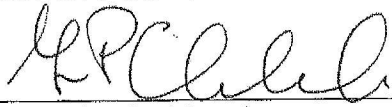
The restrictions hereby imposed upon the use of said Easement Property and the acts which NSP does covenant to do or to refrain from doing upon said Easement Property are as follows:

1. No residential development.
2. No trailer shall be used as a substitute for residential building or other structure.
3. No group facilities, recreation, leisure or commercial support facilities.

4. No major public utility installations such as electric generating plants, electric power substations, gas generating plants, gas storage tanks, microwave relay stations or telephone exchanges.
5. No advertising signs shall be displayed or placed upon the Easement Property with the exception of signs connected with the management of the land.
6. No trees shall be cut except where the removal of over mature, dead, diseased or injured trees is necessary for the protection of persons or property or for sound forest management.
7. It is understood and agreed that imposition of the covenant and restrictions set forth herein in no way grants the public the right to enter the Easement Property for any purpose.
8. Nothing herein contained shall be deemed to affect any mortgage, lien or other interest in the Property which are of record as of the date of this instrument.

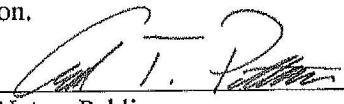
IN WITNESS WHEREOF, the forgoing **NORTHERN STATES POWER COMPANY** has caused these presents to be executed in its corporate name by its property office thereunto duly authorized and its corporate seal to be hereunto affixed this 24th day of June, 2013.

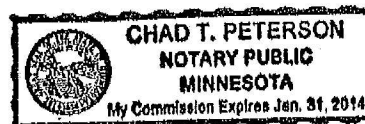
NORTHERN STATES POWER COMPANY

By 
Greg P. Chamberlain, Director
Portfolio Delivery & Integration
Xcel Energy Services Inc.
Authorized Agent for Northern States Power
Company, a Minnesota corporation, d/b/a
Xcel Energy

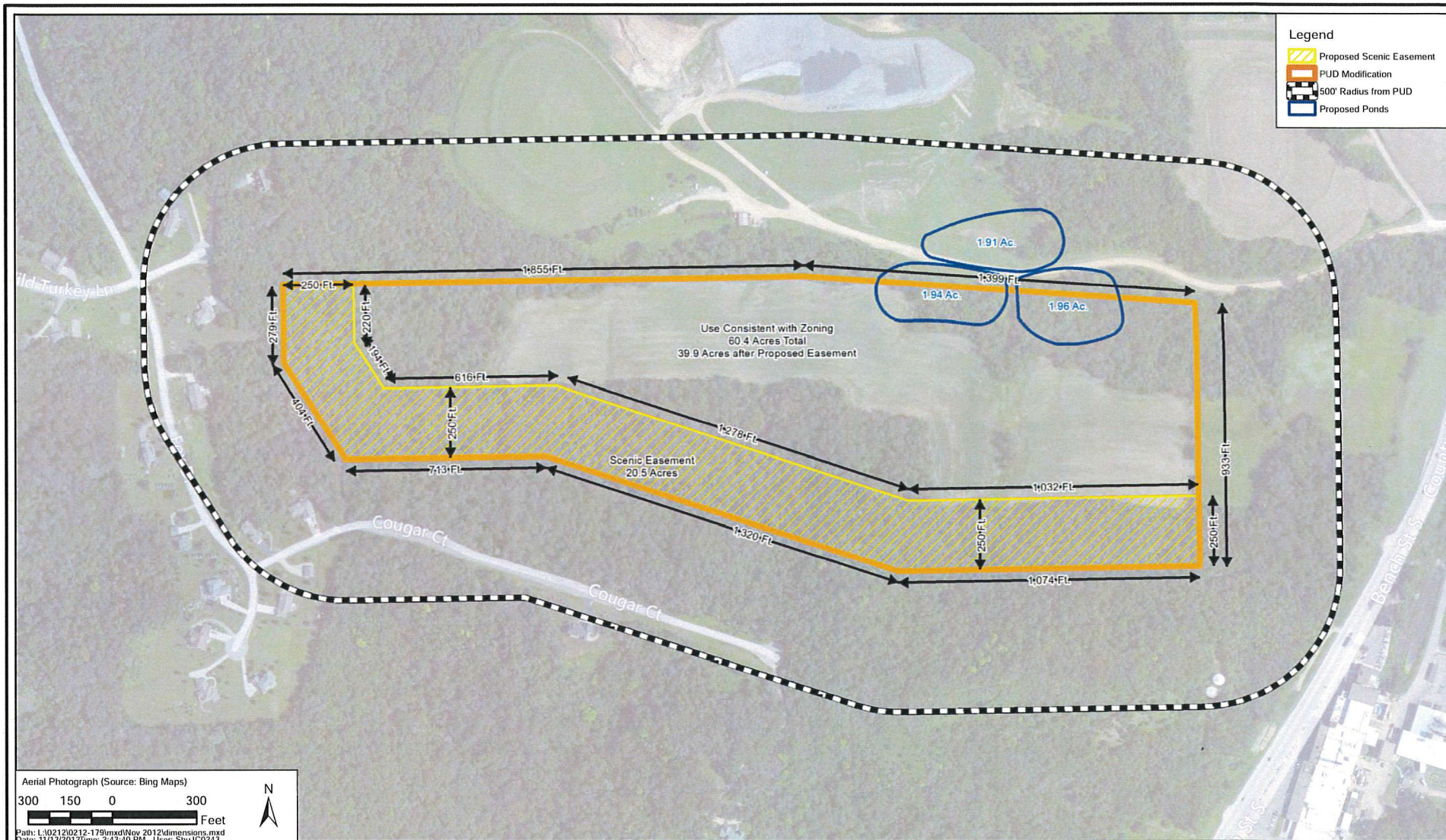
STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 24th day of June, 2013, by Greg P. Chamberlain Director, Portfolio Delivery & Integration, Xcel Energy Services Inc., as Authorized Agent for Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy on behalf of the corporation.


Notary Public




This instrument was drafted by: DJF
Northern States Power Company
414 Nicollet Mall MP 7
Siting and Land Rights
Mpls., MN 55401



XCEL ENERGY - RED WING RDF ASH DISPOSAL FACILITY

PUD and Scenic Easement Dimensions Map


Engineers - Scientists
Business Professionals
www.wenck.com

Wenck
1800 Pioneer Creek Center
Maple Plain, MN 55359-0429
1-800-472-2232

NOV 2012

Figure 7

819554

ROADWAY AND DRAINAGE EASEMENT AGREEMENT

COPY

THIS AGREEMENT, made and entered into this 13th day of April, 1988, by and between CITY OF RED WING, a Minnesota Municipal corporation, hereinafter referred to as "CITY" and NORTHERN STATES POWER COMPANY, a Minnesota corporation, hereinafter referred to as "NSP",

WITNESSETH THAT:

WHEREAS, CITY is the owner of the premises lying and being in the County of Goodhue, State of Minnesota, described as follows, to-wit:

The W 1/2 of the NW 1/4 of Section 36, Township 113 North, Range 15 West, lying West of Ranch Street (County Road No. 1) except the Northerly 25 acres.

And,

WHEREAS, NSP is the owner of premises lying and being in the County of Goodhue, State of Minnesota, described as follows, to-wit:

That part of the S 1/2 of the NE 1/4 and the E 1/2 of the SE 1/4 of the NW 1/4, all in Section 35, Township 113 North, Range 16 West, lying north of the following described line, to-wit:

Beginning at a point on the East line of said Section 35, 160 feet (as measured along said East line) north of the East quarter corner thereof; thence North 86°02'50" West 1399.14 feet; thence West parallel with and 278.58 feet North of the East-West quarter line of said Section 35 to the intersection with the West line of the said E 1/2 of the SE 1/4 of the NW 1/4 of said Section 35 and there terminate.

WHEREAS, the NSP property described above will hereinafter be referred to as the "dominant estate", and

WHEREAS, NSP will develop on the dominant estate, a landfill for the disposition of ash from its Red Wing Plant, located in Red Wing, Minnesota, and

WHEREAS, NSP desires to construct a roadway over and across the premises of CITY described above to provide ingress and egress to the dominant estate, and

WHEREAS, NSP desires to maintain an area for drainage over and across the premises of CITY described above to provide drainage for a portion of the dominant estate.

NOW, THEREFORE, the parties hereto, each and in consideration of the grants, terms, covenants, and conditions to be kept and performed by the other, do hereby mutually agree as follows:

DJF670187XM01

1. CITY hereby grants to NSP, its successors and assigns, a perpetual non-exclusive easement for roadway and drainage purposes over and across the premises of CITY described as follows, to-wit:

Roadway and Drainage Easement

A 50.0 foot wide easement over and across part of the NW 1/4 of Section 36, Township 113 North, Range 15 West of the 6th Principal Meridian, the centerline of which is described as follows;

Commencing at the West 1/4 corner of said Section 36; thence northerly along the West line of said NW 1/4, a distance of 230.29 feet; thence northwesterly deflecting to the left $68^{\circ}21'51''$, 66.65 feet to the point of beginning of centerline to be described; thence southeasterly deflecting to the left 180° , 14.00 feet; thence easterly 231.14 feet along a tangential curve concave to the north, central angle $38^{\circ}00'03''$ radius 348.80 feet; thence easterly, tangent to said curve, 187.25 feet; thence northeasterly 195.10 feet along a tangential curve concave to the north, central angle $31^{\circ}00'$, tangent distance 100.0 feet; thence northeasterly, tangent to said curve, 23.60 feet; thence easterly 369.54 feet along a tangential curve concave to the south, central angle $54^{\circ}21'25''$, tangent distance 200.0 feet; thence southeasterly, tangent to said curve, 164.77 feet to the centerline of County State Aid Highway No. 1.

Maintenance and Drainage Easement

That portion of the NW 1/4 of Section 36, Township 113 North, Range 15 West of the 5th Principal Meridian lying south of the aforementioned easement and west of a line 420 feet east of and parallel to the West line of said Section 36.

2. The entire cost of constructing, maintaining, and repairing said roadway and drainage easements shall be borne wholly by NSP.

3. NSP covenants to construct, maintain, and use said roadway in a safe and lawful manner and to defend, indemnify, and hold CITY harmless from any liability, claim, or demand for injury or damage to persons or property in any manner caused by or arising from the condition of said roadway or the use thereof by any person other than CITY, its agents, employees; it being explicitly understood that CITY assumes no responsibility whatsoever for the construction, maintenance, repair, condition, or use of said roadway provided that the City shall cooperate with NSP in preventing the use of the road for the purpose of access to land not described in this Agreement, unless prior written consent is obtained from NSP for such use.

4. The grant of easement herein contained is for private roadway purposes only (except as hereinafter stated in paragraph 6) and is in no respect a dedication of said easement for public roadway purposes. In the

event that said roadway or any portion thereof is dedicated or accepted for public use by a governmental authority for roadway purposes, NSP will be automatically released from any and all obligation under this agreement and this agreement will automatically terminate concurrent with such dedication.

5. The terms hereof shall constitute covenants running with the title to the land described herein and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto who shall be fully substituted as parties hereto in all respects relating to or for the benefit of any and all of the lands, or any portion thereof or any interest therein, herein mentioned.

6. The rights herein granted to NSP for roadway purposes shall also extend to John E. Hedrickas, his successors and assigns, as the owner of the following described property which adjoins the premises of NSP and the CITY described herein:

That part of the S 1/2 of the NE 1/4 and the E 1/2 of the SE 1/4 of the NW 1/4, all in Section 35, Township 113 North, Range 15 West, lying south of the following described line, to-wit:

Beginning at a point on the East line of said Section 35 160 feet (as measured along said East line) north of the East quarter corner thereof; thence North 86°02'50" West 1389.14 feet; thence West parallel with and 278.66 feet North of the East-West quarter line of said Section 35 to the intersection with the West line of the said E 1/2 of the SE 1/4 of the NW 1/4 of said Section 35 and there terminate.

IN WITNESS WHEREOF, NSP and the CITY have caused this Agreement to be executed as of the day and year first above written.

CITY OF RED WING

By *James M. Elger*
Its *Mayer*

And *Debra M. Mervin*
Its *Council Administrator*

And *B. C. Cassel*
Its *City Clerk/Treasurer*

NORTHERN STATES POWER COMPANY.

By *William J. Bush*
Its *Vice President*

And *Chadwick*
Its *Assistant Secretary*

DJF070187K01

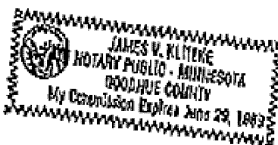
Page 3 of 4



STATE OF MINNESOTA }
COUNTY OF GOODHUE } ss

The foregoing instrument was acknowledged before me this 13 day of April, 1988 by Joanell Dyrstad, Its Mayor Council and Dean Mansatt, Its Administrator of the CITY OF RED WING, and Burt Will, Its City Clerk a Minnesota Municipal Corporation, on behalf of the CITY.

James V. Klutke

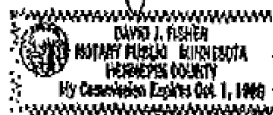


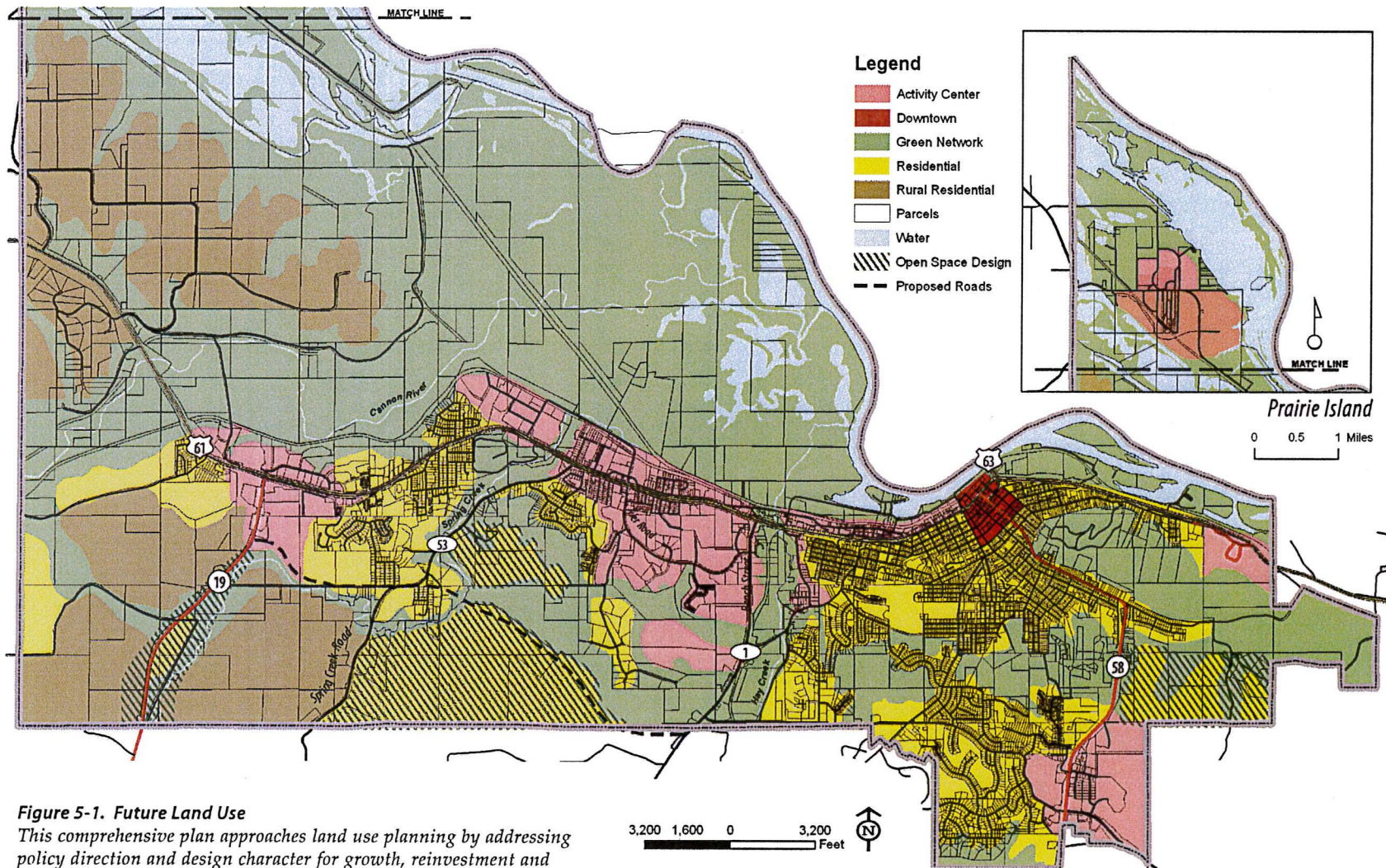
STATE OF MINNESOTA }
COUNTY OF HENNEPIN } ss

The foregoing instrument was acknowledged before me this 2nd day of April, 1988, by A W Benkusky, Vice President and Johanna Isdahl, Assistant Secretary of NORTHERN STATES POKER COMPANY, a Minnesota corporation, on behalf of the corporation.

David J. Fisher

Transfer to David J. Fisher
David J. Fisher
County Auditor
County Auditor







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for All of Us®

MEMORANDUM

TO: Lynn Nardinger

FROM: SEH, Inc.

DATE: March 9, 2016

RE: City of Red Wing Lay Down Area CUP – Sound Study
SEH No. RWING 135849 14.00

The City of Red Wing (City) is requesting a conditional use permit for a lay down area located on property to be leased from Xcel energy near their ash disposal facility. The planned site use will include a crushing operation operated by the City. The site will also be used by Lab USA (Lab) to process ash wastes. Considering noise potential for the two uses, the operation by Lab will be inside a metal building. The metal building will absorb the sounds and drastically reduce noise at the building walls. Based on data from similar operations and a test by the City at their waste processing facility on the waste campus, noise from this operation should be minimal.

The City concrete crushing operation however will not be enclosed. The City of Red Wing measured decibel levels at three distances from a crushing operation similar to that which will be used at the Red Wing laydown area. Based on these measurements and the inverse distance law for sound pressure, decibel levels were extrapolated to various distances from the planned crushing operation location. The equations that were used to evaluate the sound at distances away from the source are based on a controlled interior environment. These calculations do not take into account any natural attenuation or buffering of the sound from outside factors. The measured values would be further decreased by additional attenuation from the atmosphere, the height difference between the receptors further up the bluff and the crushing operations as well as the trees surrounding the operations.

Following is Table 1 with calculated decibel levels versus various distances. The nearest anticipated residential receptor is at approximately 1,350 away in distance and 235 feet higher in elevation. The decibel level near this receptor is calculated at 59. A level of 60 is allowed between the hours of 7:00 AM to 5:00 PM at this location based on the City of Red Wing sound ordinance.

Table 1	
Distance	Decibel
300	72
500	68
1,000	62
1,350	59
2,000	56

A figure showing decibel levels at various distances from the anticipated crusher location is attached.

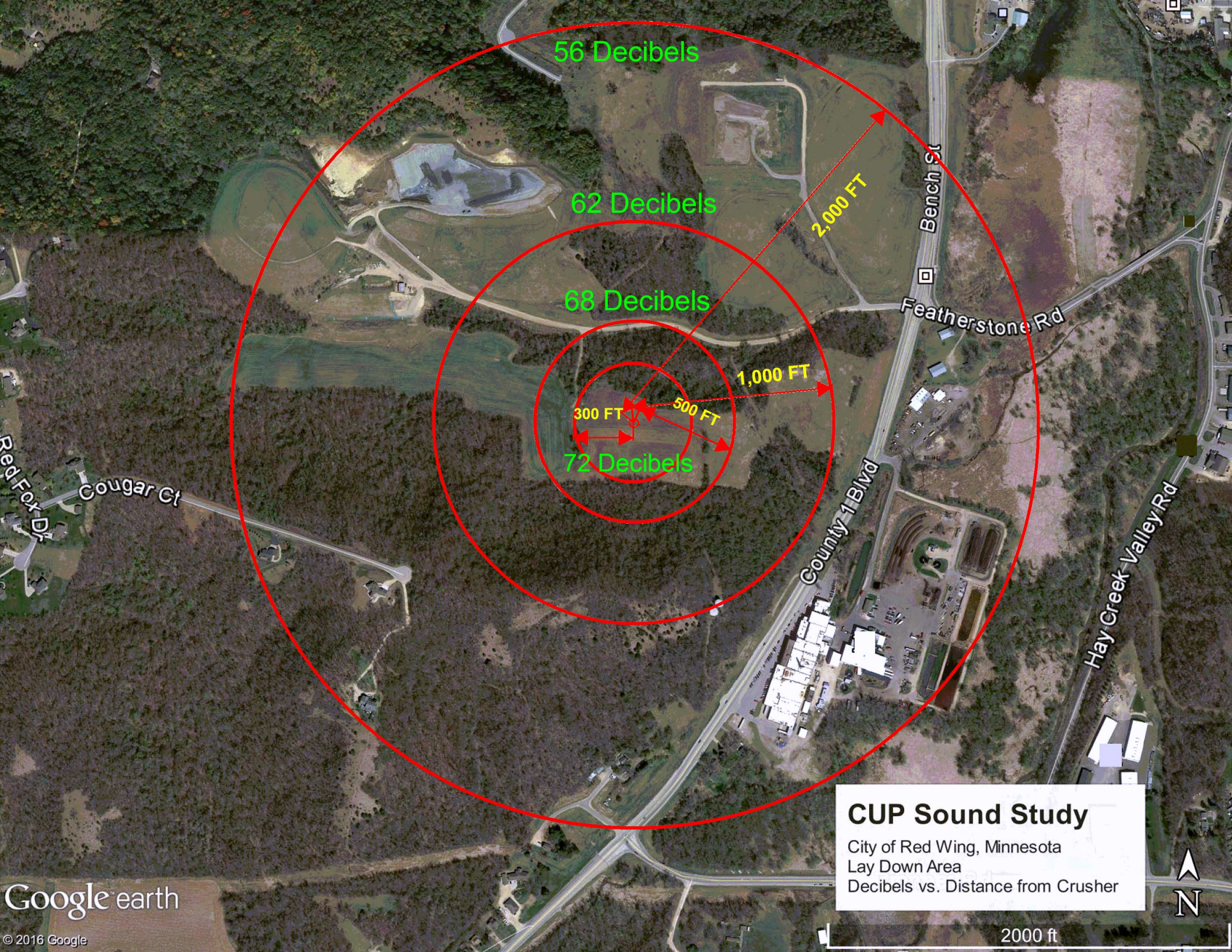
enc.

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Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196

SEH is 100% employee-owned | sehinc.com | 651.490.2000 | 800.325.2055 | 888.908.8166 fax



CUP Sound Study

City of Red Wing, Minnesota
Lay Down Area
Decibels vs. Distance from Crusher