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## MEMO

**Date:** October 14, 2014

**Re:** Planning Commission/Board of Adjustment Report

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on October 13, 2014. There was one public hearing, for which the Commission is giving you their recommendation. The Planning Commission also made a recommendation on amending Section 11.03.E (Required Yards and Open Spaces) and 11.03.Q (Fences) - both of which relate to the regulation of fences.

### PUBLIC HEARING #1

**Application:** Conditional use permit to operate a wood shaving and drying business in an I-2 Heavy Industrial District with natural gas-fired dryers.

**Applicant:** Wayne and Sandy Lease (Property Owner: Leon Fischer)

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### Background Information:

- **Proposal:** The applicant is proposing to make use of about half of an existing 100' x 350' industrial building to operate a wood shaving and drying business. The business would involve the installation of a 8' x 24' dryer just outside the east edge of this building and several piles of logs that would be placed on the east and southeast side of the property. Semi trucks would deliver the logs into the property, where they would be stockpiled and then milled inside the building. They would then be fed into the outside dryer via a conveyor, dried via natural gas-fired dryers, and fed back inside the building where they would be loaded onto trucks and hauled out.

The proposed location for this business is within an I-2 Heavy Industrial District. The nearest residential dwelling would appear to be about 500 ft to the east of the property line (that home is also in an I-2 zoned area). The nearest residentially-zoned properties would be about 1,500-1,650 ft away to the west and to the northeast. The city boundary is about 1,000 ft to the north.

Surrounding land on the west, north and east is all zoned I-2 Heavy Industrial and the adjacent properties are all used industrially. Land immediately to the south is zoned I-1 Light Industrial, but is currently undeveloped.

- **Location:**
  - Property Address: 1100 4<sup>th</sup> Street NW
  - Brief Legal Description: Lots 8-10, Block One of Yoerg's Subdivision.
  - Parcel number(s): 491074000, 491074001 and 491076000

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**Public Input:**

1. One verbal comment was received inquiring about the potential for odor from the proposed use.

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**Planning Commission/Board of Adjustment Action:** The Planning Commission has recommended approval of the request with the following conditions:

1. None.

\*Note: the Commission discussed a number of potential nuisance characteristics, including odor, noise, steam, hours of operation, and outside storage. The discussion noted the following:

1. This application would have been a permitted use (no conditional use permit required) if it had used electricity to run the drying equipment. The CUP is required because it would be using natural gas to fire the dryer.
2. All sales of wood shavings would be wholesale – no retail sales.
3. Hours of operation expected to be 7am-7pm with no overnight shifts at this time. If an overnight shift began to make sense they would consider it, but have no plans to do so.
4. Noise is 100+ decibels from the machinery that shaves the wood from logs, but would be inside the building.
5. Steam is the primary byproduct of the dryer.
6. There would be no waste piles – all of the log is used.
7. There would be approximately 200 cord of logs stored outside the building at any one time (to the south and east of the building).
8. The odor from the facility would be a mild wood odor.
9. Trucks will back into the west side of the building for loading. Trucks delivering logs would be on the south and east side of the building.
10. The applicant is leasing about ½ of the building.
11. The applicant is considering putting the dryer inside the building.

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**City Council Direction:** The City Council may approve the request, deny the request, or table the request if the Council should need additional information from the applicant. If the application is tabled, the Council should provide specific direction as to what additional information is needed.

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**PROPOSED ORDINANCE AMENDMENT - FENCE REGULATIONS**

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**Application:** Ordinance amendment to Chapter 11, entitled “Land Use Regulations (Zoning)”, 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences). The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify

regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts.

**Applicant:** City of Little Falls

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**Background Information:**

- **Proposal:** The existing language regarding the regulation of fences within the City of Little Falls is somewhat confusing and possibly contradictory in terms of how fences are permitted and regulated. The proposed ordinance amendments are intended to clarify these regulations so that they can be applied uniformly without need for significant interpretation.

Staff will begin to prepare the new ordinance for Council review.

A public hearing was held on these amendments in June 2014 and was continued to July 14 to allow for revisions and more public comment. The Commission continued its review and amending of the draft changes at the August, September and October meetings. Several changes were made during the October meeting and the Commission is recommending the amendments consistent with those changes.

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**Public Input:** No written comments were received by the City prior to the hearing in June/July. Verbal comments suggesting that hedges should not be regulated as fences, the maximum or minimum height of fences and the definition of the “good side” of a fence were all presented.

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**Planning Commission/Board of Adjustment Action:** The Planning Commission has recommended approval of amendments to the various sections relating to fences, as attached.

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**City Council Direction:** The City Council may approve the request, deny the request, or table the request if the Council should need additional information. If the application is tabled, the Council should provide specific direction as to what additional information is needed.

**Other Items:**

- Staff brought up a request from a landowner in the City that felt 40 foot lots of record (lots platted many years ago prior to current zoning regulations) should be allowed to be developed with homes. In the particular landowners situation, the ordinance would allow for such a lot to be developed if it were 70% of the required size and width required today, which in this case would be a 42 ft wide lot.

The landowner had noted the possibility of developing such lots as helping to increase the tax base and possibly allowing for more affordable housing options for City residents. He also noted that many other communities across the nation allow for the development of such lots.

The Commission discussed the matter, and while noting that such development would increase the City’s tax base, also noted concerns about impact on drainage, impervious coverage, setbacks and fairness to landowners who haven’t been able to sell such lots for development in the past and have sold to neighboring landowners based on that.

If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at [oleson@hometownplanning.com](mailto:oleson@hometownplanning.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Oleson', with a stylized flourish at the end.

Ben Oleson, AICP  
Hometown Planning  
City of Little Falls Zoning Official