

April, 1966

PLANNING REPORT

For: Central Washington County Planning Commission

By: Carl R. Dale, Principal Planner
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Subject: Drive-ins as Special Uses in Zoning Ordinance.

As the zoning ordinance is now written, "drive-ins" are a special use in some districts and a use-by-right in others. It may be desirable to make all drive-ins a special use in all non-residential districts. This can be done by a simple amending statement in the enacting ordinance when adopting the code by reference. If the code is not adopted by reference, drive-ins should be added to the lists of special uses as appropriate.

There are several reasons why drive-ins should be given special treatment:

- a) They can be a police problem.
- b) Trash disposal can be a nuisance.
- c) Noise, lights, and other features can be a problem when operating hours extent into the night.
- d) They are a "high turn-over" use with many cars entering and leaving at frequent intervals.
- e) They can be a traffic and parking problem when not properly planned and developed.

Car wash installations have been a specific problem with inadequate "stacking" space and poor entrances and exits. Under such situations, cars often back or "stack-up" in the street awaiting service.

Service stations have been a very common problem. It should be noted, however, that the problems are usually associated with the operator and not necessarily the use itself. Common problems include storage of junk cars, open storage of trash, poor maintenance of building and grounds, and other nuisances. In addition, access drives improperly placed at street intersections can be a major problem.

The ordinance as written makes drive-ins a special use in "RB" Districts but not in "GB" General Business Districts due to the differing intensity of uses permitted in each district. If the community is willing to take on the added administrative work involved, it is probably worthwhile to make drive-ins a special use in all districts in which they may be permitted.

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Subject: Mining Controls (primarily extraction of sand and gravel).

A very important part of the local planning process deals with the day-to-day specific problems that must be dealt with against the background of the more general comprehensive community plan. One such problem is that of gravel pits.

Common problems associated with gravel pits include: 1) hazards to children; 2) creating an eye-sore on the landscape; 3) leaving an un-usable pit; 4) truck movements to and from the site; 5) flooding and erosion within and adjacent to the site; and 6) various conflicts with adjacent and nearby land uses.

The problems are well recognized by the National Sand and Gravel Association and they are urging members to solve these problems before overly restrictive public legislation is imposed by local or other governmental units. Only recently, however, has this campaign been effective and only some of the larger companies are making efforts to reduce conflicts with other community interests.

In the future, the situation can be adequately handled by provisions (assuming good and proper enforcement) of the proposed zoning ordinance developed as part of the current 701 planning program. A question has been raised, "Can anything be done about existing sand and gravel operations?" The answer is yes and various communities have enacted legislation which applies to existing mining operations. In general, new legislation may apply to existing sand and gravel operations which affect the public health, safety, and general welfare especially where a public "nuisance" or an "attractive nuisance" is involved.

The following provisions have been utilized by various communities:

1. Designation of truck routes.
2. Requirement of chainlink fence around operation.
3. Regulating hours of operation.
4. Requirement of screen planting around the pit area.
5. Establishment of maximum water levels in pit.
6. Requirement of dikes where water runs onto adjacent property and causes erosion or depositing of minerals.
7. Other provisions to control specific nuisances associated with various extraction operations.
8. Requirement of a finished grade plan (slope following completion of mining operations).

An illustration of one approach can be found in South Washington County. Cottage Grove has enacted several methods of control:

1. A special extraction zoning district has been established for the large operation on Grey Cloud Island. This district makes extraction a use by right and requires that the land be left in a usable state following completion of mining activities. This approach may not be valid for small, isolated sand and gravel operations.
2. Sand and gravel operations are a "special use" in other areas and each is then handled as necessary depending upon the specific circumstances.
3. A special ordinance has been enacted to set standards for existing operations and these include most of the features noted on the preceding page.

Similar efforts have been made in Woodbury and Grey Cloud townships. Sand and gravel pits not complying with the provisions have been closed for varying periods of time.

The National Sand and Gravel Association has a city planning consultant and members have been advised to submit a complete "re-use" plan to the community in which pits are locating. Such a plan includes provisions for controlling operations and ultimate use of the property following extraction operations cease.

Under terms of the proposed zoning regulations for Central Washington County, it will be possible to adequately control future operations and expansion of existing operations. In some situations, it may be necessary to enact special legislation and standards to govern existing operations if this is necessary to protect the public health, safety, and general welfare.