



Board of Adjustments

Tuesday, July 22, 2025

6:30 PM

Elk River City Hall

Regular Meeting Agenda

- Regular meeting in Council Chambers

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSIDER MINUTES

4.1 Draft Minutes - June 24, 2025

5. PUBLIC HEARINGS

An opportunity for the public to express their opinions and raise questions pertaining to the agenda item. All comments become part of the official public record. For this reason, all comments must be made at the podium so they can be heard and recorded. Comments may also be provided in writing. There will not be deliberations, discussions, or answers to questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

5.1 Variance: Wetland Setback, Minnesota Municipal Power Agency - PID #75-00102-2000

5.2 Variance: Zero-foot Setback - Elk River Landfill/Waste Management - 22460 Highway 169

6. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, June 24, 2025**

Members Present:

Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner James Zahler, Commissioner Anthony Kaba, Commissioner Dornan Bland

Members Absent:

None

Staff Present:

Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Sr. Administrative Assistant/Recording Secretary Jennifer Green

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the agenda. Motion carried 7-0

4. CONSIDER MINUTES

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the following draft minutes as outlined in the packet. Motion carried 7-0.

4.1 Draft Minutes from May 27, 2025

5. PUBLIC HEARINGS

5.1 Variance: Wetland Setback for Driveway, David Held - 20189 Meadowvale Rd NW

Mr. Carlton presented the staff report.

Commissioner Rydberg asked if the proposed driveway to the east lot is currently dividing the wetland or is there a culvert under it.

Mr. Carlton felt there would need to be a culvert to keep the hydrologic connection and water flow active but will check with environmental staff.

Chair Beise opened the public hearing. There being no one to speak, Chair Beise closed the public hearing.

Moved by Commissioner Booth and seconded by Commissioner Rydberg to approve the Variance request for David Held to allow a driveway to encroach up to 1-foot from a delineated wetland, and into the wetland setback ordinance, for the following reasons:

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use of Residential and the use is consistent with the Comprehensive Plan.**
- 3. The proposed use is reasonable and is permitted in the zoning ordinance.**
- 4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.**
- 5. The variance will not alter the essential character of the locality.**

and with the following conditions:

- 1. The plat of Meadow Hills must be approved by the City Council and recorded with Sherburne County.**
- 3. The applicant shall work with staff for an on-site review of the driveway location prior to beginning construction activities.**
- 4. All areas within the 25-foot wetland buffer strip and 20-foot wetland buffer strip setback that are not part of the driveway or side slope shall not be maintained as yard areas (no mowing, planting, or landscaping) and must be left to grow naturally.**
- 5. All conditions and best practices outlined by the Wetland Conservation Act via the Technical Evaluation Panel decision shall be satisfied.**

Motion Carried 7-0.

5.2 Variance: Zero Lot Line Setback, Todd Bialon with Jarvis LLC - 9672 163rd Ave. NW

Mr. Leeseberg presented the staff report.

Chair Beise opened the public hearing. There being no one present to speak, Chair Beise closed the public hearing.

Moved by Commissioner Johnson and seconded by Commissioner Rydberg to approve the parking lot east side yard setback variance of 10-feet for the following reasons:

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use of General Industrial and the use is consistent with the Comprehensive Plan.**
- 3. The proposed use is reasonable and is otherwise permitted in the zoning ordinance.**
- 4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.**
- 5. The variance will not alter the essential character of the locality.**

And with the following conditions:

- 1. Conditional Use Permit (CU 25-06) shall be approved and recorded.**

2. If the applicant wishes to construct the fence on the property line, written permission from the adjacent property owner to the east shall be obtained and provided to the city.

Motion Carried 7-0.

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 7-0.

The meeting adjourned at 6:42 p.m.

Minutes prepared by Jennifer Green.

Perry Beise, Chair

Tina Allard, City Clerk



Request for Action

To
Board of Adjustments

Item Number
5.1

Meeting Date
July 22, 2025

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Wetland Setback, Minnesota Municipal Power Agency - PID #75-00102-2000

Reviewed by
Chris Leeseberg

Action Requested

Approve, by motion, the variance request from Minnesota Municipal Power Agency (MMPA) to allow a driveway and associated grading to encroach into the required wetland setbacks up to 1-foot from a delineated wetland, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use guidance of Residential, and the proposed utility use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.
5. The variance will not alter the essential character of the locality.

If the Board approves the request, staff recommend the following conditions:

1. The City Council must approve the essential services application (SP 25-08).
2. The applicant shall work with staff for an on-site review of the driveway location prior to beginning construction activities.
3. All areas within the 25-foot wetland buffer strip and 20-foot wetland buffer strip setback that are not part of the driveway or side slope shall not be maintained as yard areas (no mowing, planting, or landscaping) and must be left to grow naturally.
4. The wetland delineation must be approved prior to commencement of any construction activities or the issuance of permits.

Background/Discussion

The applicant, MMPA, has submitted a wetland setback variance application to support construction of an access road providing access to a new natural gas facility along the Northern Natural Gas (NNG) pipeline. This is part of a larger renewable natural gas project proposed at the Elk River Landfill that includes piping natural gas harvested from the Elk River Landfill to the NNG pipeline for use as domestic natural gas.

The wetland setback variance will support the required access road improvements, which generally follow the existing access road that had been used for agricultural purposes. Underground electric and natural gas utilities will also be added along the proposed road corridor, but the underground utilities do not require a variance.

The Elk River Vision

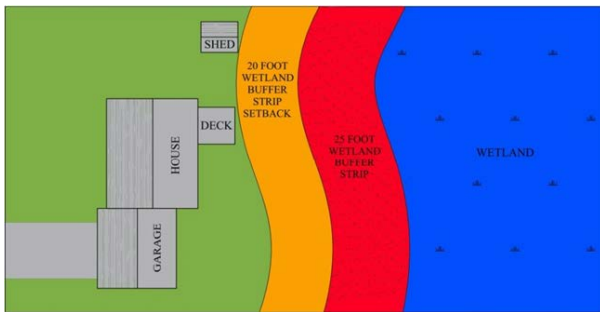
A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



The applicant is currently working with the city on the wetland delineation for the site and final approval of the delineation is a condition of approval.

Applicable Regulations

The city ordinance identifies two wetland buffers (shown in the image below): first, a 25-foot no-mow/maintenance buffer, which prohibits alterations to the established vegetation, (red) and second, an additional 20-foot buffer prohibiting structures (orange). The proposed driveway extends 24 feet into the wetland setback and wetland buffer area. Section 30-1852 regulates wetland setbacks. Staff have no concerns about issuing a variance for the driveways as the location results in the least impact on wetlands due to local and county regulations.



Variance Requirements

The variance standards are outlined below. The applicant's responses are noted in italics.

A variance may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below. The variance is:

1. Is in harmony with the general purpose and intent of the ordinance, and
The purpose and intent of the ordinance is the protection of wetlands to maximum extent possible while allowing a reasonable use of the property. The proposed access road provides access to the east side of the site. Other wetlands and topography on the site prevent a reasonable routing alternative. The routing is also consistent with historical use of the property. The requested variances allow for access to the east side of the site and are in harmony with the ordinance.
2. Is consistent with the City of Elk River comprehensive plan.
The City of Elk River Comprehensive Plan designates the future land use of the site as Business Park. The proposed access road and location of the utility equipment enables future development of the land consistent with the Comprehensive Plan.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties mean that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
The zoning ordinance requires a 25-foot wetland buffer strip and a 20-foot wetland buffer strip setback. A reasonable routing alternative is not available, and wetlands are present on both sides of the proposed access road. The requested variances are reasonable.
4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petition's own action or inaction; and
The requested variances are in locations where wetlands are present on both sides and prevent a complete avoidance of the wetland buffer strip and setback. The requested variances are because of circumstances unique to the property.
5. The variance, if granted, will not alter the essential character of the locality.

The proposed access road is routed on an existing farming road which provides access to the east side of the site. The requested variances will not alter the essential character of the locality.

If the Board of Adjustments denies the request, or an appeal is made by any interested party by August 1, 2025, the variance will be reviewed by the City Council on Monday, August 18, at 6:00 p.m.

Financial Impact

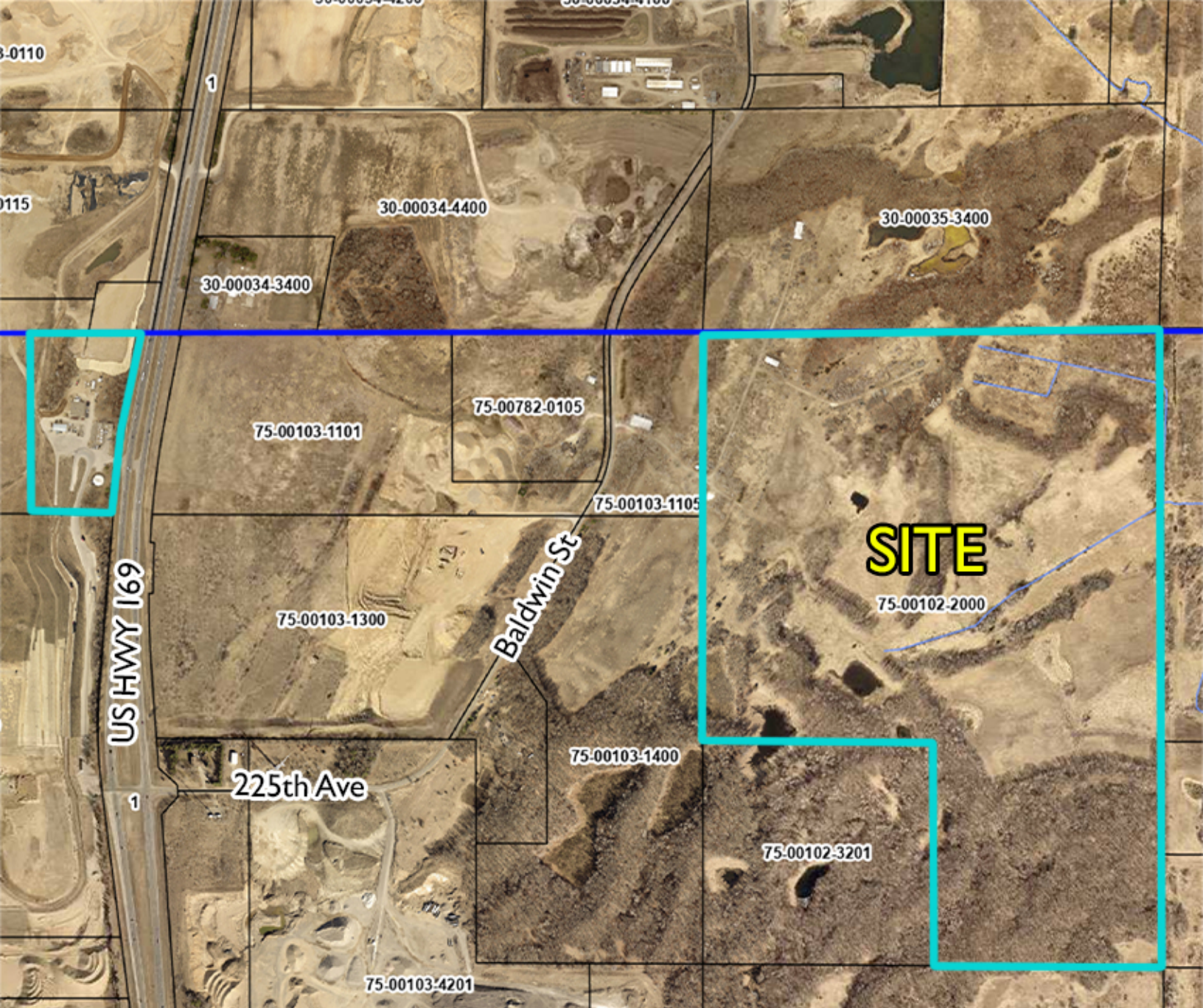
None

Mission/Policy/Goal

Meet changing needs - agile.

Attachments

1. Location Map
2. Overall Site Plan
3. Applicant's Narrative and Plans
4. 5.1 MMPA Wetland Variance



SITE

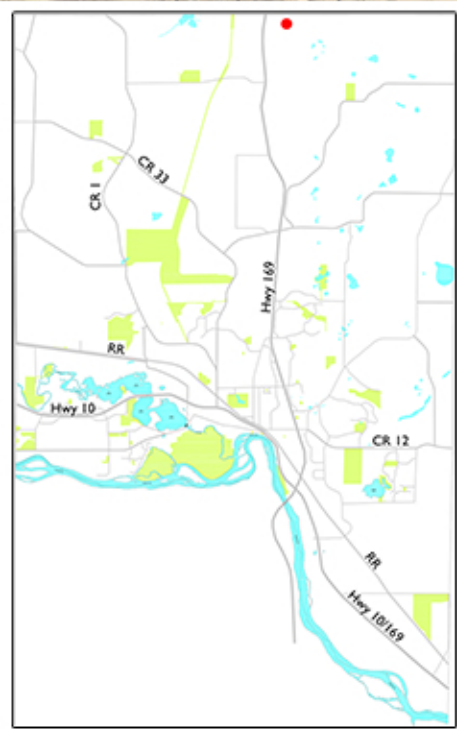
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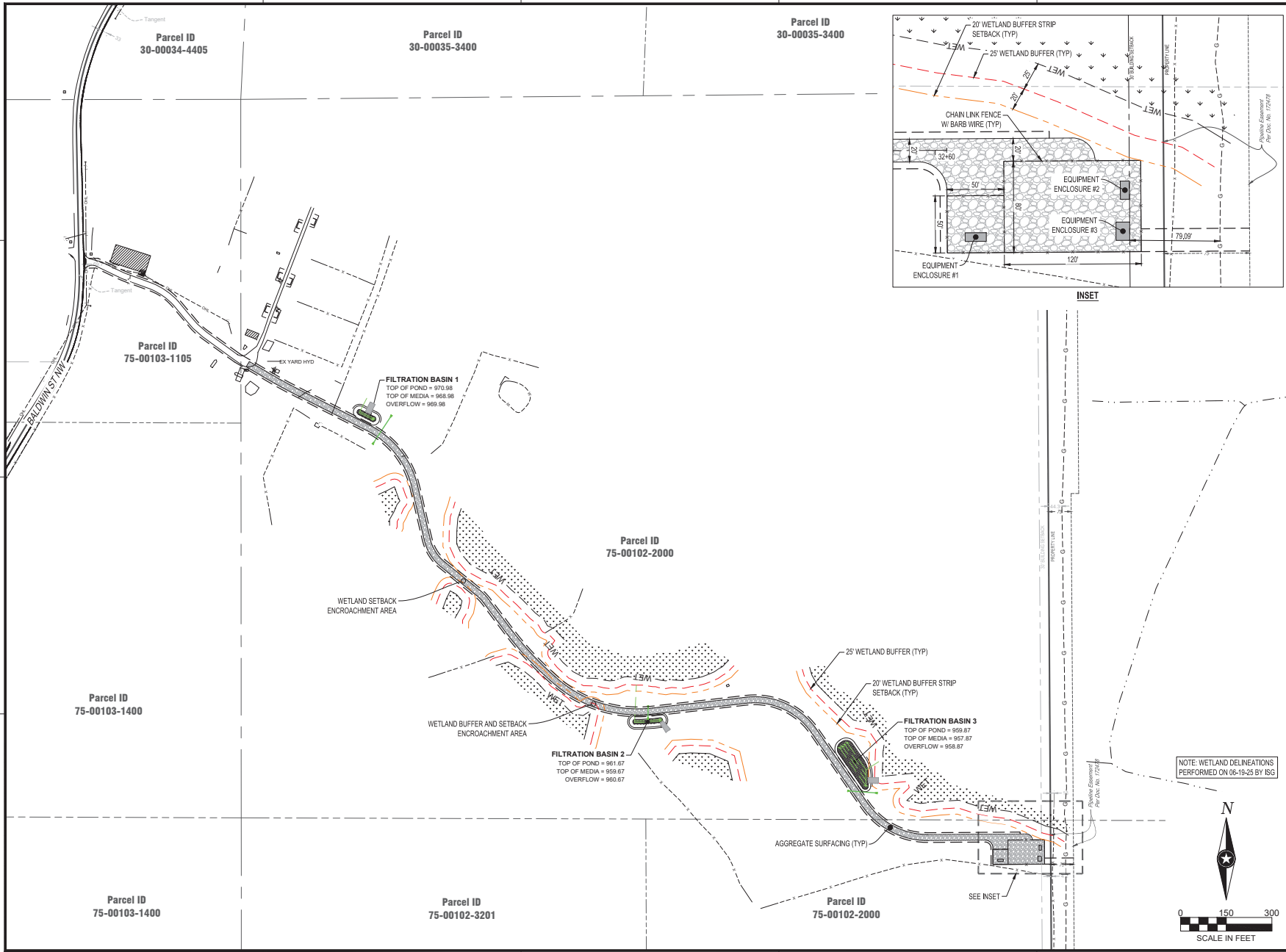
Project Location Map

MN Municipal Power Agency

Variance
Site Plan Review

Case No: V 25-11 & SP 25-08





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PROJECT

**MMPA
ELK RIVER EAST
SITE**

ELK RIVER MINNESOTA

| REVISION SCHEDULE | | |
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| PROJECT NO. | 25-32893 |
| FILE NAME | 32893-C3-SITE-0A |
| DRAWN BY | LHH |
| DESIGNED BY | LHH |
| REVIEWED BY | BMP |
| ORIGINAL ISSUE DATE | 11/1/24 |
| CLIENT PROJECT NO. | - |

TITLE
**OVERALL SITE AND
UTILITY PLAN**

SHEET
C3-10

PRELIMINARY NOT FOR CONSTRUCTION



**SETBACK VARIANCE REQUEST
TO
THE CITY OF ELK RIVER
FOR
ACCESS ROAD AND UTILITY EQUIPMENT**

June 30, 2025

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Section 1. Introduction

Section 1.1 MMPA Background

The Minnesota Municipal Power Agency (MMPA or Agency) is a municipal power agency and political subdivision of the State of Minnesota engaged in the generation and transmission of electrical power and energy to twelve municipally owned member utilities. MMPA currently serves the Minnesota municipal utilities in Anoka, Arlington, Brownton, Buffalo, Chaska, East Grand Forks, Elk River, Le Sueur, North St. Paul, Olivia, Shakopee, and Winthrop. The member communities, including the City of Elk River, in turn deliver and sell the electricity to residential and business customers in their communities.

MMPA's mission is to provide reliable, competitively priced power to its members and to create value for both the Agency and its members. MMPA's power supply portfolio is a mix of owned generation and power purchase agreements and a combination of conventional and renewable resources. MMPA completed a renewable natural gas (RNG) project in Le Sueur, MN and plans to add further RNG projects to its portfolio. This proposed project includes an access road and utility equipment associated with an RNG project located at the Elk River Landfill.

Section 2. Setback Variance Request

Section 2.1 Project Narrative

The proposed project is an access road and utility equipment for an underground natural gas interconnection to the Northern Natural Gas (NNG) pipeline located on the eastern side of the property. The utility equipment supports the MMPA renewable natural gas project proposed at the Elk River Landfill.

The proposed gravel access road is approximately 3,300 feet in length and 20 feet wide. Underground electric and natural gas utilities are proposed along the length of the access road. The utility equipment includes three equipment enclosures and two fenced equipment yards. The proposed utility equipment includes a compressor, natural gas instrumentation, measurement and metering equipment, electrical equipment, and underground piping.

Section 2.2 Variance Request

MMPA owns the proposed project property in the City of Elk River. The legal description of the property is shown in Attachment A.

MMPA requests a variance for a wetland buffer strip setback encroachment at two (2) locations and a wetland buffer strip encroachment at one (1) location as shown in Attachment B – see drawings C3-20 and C3-21. MMPA will maintain 25-foot wetland buffer strip and comply with the additional 20-foot wetland buffer strip setback in all other locations along the access road. No impacts to wetlands are proposed.

The following information is provided as required by the City of Elk River ordinance Section 30-365.

A variance may be granted by the board only if it finds that:

(1) The variance is in harmony with the general purpose and intent of the ordinance.

The purpose and intent of the ordinance is the protection of wetlands to maximum extent possible while allowing a reasonable use of the property. The proposed access road provides access to the east side of the site. Other wetlands and topography on the site prevent a reasonable routing alternative. The routing is also consistent with historical use of the property. The requested variances allow for access to the east side of the site and are in harmony with the ordinance.

(2) The variance is consistent with the City of Elk River comprehensive plan.

The City of Elk River Comprehensive Plan designates the future land use of the site as Business Park. The proposed access road and location of the utility equipment enables future development of the land consistent with the Comprehensive Plan.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

(1) The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance

The zoning ordinance requires a 25-foot wetland buffer strip and a 20-foot wetland buffer strip setback. A reasonable routing alternative is not available, and wetlands are present on both sides of the proposed access road. The requested variances are reasonable.

(2) The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction

The requested variances are in locations where wetlands are present on both sides and prevent a complete avoidance of the wetland buffer strip and setback. The requested variances are because of circumstances unique to the property.

(3) The variance, if granted, will not alter the essential character of the locality.

The proposed access road is routed on an existing farming road which provides access to the east side of the site. The requested variances will not alter the essential character of the locality.

Attachment A. Legal Description

Parcel ID 75-00102-2000
Sec-Twp-Rng Sec.2 T33N R26W
Legal Description NW 1-4 & NE 1-4 OF SW 1-4



Map of Parcel

Attachment B. Access Road Plans

See access road drawing set.

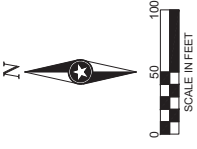


| EROSION CONTROL LEGEND | |
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| SYMBOL | DESCRIPTION |
| — 10' — | PERIMETER CONTROL |
| — 5' — | SAFETY FENCE, REBARRELS |
| ⊙ | STORM DRAIN INLET PROTECTION |
| ⊂ | OUTLET END CONTROL |
| ##### | SEWERMEN CONTROL LOG |
| ⊞ | STABILIZED CONSTRUCTION EXIT |
| ▭ | EROSION CONTROL BLANKET, CATEGORY 20 |
| □ | CONCRETE WASHOUT AREA |
| ↗ | PROPOSED DRAINAGE ARROW |
| — 10' — | EXISTING CONTOUR (MINOR INTERVAL) |
| — 10' — | EXISTING CONTOUR (MAJOR INTERVAL) |
| — 10' — | PROPOSED CONTOUR (MINOR INTERVAL) |
| — 10' — | PROPOSED CONTOUR (MAJOR INTERVAL) |

| TURF RESTORATION LEGEND | | |
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| SYMBOL | ITEM NO. | DESCRIPTION |
| ⊞ | 203.500 | SEED SOUTHERN TALL GRASS POURABLE MIX |
| ⊞ | 203.500 | NET RITCH MIX FOR FILTRATION BASIN MEDIA |

UNITS QUANTITY
AC 4.4
AC 0.24

THE QUANTITIES SHOWN ARE TOTAL FOR THE ENTIRE PROJECT NOT SPECIFIC TO THIS SHEET. ALL SHALL MEET MINIMUM SPECIFICATION UNITS. SEED SHALL BE PLACED IN ACCORDANCE WITH MINIMUM SPECIFICATION. NET RITCH MIX SHALL BE PLACED IN ACCORDANCE WITH MINIMUM SPECIFICATION. TEMPORARY EROSION CONTROL MEASURES INCLUDING PERIMETER CONTROL AND INLET PROTECTION MUST BE MAINTAINED UNTIL FINAL STABILIZATION MEASURES ARE IN PLACE AND THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) FOR ADDITIONAL INFORMATION.



MMPA
ELK RIVER EAST SITE

ELK RIVER MINNESOTA

| DATE | REVISION | SCHEDULE | DESCRIPTION | BY |
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PROJECT NO: 215-02883
 CLIENT: SWPPP
 DRAWN BY: LHM
 DESIGNED BY: LHM
 REVIEWED BY: BWP
 ORIGINAL ISSUE DATE: ---
 CLIENT PROJECT NO: ---

TITLE: SWPPP

SHEET: C1-40

NECESSARY CERTIFY THAT THIS PLAN REPRESENTS AN ACCURATE REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 08/27/25 LIC. NO. _____

SHEET NOT VALID UNLESS THIS SEAL IS COPIED AND NOT REPRODUCED WITHOUT PRIOR WRITTEN CONSENT. SEE SWPPP FOR ADDITIONAL INFORMATION.



| EROSION CONTROL LEGEND | |
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| | PROPOSED CONTOUR (MINOR INTERVAL) |
| | PERMETER CONTROL CANBE SILT FENCE OR SEDIMENT CONTROL LOG. |
| | NOTE: SWPPP COVERAGE INCLUDES ELECTRIC, GAS, TELEPHONE, AND CABLE INSTALLATION. EACH COMPANY OR THEIR SUBCONTRACTOR IS RESPONSIBLE TO FULFILL THE REQUIREMENTS OF THIS INSTALLATION OF SEEDING/STABILIZATION DURING CONSTRUCTION OF EACH UTILITY. |
| | PERMETER CONTROL |
| | SILT FENCE, REASSEMBLED |
| | STORM DRAIN INLET PROTECTION |
| | CULVERT END CONTROL |
| | SEDIMENT CONTROL LOG |
| | STABILIZED CONSTRUCTION EXIT |
| | EROSION CONTROL BLANKET, CATEGORY 20 |

| SYMBOL | DESCRIPTION |
|--------|---|
| | SEED, SOUTHERN TALLGRASS |
| | NET DITCH BANK FOR FILLATION BASIN AREA |

THE QUANTITIES SHOWN ARE TOTAL FOR THE ENTIRE PROJECT NOT SPECIFIC TO THIS SHEET.
 SHALL MEET MINOT SPECIFICATION. SEED SHALL BE PLACED IN ACCORDANCE WITH MINOT 2017.
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Panel ID
75-00102-2000



PRELIMINARY NOT FOR CONSTRUCTION

NECESSARY TO OBTAIN THE PLAN REVISIONS. THIS REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 08/27/25 LIC. NO. _____

SHEET NO. 101 OF 101 SHEETS (SEE COVER)

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SWPPP INC. 15000 150TH AVE. SUITE 100, MINNETONKA, MN 55345

MMPA
ELK RIVER EAST
SITE

| REVISION SCHEDULE | |
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| DATE | DESCRIPTION |
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PROJECT NO: 24-52883
 FILE NAME: 240613-PRO-SWPPP
 DRAWN BY: LHM
 DESIGNED BY: LHM
 REVIEWED BY: BWP
 ORIGINAL ISSUE DATE: 08/27/25
 CLIENT PROJECT NO.: _____

TITLE
 PROJECT
 SWPPP

SHEET
C1-42



NECESSARY TO VERIFY THAT THE PLAN REPRESENTATION REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 08/27/25 LIC. NO. _____
 SHEET NO. 1010 UNLESS THIS SHEET IS A COVER SHEET AND MAY NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PRIOR WRITTEN CONSENT. © 2025 ISG CONSULTING, INC.

MMPA
ELK RIVER EAST SITE
 ELK RIVER MINNESOTA

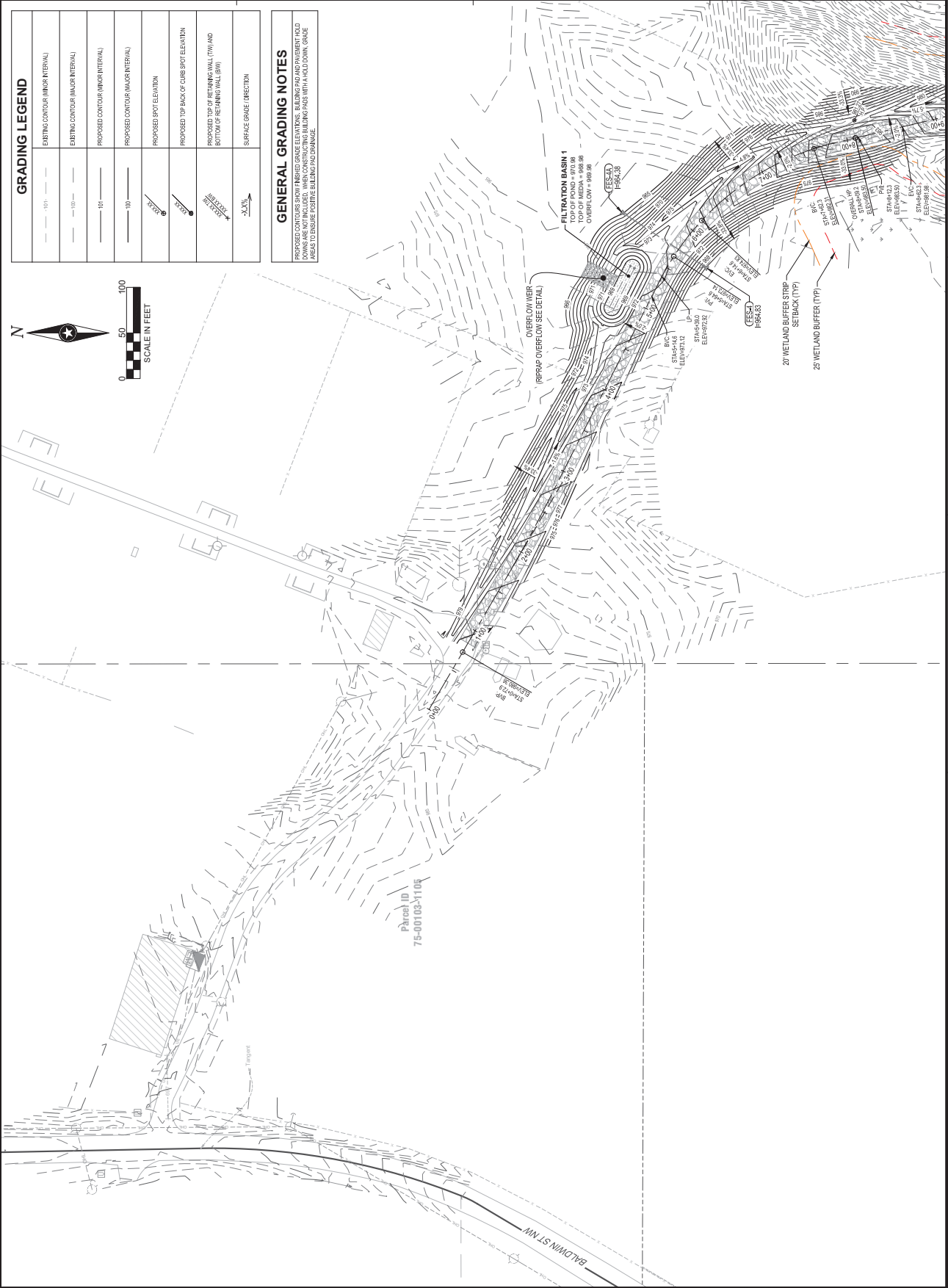
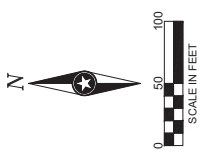
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 TELEPHONE: 326-62-6242
 DRAWN BY: LHM
 DESIGNED BY: LHM
 REVIEWED BY: BWP
 ORIGINAL ISSUE DATE: ---
 CLIENT PROJECT NO. ---

TITLE: GRADING PLAN
 SHEET: C4-10

| GRADING LEGEND | |
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| | PROPOSED CONTOUR (MINOR INTERVAL) |
| | PROPOSED CONTOUR (MAJOR INTERVAL) |
| | PROPOSED SPOT ELEVATION |
| | PROPOSED TOP OF RETAINING WALL (TOP) AND BOTTOM OF RETAINING WALL (BWM) |
| | SURFACE GRADE / DIRECTION |

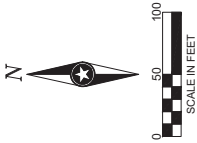
GENERAL GRADING NOTES
 PROPOSED CONTOURS SHOWN IN RED. GRADE ELEVATIONS, BUILDING PAD AND DRAINAGE HOLD DOWNS ARE NOT INCLUDED. WHEN CONSTRUCTING BUILDING PADS WITH A HOLD DOWN, GRADE AREAS TO INSURE POSITIVE BUILDING PAD DRAINAGE.



Parcel ID
 75-00103-1105



| GRADING LEGEND | |
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| --- 10' --- | EXISTING CONTOUR (MAJOR INTERVAL) |
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| --- 10' --- | PROPOSED CONTOUR (MAJOR INTERVAL) |
| ● | PROPOSED SPOT ELEVATION |
| ○ | PROPOSED TOP BACKUP CURB SPOT ELEVATION |
| ○ | PROPOSED TOP OF RETAINING WALL (TW) AND BOTTOM OF RETAINING WALL (BW) |
| → | SURFACE GRADE / DIRECTION |



GENERAL GRADING NOTES

PROPOSED CONTOURS SHOW FINISHED GRADE ELEVATIONS. BUILDING PAD AND DRAINAGE HOLD DOWNS ARE NOT INCLUDED. WHEN CONSTRUCTING BUILDING PADS WITH A HOLD DOWN GRADE AREAS TO ENSURE POSITIVE BUILDING PAD DRAINAGE.

NECESSARY CERTIFICATE OF TITLE AND PLANNING PERMISSIONS FOR THIS PROJECT. THIS REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 08/27/25 I.C. NO. _____

SHEET NO. 12 (TOTAL SHEETS 18) OF 18 SHEETS. THIS SHEET IS ONE OF 18 SHEETS. THIS PROJECT IS A GRADING PROJECT AND MAY NOT BE REPRODUCED OR COPIED OR DISTRIBUTED WITHOUT PRIOR WRITTEN CONSENT. CONSULT US REGARDING ANY.

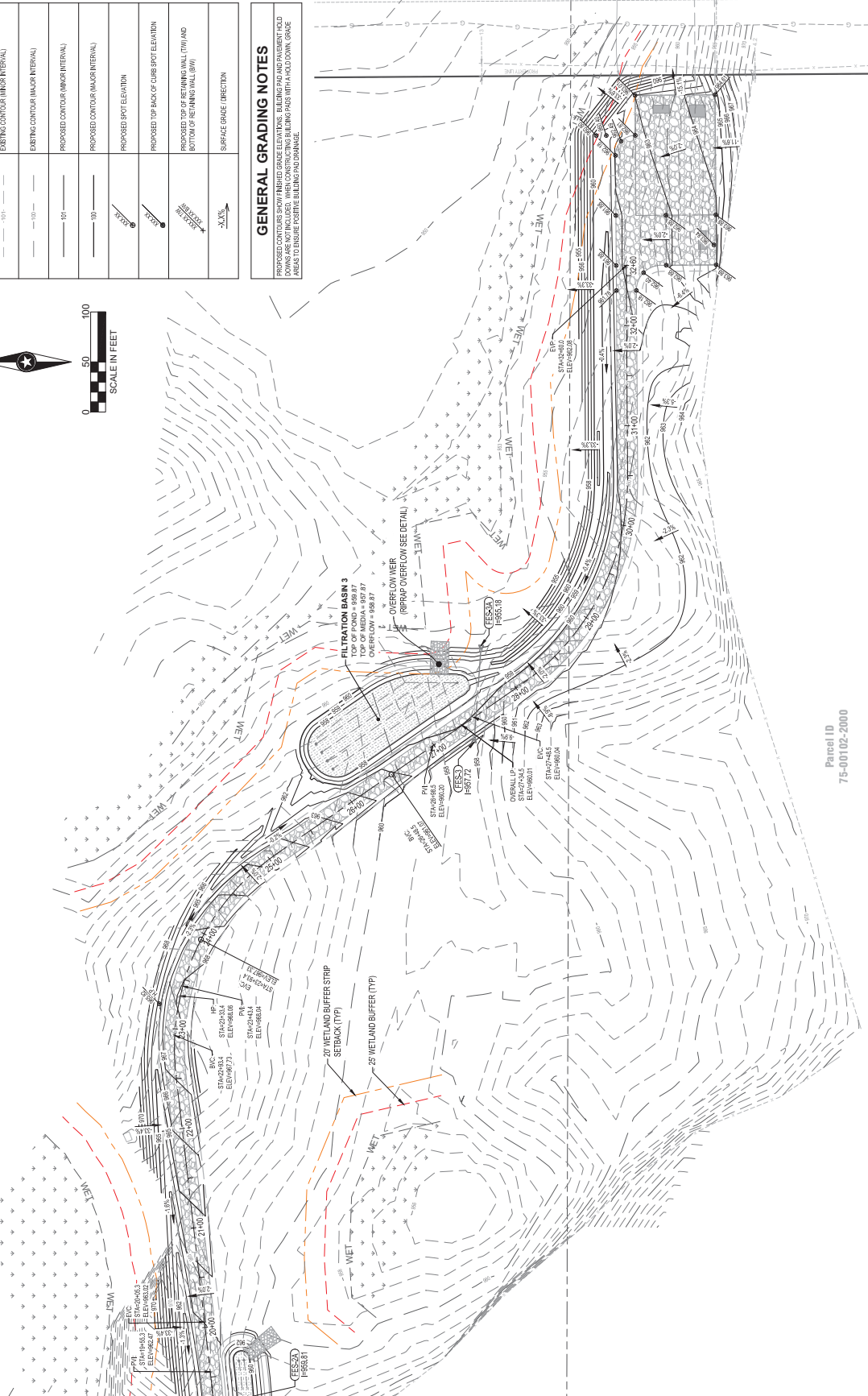
MMPA
ELK RIVER EAST
SITE

ELK RIVER MINNESOTA

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PROJECT NO: 24-52883
 ELEMENT: 300-C-C-GRADE
 DRAWN BY: LHM
 DESIGNED BY: LHM
 REVIEWED BY: BHP
 ORIGINAL ISSUE DATE: ---/---/---
 CLIENT PROJECT NO: ---

TITLE: GRADING PLAN
 SHEET: C4-12



Parcel ID
75-00102-2000

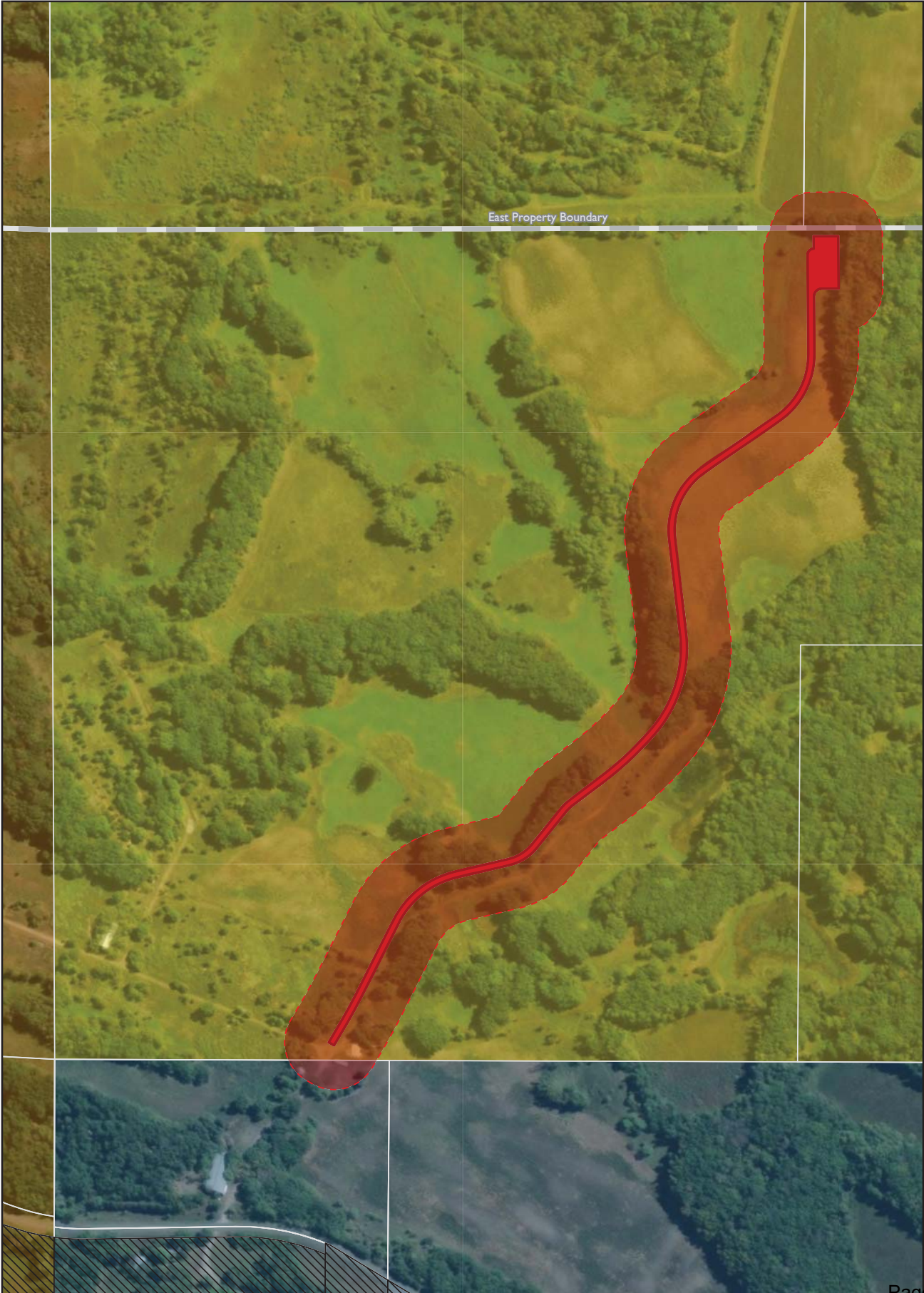
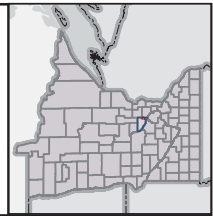


**MMMPA
ELK RIVER
EAST SIDE
Zoning Map**
Elk River,
Sherburne County,
Minnesota
June 30, 2025

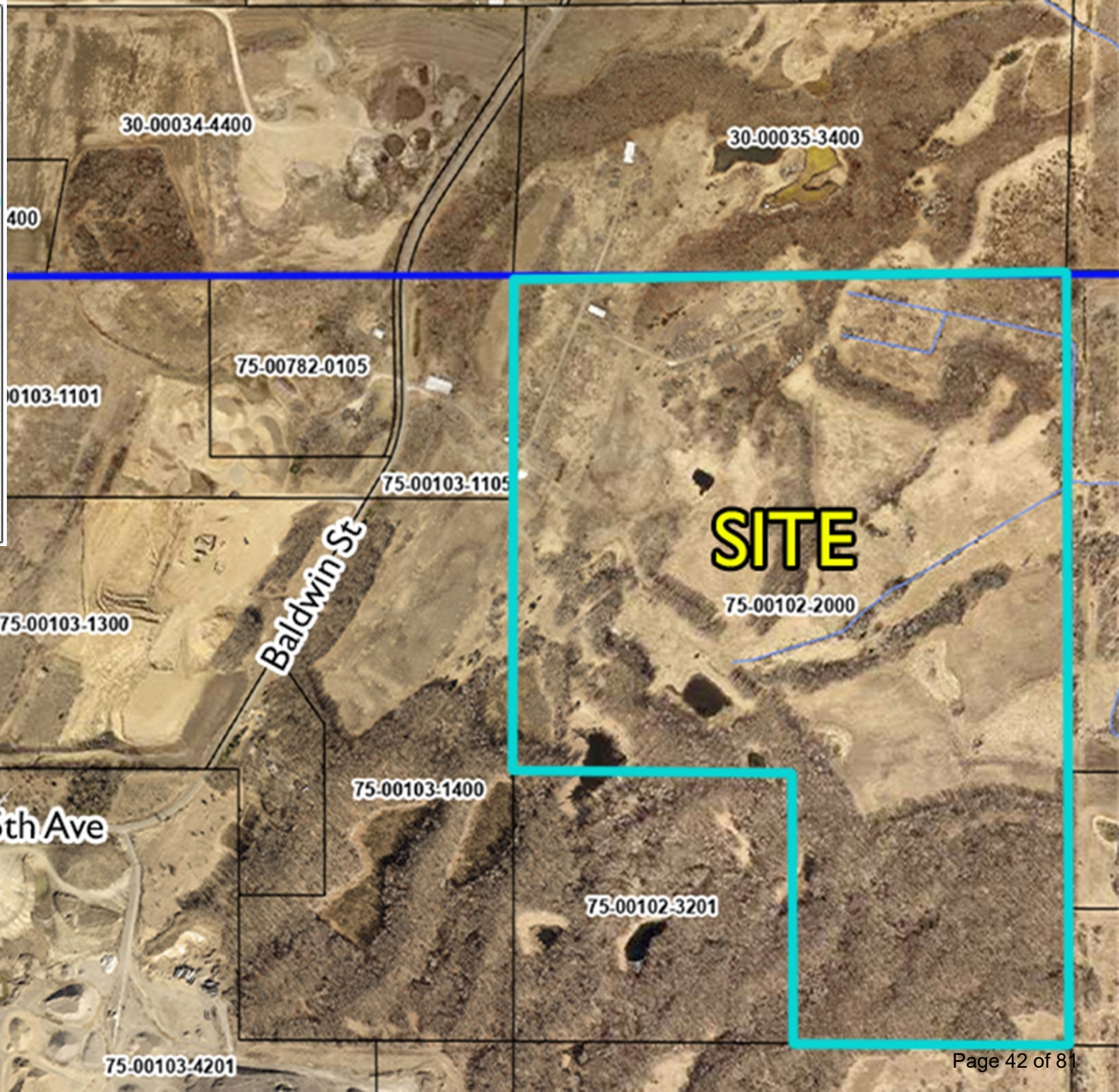
Legend

- East Property Boundary
- Project Site
- 200 Foot Radius
- Parcel
- Zoning Classification
 - R1a - Single Family Residential
 - CRT - Commercial Reserve Transition
 - Residential (County)
 - ME - Mineral
 - Excavation Overlay District

PN: 25-32893
SOURCE:
Orthophoto (Map, 2023)
Parcels (County, 2023)
Zoning (County, 2024)

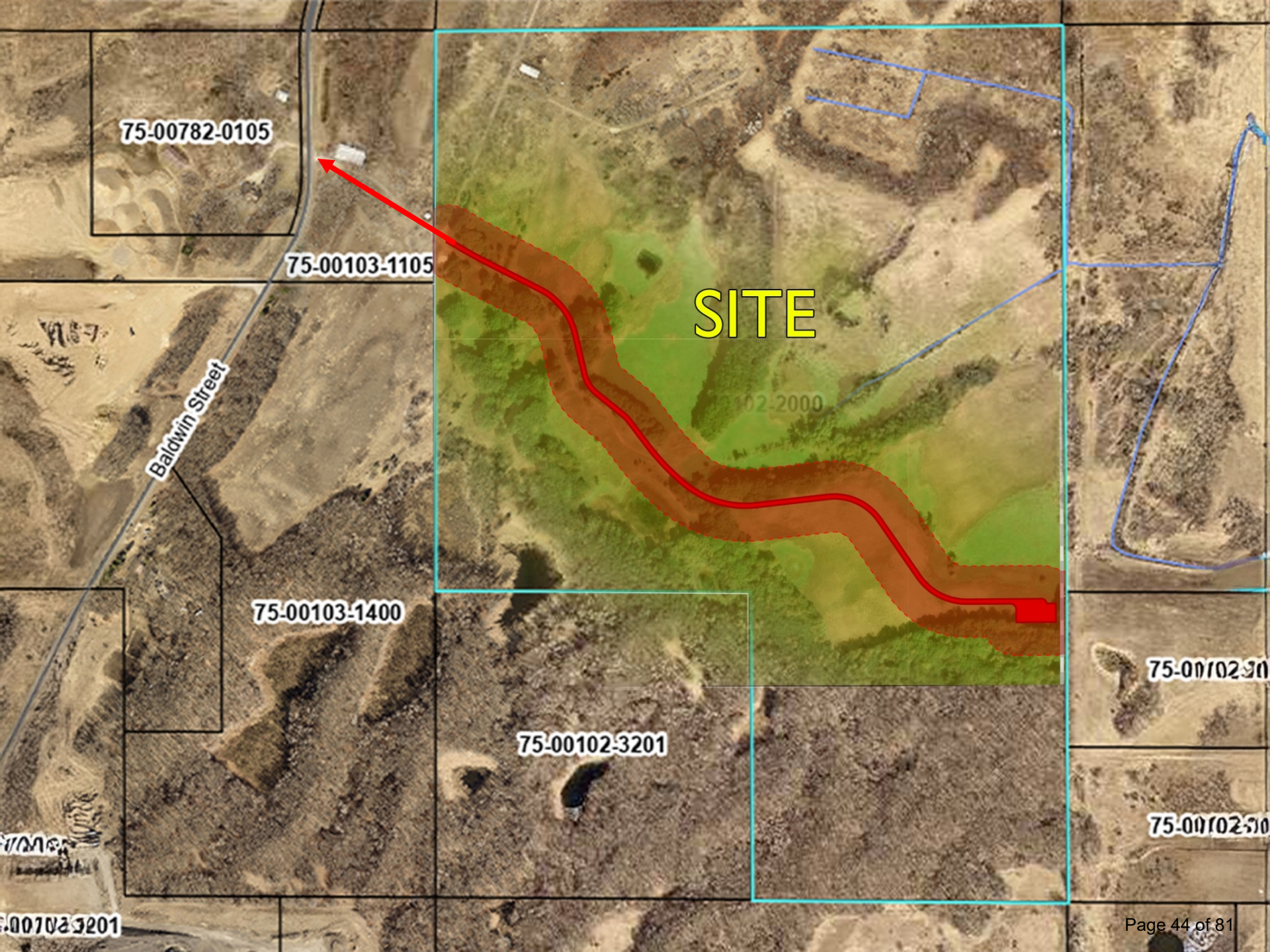


MMPA Wetland Setback Variance



Background

- MMPA, in partnership with Waste Management, propose a renewable natural gas facility.
 - Recycles waste gas from landfill into usable product.
- Current variance supports an access road for the connection point with Northern Natural Gas (NNG)
 - Last step in the process
- Proposed route follows existing field road.
- Wetland delineation shows the improvement will encroach into the wetland buffer and buffer setback.



75-00782-0105

75-00103-1105

SITE

Baldwin Street

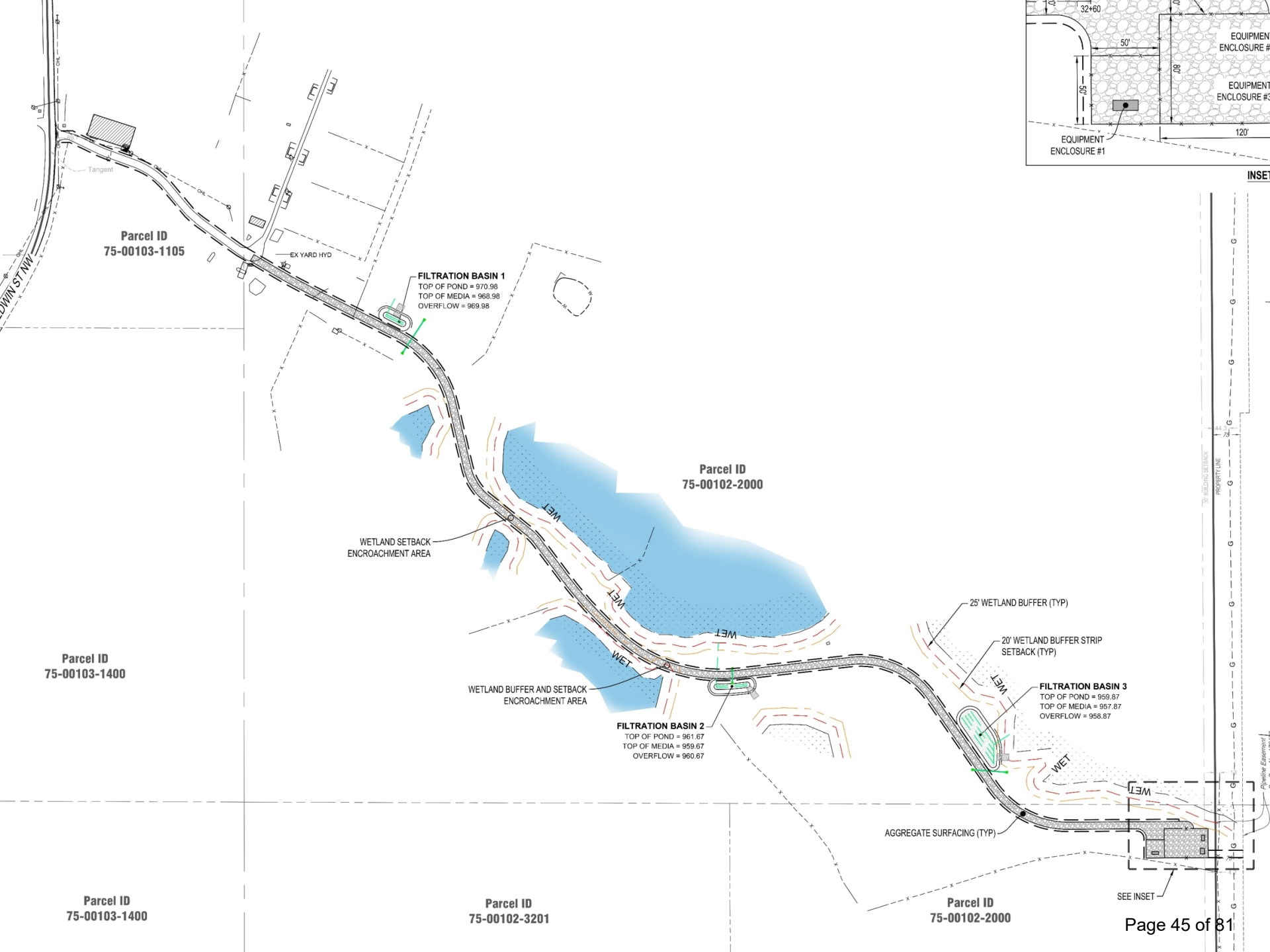
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75-00102-3000

75-00102-5000

75-00102-3201

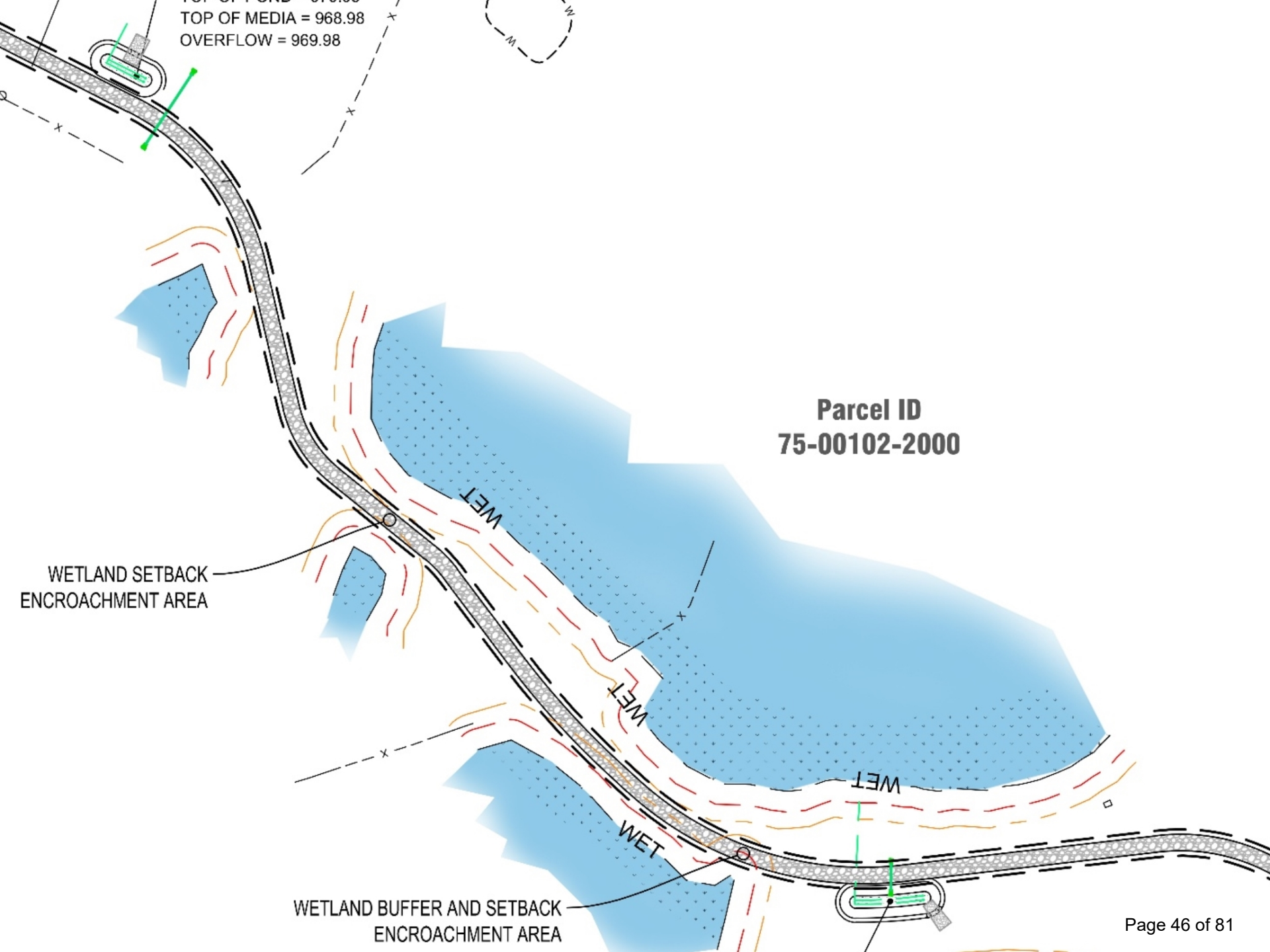


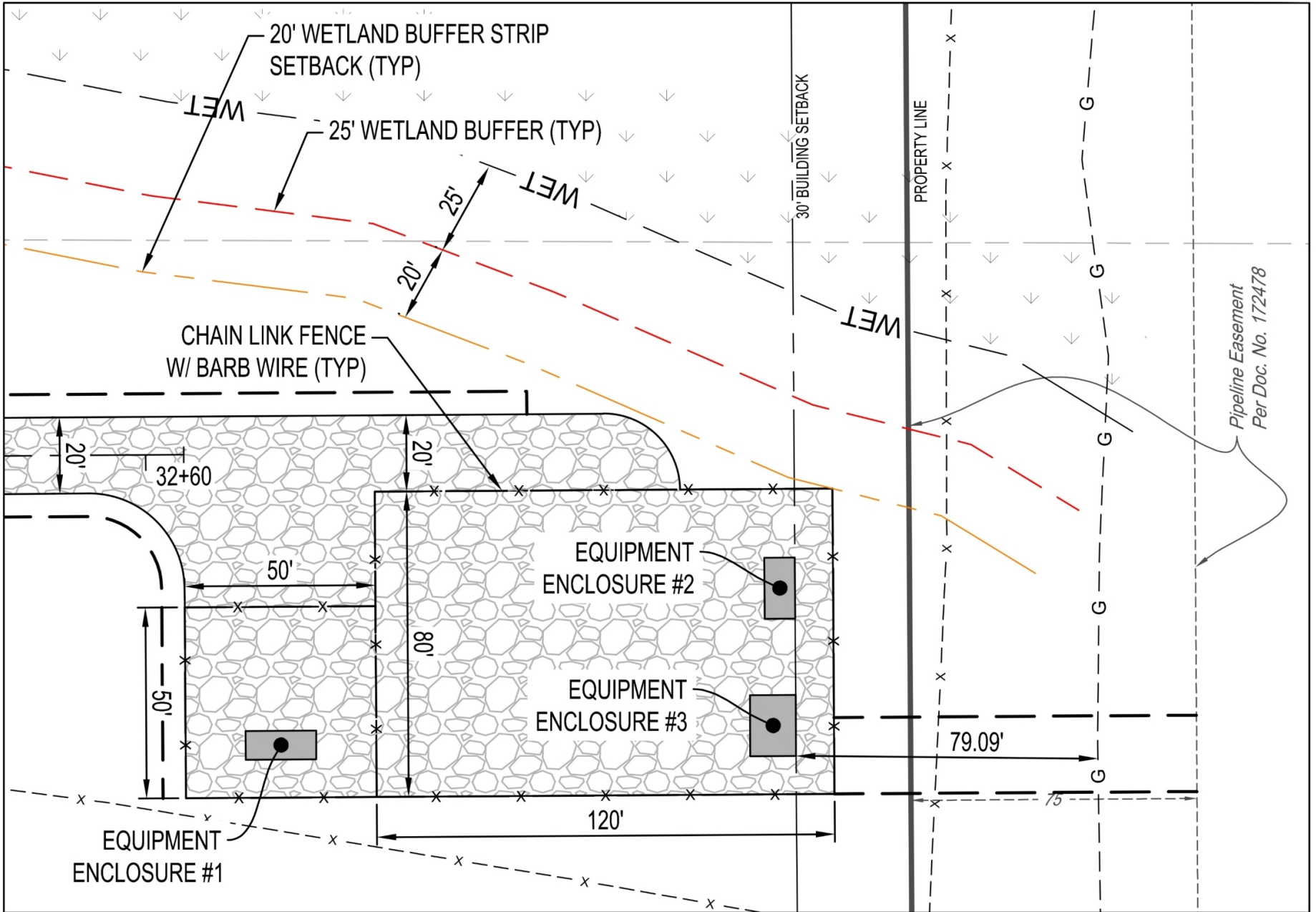
TOP OF FORD = 969.98
TOP OF MEDIA = 968.98
OVERFLOW = 969.98

**Parcel ID
75-00102-2000**

WETLAND SETBACK
ENCROACHMENT AREA

WETLAND BUFFER AND SETBACK
ENCROACHMENT AREA





INSET

Action Requested

- Staff's analysis finds that the variance meets the five criteria required for approval.
- Approve the wetland setback variance with the 4 conditions noted in the memo.

City Council Meeting

- If the BOA denies the request, or an appeal is made by any interested party by **August 1, 2025**, this item will go to the **August 18, 2025**, City Council Meeting.
- The essential services application will be reviewed by the Council on this date as well.

Applicable Regulations

1. Is in harmony with the general purpose and intent of the ordinance

The purpose and intent of the ordinance is the protection of wetlands to maximum extent possible while allowing a reasonable use of the property. The proposed access road provides access to the east side of the site. Other wetlands and topography on the site prevent a reasonable routing alternative. The routing is also consistent with historical use of the property.

The requested variances allow for access to the east side of the site and are in harmony with the ordinance.

Applicable Regulations

2. Is consistent with the City of Elk River Comprehensive Plan

The City of Elk River Comprehensive Plan designates the future land use of the site as Business Park. The proposed access road and location of the utility equipment enables future development of the land consistent with the Comprehensive Plan.

Applicable Regulations

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

The zoning ordinance requires a 25-foot wetland buffer strip and a 20-foot wetland buffer strip setback. A reasonable routing alternative is not available, and wetlands are present on both sides of the proposed access road. The requested variances are reasonable.

Applicable Regulations

4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction.

The requested variances are in locations where wetlands are present on both sides and prevent a complete avoidance of the wetland buffer strip and setback. The requested variances are because of circumstances unique to the property.

Applicable Regulations

5. The variance, if granted, will not alter the essential character of the locality.

The proposed access road is routed on an existing farming road which provides access to the east side of the site. The requested variances will not alter the essential character of the locality.



Request for Action

To
Board of Adjustments

Item Number
5.2

Meeting Date
July 22, 2025

Prepared By
Zack Carlton, Community Development Director

Item Description
Variance: Zero-foot Setback - Elk River
Landfill/Waste Management - 22460 Highway 169

Reviewed by
Chris Leeseberg

Action Requested

Approve, by motion, the Variance request from the Elk River Landfill to allow a 0-foot property line setback, supporting construction of a renewable natural gas processing facility, as the following standards have been met:

1. The general purpose and intent of the ordinance are met.
2. The property has a land use guidance of Industrial and the proposed use is consistent with the Comprehensive Plan.
3. The proposed use is reasonable and is permitted in the zoning ordinance.
4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.
5. The variance will not alter the essential character of the locality.

If the Board approves the request, staff recommend the following conditions:

1. The City Council must approve the Conditional Use Permit for the renewable natural gas facility (CU 25-08).
2. Sherburne County/Livonia Township must approve all land use applications associated with the proposed use.
3. The applicant shall work with staff for an on-site review of the facility location prior to beginning construction activities.

Background/Discussion

The Elk River Landfill (ERL) and Minnesota Municipal Power Association (MMPA) are proposing the development of a renewable natural gas facility that will recycle waste landfill gas into a fuel source for domestic uses. The landfill gas will be processed to remove water vapor, carbon dioxide, nitrogen, oxygen, and other impurities. The processed gas will then be transported underground to a sister facility that will add the gas to an existing Northern Natural Gas line.

Elk River Landfill operates on numerous parcels within the City of Elk River and Livonia Township. In siting the facility, the landfill had to take many factors into account, and the best location ultimately ended up crossing jurisdictional boundaries.

The Board of Adjustments is only reviewing the improvements located within their jurisdiction. The applicant

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



is also working with Livonia Township/ Sherburne County for approval within their jurisdiction. Constructing the facility across parcel lines and across jurisdiction lines requires a variance to reduce/eliminate the required setbacks. The entirety of the improvements include buildings, fencing, parking, and equipment, but the only improvements physically crossing the jurisdictional boundary are piping supports.

In addition to the variance application, Elk River Landfill has also submitted a Conditional Use Permit application, which will be reviewed by the Planning Commission and City Council. Approval of the variance will be a condition of approval for the CUP.

Applicable Regulations

City ordinances require a 20-foot setback for all structures within the zoning district. The proposed use will be constructed across property lines, requiring a zero-foot property line setback.

Variance Requirements

The variance standards are outlined below. The applicant's responses are noted in italics.

A variance may be granted when the petitioner establishes that the variance satisfies all five of the criteria described below. The variance is:

1. Is in harmony with the general purpose and intent of the ordinance, and

The proposed project is located within the Solid Waste Facility overlay zoning district. The adjacent property to the north is also owned by ERL and used as part of the landfill. Because of the ownership and use of the northern adjacent property, the variance is in harmony with the ordinance.

2. Is consistent with the City of Elk River comprehensive plan.

The City of Elk River comprehensive plan designates the land of the proposed project for Industrial use. The proposed landfill gas to renewable natural gas processing facility is consistent with the comprehensive plan.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties mean that:

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

The zoning ordinance requires a 20-foot side building setback from the property line. However, the landfill is located on multiple parcels within the City of Elk River and Livonia Township, including the property to the north. The proposed use is reasonable for a facility covering multiple parcels.

4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petition's own action or inaction; and

The proposed project location was selected based on access to the landfill gas supply and the existing landfill equipment. In addition, sufficient access around the facility was needed for safety and routine operations and maintenance. Alternate locations were not feasible for the project.

5. The variance, if granted, will not alter the essential character of the locality.

The proposed project is within the landfill and land owned by ERL. The project will not alter the essential character of the locality.

If the Board of Adjustments denies the request, or an appeal is made by any interested party by August 1, 2025, the variance will be reviewed by the City Council on Monday, August 18, at 6:00 p.m.

Financial Impact

None

Mission/Policy/Goal

Meet changing needs - agile.

Together we win.

Attachments

1. Location Map
2. Site Plan
3. Applicant's Narrative and Plans
4. 5.2 Landfill Setback Variance

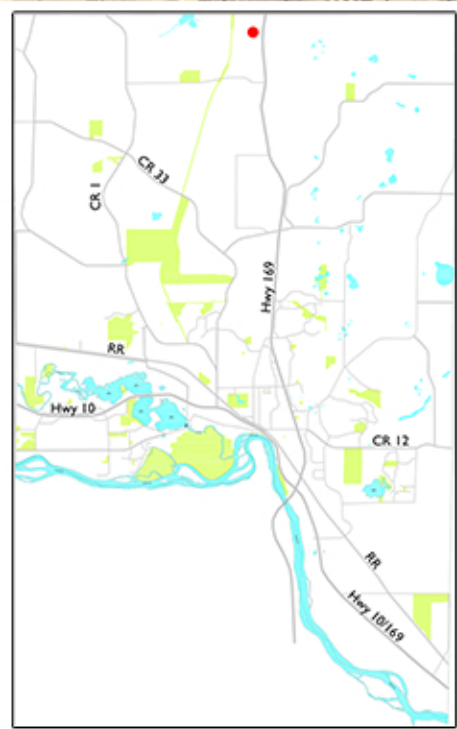


Project Location Map

Elk River Landfill

Variance
Conditional Use Permit

Case No: V 25-10 & CU 25-08

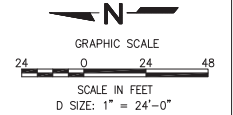
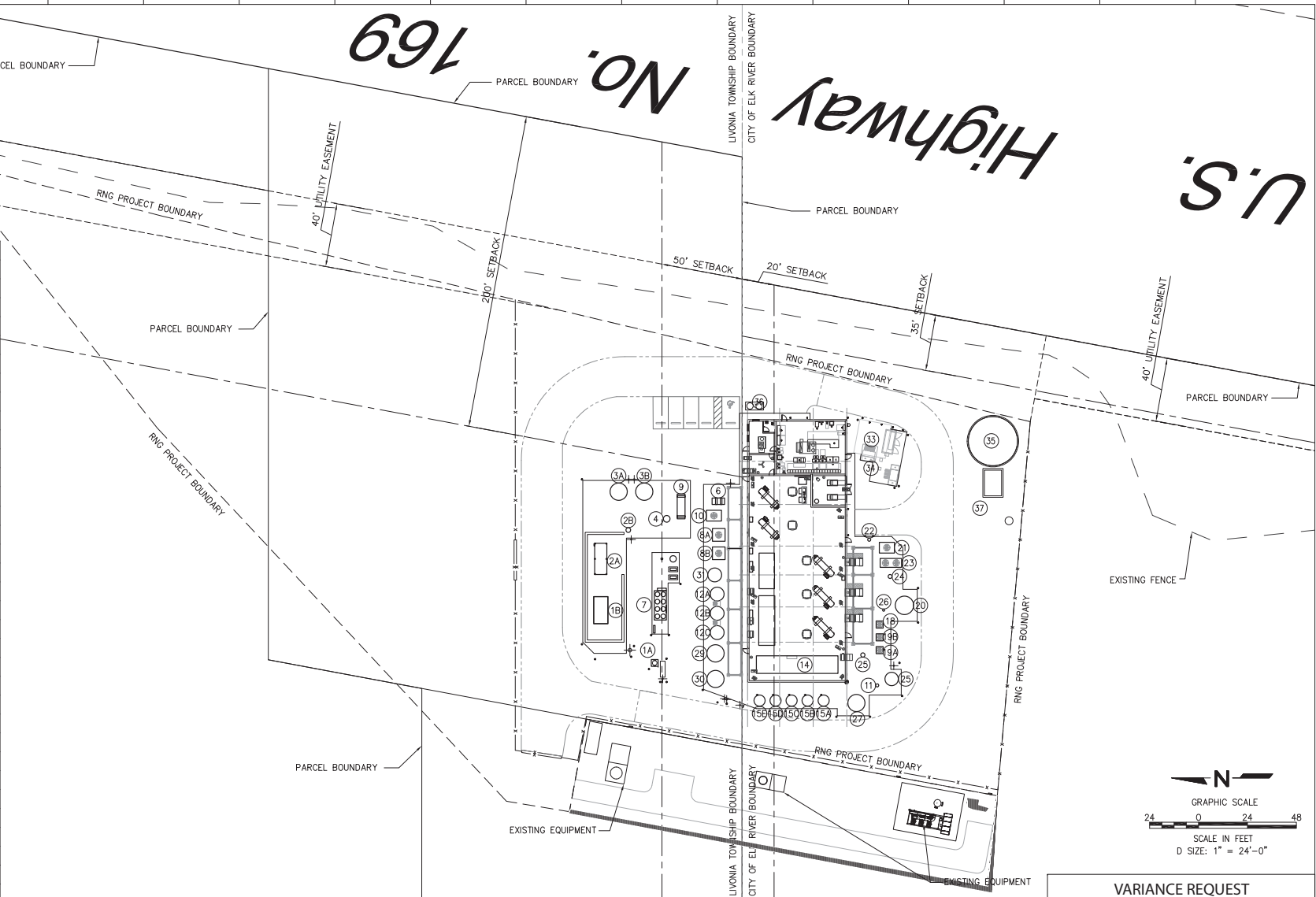


1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

A
B
C
D
E
F
G
H
I
J

691 No. 169 Highway U.S.

| NO | EQUIPMENT DESCRIPTION | HEIGHT |
|----|--------------------------------------|---------|
| 1A | LFG SUMP | N/A |
| 1B | BLOWER SKID | 10'-7" |
| 2A | BLOWER AFTERCOOLER | 9'-11" |
| 2B | BLOWER SCRUBBER | 8'-3" |
| 3 | H2S REMOVAL VESSELS A/B | 25'-3" |
| 4 | PARTICULATE FILTER | 12'-9" |
| 5 | FEED COMPRESSORS A/B | N/A |
| 6 | HIGH PRESSURE CHILLER SKID | N/A |
| 7 | TRANE CHILLER | 8'-2" |
| 8 | FEED COMPRESSOR OIL COOLERS A/B | 14'-5" |
| 9 | LOW PRESSURE CHILLER SKID | N/A |
| 10 | HP/FEED COMPRESSOR AFTERCOOLER | N/A |
| 11 | PRODUCT PARTICULATE FILTER | 8'-10" |
| 12 | ACTIVATED CARBON VESSELS A/B/C | 17'-10" |
| 13 | AIR LIQUIDE SKIDS A/B | N/A |
| 14 | ARI NRU VALVE SKID | N/A |
| 15 | ADSORBER VESSELS A/B/C/D/E | 16'-11" |
| 16 | VACUUM COMPRESSORS A/B | N/A |
| 17 | RECYCLE COMPRESSOR | N/A |
| 18 | RECYCLE COMPRESSOR OIL COOLER | 14'-5" |
| 19 | VACUUM COMPRESSOR OIL COOLERS A/B | 14'-5" |
| 20 | INTERMEDIATE BUFFER VESSEL | 37'-7" |
| 21 | RECYCLE AFTERCOOLER | 14'-2" |
| 22 | RECYCLE COMP. DISCH. SCRUBBER | 10'-6" |
| 23 | VACUUM AFTERCOOLER | 11'-0" |
| 24 | VACUUM COMP. DISCH. SCRUBBER | 12'-3" |
| 25 | VACUUM PARTICULATE FILTER | 11'-9" |
| 26 | BLOWDOWN PARTICULATE FILTER | 8'-2" |
| 27 | HEAVY PRODUCT RECEIVER | 25'-7" |
| 28 | DEHYDRATION VESSEL | 25'-2" |
| 29 | NRU FEED TANK | 25'-7" |
| 30 | LIGHT PRODUCT RECEIVER VESSEL | 25'-7" |
| 31 | BLOWDOWN VESSEL | 16'-7" |
| 32 | OWS EQUIPMENT | N/A |
| 33 | TRANSFORMERS LOCATION (EXISTING PAD) | N/A |
| 34 | TRANSFORMER LOCATION (NEW PAD) | N/A |
| 35 | FIRE TANK | N/A |
| 36 | SEPTIC TANK | N/A |
| 37 | WATER WELL | N/A |



| | | | | | | | |
|---|---|--|--------------------------------------|-------------------------|-----------------------------------|-----------------------------|--------------------------------------|
| <p>3900 KERBY AIRPORT WAY LONG BEACH, CA 90806 (562) 438-8644 SIC CERTIFICATE OF AUTHORITY: CA60020</p> | <p>CLIENT</p> <p>MINNESOTA MUNICIPAL POWER AGENCY</p> | <p>SHEET TITLE</p> <p>RNG PLANT SETBACKS</p> | | | | | |
| | | <p>PROJECT TITLE</p> <p>ELK RIVER LANDFILL RNG PLANT</p> | | | | | |
| <p>NAME: RING DATE: _____</p> <p>PROFESSIONAL ENGINEER</p> <p>LIC. NO. _____</p> | <p>PROJ. NO. 06225003.00</p> <p>DSN. BY: DL</p> | <p>DWN. BY: DL</p> <p>CHK. BY: JP</p> | <p>ACAD FILE:</p> <p>APP. BY: JP</p> | <p>VARIANCE REQUEST</p> | | | |
| | | | | <p>NO.</p> <p>A1</p> | <p>REVISION</p> <p>FOR REVIEW</p> | <p>DATE</p> <p>05/23/25</p> | <p>PROJECT DATE:</p> <p>04/14/25</p> |
| | | | | | | | <p>SCALE:</p> <p>AS SHOWN</p> |
| | | | | | | | <p>DRAWING NO.</p> <p>G-103</p> |



**SETBACK VARIANCE REQUEST
TO
THE CITY OF ELK RIVER
FOR
ELK RIVER LANDFILL
RENEWABLE NATURAL GAS PROJECT**

June 30, 2025

Table of Contents

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Section 1. Introduction

Section 1.1 Waste Management Background

Elk River Landfill, Inc. (ERL), a wholly owned subsidiary of Waste Management (WM) of Minnesota, Inc., owns and operates a mixed municipal solid waste (MSW) landfill (Landfill) under Minnesota Solid Waste Permit Number SW-74. The Landfill is located along U.S. TH 169 in the NW 1/4 of Section 3, T33N, R26W, and the SW 1/4 of Section 34, T34N, R26W, Sherburne County, Minnesota.

The Landfill is permitted to accept MSW, construction and demolition debris, yard waste for composting, and industrial waste in accordance with a MPCA-approved Industrial Solid Waste Management Plan. ERL maintains a Solid Waste Facility (SWF) license and a conditional use permit in accordance with City of Elk River (the City) requirements.

Section 1.2 MMPA Background

The Minnesota Municipal Power Agency (MMPA or Agency) is a municipal power agency and political subdivision of the State of Minnesota engaged in the generation and transmission of electrical power and energy to twelve municipally owned member utilities. MMPA currently serves the Minnesota municipal utilities in Anoka, Arlington, Brownton, Buffalo, Chaska, East Grand Forks, Elk River, Le Sueur, North St. Paul, Olivia, Shakopee, and Winthrop. The member communities, including the City of Elk River, in turn deliver and sell the electricity to residential and business customers in their communities.

MMPA's mission is to provide reliable, competitively priced power to its members and to create value for both the Agency and its members. MMPA's power supply portfolio is a mix of owned generation and power purchase agreements and a combination of conventional and renewable resources. MMPA completed a renewable natural gas project in Le Sueur, MN and plans to add further RNG projects to its portfolio, including this proposed project in Elk River.

Section 1.3 Proposed Project Summary

The proposed project is a landfill gas (LFG) to renewable natural gas (RNG) processing facility. ERL and MMPA executed a contract for MMPA to build, own, and operate the LFG to RNG facility at the Landfill. Under the agreement, ERL will deliver LFG to the MMPA plant for processing and cleanup. MMPA will deliver the RNG to the Northern Natural Gas (NNG) interstate pipeline.

The LFG to RNG cleanup process includes the removal of water vapor, carbon dioxide, nitrogen, oxygen, and other impurities. The processed RNG will be delivered to the NNG pipeline. Process byproducts will be returned to the ERL for disposal under existing permits.

Section 2. Setback Variance Request

Section 2.1 Project Narrative

ERL and MMPA are proposing to develop a landfill gas (LFG) to renewable natural gas (RNG) processing facility located at the Elk River Landfill in Elk River, MN. The legal description of the property is provided in Attachment A.

Landfill gas collected by ERL will be delivered to the RNG facility for processing and cleanup. The RNG facility will remove water vapor, carbon dioxide, nitrogen, oxygen, and other impurities. The processed RNG will be transported via an underground low-pressure pipeline to a location approximately two miles east of the property for delivery to the NNG interstate pipeline. Process byproducts will be returned to the ERL for disposal under existing permits.

The RNG facility equipment will utilize membrane separation, pressure swing absorption, and media vessels to process and clean the gas. The RNG equipment will also utilize blowers and compressors to move the gas through the process. Cooling equipment will be used to cool oil and gas throughout the facility.

The RNG facility will convert the existing LFG to a beneficial use as a renewable fuel. Once delivered to the interstate pipeline, RNG will be used by downstream customers such as homes, businesses, transportation, and power generation. Currently, LFG is combusted through ERL's flare. The LFG to electricity generation plant at this site is no longer in operation.

Section 2.2 Variance Request

ERL owns and operates the Landfill on multiple parcels within the City of Elk River and Livonia Township in Sherburne County, including the adjacent property to the north.

ERL and MMPA request a zero (0) foot setback variance from the north property boundary of the proposed project location. The proposed site layout, indicating equipment, buildings, accessways, fencing and property boundaries are included in Attachment B.

The proposed project is located on parcels in both the City and County because of the location of the landfill gas supply and the need to have sufficient access around the facility. The proposed building is located within the city limits. The only facilities crossing the city boundary are piping supports.

The following information is provided as required by the City of Elk River ordinance Section 30-365.

A variance may be granted by the board only if it finds that:

(1) The variance is in harmony with the general purpose and intent of the ordinance.

The proposed project is located within the Solid Waste Facility overlay zoning district. The adjacent property to the north is also owned by ERL and used as part of the Landfill. Because of the ownership and use of the northern adjacent property, the variance is in harmony with the ordinance.

(2) The variance is consistent with the City of Elk River comprehensive plan.

The City of Elk River comprehensive plan designates the land of the proposed project for Industrial use. The proposed LFG to RNG processing facility is consistent with the comprehensive plan.

Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:

(1) The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance

The zoning ordinance requires a 20-foot side building setback from the property line. However, the landfill is located on multiple parcels within the City of Elk River and Livonia Township, including the property to the north. The proposed use is reasonable for a facility covering multiple parcels.

(2) The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction

The proposed project location was selected based on access to the landfill gas supply and the existing landfill equipment. In addition, sufficient access around the facility was needed for safety and routine operations and maintenance. Alternate locations were not feasible for the project.

(3) The variance, if granted, will not alter the essential character of the locality.

The proposed project is within the landfill and land owned by ERL. The project will not alter the essential character of the locality.

Attachment A. Legal Description

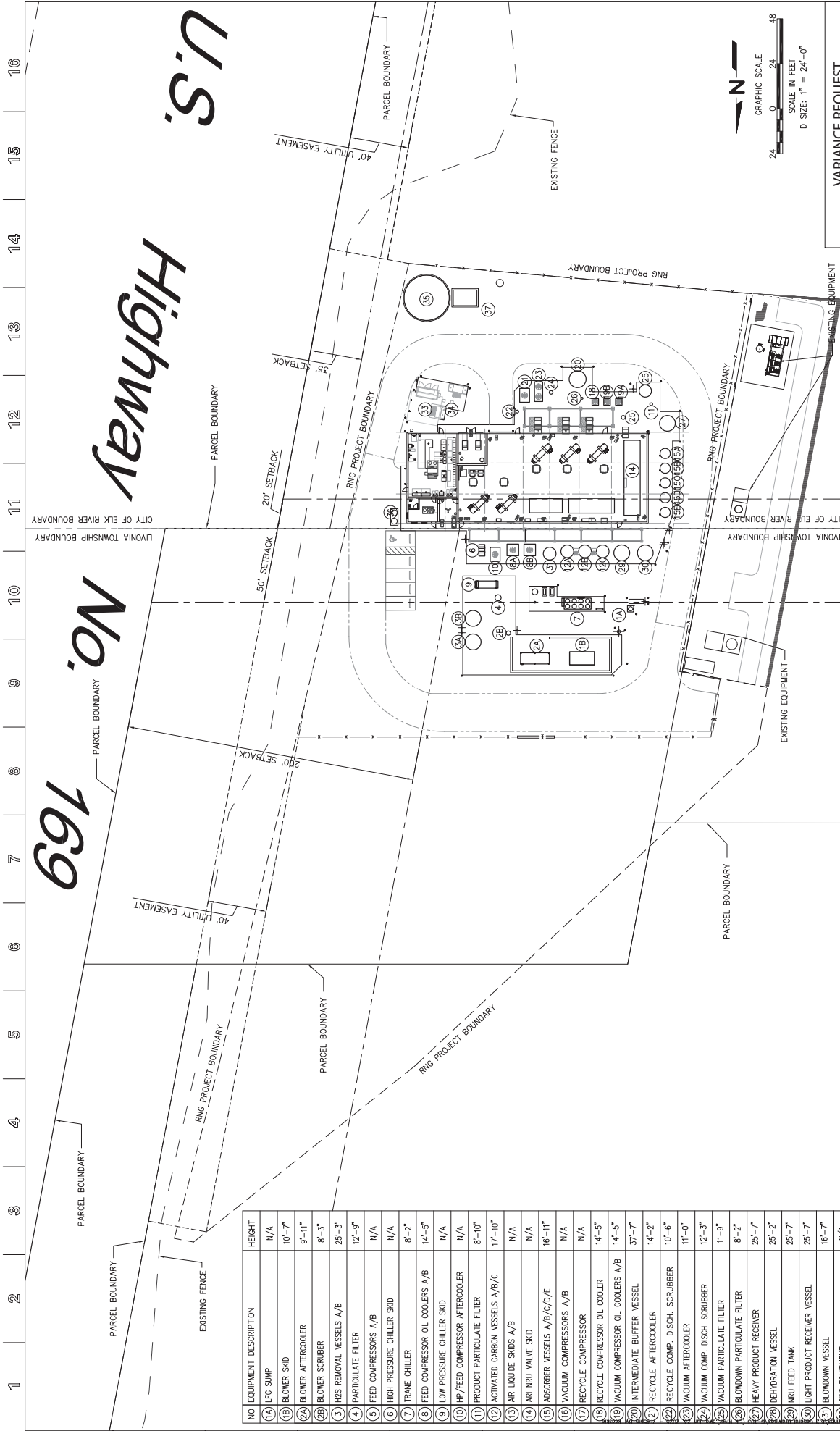
| | |
|-------------------|--|
| Parcel ID | 75-00103-2105 |
| Sec-Twp-Rng | Sec.3 T33N R26W |
| Legal Description | EAST 650 FT OF THE N 1/2 OF THE NW 1/4 LYING W OF US HWY 169. |



Map of Parcel

Attachment B. Setback Plan

See Drawing G-103.



| NO. | | REVISION | DATE | PROJECT DATE: |
|-----|---|------------|----------|---------------|
| 1 | 1 | FOR REVIEW | 05/23/25 | 04/14/25 |

| SHEET TITLE | | SCALE: | | DRAWING NO. | |
|---------------------|--|--------------------|--|-------------|--|
| RING PLANT SETBACKS | | AS SHOWN | | G-103 | |
| PROJECT TITLE | | ELK RIVER LANDFILL | | RING PLANT | |

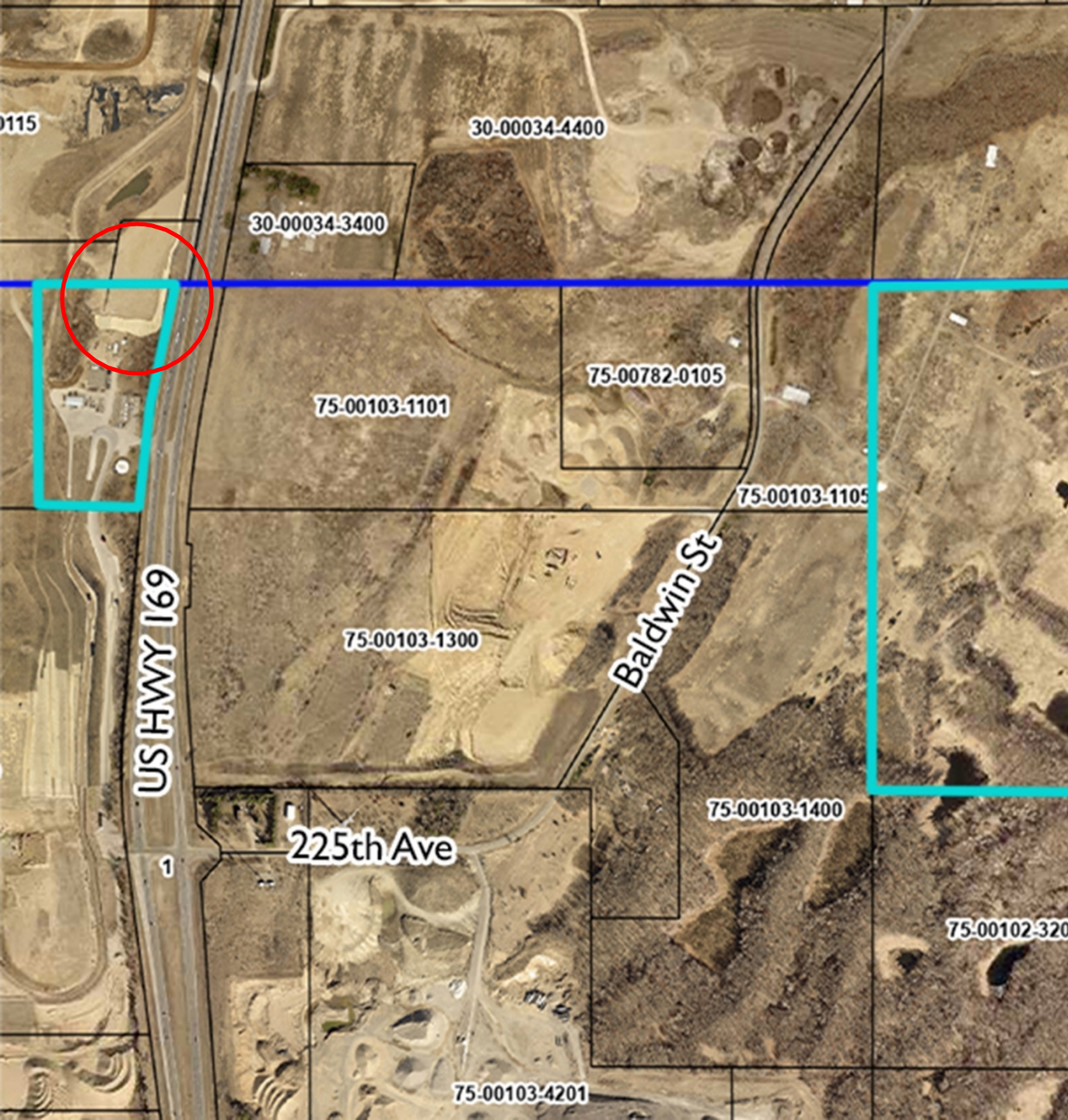
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|------------------|----------|
| NO. | 1 |
| REVISION | 1 |
| DATE | 05/23/25 |
| PROJECT DATE | 04/14/25 |
| SCALE | AS SHOWN |
| DRAWING NO. | G-103 |

| CLIENT | |
|---|-------------|
| MINNESOTA MUNICIPAL POWER AGENCY | |
| SCS ENERGY | |
| 3000 KILBY AVENUE LONG BEACH, CA 90806 | |
| SCS CERTIFICATE OF AUTHORITY: CA00020 | |
| PROJ. NO. | 20220605.01 |
| DWN. BY: | DL |
| CHK. BY: | SP |
| APP. BY: | SP |
| SCALE FILE: | |

| NAME | | DATE | |
|----------------------------------|--|------|--|
| REGISTERED PROFESSIONAL ENGINEER | | | |

Elk River Landfill/ Waste Management

Property Setback Variance



Background

- MMPA, in partnership with Waste Management, propose a renewable natural gas facility (RNG).
 - Recycles waste gas from landfill into usable product.
- Current variance supports construction of the RNG facility by allowing the building to be within the setback, and by allowing equipment to cross the property/jurisdictional boundary.
 - Support structures, piping, and conduit are only elements to cross the boundary line.
- Limited options due to landfill operations, placement of the landfill gas supply, and access/circulation routes.
- Applicant must receive approval from Sherburne County for all required land use applications.

30-00523-0115

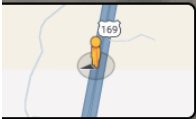
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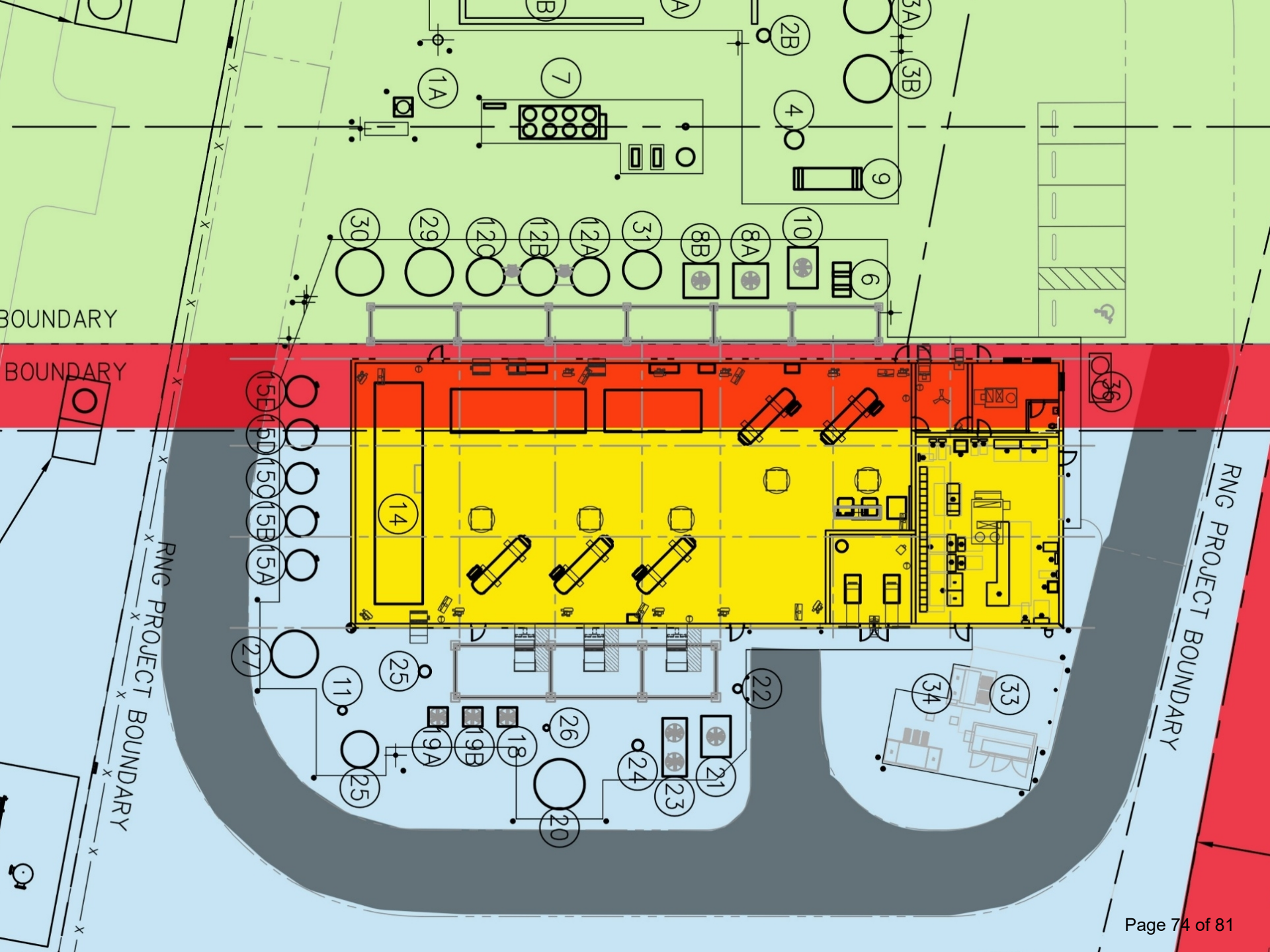
75-00103-2105

22930 US-169
Elk River, Minnesota
Google Street View
Jun 2025 [See more dates](#)





newyork



Action Requested

- Staff's analysis finds that the variance meets the five criteria required for approval.
- Approve the property line setback variance with the 3 conditions noted in the memo.

City Council Meeting

- If the BOA denies the request, or an appeal is made by any interested party by **August 1, 2025**, this item will go to the **August 18, 2025**, City Council Meeting.

Applicable Regulations

1. Is in harmony with the general purpose and intent of the ordinance

The proposed project is located within the Solid Waste Facility overlay zoning district. The adjacent property to the north is also owned by ERL and used as part of the landfill.

Because of the ownership and use of the northern adjacent property, the variance is in harmony with the ordinance.

Applicable Regulations

2. Is consistent with the City of Elk River Comprehensive Plan

The City of Elk River comprehensive plan designates the land of the proposed project for Industrial use. The proposed landfill gas to renewable natural gas processing facility is consistent with the comprehensive plan.

Applicable Regulations

3. The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

The zoning ordinance requires a 20-foot side building setback from the property line. However, the landfill is located on multiple parcels within the City of Elk River and Livonia Township, including the property to the north.

The proposed use is reasonable for a facility covering multiple parcels.

Applicable Regulations

4. The plight of the petitioner is due to circumstances unique to the property not a consequence of the petitioner's own action or inaction.

The proposed project location was selected based on access to the landfill gas supply and the existing landfill equipment. In addition, sufficient access around the facility was needed for safety and routine operations and maintenance. Alternate locations were not feasible for the project.

Applicable Regulations

5. The variance, if granted, will not alter the essential character of the locality.

The proposed project is within the landfill and land owned by ERL. The project will not alter the essential character of the locality.