

# WRIGHT COUNTY PLANNING COMMISSION

Meeting of: January 14, 2016

## MINUTES – (Informational)

The Wright County Planning Commission met January 14, 2016 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Sean Riley, acting as Chairman pro-tem, called the meeting to order at 7:30 p.m. with the following Board members present: Dan Mol, David Pederson, Ken Felger, Charlie Borrell, Jan Thompson and Dave Thompson. Absent was Dan Bravinder. Greg Kryzer, Assistant County Attorney, was legal counsel present.

### ORGANIZATIONAL ITEMS:

First matter of business was to elect a Chair for 2016 and Riley opened nominations.

A nomination for Mol was made by Borrell. Hearing no further nominations, a unanimous ballot was cast for Mol who assumed the Chair.

Mol opened nominations for a Vice-Chair for 2016. A motion made by Borrell to nominate Felger was made. Hearing no further nominations a unanimous ballot was cast for Felger.

Felger moved to accept the dates on the 2016 Meeting Calendar provided, keeping with the same time and location as 2015.

Pederson seconded the motion. VOTE: CARRIED UNANIMOUSLY

### ACTION ON MINUTES

On a motion by Pederson, seconded by D. Thompson, all voted to accept the minutes for the December 10, 2015 meeting as printed.

#### 1. GREAT RIVER ENERGY – Cont. from 12/10/15

LOCATION: 2754 Deadrick Ave SE – Combined parcels consisting of Tax #215-100-143300/143301; 215-100-154400/154401/154201/154202 lying in part of W ½ of SW ¼, Section 14; also part of SE ¼ in Section 15, all in Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.)

Petitions for a Conditional Use Permit as regulated in Section 505, 610.2 & 762 of the Wright County Zoning Ordinance to locate a 2.6 MW solar farm on approximately 12 acres.

Present: Michelle Lommel, Great River Energy

- A. Riley noted the hearing was a continuation from the last meeting with direction to Staff to develop a motion consistent with the discussion and approval. As discussed, the property is zoned I-1 and part of the Great River Energy property. The project is in-conjunction with Wright-Hennepin Electric.
- B. Lommel – had no further information, felt the matter was thoroughly discussed at the last meeting unless there are questions she could answer.

- C. Borrell asked if Excel does not sell the energy to Wright-Hennepin which is a different arrangement than some of the other companies where people sign up to purchase the power. Lommel stated it is a capital project and they have an agreement with Wright-Hennepin to purchase the outlet.
- D. Mol opened the hearing to the public. Hearing no comments, he brought discussion back to the Commission.
- E. Riley reviewed the proposed conditions and asked for clarification on whether screening would be necessary; and, if the Commission feels the setbacks should be more stringent. He noted the Commission may find a difference when it is a public utility. Borrell it is assumed the applicant would want that waived. Lommel agreed that is their preference.
- F. Mol asked about screening plans and if what was discussed is acceptable, condition #1 could be dropped. Riley stated because of the nature of the facility this is going into, they did not provide it. Also, consideration of waiving the 30 year time frame under #6. Lommel prefers the 30 year limit be dropped. Borrell noted because solar farms are new to this County, could screening be addressed in a year or two if someone objects. Lommel stated there have been instances they have been asked by an adjoining neighbor who has had a problem with the visibility. Generally, this is in an urban setting. Some existing screening was noted. On this particular property, the solar panels will be inside an area that is fenced and with the limited spacing would be difficult to maintain. Riley stated the plan shows the facility will meet the minimum setbacks. Lommel felt the only visibility issue is their facility to the south.
- G. Borrell considering how long this could be in place; he would be more comfortable if this were reviewed in 20-30 years because of how this area could change. There could be changes to the technology, panels might be replaced, etc.. Mol – noted if the screening is planted now it would be mature by that time. Lommel stated they envision using this for more than 30 years. They are open to that unless it is arbitrary. Borrell – felt they would not require anything unreasonable or vegetation that could shade the panels. Pederson –suggested the Township review this in one-three years and if there is an issue require it. Kryzer – it would be appropriate to say something like requiring screening if needed, as determined by the Township Board. Mol asked if the Commission is satisfied with the minimum setbacks and the response was yes.
- H. J. Thompson moved to grant a Conditional Use Permit as regulated in Section 505, 610.2 & 762 of the Wright County Zoning Ordinance to locate a 2.6 MW solar farm on approximately 12 acres. Subject to the following conditions: 1) proper building permits (along with any required State permits) are obtained prior to any work started on the site; 2) proper access permits are obtained from the Township; 3) conform to all setbacks; 4) the decommissioning plan be followed (noting that the Planning Commission did not require a bond or letter of credit for this request); 5) since the property is owned and not leased the Conditional Use Permit for this Solar Energy Farm shall not expire in 30 years 6) The applicant is responsible in assuring all approvals from Great River Energy are obtained and followed for this project; and 7) If there are substantial changes to the plans submitted and approved a new conditional use permit hearing would be required and; 8) If at some point in the future the Planning & Zoning office and owner formally hear from

the Town Board about concerns about screening needed from adjoining properties, it will be addressed. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Riley informed the Board the order of Items 2 & 3 on the agenda were switched to address the R-1 rezoning request first.

2. **RACHEL PROPERTIES LLC** - Cont. from 12/10/15

LOCATION: 7764 117<sup>TH</sup> Street NW – Parts of Gov't Lots 3 & 4, and part of NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Section 2, and part of SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Section 3, needed for the proposed public road; all in Township 121, Range 27, Wright County, Minnesota. (Sugar Lake – Corinna Twp.) Tax #206-000-022300 & part of 206-000-031400

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to R-1 Urban-Rural Transitional and S-2 as regulated in Section 504, 605 & 612 of the Wright County Zoning Ordinance. (This hearing will address rezoning, only.)

Present: Don Rachel, David Stradtman and Martie Campion, applicant's engineer

- A. Riley reviewed the location of the property zoned AG General Agricultural and S-2. The Land Use Plan map was displayed that designates this area for the A/R Agricultural-Residential zone. This request would rezone an area along the shore that was outlined to R-1 and a plat that includes a road coming in. He noted the following agenda item #3, is a request for an A/R and Rural Planned Unit Development districts and a concept plan to show how that fits in was displayed. The Commission had continued the items for a site inspection. There were some accommodations for access to existing properties and the wetland and this meets road standards.
- B. Rachel – looking for a rezoning that meets the guidelines. The size lots proposed on the lakeshore meet or exceed the one-acre and 150' width. The neighbors on the end had obtained access through the old resort to get their lots. The road will be built and a cul-de-sac which will give them access to the new public road instead of going across private property. The letter from the Town Board indicates they will take over this road.
- C. Mol –reminded the Board this Commission is only looking at the rezoning and the hearing and final action on the plat will be handled by Corinna Township.
- D. Kryzer – asked if there are two separate cul-de-sacs where there is only 50' between the new road and Hoyer Avenue. Rachel – stated they have had discussions with the Town Board on that and because those neighbors do not want the road to come through, the Town Board does not want it. Riley stated they are proposing to dedicate an additional 33' for a full 66' width to allow for future updates of that road, if needed. Kryzer – there will be no road dedication between the two dead-end roads. Rachel stated no, that is just additional right-of-way for the existing one, Hoyer, but the cul-de-sac they are giving will provide access to owners that do not have it.
- E. Mol asked for public comment. Hearing none brought the matter back to the Commission.
- F. Borrell – asked why they would not want to have the right-of-way in the event they want to connect the roads in the future. John Dearing – Township Supervisor – the residents along Hoyer don't want it. Kryzer clarified the Township does not have to build it. If they

do not acquire the right-of-way now, they would have to take the land if they need it in the future. Dearing – felt that would be a problem for a future Board to address. He noted this hearing is just about rezoning. The Township can still talk about it.

- G. Felger – visited the site and feels the proposed development will be an improvement of the property. The owner is cleaning up the property and in the past there have been as many as 30 campsites with a heavily used lakeshore property. He would support this request.
- H. Pederson –questioned if the decision is to rezone just this portion of the land. Riley that is correct. There are two separate zoning districts. They are currently considering a stand-alone rezoning for R-1. The plat would go to the Town Board. Consideration is whether this riparian piece of property fits the Land Use Plan; and, is this especially suited for residential development.
- I. Mol – stated he is very familiar with the land as his family has farmed the ag land. He was also familiar with the Warner Resort and the campground. He felt what they are doing will take pressure off the lake, bring in larger lots with nice homes and what he is trying to do is a good way to lay a development out.
- J. Felger – they often get requests in shoreline and have to decide if it is suited. In relation to that decision, he felt with the very small existing lots on the lake, this is appropriate. This proposal would have much larger lots.
- K. D. Thompson moved to recommend approval of the rezoning as the property is shown on the revised concept plan completed by Champion Engineering Services, Inc. dated 11/17/2015 to R-1 Urban-Rural Transitional and S-2 Residential-Recreational Shorelands to the County Board because the property is riparian, there is similar development existing along the lakeshore of Sugar Lake, it is adjacent to a developed area with smaller lot sizes; this will serve as infill and the Town Board approves. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **RACHEL PROPERTIES LLC** Cont. from 12/10/15

LOCATION: 7764 117<sup>TH</sup> Street NW – Parts of Gov't Lots 3 & 4, and NE ¼ of NW ¼, Section 2, and SE ¼ of NE ¼, Section 3, less proposed public road in separate request; all in Township 121, Range 27, Wright County, Minnesota. (Sugar Lake – Corinna Twp.) Part of Tax #206-000-022300 & 206-000-031400

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and establishment of a Rural Planned Unit Development District as regulated in Section 504, 603, 612 & 614 of the Wright County Zoning Ordinance. (This hearing will address rezoning, only.)

Present: Don Rachel, David Stradtman and Martie Campion, applicant's engineer

- A. Riley reviewed the second portion of the property (see agenda item #2) which was outlined and viewed on an air photo along with the concept plan for an A/R Planned Unit Development (PUD). The Land Use Plan map designates the property for A/R. The portion of the acreage in the previous request would be the R-1 lots and were pointed out. If the Commission agrees to recommend the rezoning to A/R PUD, the total density of lots cannot exceed what is shown in their concept plan. These calculations were made based on the acreage and number of lots are allowed. The Commission is asked to decide on the proposed rezoning and whether the nature of this property fits a PUD with open space that is restricted land and where the lots are to be built on.
- B. Rachel stated the development meets the density limits. The smaller lots are driven by what the Town Board wanted to see with open space for the property owner's use. Strodtman– looking at the lots on the south side of the property, the intention was to allow some area for sewer for the very small lots along Hoyer. They were trying to provide open space for those owners to use for sewers and correct some old issues on the small lakeshore lots. Borrell if they bought one of those lots the sewer would go under the road. Strodtman– the information they got from Staff is those lots had to be buildable. Riley –agreed they have to be. An owner could buy one of the lots for sewer or there could be a separate owner that allows a sewer on their property for one of the lake owners. Discussion on how that might work. Riley in different areas, there are different arrangements that have been made. D. Thompson – asked if more than one owner could buy one of these new lots and put a community sewer in for 2-4 lakeshore owners. Rachel that has been done in the County; but is not what they are asking for. Mol – that might be possible, but that is not part of the decision now. He noted this PUD is laid out well lots will have direct access to the open space; whereas, a PUD in Buffalo Township owners had to go down the road to get access. Noted the nearby Jude and the Beckman developments. This fits into the surrounding area.
- C. Felger asked the acreage on the PUD parcel. Campion stated 134 acres. Riley stated the most they could get is 20 lots that is within the 6 per 40, they could go less.
- D. Pederson – the County has tried to stay away from two-tier developments around the lakes. He asked if the lake is capable of handling this; looks like two-tiers. He is not sure this is ready for it. Campion – these lots will not have direct access to the lake from the

development, could use the public landing. Compared to the past use, they are reducing the amount of impact to the lake,

- E. Riley – explained they prohibit two-tier development, unless allowed by the Land Use Plan. This property is in the Plan and now they have to decide if the rezoning of this land and this density is appropriate.
- F. Robert Gusaas - 11498 Hoyer Avenue – owns a lot that is on the access strip. Rachel and his associates have done a good job working with the neighbors. They are interested in the property on the south end and like the woods. He supports the rezoning.
- G. Lisa Steffens – she along with her husband – live in this area and they support the direction of this development. The applicant has been working with the neighbors.
- H. Mol indicated the soils found here are light and porous and these lots should not have a problem with sewers.
- I. Felger moved to recommend that the Commission finds that the criteria in section 614.2(3) of the zoning ordinance are met, the Plan will meet the requirements for common open space as regulated in 614.9, and the Town Board has approved. Therefore the Commission recommends that the County Board approve the rezoning to A/R Agricultural-Residential and establishment of a Rural Planned Unit Development District as shown on the revised concept plan completed by Campion Engineering Services, Inc. dated 11/17/2015 for a maximum of 20 lots in accord with the outline development plan, noting that the Townships Planning Commission may require design changes prior to final approval of the preliminary plat. D. Pederson seconded the motion.

*DISCUSSION: D. Thompson asked about the number of lots referred to. Riley pointed out the 19 smaller lots and the one large lot is what is referred to.*

**VOTE: CARRIED UNANIMOUSLY**

4. **COREY L. MARTIN** - Cont. from 12/10/15

LOCATION: 2886 County Road 8 NW – 6 acre parcel, described as part of N ½ of the NW 1/2, Section 20, Township 120, Range 26, Wright County, Minnesota. (Chatham Twp.) Tax #203-000-202203

Petitions for an “after-the-fact” Conditional Use Permit for commercial outdoor recreation for a group events such as weddings to be held outdoors between the months of May through October.

Present: Corey Martin and Anastasia Martin

- A. Riley noted it was continued for a site inspection. At the last meeting there was a long discussion on the concepts of Commercial Outdoor Recreation, barn dances and things done inside. He would like the discussion to stay focused on what can be approved at this time and take place outdoors. Asked the Board to address these points on the events outdoors; and if approved or not, so Staff can draft a motion. In theory, what can happen indoors, would have to go through a separate process to make those arrangements or allowances.
- B. Mol asked for thoughts on the proposal after the site visit. Borrell – noted the residents and the Town Board have made positive remarks on how they have improved the property. At this time they are working on limited parameters of what they can do. If the Ordinance were changed, he thought they would model it after this one. This applicant has rules in place that are good. They cater brings in the food and provides the liquor; there is no parking on the road; they hire a County deputy to be onsite and the events end at mid-night. The appearance of the property has been improved. The fact they have been operating for three years speaks to how well it has operated.
- C. D. Thompson – from what he saw did not know how they would use the property for entertainment without using the barn. Is that not where the music would be located? Borrell felt that is where they need to look at a change to the zoning code. Kryzer- that issue is a building code. Riley – it is both a zoning and building code matter. Borrell – agreed, they can use the buildings but have to meet the safety issues for the building code. Mol – stated the Commercial Outdoor Recreation is the apple orchards, wineries and other Ag related uses. This is zoned AG and the Commercial Rural Tourism was added for those uses. Borrell thinks this would fit, but agreed it would take an Ordinance change.
- D. Mol asked for public input, hearing none, discussion was brought back to the Board.
- E. Felger asked the applicant if they have had as many as 200 people on site and were there any parking problems. C. Martin stated yes, but parking is not a problem. Mol – asked if there is any objection if the Board would limit the music to 10:30-11:00 p.m. Riley – explained when it is outdoors there has been a time element and requirement the music is not amplified. He referred to the Township response, which limits 200 people and suggested hours be limited. Riley typically they have required the music ends by 10:00 and not amplified, but those are usually the apple orchards that would not go later. Borrell – noted a use with a shed was allowed. Riley stated the difference was that was a bar-b-que operation; with a steel shed where both ends could be opened. It was considered a glorified

tent and could only be used during inclement weather with a very limited number of people. Borrell – felt it would not be much different here. He wondered if they could not allow them to get into the building during bad weather as long as the building is to code. Martin – stated they also have bathrooms in the barn.

- F. Mol – another issue is over-night camping. Borrell – relayed an incident the night before where a constituent was killed in a car accident by an impaired driver; that a person should have stayed overnight. Riley – that was an unfortunate situation, but the Commercial Outdoor Recreation, does not include campgrounds or resorts. Like the apple orchards, things close down. Mol – they have neighbors to consider. Borrell – there is a deputy on duty there. Mol- but not all night.
- G. J. Thompson – it feels like they are rushing into something. Camping is not allowed here and if they were to do that they would have to change the Ordinance and apply for that. They have rules in place and even so, cannot say that would be allowed. At this time they can only look at with the Ordinance allows. The Building Inspector has written a letter that states the barn does not comply with the building codes. This Commission cannot break rules. Borrell stated he is not saying they were allowing camping, but he would rather someone stay behind the barn than get in a car and drive impaired. C. Martin stated he is not asking for camping.
- H. Riley – asked for clarification on the number of weekends. C. Martin – May through the middle of October, with no more than three weekends a month; 18 would be the most.
- I. J. Thompson – noted an acquaintance that asked to do something similar to this and was told they could not do it. Is the message they are giving is just to start up and then ask. The Commission needs to be careful about the message they are sending. A decision should be made as if it were not going on and whether the Ordinance allows it.
- J. Pederson felt the Town Board has given them some good guidelines. They have not talked about parking in a heavy rain situation, would the parking area be improved. The soils out here are clay and cars may have trouble getting out of the field. Need to address hours and suggested 11 p.m. might be the latest, with no amplified music and asked the applicants if that would work? A. Martin nodded her agreement.
- K. Felger – asked the petitioner, if they were using the barn for guests. C. Martin – yes, quite extensively, that was the center of the whole operation. Felger – referred to the Building Inspector’s letter and whether they were aware of the improvements required to use that as public space. C. Martin – responded, he was told to have a structural analysis done and have an architect to look at an exit strategy. He did not want to stick money into those without knowing what would be allowed. Felger – agreed that is a very expensive venture, asked is he prepared to scale the operation down and keep it outside. What if there is a hail storm and the large crowd goes in and the floor or stairs collapse. He would be worried about that. C. Martin – to fit the zoning laws he understand they cannot be indoors and are asking for activities outdoors for up to 200 guests. They would like to pursue an option down the road to have a discussion on whether they could use the barn and if there is a way to build that structure up to code. Felger – indicated the barn is a beautiful structure and finished nicely but has structural and egress issues. Riley – stated the current proposal is

for outside. They are not looking at the use of the barn at this time. He would strongly urge anyone thinking of doing something like this, using an existing building, talk to the building inspector and find out the requirements. Cannot ignore the Federal Disabilities Act and it is perhaps not economical to do fire suppression out here. Remodeling these type of buildings is a real challenge vs. building new.

- L. Mol asked how much time the Commission has to make a decision. Riley confirmed there could be a continuation. Riley – asked the Commission to look at what conditions would be applied if they are looking at approval. If the outlined conditions in the Staff Report are acceptable, he would suggest a condition for continuation for development of a motion. He mentioned limiting events to a maximum of 18, acoustic music only to end at 11 p.m., no camping foods catered in, use of tents for shelter and any other directions for Staff.
- M. Borrell stated he felt they are within parameters and later down the road they would have to look at anything else. Mol – the applicant would have to rent handicap porta-potties and include that in the motion. Felger wanted the applicants to know that any support you garner from this Commission, would indicate they were granted because they were doing this for three years. Mol – noted they have received letters about the music and the stipulations set would be in line with what the Commission has granted in the past.
- N. Pederson moved for Staff to develop a motion consistent with approval as discussed at this meeting and continue to February 11, 2016. Borrell seconded the motion.

*DISCUSSION: Mol noted tonight's motion is not action for approval; the decision will be discussed again at the February meeting. D. Thompson – asked if the applicants understand that the food catered in would be outside under tents as the inclination would be to have it inside. Martins nodded in agreement.*

VOTE: CARRIED UNANIMOUSLY

5. **ALFRED S. NELSON** Cont. from 12/10/15

LOCATION: 7928 Aetna Avenue NE – 3.8 acres lying in Gov't Lot 1, Section 30, township 121, Range 25, Wright County, Minnesota. (Cedar Lake – Monticello Twp.) Tax #213-100-301200

Petitions to rezone from AG General Agricultural and S-2 Residential-Recreational Shorelands to R-1 Urban Rural Transition and S-2 as regulated in Section 504, 605 & 612 of the Wright County Zoning Ordinance. (If rezoning is approved, applicant will re-apply for a subdivision to create one new building site.)

Present: Alfred & Julie Nelson

- A. Riley reviewed the location and Land Use Plan designation for A/R Agricultural-Residential. The applicant is requesting a rezoning to R-1 and the petition was continued for a site inspection. He explained there has been no survey or site work done as the applicant did not want to invest in a lot of money without getting some indication from the Planning Commission on the rezoning.
- B. Borrell asked what size the now lot is and whether this lot is similar to those rezoned for Rachel. Riley stated the lot size is estimated at 1.5 acres. The difference between this property and Rachel (previous rezoning on the agenda), is that this is an old lot of record. Displayed the air photo with zoning overlay. Other than old plats on the east side of the lake that pre-date the Ordinance, the area comprises of AG, some A/R and old R-2a zone.
- C. A. Nelson asked if the Commission could move forward and they would provide the tests to show there is adequate area for sewers. Noting he would also need a new sewer for his existing house. He feels there is plenty of room.
- D. Riley noted as some of the Commissioners could see at the site inspection, there are some slopes and bluff conditions on the lot. He asked if they felt rezoning was agreeable, the applicant could go forward with survey and soils tests; on the other hand, there is no harm in rezoning the property if they find the site will not work. There is likely a box within that area available for building, however, will be small once you take out the setbacks.
- E. J. Nelson stated the bluff rises at the shore and is within the lake setback. She noted there is 120' x 128' to work with outside of the setbacks. Kryzer recalled a lot approved on the east side of Lake Charlotte where the Board went through the same thing. It had appeared there was plenty of room to build within a box; however, there were other unknown features (wetland) that made it difficult to build. He cautioned there may be other issues found here also. Mol asked where the water drains? Borrell – explained the building area sits on a crown and it would appear the water runs to both lakes. Riley added, there are no wetlands or drainage areas running through the property. He would need to see some information to show that a house and two sewer sites will work. Mol – explained he has real concerns about drainage. As a member of the Board of Adjustment, he sees the issues. Buyers often want larger homes than the site will support.

- F. J. Thompson referred the Commission to the reasons the Town Board recommends denial. The site has runoff concerns, steep grades, there are safety concerns along with meeting setback requirements. Five letters in opposition. There have been junk complaints on the property in the past. Borrell noted there is a driveway and if they could stay out of the bluff, find room for sewers and meet all the setbacks maybe the Town Board would approve. He would disagree that they only have a tight building area available.
- G. Kevin Yonak -Township Supervisor present – stated he was a former resident at the end of this road and knows the property. The steep angle of the driveway is their main concern, with potential for silt running down onto the road and question whether the sewer will fit.
- H. Borrell noted a driveway is in and there appears plenty of room from the dimensions given. J. Nelson – stated they have talked to a local sewer installer who knows the soils, and he could not see any reason why they could not fit these in. She noted the neighbor (Green) to the north has a smaller buildable area on his lot. Borrell indicated he would like to give the applicants a chance to see if it will work. Mol – noted the Commission generally has this information to make a decision. J. Nelson explained the survey work is very expensive.
- I. Riley - the question is, does this fit the R-1 district and should determine that now rather than when they come back with all the site work. Borrell stated he can appreciate what the Town Board has to say; however, the applicant may be able to address those driveway concerns. D. Thompson noted the concerns include getting up the steep incline in ice/snow conditions and potential cars parked down below and interfering with the Township plows. J. Nelson noted there is a flat parking area off the right of way to park, if necessary. Mol – did not think it would be appropriate to rezone not knowing if this would work.
- J. D. Pederson - although there are very small lots on the other side of the lake; in the immediate area on this side of the lake it appears owners have taken pride in keeping their lots large. This is a small lake and he questioned whether they want to set a precedent of smaller lots on this side of the lake. He would support the Town Board’s decision.
- K. J. Nelson explained the reason for the larger lots is the change in the topography. Green only had a small area to fit his house in.
- L. Felger asked the Town Board Supervisor, Yonak, if the primary reason for denial was a question on septic. Yonak stated he is only one member, but there was discussion on the sewers and the angle and pitch of the proposed driveway. Felger felt there was a major distinction on this property and the one they acted on earlier in the meeting. Mrs. Nelson stated the other nearby properties have smaller buildable areas due to topography. Felger noted the question the Commission has to address is whether they want to set a precedent in the A/R district. This lot would be smaller than surrounding lots. Felger asked about another house on a hilltop. A. Nelson stated that is the Froslic home. Yonak stated his home at the end of the road was on a 5-acre lot. Riley noted there is limited road frontage for most of the properties. The Commission has the Town Board’s response on the rezoning. The question is whether they feel it is more prudent to take action on the rezoning; or if they want the applicant to continue with collecting the information on the site.

- M. Mol – stated he would need to see this site information. Pederson – questioned if that is pertinent to the question on rezoning. Responded to Nelson on impact to taxes; Riley noted the change in the zone would be just on the books, but could impact taxes. If it turns out the site is marginal, not sure. Mol – comparing this property with information provided on other requests, he did not feel it is fair to other applicants who have adequate information and much detail on a survey. This property is between two bodies of water, on a hill and area is limited for sewers and well. Borrell stated they are speculating both ways, but he is leaning in favor of rezoning. Felger the Commission usually has information there is buildable area; in this case he does not support the rezoning with the Town Board's recommendation. He wondered if the Town Board would take a second look if they have this information.
- N. Riley explained the previous item on the agenda for Rachel was much different with three dozen lots proposed and the information was required because a Planned Unit Development requires it. Staff did not encourage the applicant to go out and spend this money when the site is tight and the Land Use Plan designates was for the A/R district. The Town Board's concerns and that it is incompatible with this side of the lake. Felt the Commission needs to decide on whether the rezoning is appropriate.
- O. Discussion followed. D. Thompson noted he would not support a rezoning unless the Town Board action was favorable. Kryzer noted even if the property is rezoned tonight, they cannot guarantee the subdivision would be approved. Mol felt there are too many unsettled issues. One option is to continue for further consideration which would allow the applicant time to go back to the Town Board. Pederson – felt the Town Board would also need more information and even with that, may not change their mind on rezoning this. The fact is they have large lots on this side of the lake and rezoning would set a precedent. He was not sure how much emphasis the Town Board put on that. Riley noted with the time of year, he would suggest continuing this out beyond February. Kryzer informed the applicants they have the option for a decision on the rezoning tonight; or, waive the time frame for a decision. Mr. & Mrs. Nelson stated they would prefer a continuation to determine whether it is possible. D. Pederson informed Nelsons that by getting this work done does not determine the decision the Commission and County Board will take on rezoning and they have to weigh the cost and risk of that. Nelson indicated they understand.
- P. Mol moved to continue the hearing to April 14, 2016 at the applicant's request with a signed waiver allowing a decision beyond what is required under Section 15.99.  
Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Mol called for a five minute recess.

6. **COLIN J. HAWKINS** - Cont. from 12/10/15

LOCATION: S ½ of SW ¼, Section 7, Township 120, Range 25, Wright County, Minnesota.  
(Buffalo Twp.) Tax #202-000-073300 Owner: MN Municipal Power Agency

Petitions for a Conditional Use Permit as regulated in Section 505, 604.4 & 762 of the Wright County Zoning Ordinance to locate a 10 MW solar farm on approximately 45 acres (east side) of the 91-acre parcel.

Present: Jeff Underwood, representing the applicant & Sam Meersman, representing the property owner

- A. Riley reviewed the location of the property zoned AG and in the Land Use Plan as A/R. The maps displayed show the wetland, existing drainage, site plan to show the 10 MW solar farm and view of the property looking west. The Commission continued the hearing to allow for further Town Board review and to make a site inspection. The Town Board response received is attached to the Staff Report.
- B. Underwood provided an information packet. Town Board met and they did not support the project. He felt the denial related to issues at the County government level, had to do with land use and the use of agricultural land. He indicated they want to be good neighbors both at the Township and County level.
- C. Mol asked for the Commission members' thoughts after making the site inspection. Felger stated they did not walk the hill on the property. The panels are going on tillable land and questioned why they don't put the infra-structure on less desirable land. Underwood noted they try to avoid the wetlands where the soil is unstable and is not adequate to hold the weight of the structure. That would also require Federal approvals. An access road is needed. Another reason is the cost effectiveness of the project. In this case the property is owned and is not a lease. D. Thompson noted the Commission heard from a neighbor across the road. That family is to the west and will look down on this. However, from looking at the property on the ground level he felt the project sits back nicely and is in a good location.
- D. Underwood referring to the proximity map noted the advantages to this site. That neighbor is about 2,000 feet from the site. They plan to leave 95% of the existing trees and maintain the tree line. He also agreed to enhance the tree line to shield it better. There are some natural berms that should address some of the concern.
- E. Borrell – stated he visited the site. The Commission values the input from the Townships and noted they seldom vote contrary to their recommendation. Underwood stated he understands Buffalo Township has been deluged with request and sees that in other markets where there is an early onslaught and the community does not want to be overrun. He is confident there would be a higher level of scrutiny of Ag land going forward.
- F. Don Schmidt – Buffalo Township Supervisor addressed the Commission – he assured the Commission the Town Board and he personally do not oppose solar energy projects. What they are opposed to is the use of prime farmland to locate these projects. They are not a

full township, there are three large lakes and the City that take out acreage from the township. There are several large gravel pits on the north end. They have lost thousands of acres to annexation to the City, with other property to be annexed this summer. They are trying to preserve the prime ag land left as they are still considered an agricultural township. The solar industry has approached about 90% of the residents for leases. This could change the entire makeup of the Township and the Commission members should consider whether they want to see this happen. His Township was first one to be contacted by a solar company, Aurora. The Township held a couple meetings and after the last meeting, took a vote after that hearing to see what the residents want and it was 55/0 that against this. He felt they need to listen to their constituents and he hears daily from people who don't want this.

- G. Tom Kleist – Buffalo Township – now they have an Ordinance for the solar business, his concerns are more than ever. The concern is these are 30-year permits, where most uses are reviewed on an annual or every two years at the Township level. Aurora who is building the current one near Lake Pulaski has a representative out of Nevada who they contact if there is a problem. How much land is Wright County going to allow to go into solar? A senator from Big Lake has stated we are going to need 400,000 acres to meet the needs. He felt with the Ordinance in place most requests will get a permit. Most property owners have been contacted for solar construction. One property owner has considered leasing a ten-acre parcel out for this use because it is more beneficial than farming it. He questioned the impact on property values. The only benefit to Buffalo Township is they will get 5% tax rate, rather than 2% for ag land. For this one they have to run a cable under one of the town roads to get the power to the City. He asked what the payback is for Aurora; they never get that information. Excel is asking for a large rate increase, but how does the local community benefit. Now the Ordinance has been stretched to allow solar fields closer to the shoreland areas. This property has wetlands that have been protected; are they going to be able to solar panels there. The drain tiles are a concern and noted if they hit those it could impact adjacent properties. One resident who recently purchased a home, comes to find out they will have a view of a solar farm and fence. He has many questions about this issue. He felt it was best to take more time to consider the impacts and what they are going to do with it. Borrell asked where the Township boundaries are. A map was used to outline the area.
- H. Terry Weese – Buffalo Township resident – he would support the comments the two Town Board members made. They are opposed to solar farms taking up the agricultural land in their Township.
- I. Marv Ortquist – property owner across the road from this solar farm. His house is to the west on a hill overlooking the proposed solar farm. He has not heard the applicant make any effort to buffer this from his view. Underwood clarified this is the neighbor he had referred to earlier. This owner has the most direct sight lines and they will fill in the existing tree line to improve the buffer.
- J. Ruth Jans – Deputy Clerk, Buffalo Township, stated she is near the solar farm and her objection is the City has annexed properties that nothing has been built on. Why does the applicant not take one of those properties for the solar.

- K. Ray Schmidt – Buffalo Township resident – has been in manufacturing all his life and when they moved a use they had to move into an industrial area. This is going in everywhere, why don't they have to be an industrial areas. He referred to former Chairman Franklin Denn, who stressed the importance of saving our ag lands. Little is known what will happen with these. Why are these going everywhere in the rural areas and into agricultural fields. There is no history with the solar farms here. In Germany, where he travels often; they are tearing them down because they are not successful. He felt they are going in without proper planning. He has lakeshore property he would like to develop into lots but cannot because the zoning rules say he cannot. Yet he can put solar panels on it. He has been approached from several realtors and companies for leases for thirty years. He felt it is time to get serious about this and felt they should take their time and questioned what the rush is. People are complaining, people don't want to look at these. Should put a hold on this and see what will work around the country first.
- L. J. Thompson asked how the energy would get to the substation. Underwood – stated there would be an underground line that would take it two miles to a substation in the City. He explained they have permission from Municipal Public Utilities, a group of municipalities that is a public utility subdivision of the State and have the access to County and State right of ways. They have a package ready to submit to the State for a permit. This is a direct route underground. Very little disruption to neighbors. They have had conversations with State and Wright County Highway Departments about the route. This will be connected to the City of Buffalo. Borrell the substations have a limit on how much can be received from solar, will this be at capacity. Underwood - the solar power will feed the City of Buffalo, with the necessary equipment added. Borrell asked if solar panels on five acres can generate enough to power 200 homes. Underwood – said based on the annual use per household the proposed site would provide energy for 1500 – 2000 homes. Borrell stated the Commission had required the drainage tiles be replaced in another location. That developer was going to redo all the tiles and asked if they would be willing to do the same. Underwood – stated they are amenable to replacing the tiles. Noted there are some wetlands here. In response to Borrell, Underwood stated they would not use barb wire fence. He said their typical fence is a 6' fence that would not be in the wetland areas. They use that around the perimeter of the array and for screening they could use the vinyl slates of brown or green to block the view. Borrell noted neighbors on the south side asked for some pine trees. Underwood – this property is ideal because there are six properties around this site that are large and they are setback a good distance. He cannot make this invisible or perfect, however, would screen the majority and make it non-intrusive as possible. They want to be a good neighbor.
- M. Mol – understands the Township wants to preserve farmland; if they get more ten more requests in their township, how do they prevent that. This property is on the edge of the Orderly Annexation Area, if it would be within the OAA area the City could take this land. They already have one going in. Borrell – stated on the other hand, once a property is developed for residential it would never go back to Ag. Mol – that is not the same where this is agricultural. Pederson – agrees with Mol, they have heard loud and clear from the Town Board and other residents and feel they should put a hold on this and give it some time and see where this is going. He would like some delay, he would support the Town Board on this.

- N. J. Thompson – understands what the Town Board is saying. She admired Mr. Denn’s vision for the County. She would not be comfortable approving the proposal with what she knows now. She wondered what the benefits to the County are. Tying up much of our ag land in solar fields, how will they feed the population. She likes the idea of solar power, however, does not understand why everyone is running so hard to get these solar panels up. How will the general public benefit. Underwood – explained he has developed projects in twelve different states and they all start out with a lot of reservation. The projects they do have much invested. This project is \$30,000,000 where other companies do not have as much invested. There is much scrutiny that goes into developing these and most are not successful. Buffalo Township is not going to get overrun by these. In New Jersey had the same concerns and he stated they started to see a lot of applications, but only 1% are developed. The people that don’t like these are who they hear from. What they find is once they are developed, they are no longer noticed. These are good neighbors, preserve the land, no concrete, are quiet and provide jobs over the thirty years. If they are not successful, they come out. That cannot be said about any other kind of development. A benefit is equivalent to taking 200,000 cars off the road by amount of carbon monoxide reduced; and every utility is coming under constraints by the PCA. This is not a lucrative business, they are complicated and challenging. Although they make money, there is a lot of capital and risk to get to this point. This is unlike any carbon based production who cannot predict their price in 20-30 years; this technology is simple, fixed and a stable energy. This will create energy savings. Excel is separate, they chose to work with a direct partner with local ownership and long-term contracts.
- O. Borrell summarized the local tax benefits for these projects. Meersman stated they chose to buy this land because it is near Buffalo who is a partner because they would take on pricing risk. For local residents of Buffalo they believe this is a clean strategic choice for their portfolio going forward. Some risk is on the developer. He explained the benefit for them and the member cities they serve, greener power source and cost savings to Minnesota residents. This is a result of much negotiations between the parties. They have 12 member cities in the State and is different from the big developers. Pederson noted the residents of Buffalo Township feel threatened as a result of this development. They would like to see the brakes put on it and hold off for further study. Meersman – this is just one project for Buffalo Township, they would not be doing more. He understands the Township’s concern about taking over all the ag land in their township. Underwood understands that is a concern for the County if ten more projects come in for Buffalo Township.
- P. Mol – noted this is not a developer, but they own the land. Riley – stated that is not a criteria for a CUP. There are many factors and whether there is for a profit or non-profit, that cannot be their concern. The Commission does not deny individual proposals to address a use. A moratorium is one option or they retract Ordinances and those decisions are made by people in office. There is criteria for granting or denying a CUP. If they have a maximum number in mind, he felt they are going to see that number. He has received many calls for hundreds sites, although many of those may be eliminated for reasons such as inability to hook up to substations or don’t have the financial ability. But he had informed the Commission and County Board the number is an unknown, but there could be 1-3 dozen. The Commission has to decide on the individual requests. Mol – based on the handouts provided by Staff, he cannot find they have not met the criteria. Riley –that is the

zoning amendment requirements, the criteria for a CUP applies. Mol if much of the criteria has been met they would have to come up with a reason to deny. Riley – stated if the thought is these should have additional parameters, such as: a maximum number within a Township, not on prime farmland, that is not what is on the books. Pederson the Land Use Plan specifically states a prime objective is to preserve agricultural land. Borrell could not see a better way to preserve ag land for 30 years. D. Thompson – the incentives given by the Federal Government is why they are seeing a big push. Underwood stated the urgency is no longer there because the tax credit has been extended out five years. An unchanged driver is the Excel program which has some deadlines and will continue to drive it.

- Q. Don Schmidt – the comments address the conditional use permit, but Buffalo Township opposed the zoning amendment to allow solar farms. He noted a more suitable property is in the City limits, annexed about 15 years ago, is still undeveloped and is full of weeds. Borrell – noted if cities annex properties for these, the Townships will not get the tax advantages. Schmidt noted just because someone buys a property, does not guarantee they can do whatever they want. Kleist – added, Wright-Hennepin looks for properties such as industrial zoned sites and under power lines. They would not be concerned about that.
- R. Terry Weese noted the route to the plant is between Highway 12 and the town road, and there are a number of underground lines. These utilities were recently torn up for the road project. He did not think these owners will be happy about tearing it up again.
- S. Borrell – stated if Buffalo Township wants to do their own planning and zoning he would be their biggest supporter, they did it for Corinna.
- T. Felger –personally he does not object to solar farms and welcomes them into the County. He wondered if there is a need for a moratorium. His decisions are based on input from local controls. If Buffalo Township does not want it in their Township; and that is what the residents want, he would support that. In Woodland Township he supported one because the Township approved. Borrell felt they cannot create an ordinance and then say it does not apply to one township. Felger if they don't want it in their community they should look at the Ordinance on how they can exempt them. Borrell – stated he would like to do that on a number of things, but would be a nightmare for Riley to regulate. Mol – stated the Commission needs to give Staff some direction and called for a motion.
- U. Pederson moved to deny the request for a Conditional Use Permit and direct Staff to develop Findings consistent with denial. Felger seconded the motion.  
DISCUSSION: Borrell would like the motion to fail and have some discussion and talk with legal counsel, they have passed an Ordinance and should stand by it.  
VOTE: Pederson, Felger, J. Thompson NAY: Mol, Borrell & D. Thompson MOTION FAILED
- V. Borrell moved to continue the hearing to February 11, 2016 and discuss this with counsel. Mol seconded the motion.  
VOTE: Mol, Borrell, D. Thompson NAY: Pederson, Felger & J. Thompson MOTION FAILED  
DISCUSSION: Kryzer his advice would be that the matter be continued until they have a full Board. Discussion on 15.99 statute to make sure there is adequate time.

Mol moved to continue the petition to continue to February 11, 2016 for a full Board.  
Borrell seconded the motion. VOTE: CARRIED UNANIMOUSLY

7. **STEVEN LANGANKI** – New Item

LOCATION: 14220 County Road 75 NW – Part of N ½ of SE ¼ Section 22, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-224101

Petitions for a Conditional Use Permit as regulated in Section 604.6(5)(a) of the Wright County Zoning Ordinance to allow a division for the third home (cluster) in the same location of the farm.

Present: Steve Langanki

- A. Riley reviewed the location of the farm. The applicant has acquired more land to get an entitlement. The location of the proposed division was reviewed. Riley noted the conditional use permit is required because of the location of the existing house, another “entitlement” division and this would be the third house in this area.
- B. Mol asked what the Land Use Plan designation is. Riley reviewed the zoning and land use maps that show this is AG. The Commission should decide if this location would affect neighbors and if the Town Board feels it is appropriate for three or more homes.
- C. Survey work has been completed and does not include more than 2.5 acres of farmland. The proposed five-acre lot meets the road frontage requirements. Town Board approval was received. Borrell questioned what the smallest lot could be. Riley answered, one acre.
- D. Chris Klein – Town Board supervisor present – stated the Town Board has no problem with the third lot in this location. He noted this is in the Enfield area where there are a number of homes and is not out of character for the area. The field approach would become the new driveway location.
- E. Mol opened the hearing for further public comment. Hearing none, the matter returned to the Commission for action.
- F. Borrell moved to approve a division for the third home, which will result in a cluster, in the same location of the farm with a condition that a deed restriction be filed for the division prior to the property being transferred with the condition that proper access permits must be obtained from the Township. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **TANYA MAE WHEELER** – New Item

LOCATION: 568 50<sup>TH</sup> St. NE – Part of the SW ¼ of SE ¼, Section 6, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax # 202-000-064302

Petitions for a Conditional Use Permit to locate a home extended business office for a commercial/residential painting company in 1900 sq. ft. of building, with limited storage of supplies and equipment in the remainder of the building as regulated in Section 603.4 & 741 of the Wright County Zoning Ordinance.

Present: Tanya Wheeler and her draftsman, Adam Novacek, Wright Lumber & Millwork

- A. Riley reviewed the property location and noted it is zoned A/R. The previous owner had changed the rezoning in order to get a subdivision. The existing lot has a shed and the other parcel was built on. Wheeler bought the lot with the purpose of using the shed for their painting business. The Ordinance requires they live on the property to qualify for a home extended business. A site plan was prepared to show where they are building the new house and the existing building to be used for the business and some personal storage.
- B. Wheeler explained they bought the land with this intention, based on the way it was listed which was incorrect. She explained they have a painting business and one employee in the business office, everyone else is on the job site. Everything is done off site and this would be where they store equipment along with their personal items. Their current home is sold and plan to build their new home here this spring. They are heating contractors and they also paint poxie floors and sandblasting off site. Mol – asked if they would do any sandblasting on this property? Wheeler stated no, the trailers and work vehicles are stored here. They are trying to do this right.
- C. D. Thompson asked if they have commercial storage with the number of items stored outside. Wheeler stated she has two campers, one is a friends as well as a vehicle and she has no problem getting rid of the items that are not hers. They discussed these at the Town Board meeting. She is open to how the Commission wants her to store things on the property. D. Thompson asked if she is charging for storage? Wheeler said no.
- D. Mol – referred to the Town Board’s response which includes some suggested conditions. Tom Kleist – Township Clerk present – they met with the applicant and want to make sure the home gets built and voiced concerns about the amount of vehicles, trailers and miscellaneous items parked outside which seems excessive. The Town Board is dealing with cleanup of a junkyard and don’t want to see another situation get out of hand.
- E. Felger moved to approve a Conditional Use Permit to locate a home extended business office for a commercial/residential painting company in accord with plans and narrative held on file with the following conditions: 1) Proper permits are pulled for the home and septic. The home must be built within one year of this action since the business is technically not allowed without a home on site; 2) No outdoor storage is allowed for the business or for other persons property such as storage of rv’s and trailers (unless it is the property owners and they are licensed and operable); and 3) The Township reviews in a year for compliance.  
D. Thompson seconded the motion.  
*DISCUSSION: J. Thompson clarified what the Town Board conditions are, no unlicensed vehicles and storage be kept out of sight.*

VOTE: CARRIED UNANIMOUSLY

9. **DAVID K. NELSON** – New Item

LOCATION: 15288 State Hwy. 24 NW– Part of the W ½ of SE ¼; part of E ½ of SW ¼, Section 15 and also Part of W ½ of SW 1/4, Section 11, all in Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax # 204-100-154200; -154201; 204-100-113300 & -113200

Petitions for a Conditional Use Permit as regulated in Section 604.6(4)(5) of the Wright County Zoning Ordinance to allow transfers of two building “entitlements” from tax # 204-100-154200 & -154201, property in Section 15, to property in Section 11, tax #204-100-113200 & -113300.

Present: David Nelson

- A. Maps were displayed to show the location of the two properties that are non-contiguous and owned by the applicant. The existing house and entitlements were pointed out. The property is currently zoned AG and in the Land Use Plan to remain AG. The applicant would like to transfer two entitlements from property that has an irrigation system and farmed to the other parcel. The Ordinance requires the property be owned for a minimum of three years which Nelson meets; and requires the Commission decide on transfers between non-contiguous properties. One consideration is if it preserves prime farmlands. Riley noted neither site is classified “prime” farm soils.
- B. Nelson explained the irrigation system is the reason and would not want to impact that. The proposal is to move the building “entitlements” to the parcel that has some woods.
- C. Mol – also on the Clearwater Town Board – reported the Town Board met on this and approve. This will preserve the farmland. Noted there are mature evergreens and the road running north and south provides adequate frontage for new lots.
- D. Felger asked if this increases entitlements. Riley stated it does not. There are a total of three which includes the existing house.
- E. J. Thompson moved to grant the transfer from the 125 acres parcels #204-100-154200 and 204-100-154201 to the 70 acres, parcels #204-100-113200 and 204-100-113300 to better preserve a large agricultural piece of land with the following conditions: 1) A deed restriction must be filed, recorded, and signed by the applicant for the transfer to be complete. It will be recorded on both parcels that are being affected by this transfer leaving the 125 acre parcel restricted to one entitlement, which includes the existing home, 2) The applicant understands all buildability requirements must be met to build on the northern parcels or the entitlements cannot be used; 3) If a division is requested in the future it may need to go through a cluster hearing at some point. The first division may be administratively done with a Deed Restriction provided they meet the subdivision standards; and 4) All County highway or Township requirements must be met for access depending on which road they use. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **KNIFE RIVER CORP. NORTH CENTRAL** – New Item

LOCATION: 4301 County Road 39 NW – Part of S ½ of NW ¼ of SE ¼ & S ½ of NE ¼ of SE ¼ and S ½ of SE ¼, all IN Section 8, Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax # 216-000-084300 Owners: Naaktgeboren

Petitions for a Conditional Use Permit as regulated in Section 604.4 & 727 of the Wright County Zoning Ordinance for temporary placement of an asphalt plant and to continue mining and processing gravel/granular materials, includes washing operations and processing of recycled concrete/asphalt/shingle materials for the 2016 construction season. Hours of operation proposed are 7 a.m. – 7 p.m. Monday – Saturday for all operations.

Present: John Henry

- A. Riley summarized the property zoned AG and in the Land Use Plan as AG. The Commission heard a request last year that included night hauling. The property has a permit for gravel mining and the Conditional Use Permit is about placement of a hot-mix plant in the pit. The Commission should discuss hours of operation and consider Town Board input, which was included in a draft motion.
- B. Henry – explained they have requested hours Monday-Saturday 7 a.m. – 7 p.m. After discussions with residents, they agreed to those hours for Monday-Friday and operations only on the Saturdays to compensate for a rain day. Mol – questioned whether they would accept a condition there be no consecutive Saturdays? Henry stated he did not recall any discussion on that at the Township meeting. No plans to work weekends that are holidays.
- C. Riley asked if the Town Board discussed prohibiting work on consecutive Saturdays. Henry – stated he talked with their construction group and they do not foresee any night hauling this coming year. Riley stated his understanding is that the motion would be similar to the permits issued prior to last years. That motion limited operations to maximum of seven Saturdays. He asked if it is critical to space them out.
- D. Chris Klein – Township Supervisor present – stated the Town Board discussed this and as long as they are consistent with the conditions placed on previous years it should address the concerns. They did not address work on consecutive Saturdays. He did not recall a situation where there were two Saturdays in a row. The goal is to get the plant in and get the work done and move out. There were no complaints last season.
- E. J. Thompson questioned the applicant how the filters worked last season. Henry reported he is in the mining operations and could not speak to the plant. He had heard nothing negative from the plant manager in his office. Klein stated the Town Board were done there often and did not see anything excessive. Felger asked how they felt night operations go last year. Henry – it went smoothly. There was a big push to finish quickly. Borrell asked if they could take out the consecutive Saturdays. Riley reviewed the options. Borrell stated it may not matter if there are a couple consecutive ones. Mol preferred to leave it the same as before, so neighbors don't end up with four in a row.

- F. Borrell moved to approve a Conditional Use Permit for the temporary placement of a bituminous plant for the 2016 construction season, both according to the narrative provided by the applicant and with the following conditions: 1) Operation of the plant shall be limited to five working days in a calendar week, no plant operations on Sundays or legal Holidays, weeks with weekday holidays shall be four day work weeks, and no plant operations shall be allowed on consecutive Saturdays nor on more than a total of seven Saturdays over the course of the season; 2) All adequate measures must be taken to restrict loud trucks from operating without mufflers and other required sound equipment; 3) The bag house be kept in proper working condition and meet all MN PCA regulations; and, 4) Operation of the wash plant comply with all applicable state regulations.
- J. Thompson seconded the motion.

DISCUSSION: D. Thompson questioned the holiday weekends and which Saturday will have no operations if there is a rain day. The applicant was informed it would they could work the Saturday after the fourth of July to get a five-day work week.

VOTE: CARRIED UNANIMOUSLY

11. **DUINNICK, INC.** – New Item

LOCATION: Part of SE ¼ of SE ¼, Section 14, Township 121, Range 28, Wright County, MN.  
(Southside Twp.) Tax #217-000-144401 Property owner: Duinnick Bros., Inc.

Petitions for a Conditional Use Permit as regulated in Section 604.4 & 727 of the Wright County Zoning Ordinance to allow mining and processing gravel/granular materials and processing of recycled materials. Operations to include a wash plant and placement of a hot-mix asphalt plant along with related stockpiling.

Present: Jason Versteeg, engineer with Duinnick

- A. Riley reviewed the parcel and noted the property is zoned AG and in the Land Use Plan designation of Aggregate Resource Area. Explained when the Land Use Plan was studied, this was the only area that agreed to this designation. This is not in the zoning maps, but speaks to the criteria for a conditional use permit. It must meet all the gravel mining ordinance and other criteria of the Ordinance. The permit requested is for a gravel pit. Other pits were pointed out that are in the area. The plans submitted by the applicant for the pit, proposed operation plan and includes the reclamation were viewed. He explained the reclamation plan needs to be modified. To meet the standards they must either make it deeper or make a storm-water pond and grade it properly.
- B. Versteeg stated Deckert had talked to him about this and they will probably fill it in more. They purchased the land in 2004 for this purpose and received an earlier permit in 2005 that expired in 2014. The permit lapsed and technically this is a new request. No mining has taken place. There was some discussion on trees and have agreed to do that and proposing the same screening. The County Highway Department had requested a turn lane and by-pass lane for entrance to the pit which was not on the original permit. He asked that not be required because of the added cost to the operation. Although, he understands this is a safety issue, as far as he knows, this is not a heavily traveled road. Riley – stated staff member, Deckert, has reviewed the proposed and previous conditions with the applicant which included a requirement that they meet the County Highway Department's conditions, including a turn and by-pass lines. Versteeg – as he recalled **if** they wanted that and they would not be against it as they hold safety at a high standard. Harddrives is next door. Mol – he would strongly suggest that be required. He travels this road every morning and there a lot of busses and cars on the road. He would like to see the road tarred all the way out. Clearwater Lake is near here and there is a lot of traffic.
- C. J. Thompson – asked if they are mining in another location in Southside Township. Versteeg stated they have mined previously near the Southside town hall. That lease is at the end of its term and this site would be the only other option. The renewal will provide a resource should they get a project in the area.
- D. Jim Holmstrom – is a Town Board supervisor, but was speaking as a resident – stated he lives one-half mile north of the site. He does not want another pit in their neighborhood. Harddrive and Mid-MN and this potential pit they stand the chance of having three hot-mix plants operating at the same time. His mother-in-law lives near an active operation and cannot keep her windows open in the summer He felt ten years is too long for a permit.

Town Board had discussed this and suggest a maximum five-year permit with review every two years. Harddrives has not have operated the last few years, is just a storage area that is not getting reclaimed and trees are dead. If this applicant wants to mine, want them to get in mine it out and reclaim it. Don't use the site as a place to stock-pile, they do not want to look at it. They do not want trucks staging out on the road waiting to get into the pit. Weed control is another problem with the existing pits. He farms around this area and the rag weed has gotten out of control. If a tree planted does not survive, it should be replaced. The local wells, both residential and irrigation should be protected and should come first before any water needed to run a plant. Would like to see cooperation between the three mining companies in the area so there are not more than one hot-mix plant operating at a time. He suggested a one-year temporary mining permit might be more appropriate; and then come back if they need an extension. As far as the end use plan, they want the pit reclaimed as soon as the pit is mined out and not see it stockpiled for years. Southside Township feels strongly about these issues and they know what is coming and they want to be prepared. These are problems they have had in the past. Listened to problems with density of homes earlier, he asked to consider the density of gravel pits.

- E. Borrell asked if there is a motion they can develop to address these concerns. Riley stated some of the suggestions are a conflict between what the County, operator and plans say about the access. The mining density concerns and the time frame for a permit. Recommended time to work out some of the details. Mol suggested an on-site inspection because some of the members are not familiar with this pit, look at the entrances and have a workshop on some of the items. Riley agreed there has been some discussion about that and could try to work it in before the next meeting.
  - F. Versteeg – addressed the concerns raised by the Township. As far as placement of pit, they have to go where the resource is and are limited to that. Geography determines that. One of the sites they mine out of in Southside is the Latour pit. A large part of that pit was mined before they became involved in the very northwest portion. To get that permit they had to reclaim areas they did not mine to improve that property. The original pit pre-dated the Ordinance. The nature of the business requires them to build up a stockpile to be able to operate. The crushers are moved around so they have to keep an inventory. The wash plant would require a DNR water appropriations permit and they would have to make sure that it does not affect neighbors. The water is pumped on-site and recycled onsite, this will have no impact on anyone. Placement of an asphalt plant would be sporadic and only during a project, lasts only a few weeks and the plant would be moved to the next project in the 3-4 state area. There is not a need every season for the plant and is the reason they need more than one year for the permit. It is not practical or feasible for an operator to strip and prepare the site and mine all the gravel on the site and close it up.
  - G. The importance of seeing the site for access, staging and screening were noted. Versteeg noted they hire a lot of trucks and they stage the start time through their dispatch.
  - H. Borrell moved to continue the hearing to February 11, 2016 for a site inspection.
  - J. Thompson seconded the motion.
- VOTE: CARRIED UNANIMOUSLY

**SITE INSPECTION**

Commission set the site inspection for Wednesday, January 27 at 1:00 p.m.

**Schedule a workshop on gravel pits**

Commission set a workshop for Thursday, January 28, at 1:30, meeting room to be determined, to discuss gravel pit regulations. (Staff later determined the date would not work and members were contacted to inform them the date was re-scheduled for February 5, at 1:00 p.m.)

Meeting adjourned at 11:55 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp

cc: Planning Commission  
County Board of Commissioners  
Kryzer  
Twp. Clerks  
Applicants/property owners