

**WRIGHT COUNTY PLANNING COMMISSION**

**Meeting of: February 4, 2021**

**MINUTES - (Informational)**

The Wright County Planning Commission met February 4, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 1:00 p.m. with members present in person, Mol, Mike Kaczmarek & Dan Bravinder; in attendance remotely were Pat Mahlberg, Jan Thompson, Ken Felger and Corey Tanner. Sean Riley, Planning & Zoning Administrator and Greg Kryzer, Assistant County Attorney, participated remotely.

**MINUTES**

On a motion by Kaczmarek, seconded by Bravinder, all voted to approve the minutes for the January 14, 2021 meeting as printed.

1. **MN CSG 10, LLC** – Cont. from 12/10/20

LOCATION: XXX 85<sup>th</sup> St NE – Part of E ½ of SE ¼ & W ½ of W ½ of SW ¼, in Section 21, Township 121, Range 25, AND Part of W ½ of W ½ of SW ¼ in Section 22, Township 121, Range 25, AND N ½ of NW ¼ in Section 27, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #'s 213-100-214100 & 213-100-223200 & 213-100-272201  
Property owner's: Sustainable Holdings LLC and Holthaus Properties.

Petitions for a Conditional Use Permit for a 1 MW Solar Farm on approximately 9.8 acres in the southeast corner of the property as regulated in Section 155.048 & 155.108, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Applicant not present

A. Riley explained a recent County Board action established an Interim Moratorium on land use decisions for solar farms. This item should be continued until the County Board lifts that and at that time the hearing can go forward. He confirmed with counsel if it is appropriate for no public comment? Kryzer –although it is a public hearing and part of the process, would not advise it, there would be renotification to the public when it can be brought up again.

B. Bravinder moved to table the petition. Kaczmarek seconded the motion.

VOTE: CARRIED, Felger abstained

2. **JOE P. BOLLANT** – Cont. from 1/14/21

LOCATION: 220 80<sup>TH</sup> Street NW –Part of SE ¼ of SE ¼, Section 24, Township 121, Range 26, Wright County, (Maple Lake Twp.) Tax #210-100-244400 & 210-100-244301

Petitions to rezone approximately 3 acres out of east side of 210-100-244301 from R-2a Suburban-Residential to AG General Agriculture and a Conditional Use Permit for a subdivision to expand existing residential lot (210-100-244400) that is zoned AG General Agriculture for septic area as regulated in Section 155.028, 155.029, 155.047 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Applicant not present

- A. Riley informed the Commission the applicant has asked for more time to have professional plans prepared. A date of February 25 is suggested.
- B. Felger moved to continue the hearing to February 25, 2021 at the applicant's request. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JAMES H. PREUSSE** – Cont. from 12/10/20

LOCATION: CR 106 & Acacia Avenue NE – Part Gov't Lots 5 & 7; also S 5/8 of E 1/4 of NW 1/4; all in Section 19, Township 121, Range 25, Wright County, MN. (Monticello Twp.) Tax #213-100-192400 & -193100 Property owners: Vaughn Veit, Kelly Johnson Veit & Maple Cerro, LLC

Petitions to rezone approximately 104.2 acres from AG General Agriculture and part S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential (10 acre minimum) and part S-2 and a Conditional Use Permit for an unplatted nine-lot residential subdivision as regulated in Section 155.028, 155.029, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations

Present: Jim Splinter, participated remotely

- A. Riley displayed the location maps and reported the County Board approved the rezoning to A/R. The Conditional Use Permit for the subdivision is what is before them. The Commission made a site inspection and a survey was submitted to show the proposed lot layout. The information provided shows all lots are meeting the standard and a draft motion was prepared if the Commission is ready for action on approval.
- B. After confirming the applicant had no comment and noting there was no one from the public wanting to speak to the issue, Mol returned to the Commission for questions or comments.
- C. Bravinder moved to approve a conditional use permit for a nine-lot unplatted subdivision in accord with the survey completed by Meyer-Rohlin Land Services with revisions dated 2/2/21; File No. 19449 with the following conditions: 1) Per Feedlot regulations the new A/R parcels will be allowed 1/2 animal unit per and will not be allowed to reach 10 animal units and any building that houses animals will need to be 100 feet from property lines; and 2) Driveways will need to be placed as shown on survey. Parcels B and C, Parcels E and F, Parcels G and H will all have shared driveway accesses. Access easements will need to be recorded prior to or during the sale of any of these lots. Access permits will need to be obtained through the Township for all the lots along Acacia Avenue and through the County Highway Dept for Parcel I. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **STEVEN ALBERG** – New Item

LOCATION: Part of Gov't Lot 1, Section 24, Township 121, Range 28, Wright County, MN. (Southside Twp.) Tax #217-000-241100 Property owners: Applicant, Gregory Alberg & Julia Barrett

Petitions to rezone approximately 23 acres from AG General Agriculture and S-2 Residential Recreational Shorelands to A/R Agricultural-Residential and S-2 and also a Conditional Use Permit for a two-lot unplatted subdivision (lots proposed are approx. 10.6 & 12.3 acres and are non-riparian), as regulated in Section 155.028, 155.029, 155.050 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Steve & Greg Alberg

- A. Riley reviewed the property location on the northwest side of Pleasant Lake. The current zoning, land use and air photo maps were viewed. He reported the existing lot was recently expanded by the Board of Adjustment that is shown on the survey. That is a lot of record zoned AG and is not part of the rezoning request. The area to be rezoned is outlined on the concept plan and if approved, the two lots would meet the 10-acre minimum lot standard.
- B. S. Alberg stated they have been through the process recommended and are trying to follow the guidance they received.
- C. Mol – opened the hearing for public comment with no one online, returned to the Commission.
- D. Thompson asked for clarification on the two lots they are requesting to rezone are shown as Lot 1 and 2. Lot 3 is what would remain AG? Riley – confirmed that is right. The entire property was before the Board of Adjustment to add land to the lot of record. If this request should be approved, the result would be two new residential lots. An existing house on the south end to be expanded is the area that would remain AG.
- E. Thompson asked if there is concern about driving across the property and impacting wetlands? Riley – noted a response from SWCD included an exhibit to show the approximate location of wetlands on the southern portion of the property. If the property is rezoned these details would be addressed at the subdivision stage. S. Alberg added that the wetlands are in the southern parcel where the existing house lot was expanded. There is an access road they have to get to the lake.
- F. Mol – noted this land is in the Land Use Plan.
- G. Felger questioned as it relates to the proposed zoning districts, needed clarification on the S-2 zone for the two lots that would not be riparian. Riley explained the district applies to any land within 1,000 feet of the lake, whether it is riparian or not.
- H. Felger moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the north 23 acres of the property from AG General Agriculture & S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential & S-2 because

the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- I. Thompson moved to continue the hearing to the March 18, 2021 meeting for the subdivision portion of the request to allow time for the applicant to finalize survey work and obtain other required information for subdivision approval and for the County Board to act on the rezoning. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **KENNETH J. SCHWARTZ** – New Item

LOCATION: XXX CR 75 NW- Part W ½ of the NE ¼ lying north of county road, Section 25, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax Parcel #216-100-251200; Owner: Kelmaren LLC

Petitions for a Conditional Use Permit to allow mining of material with processing to include crushing, screening and washing as regulated in Section 155.029, 155.048, & 155.100 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ken Schwartz; along with Paul Otto, Otto Associates attending remotely

- A. Riley reviewed the location, zoning, and land use maps. The property is zoned AG General Agriculture and in the Plan for “Rural-Residential”. Mining plans show approximately 20 acres to be mined and includes processing of materials. Access onto the County Road is subject to requirements from the Highway Department. The Town Board continued the item because they are not ready to make a formal recommendation. Several people are online for public comment.
- B. Schwartz proposing mining and some crushing. They would start in the middle of the site plan with mining to the east and west as they go, depending on where the material is. To start he would be about 400’ from the west line and 300’ from the east line. The topographical map was displayed to show the contours. The access to the county road is by the power pole. He has been working with the County Highway Department and received verbal approval, subject to the plans and more discussion on the turn lanes. He would continue to farm to the north, noted the pivot of the irrigation system.
- C. Otto explained the contours with the direction of the mining will go down. The visibility was described as they go down it won’t be seen.
- D. Scott Spears & Donna Pasternak - were invited to comment: Donna stated the neighbor notification before the Town Board meeting was only a couple days and was continued at the Town Board meeting. She asked the Commission table the hearing to give them time to get more information on water quality and a number of other concerns.
- E. Sally Heikkinen – live of Barton Avenue – two miles from this site. Residents have a reasonable expectation that future land uses would not impact their values. This proposal would put a third pit within a four-mile radius of hundreds of residents and mine could last for decades.
- F. Kate Dietel adjacent landowner – asks this be tabled because the Town Board did not have adequate time to give an educated opinion on the matter. She questioned at the Town Board meeting whether an Environmental Assessment Worksheet has been prepared and did not get a response. Her understanding is that anything over 40 acres would require it. She is concerned they are starting with a smaller parcel and it would increase overtime. Asked where the County is at with that.

- G. Robert Esse – agrees it should be tabled to give more time. Asked what the depth is of the gravel vein on the property. Schwartz stated he is asking for 32’ in depth – could not be sure where the vein of gravel is at. There are layers of sand, gravel, and clay.
- H. Mol after asking for more comments, returned to the Commission for questions.
- I. Felger asked Riley to recap the slides displayed. Riley started with the existing zoning and land use plan. Pointed out the existing pits in the area. Existing conditions/topography, proposed pit location on about 20 acres; noting the mining plan shows a pit depth of 32’ along with the location of processing materials. Restoration plan submitted indicates they will bring material back into the pit to a similar grade. Felger asked the zoning of the surrounding property. Riley displayed the map and indicated the area white is AG, green A/R (10-acre lots) and existing development is reflected in the air photo he displayed. The rest of the lots are “1 per 40” divisions or pre-existing lots. Felger – asked how close the nearest residence is? Riley –homes to the east are 400’-1,000’ from the proposed pit. Felger asked the applicant if he has jobs coming up that need the material? Schwartz indicated he has no contracts at this time.
- J. Jenny Bray – concerned with the project and how much water is needed to run the pit. She assumes the volume is much more than for a residence and were told that there is a limited amount of water above the bedrock. She is concerned this pit could deplete what is needed for the residents. Riley responded he does not have ability to research it at this time asked the applicant if they have an estimate on the amount of water to be used. Schwartz – questioned what area is being referred to, does not have an answer. Otto – added that they could reach out to find out the average amount of water is used for the crusher which is all they would need water for.
- K. Donna Pasternak - the concern is the permit is for 19 acres, total parcel is 53 acres with a potential to expand. She would suggest they address that so they can have assurance it does not expand to the entire parcel.
- L. Kate Dietel questioned the closest residence to the west? Otto measured it at 800’ and the earlier question on distance to neighbors to the east, he scaled at 900’ to one house. Distances were given for the outbuildings also. Dietel asked what kind of sound and sight barriers will be installed. Otto – explained to the west the property rises shielding operations and also, the mine will go below the ground. There is a knob on the west line. The bottom of the mine will be 50’ below that rise on the west. To the east of the mine there will be about 18’ they will take off the side hill before they get to the eastern side of the mine. There will be a period of time there will be dust and sound before they can get below grade. Once they get below grade the noise and dust will be buffered by the sides of the mine.
- M. Mol asked the Commission for questions. Bravinder asked counsel what limits for future expansion of the mine can be placed on a CUP? Kryzer – would recommend against that. They have a specific plan before them, the applicant can always come back to change the plan or ask for expansion.
- N. Mol – asked in this area of the County if there are any Resource Land designations in the Land Use Plan? Riley there are not.

- O. Kaczmarek -asked Otto to address sight, sound, and dust and what his experience has been on ability to manage these issues in these pits. Otto – he is a licensed surveyor and engineer, he is not a sound or mining expert; but, has developed a lot of plans for mining. He could state that this one is different in that most have an open face whereas, this one goes straight down. Usually, they are taking out a side hill which is more open to the elements and more chance of sound travelling.
- P. Tanner – questioned the type of vehicles to remove the material, semi-trucks, or side dumps? There is a transmission line and asked if there has been outreach to the power company to pass beneath it. Otto one of the plans prepared for the applicant has a berm and entrance because it is within the easement. One modification made was to get the driveway and entrance further from the power pole. Schwartz stated Excel Energy approved the plan.
- Q. Kaczmarek – asked about plans to get power and water to the site? Schwartz stated they hope to get a separate well for the mining operation; but could use the well for the irrigation system. Would bring power in from the Co-op. Kaczmarek – if they need a source for dust control, would need water for that in addition to the crusher. He noted if they are going to make a site inspection, they may have more questions after that. Mol –agreed after a site inspection, they could get more details. Questioned the neighbors if they have more comments.
- R. Thompson – moved to continue the hearing to March 18, 2021 to make a site inspection and keep the hearing open for questions and comments. Bravinder seconded the motion.

*DISCUSSION: Tanner – heard comments from residents that it should go back to the Township. Riley – explained it is common practice to go to the Township first for a recommendation and they were not ready to make a decision. The motion would allow for that and a site inspection in the meantime.*

VOTE: CARRIED UNANIMOUSLY

**SITE INSPECTION**

On motion by Felger, seconded by Kaczmarek, Commission scheduled, March 2 at 1:00 p.m. for site inspection.

Meeting adjourned at 2:10 p.m.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp

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