

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: March 28, 2019

MINUTES – (Informational)

The Wright County Planning Commission met on March 28, 2019 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with the following Board members present: Mol, Pat Mahlberg, Jan Thompson, Ken Felger, Dave Thompson and Dan Bravinder. Absent was Charlie Borrell. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

MINUTES

On a motion by J. Thompson, seconded by Bravinder, all voted to approve the minutes for the February 7, 2019.

1. **JOHN HOLTHAUS & DONOVAN LIND** – Cont. from 2/28/19

LOCATION: Corner of 55th Street NE & State Highway 25 – Part of W ½ of SW ¼ of Section 4; and Part of SE ¼ of Section 5, lying east of State Hwy. 25. Also, South 5 rods of the W ½ of the NW ¼ lying east of State Hwy. 25 and South 5 rods of the West 310 feet of the E 1/2 of the NW 1/4, Section 4, all in Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-043200 & -042301
Property owners: Holthaus Limited Partnership & Lind

Petitions to rezone approximately 33 acres from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for a three-lot unplatted residential subdivision (10 + acre lots proposed) as regulated in Section 155.027, 155.028 & 155.047 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: John Holthaus, Mike Holthaus and Mary Buschel

- A. Riley reviewed the previous hearing was for a rezoning request. The County Board accepted the recommendation and rezoned the 33 acres to A/R. The request before them is the Conditional Use Permit for the three-lot subdivision. The information provided shows the lots will meet the minimum standards and the tests show there are suitable sites for septic. An outstanding issue is the parcels west of State Highway 25 that cannot be attached to one of the A/R lots under consideration. The Commission should decide what will become of those parcels. They should go somewhere, but admitted it is difficult to enforce. He felt the Commission could give some direction and hopefully the owners can figure it out in a few years. The best solution would be to sell it to an adjoining landowner to the west.
- B. J. Holthaus stated they have nothing definite but are in conversation with their brother, Bill, who has land that adjoins both parcels.
- C. Mol did not think there is much use for these parcels. The other option is to require they stay with the remainder parcel zoned AG. He agreed it would be nice to clean this up and asked if the Commission can stipulate that the owners have to resolve it within a year or before a lot is sold. Riley – that might be difficult, would suggest if they can find a buyer the Commission could state it can be approved administratively or have to go to the Board

of Adjustment. He is looking for some direction and the Commission could decide within a reasonable time frame it can be allowed. Mahlberg asked if the Commission has an obligation to. Riley stated it is not a requirement. Bravinder questioned the need for a Board of Adjustment hearing. Riley the best case would be to administratively combine these with an adjacent parcel; worst case would be to go through another hearing process. Discussion followed on setting a time line to complete the transfer.

- D. Kryzer noted his office is unlikely to bring action against them for not selling their property. He offered a suggestion for proposed condition 3) that would allow the Administrator to administratively approve any transfers of land west of State Highway 25 to a contiguous property owner.
- E. Felger asked for clarification of the remnant parcels. Riley explained these are part of the parent parcel. Felger – if it is not resolved, then the remnant parcels would be attached to the remaining south 30 acres? Riley stated that is correct.
- F. Bravinder moved to approve a conditional use permit for a three-lot unplatted subdivision in accord with the survey completed by Meyer-Rohlin Land Services dated 3/22/2019; File No. 19135 with the following conditions: 1) Per Feedlot regulations the new A/R parcels will be allowed ½ animal unit per acre 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; 2) If required, access permits will need to be obtained through the Township prior to construction; and 3) Remnant parcels west of Highway 25 may be attached to a contiguous parcel administratively. J. Thompson seconded the motion.

DISCUSSION: Mahlberg questioned the requirement that the remnant parcels have to be sold to a contiguous property. Riley this would allow this without a Board of Adjustment hearing. If it is not contiguous he clarified Bravinder's question, that he would then send it to the Board of Adjustment.

VOTE: CARRIED UNANIMOUSLY

2. **AUGUST L. RIEBEL** – New Item

LOCATION: Proposed lot (approx. 2-acres) out of S ½ of SW ¼, Section 10; Farm also includes: S ¼ of W ½ of SE ¼, Section 10; W ½ of S ½ of SW ¼ of NE 1/4 , Section 15; SE ¼ of NW /14 & N ½ of NW ¼, except... Section 15, all in Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax 211-000-103300; -104300; -151300 & 152100

Petitions for a Conditional Use Permit to allow the proposed “entitlement” division that will result in a grouping of three or more homes at one location as regulated in Section 155.028, 155.029 & 155.048(G)(5)(a) Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Augie Riebel

- A. Riley – displayed the location and air photo maps to show the farm and previous divisions. The zoning and land use plans show the property is to remain zoned AG General Agriculture and has one entitlement left. The information was provided by the applicant to show the lot location is buildable.
- B. Riebel – reason for the request is to protect the ag land. As the request was described, this is the last “entitlement” for the farm and this location is up against the blacktop road. The survey and the soils tests show there are two sewer sites. He is retaining as much of the good farmland as possible, proposed property line is a straight line in back with the other parcels.
- C. Mol asked for public input, hearing no response he noted this location does keep it out of the farmland. Asked about a dark spot showing up on the air photo and asked if that is low. Riebel – explained swale and water from a large rain will drain in that direction. A culvert under CR 9 under the road is located right there and water flows out.
- D. D. Thompson moved to approve the transfer and clustering of residential lots as proposed because it uses the residential entitlements for the farm in the best location for continued agricultural use of the cropland with the condition that a deed restriction be filed for the division prior to the property being transferred and an access permit be obtained from the highway department before any construction commences.
Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **JAMES A. GROSKREUTZ** – New Item

LOCATION: 4349 37TH St. SE - Part of the N ½ of the SW ¼, Section 23, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-233100

Petitions to rezone approximately 45 acres (that part lying north of road) from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for a two-lot unplatted residential subdivision as regulated in Section 155.028, 155.029 & 155.047 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Jim Groskreutz & agent, Curt Weiers

- A. Riley reviewed location and zoning that is AG and in the Land Use Plan for Rural-Residential. Proposal was displayed to show rezoning for two lots north of a road. A previous development and a township road that dead-ends was pointed to. The County Highway Department does not want it connected to the County Road if it is ever extended in the future. It would be ideal to require placement of the new home in a location to allow for future development of road and further subdivision. There is a deed restriction from 1993 that restricted the farm to no further homes. Today Staff's research found because of a change in the Ordinance and how "entitlements" are calculated; the farm has one additional "entitlement" in addition to existing farmhouse. This does not change the fact they need to rezone to get two residential lots north of the road. If this is approved, the balance of the farm would have an additional "entitlement".
- B. J. Thompson asked where the existing house is. Riley pointed out the farmhouse and noted the gravel mining operation that took place. Mol -asked if there is another pit near this? Riley – stated the next item on the agenda is an extension of a mining permit to the east.
- C. Weiers – they have a purchaser who wants to build one house, developing it is not what they are interested in. Riley – it is a suggestion and if the house is built to one side of the lot it allows for the possibility sometime in the future.
- D. Barb Holm – asked how many homes they are looking at. Mol – two lots, proposal is for one house at this time. Riley - The remainder south of the road would remain zoned Agricultural.
- E. Groskreutz – pointed out four lots on the air photo are not shown correctly. He felt his south line should be shown further south and straight across. That is not his land. Riley and Commission clarified what is outlined in blue represents his land.
- F. Mahlberg questioned the buildability of the western lot and if there is enough high ground in the western lot proposed? Weiers – they have a map to show that there is 8.81 acres of high ground in that lot. Mol asked about access and a way to get around the wetland. Weiers – displayed a Google map to show where the high ground is located. There are no soil borings yet, but felt it would meet the requirements. Bravinder – noted the Highway Department's recommendation for the access is in the middle of the west lot. He asked whether they could cross the wetland to get back to the building site. Weiers pointed out the existing field road. Groskreutz added that the location of some Poplar trees is a location he felt they could drive straight in.

- G. J. Thompson moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG Agricultural to A/R Agricultural Residential because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. D. Thompson seconded the motion.

- H. J. Thompson moved to continue the hearing for the Conditional Use Permit on the subdivision to April 18, 2019 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. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **MATHIOWETZ CONSTRUCTION COMPANY** – New Item

LOCATION: 3487 37th Street SE - S ½ of SW ¼ and that part of the West 60 acres of SE ¼ south of the centerline of road, all in Section 22, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-224300

Property owner: Taylor

Petitions for a renewal/extension of the Conditional Use Permit granted in 2014 to continue mining operations for additional five years according to plans submitted as regulated in Section 155.029 & 155.100 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Greg Huiras

- A. Riley reviewed the property location, zoned AG. The original mining permit was given in 2009, extended in 2014 and the Commission is looking at a request for another five-year extension of the permit. The applicant met with the Town Board and received approval.
- B. Huiras – the original permit was with Jim Taylor and this has provided a good resource for the local road projects. The original owners have passed away and they have a contract with the four sons. They are expecting with the road contracts they have the material should be depleted this fall. They would like the next two years to finish the reclamation. This is the reason the Town Board agreed to a three-year extension.
- C. Mahlberg – the Commission had a site visit on the property immediately adjacent. Asked if the activity they saw was on this property? Huiras – responded yes.
- D. Bob Hunger – 3869 36th Street SE – representing a number of residents in Rockford Oaks and area. Recently, there was a large attendance and objection from neighbors in the area to a pit proposed on the adjacent property. Part of the reason is the experiences from the existing pits. The disturbances that impact the neighbors include, the dust preventing children going outdoors, large tail-gate banging, jake brakes and increased truck traffic. The folding hauling signs along CR 32 were rarely deployed during hauling. Safety of the wells in the area. Rockford Oaks residents understand that this operator is not responsible for all these problems. At the Town Board meeting a three-year extension was approved. Operation was reviewed, hours of operation and the quality of the fill and it was suggested some tests of the material coming back in should be tested. They are not objecting to the completion; but the operator should address the concerns they are responsible for such as the dust control. The residents would like to see an independent testing of the material to make sure no contaminants are getting into the aquifer. (See written response on file.)
- E. Chad Kramer at 3176 37th St. SE - asked about plans for the part of the farm that is west of the buildings. Huiras – that has nothing to do with the mine and owned by the Taylors. Riley reviewed the entire property lines and the operations before the Commission tonight does not address that part. Kramer – explained they have been residents here for a year-and-half and would not want to have the mine in their direct view.
- F. Felger – asked that the boundaries of the 2009 mine be outlined. Riley – reviewed the original staging plans. He estimated only a couple are left. Huiras – they are now in stage 5 & 6. The State area 5 has a berm and there is not as much material in that area and will be

smaller than what they originally anticipated. Felger – questioned the two southern areas. Huiras – those are done and reclaimed. Operation started on the south end, moved north. Pointed out the area left to mine.

- G. Huiras – understands the concerns Hunger raised. They keep the water truck on site as well as a sweeper and sometimes sweep material off 4-6 times a day.
- H. Felger asked if Huiras was at the Township meeting and heard the resident's concerns? Huiras – he attended that meeting, however, no neighbor comments were heard at that meeting. Felger questioned the quality of the fill. Huiras – noted the State Hwy. 25 project and material removed is tested already by the State. Some material is coming back here to make the land farmland. Riley confirmed they are not filling in back to original and asked the percent that is coming back. Huiras – about 35%. Felger – asked if they feel it is tested adequately. Huiras – would be willing to have an independent person test, if necessary. The tests could include arsenic, nitrogen it all depends on what is spelled out. Felger – MN DOT would be testing materials from the road project. Huiras – yes, if anything is found the material would go to the Elk River Landfill. Mol – explained to the audience, the material coming off State projects is tested and if contaminated would go to a landfill. Huiras – explained they are not mining to a depth that is reaching an aquifer.
- I. Mol – asked about prohibiting jake brakes. Huiras – he does not want those either, sometimes it could be an independent driver. He would agree to a condition prohibiting it.
- J. J. Thompson – asked about the material and amount and what is the finished grade. Huiras – would not be completely replenished with fill, there are wetlands around the mining. They retained all the topsoil to be used for reclamation and would be returned to farmland. Felger asked if there is a representative on site residents can talk to if there are problems? Huiras – a neighbor has his number and calls on occasion. Also, their Company name and number is on the gate.
- K. Bravinder – the report from the Company indicates 20 trucks haul per hour. He would suggest it is important that signs are posted and no jake brakes are used. Huiras – the signs should be put up for hauling and he would agree a sign could be posted, no jake brakes. Mol -agreed these things help with the community relations.
- L. Felger – asked if they are satisfied with the bond amount. Kryzer and Riley – stated the amount goes back to the original and is adequate.
- M. Felger moved to extend the mining permit for 3 years, according to the plans on file and subject to the bond and previous conditions. D. Thompson seconded the motion.

DISCUSSION: Riley – the PC had discussed jake brakes and testing of soils coming back in. Testing is not a current standard. Discussion followed about the soil testing and jake brakes. Felger would be willing to amend his motion to restrict jake brakes and at D. Thompson's suggestion to have signage posted during truck hauling periods. He is comfortable the material coming off State projects is tested adequately.

Felger amended his motion that all drivers are informed through the gravel pit operator that no jake braking will be tolerated, proper signage be installed during hauling periods. D. Thompson amended his seconded to the motion.

DISCUSSION: Felger felt comfortable that material coming off a State job site would not be contaminated, not saying it would not be off other sites. It is late in the game on this site. Riley – questioned the tests, protocol and proper timing of tests. Soil testing by an independent party, type of tests, who would pay and the timing of when the testing is done was discussed. Huiras – opens up a can of worms, there are a lot of sites around the County. The consensus was if the Commission wants to consider the testing, they would need a workshop to discuss how they address it. Riley was directed to check to see if other areas have standards and a protocol established for mineral extraction where fill is brought back.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION:

Workshop was discussed. Mahlberg asked if Staff could do some preliminary investigation on this issue. There may be other agencies that have protocols.

Riley – his question is what they are checking for. Mol suggested Riley look into the issue and report back.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

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

