

WRIGHT COUNTY PLANNING COMMISSION
Meeting of: February 16, 2023
MINUTES - (Informational)

The Wright County Planning Commission met on February 16, 2023, 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 members present: Dan Mol, Pat Mahlberg, Ken Felger, Sandy Greninger, Jeanne Holland, Jan Thompson & Dan Bravinder. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON JANUARY 19, 2023 MINUTES

On a motion by Greninger, seconded the Bravinder, all voted to adopt the minutes for the January 19, 2023, meeting as printed.

PUBLIC HEARINGS:

1. **TATE KOENIG** – cont. 1/19

LOCATION: 4463 Agate Ave SE – Part of the S 1/2 of NE 1/4, Section 30, Township 119, Range 25, Wright County, Minnesota. (N. Fork Crow - Franklin Twp.) Tax #208-300-301402 Property Owner: Scott B Steinle

Petitions for a Conditional Use Permit to operate a seasonal storage facility as regulated in Section 155.003 (129a), 155.029, & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Scott Steinle, Tate Koenig, and Cody Essig

A. Rhineberger displayed the proposed site plan and reminded the Commission the item was heard at the January 19th meeting and continued for a site inspection. The request is to operate a seasonal storage building with the construction of 5 (five) 176 ft. x 68 ft. storage buildings, with plans for a 6th building of the same size in the future. The Commission did conduct a site visit and is aware of the property details from the previous meeting.

B. Koenig stated he had no additional comments.

C. Hearing was opened to the public.

- Dale Willard – concern with the possibility of a future 6th building and why it not being built right away. Regarding the runoff, there were drawings that showed a retention pond. He owns a wetland that was delineated and is familiar with the process. It was questioned who designed the retention pond and how they addressed the wetland and river. At the

last meeting there were comments regarding fencing that he doesn't feel was fully addressed and the concept was missed by the applicant. Another statement was regarding running to the storage facility each time to meet a customer, which will increase traffic on Agate Ave. He is not trying to fight the situation but has concerns. Questioned how the tax base would be affected and how will the property be taxed? At the last meeting he was seated next to a gentleman that has acreage in the county and mentioned maybe he could do the same thing as this. There was talk about a driveway and in the past Scott Steinle stated a driveway off of State Hwy 25, to the house, might not be able to be done due to a wetland. Mahlberg asked for an explanation as to why there is a concern of accessing Agate Ave., besides getting lost. Willard – he is wanting to keep the traffic down because the road is not maintained by the Township. Running to and from the facility would increase traffic. He moved to the area for the quaint and quiet, not for having a businessperson running back and forth. Mahlberg confirmed with Willard he is worried about the applicant running back and forth on Agate Ave.

- D. Mol questioned the applicant if there are any comments to address the questions that were asked and specifically concerns with traffic on Agate Ave. Are there any assurances that State Hwy 25 will be the access area? Koenig – willing to put up signs at the end of Agate that would indicate private road, or something along those lines. As far as his traffic to and from the house, he would primarily be using the property route that is established along the south line and not be using Agate Ave. A car would not go down that route but there is an existing ATV trail he would use. Mol – the pond is a retention pond, not creating a wetland. Essig – correct. It is intended to catch and filter runoff with Paul Otto, Otto Associates, being the designer of the drainage and retention ponds.
- E. Felger – in the narrative it was explained when a customer wishes to drop off or pickup, they are required to have an appointment. Koenig – correct. Felger – intention is to reside in the home and drive to the State Hwy 25 entrance. Koenig – correct. Would not need to use Agate Ave. to access the facility with the plan being to primarily travel the south property line where there is an existing ATV trail. Using the Beacon aerial photo, the details of the ATV trail were reviewed.
- F. Bravinder – after the site visit, in his mind, he rated what he feels the land would be best used for. He does not feel that the best use would be agriculture, as it is a former gravel pit with mostly sand and gravel. He would deem this as a rare and unique circumstance because it is not really farmable agricultural land, unless maybe for greenhouses. Confident in Otto Associates design, with the retention pond keeping the watershed in mind. Looking around the property there is Untiedt's which has a lot of roof space with all the greenhouses. He deems this property rare and unique because of the surroundings and that access off State Hwy 25 will have no impact to the neighbors.
- G. Thompson questioned if the applicant will be on the property all year long or will there be 3 (three) months in the summer and 3 (three) months in the winter when he is living there. Koenig – plan is to purchase this home as fulltime residence. Thompson – what is the plan

for being open for business, there was mention of open during the spring and winter? Koenig – for extended hours. Normal operation timeline is included in the business plan which is a day to day operation. Thompson – all year round? Koenig – yes.

- H. Mahlberg – is there any flexibility in all year-round statement? His struggle is not if this is rare and unique or the right area for this use, but in the Ordinance, it is stated “open to public on a limited seasonal basis in the spring and fall”. He is having a hard time trying to figure out how spring and fall works out to be 365. Essig – spring and fall will be the busy time, during the rest of the year it will be more of people not using an item much so providing the opportunity to take out an item. It is not going to be something where people come and go all year round. They don’t want to limit a person to only being allowed to drop off an RV on June 1st and can’t pickup again until September 1st. They want to provide an opportunity, by appointment, throughout the year. Mahlberg – understands the concept but he is trying to figure out how that works with the Ordinance. There will be two primary seasons, but they want to have the ability to allow people to come and go as they please, even if by appointment. He is not hearing the facility will be closed for a period of time.
- I. Rhineberger questioned the applicant on how they would control a person not calling on a weekly basis to get their item out and is there going to be a control for that. There is a concept that it won’t happen very often but what is the control to limit a weekly pickup and drop off. Essig stated it is possible with Koenig indicating he would be the control. Rhineberger – on the business plan it is still a possibility.
- J. Holland – at the last meeting it was mentioned one of the applicants works at a similar facility, so she asked if they find there is a lot of traffic in and out through the off months. Koenig – generally no, it is more defined by the seasons. With an early spring or late summer defining the timing. Handling 50 items in a day is not physically possible. In this business plan the maximum presented is 15 a day, during the busy time. The actual business use works out to be a single visit a day.
- K. Thompson questioned if there is an anticipation that people will want to work on vehicles and would there be plans in the future provide heated space. Koenig – heated storage was discussed for the future but not for people to work on items. It is not a service type facility. Thompson –people will not be allowed to work on items in the buildings? Essig – the point of allowing year-round pickup and drop off is so people can get their item to be serviced during the off season. Customers will not be allowed to maintain onsite, and it is not a service to be provided.
- L. Greninger – it was stated public will not be allowed in the buildings. Essig – correct.
- M. Mol – there was mention of screening and fencing. Staff drove around the property, back onto Agate Ave., and there is screening for the property owners back on Agate and the river area. He feels along CSAH 25 there could be some screening or dirt work to raise up the

existing berm. Koenig – idea is to also add cedar trees. Mol – screening is something this Commission has asked for in the past. Koenig questioned the height of screening. Mol – a seedling doesn't do much good. Essig – if raising the berm any of the growth currently there would be buried but does agree there are areas that could be brought up.

- N. Mahlberg – in the definition it is stated the use of an accessory building. Does this mean that anytime this type of application comes in there is a principal residence and there is not a possibility of allowing this type of use if there is not a home on the site? Rhineberger – correct. Mahlberg – regarding the definition he questioned what open to the public means. Is that free to come and go or hours available for customers to come onsite? Kryzer – interpretation is up to the Planning Commission. Open to the public, in the traditional sense, would mean when the public can go onsite. Any reasonable court would interpret open to the public being when people can go to the facility to pickup and drop off items.
- O. Holland – Franklin Township approved? Mol – correct. Is still struggling with the seasonal storage portion of the request as well as the agriculture. This is a reclaimed gravel pit that was mined and it not agriculture land in the sense of being tillable. His thought is that here is not a lot that can be done with a reclaimed gravel pit, which does make the property unique.
- P. Mahlberg – he likes the plan, and it is maybe helpful this is a reclaimed gravel pit, but the Ordinance does not say they should be looking at the former use of a property.
- Q. Bravinder – Commission is here to make decisions that vary from the hardline ordinances for rare and unique circumstances. He feels this is a good use of the property while hardly impacting the neighbors. His opinion is the impact on the road will be far less than the impact Untiedt's has. Feels there can be a motion made that will take care of the concerns related to screening, only customers on the property, front fencing with a gate to control customer visits and no work on vehicles on site. In looking at those items and knowing the applicant would be living on the property, he would be in favor of the request. Water runoff is also addressed. Mol – questioned if something regarding seasonal would be added. They are asking for appointments only, but a large portion of the Ordinance is related to seasonal. Adding in something like spring as April, May, and June and fall as September, October, and November. This would stay within the seasonal aspect of the Ordinance and give them 6 months of being open. Bravinder – he would like to see a way for an occasional person to visit during the off season. Not so they can come in and out weekly, that is not what seasonal storage is about, but to work on their vehicle. He would not feel comfortable having someone paying this much for storage and not be able to use the item during the only time they can because of when they can pull it in and out of storage.
- R. Greninger – agrees with member Bravinder. Likes that there will not be any outside storage. As seasonal goes she feels there should be some exceptions for examples that were mentioned. There needs to be an allotment for some unique situations in-between. Kryzer – from a Staff standpoint it is not possible to enforce if someone is there as a one-off visit to fix

an item. Staff can tell when someone visits to drop off a boat during a closed month, that can be enforced. It is impossible to enforce if it is a repair person or not. Essig – there will not be onsite work allowed. Koenig – insurance would have to allow for onsite repairs, that is not their intention. Rhineberger – repairs was an example. Staff can't determine what is an extraordinary circumstance so that type of condition is impossible to enforce. Greninger – it has to be measurable. Rhineberger – staff would know someone was in and out but would not know why. There is no criteria as to what extraordinary circumstance is and staff can't make visit to the site at 8 pm to ask questions. Greninger questioned if it is feasible to allow open 3 months in the spring and fall with the exception being in July and August allowing 6 open days. Rhineberger – not sure how that would be enforced. Essig questioned if that could be part of their contract with the customer. Mahlberg – feels that could be enforced. If there is a motion passed that defines spring and fall, on a limited seasonal basis as; January, February, March, April, May, June, July but not August and 6 times in September. That could be enforced when someone visited at the wrong time, it is an objective measure. That is different than only allowed to visit during extraordinary events. If used during those times that are not allowed the neighbors are going to call Planning & Zoning and the review process would start. Rhineberger – it is enforceable but also much harder to enforce. Now there needs to be a count related to the number limit and staff just isn't available for this. There are CUPS with events that have a number limit condition and staff only knows they exceed the limit if it is greatly exceeded. Mahlberg – all sorts of CUPS have conditions related to the number of people allowed and there is zero way to enforce beyond a complaint and review. He feels if there is an object number some of the concern could be alleviated. Kryzer – speaking from an enforcement perspective if limited to a specific number there is now way he would be able to enforce this in a criminal courtroom. He could get a call and by the time the deputy arrives the boat or RV will be gone. Mahlberg – motion can include they must keep record of the ins and outs. Kryzer – that would require asking for private data and that process does not tend to go well. Mahlberg – feels they are not going to get to a spot to set up where there will be perfect enforcement.

- S. Holland questioned what are the rules that are in place for farms with existing buildings that allow storage. She has a farm near here that stores boats during the winter months and people can come and go all year round. Rhineberger – if they exist and they do not have a Seasonal Storage CUP they would be considered illegal. They would be noticed with a letter that states a CUP is required to continue operating. Holland – those that have them on their farms, what is the process? Mahlberg – that is what this statute was written to address. Intention is for those people that have great uses of their unused farm buildings. This was the product that applies to seasonal storage on farms, like the one described. Holland – do they have rules on when people can come in and out and if they can come in the summer? Mahlberg – if they have come to the Commission to get a permit, he doubts they have said anything about hours during the summer, because the Ordinance doesn't say they should be going in during the summer. Rhineberger – the reason for the Seasonal Storage Ordinance was because there were complaints regarding old farmsteads that were storing boats and spilling to outside storage. Before this Ordinance seasonal storage was not allowed at all, so they were required to completely stop. This new Seasonal Storage Ordinance was adopted in 2018 and in

reading through the Ordinance he feels the definition is fairly vague and difficult to work with. Currently staff is stuck at the time of application to try and interpret what the Commission might think seasonal storage looks like. The questions are coming up because of the vague definition of “open to the public in the spring and fall” with no definitive criteria as to what that means.

- T. Felger stated he was part of the discussions during the workshops. He recalls the intent and scope of the proposed Ordinance was for situations where a retired farmer was able to use their buildings. It was explained that everyone was already doing this. In his neighborhood he is aware of a few farmers that no longer farm and were doing seasonal storage, and this is where the intent and genesis of the Ordinance came from. If they came in for a CUP, they could legally operate and use the homestead buildings. The discussion, at the time, was for an accessory building, machine shed or a pole barn that existed on the homestead. He feels this petition goes well beyond the scope and intent of the Ordinance and the discussion had during the workshop. He feels this request almost approaches a commercial enterprise in AG zoning and maybe rezoning might be in order. Believes the Ordinance is lacking something, but it currently reads spring and fall with storage in accessory buildings. The Commission does have some discretion, but he feels the intent and scope of this particular petition goes well beyond what was discussed during the workshop.
- U. Thompson – agrees with member Felger regarding the accessory use. Many times, they have visited sites where farmers were converting machine sheds to a storage facility. Agrees, this current Ordinance doesn't really address this proposal.
- V. Bravinder questioned if the current Ordinance allows an accessory structure to be added. Rhineberger – states an accessory building, does not define as new or existing. In the past one was approved with 2 new buildings; one was approved related to an existing marine business and another approved with all existing buildings. The definition is not specific to must be an existing building. In some respects, a new building is ideal because the requirement of bringing a machine shed or barn up to commercial building code can be costly. Nothing prohibits adding or building a new building to accommodate the use.
- W. Mol questioned if they wanted to build for agriculture use, they would not have to come before the Commission. Land is large enough, zoned properly and they could build 6 pole sheds to store tractors and personal four wheelers. Rhineberger – limited to 15% of the property as building coverage. As long as only used for agriculture or personal storage use, they could obtain a permit.
- X. Greninger – the business plan states spring as April and May and September and October as the fall. If held to that standard, would they move forward with the project? Essig – no. Bravinder questioned if during the off season being allowed to be open 2 hours per day would work with their business plan. Koenig – would need to calculate if he could physically handle that but it could be a conversation. Bravinder – will be limited to how many people

can come during those 2 hours. Essig – if only open 2 hours it isn't what needs to be accomplished during that time it is more of accommodating their schedule and the customers schedule. Koenig – would be worried a customer shows up an hour late and then being out of the allowed timeframe. A broader window might be a conversation.

Y. Mahlberg – addressed member Bravinder and asked if the point was to be limited to specific 2 hours a day or not limited to more than 2 hours in a day. Understands the applicants concern that a 2 hour window could be missed but does not understand not being able to do the work in 2 hours during the off season. Essig – 2 hour period a day is doable but trying to say what those hours are specifically would be tough. Rhineberger – this is the limitation on the public. The applicants work at the site wouldn't be limited; it is just the open and accessible to the public part of the definition that is limiting. Mahlberg – the Commission could limit to 3 months in the spring, 3 months in the fall and during the other times they can meet customers at the Rockford Townhall. This would get around the language of the Ordinance. In the meantime, they could discuss with their Commissioners about an Ordinance that doesn't state spring and fall.

Z. Mol questioned what direction the Commission wanted to go.

AA. Holland asked counsel if conditioning 'by appointment only in the off season' is still too vague. Kryzer – it would be difficult to enforce if there was an appointment or not. The evidence received is from a neighbor or someone traveling down the road saying there was a boat there in July and they know they can't have one in July. Staff would then need to determine if there was an appointment.

BB. Thompson questioned if the Ordinance should be addressed and possibly changed to make it easier to enforce, instead of trying to reach a consensus. Kryzer – the Planning Commission has the authority to initiate ordinance revisions. If the PC would like staff to go in that direction, they make that request. Thompson – feels if there is a proposal that doesn't fully fit the existing ordinance, and there is a feeling it could happen, the Commission should not pass a request that kind of fits. When it comes to enforcement it is the PC's responsibility to not make staffs business and duties more stressful. An ordinance is written for a specific purpose and outcome and if there isn't an ordinance that addresses this specific request and outcome it is not right to pass because it kind of fits. She would argue that the Commission could go ahead and ask staff to come up with an ordinance that would address this new problem that has occurred. Personally, feels uncomfortable passing anything that does not fit with the ordinance. It might be the best use of the property but if the ordinance hinders enforcement, it would be a waste of time.

CC. Mahlberg stated he was also part of the workshop and discussion of the Ordinance. There is no disagreement as to why the Ordinance was needed and the intent. There is an ordinance with plain language stating seasonal storage in the spring and fall, on a limited basis. The

decision for the Commission is not if it meets the intent of the Ordinance but does it meet the CUP standards. He feels that if limited enough on when available to public it would be an acceptable request. Spring and fall seems pretty clear, but it could be interrupted differently by others. Feels there is potential to expand beyond 3 hard months and still meet the CUP standards. The question is if this applicant is doing what was discussed in the workshop or are they meeting the current standards.

DD. Felger questioned the applicant on their timeline. Koenig – purchase of the property is contingent on approval. Felger – can see this being a unique property, with the greenhouses down the road and horse stables across the street the area has a commercial look. He would like to see this work but as the Ordinance currently reads, he doesn't feel he could support. Agrees that a decent motion covering aspects of the request that were discussed, or, relooking at the Ordinance in quick order to see if there is something that should be incorporated to strengthen the Ordinance.

EE. Essig – understands there is gray areas regarding the seasons. Nothing is preventing someone from buying the property and putting up buildings to start an excavating business that is open 12 months of the year. That is different from this request but is there anything stopping that type of situation or directly stating it cannot be done? Rhineberger – approval from the PC is required. Mol – when an excavation yard request comes in the Commission looks very hard at the situation and many times addresses the number of employees and cars coming and going daily. Most times the response is 2-3 cars a day, not 30-40. A contractor's yard compared to a storage facility, that is supposed to be seasonal, are not the same. Essig – feels their operation would have less of an impact on the surrounding area and neighbors. Rhineberger – in the end it comes down to the definition in the Ordinance. This request is different because the definition and what is being proposed are not exactly aligned. There is interpretation as to what spring and fall mean that the Commission needs to decide. If there were definitive dates in the Seasonal Storage definition, the proposed business plan would not be heard by the Commission as the application would have been denied. In this case what does seasonal mean? The Commission is the one that will define what they feel seasonal means. If the Commission is looking for something to vote on then one of the options could be to close the public hearing portion of the meeting, continue to the next meeting and direct staff to draft a motion based on discussion. Because of the amount that has been discussed it could be difficult to draft a motion during this meeting.

FF. Bravinder – interpretation of spring is March, April, May, and June with fall being September, October, and November. Questioned the applicant if that would work for their business plan. Essig – that would not work. The customer doesn't want to have their boat or RV being worked on during the limited time they are able to use it and would want the ability to have it worked on during the off season.

GG. Mol – addressed the applicant and stated that they need to really hear what is being said and be opened minded to what the business plan can look like if they want something to work. The Commission is talking about the seasonal portion of the request and if that is a no for them then they are helping the Commission make the decision. Essig – not closed on the thought.

HH. Mahlberg questioned the applicant as to what they feel is enough. If the Commission is trying to craft a motion that respects the generic nouns of spring and fall, what would that look like. Some members are trying to give the maximum definition they can but if that isn't enough than what is. Essig asked if there is a time during the summer, they could have a 3-week period people are allowed to come and go. Mahlberg is asking them to tell the Commission what would work with the definitions of spring and fall. If they are saying they need spring, fall, and as needed during the summer and winter than that is a different conversation.

II. Mol questioned the Commission where they stand and asked if they want to make a motion asking staff to draw up motion for the next meeting. Should it be drawn up for approval or denial? Staff needs direction.

JJ. Bravinder motioned to direct staff to draft a motion with conditions that are based on discussions had by the Commission, close the public hearing, and continue the item to the March 16, 2023, meeting. The Seconded by Greninger.

DISUSSION: Mol questioned if timeline is acceptable with requirements. Kryzer – confirmed.

VOTE: CARRIED UNANIMOUSLY

2. **CHARLES WEBB** – cont. 1/19

LOCATION: 6769 & 6747 Pilger Ave NW - Part of Government Lt 3 plus Part of Lot 1, Alvah Bull Addition Number 1 and Government Lot 4 of Section 18, Township 121, Range 25 of Wright County, MN (W. Sylvia - Southside Twp.) Tax # 217-000-331207, 217-000-332402 & 217-011-000012 Property Owner: Duane D. Sparks & Mary D. Sparks.

Petitions for a Conditional Use Permit to rezone a northern 50-foot strip of the property from R-1 Urban/Rural Transition to R-2 Suburban Residential as regulated in 155.028, 155.049 & 155.050 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: No representative present

- A. Rhineberger summarized the action at the first meeting was to continue the item to the February 16th meeting to allow time for Southside Township to provide a response. Understanding was that if the Township approved of the request the Commission would move forward with an approval of the rezoning of the north 50 ft. of tax parcel 217-000-332042 from R-1 Urban/Rural Transition and S2 Shoreland to R-2 Suburban Residential and S2 Shoreland. Southside Township has approved the request.
- B. Mol asked the Commission for questions or comments, hearing none opened the hearing for public comment. No one came forward to speak on the matter.
- C. Felger moved to recommend approval of the rezoning for the north 50 ft. of tax parcel 217-000-332402 from R1-Urban/Rural Transition and S2-Shoreland to R2-Suburban Residential and S2-Shoreland to the Wright County Board of Commissioners. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

3. **CHARLES WEBB** – cont. 1/19

LOCATION: 6769 & 6747 Pilger Ave NW - Part of Government Lt 3 plus Part of Lot 1, Alvah Bull Addition Number 1 and Government Lot 4 of Section 18, Township 121, Range 25 of Wright County, MN (W. Sylvia - Southside Twp.) Tax # 217-000-331207, 217-000-332402 & 217-011-000012 Property Owner: Duane D. Sparks & Mary D. Sparks.

Petitions for a Conditional Use Permit to amend an existing Conditional Use Permit for an unplatted subdivision approved in 1980 by adding an additional 50 ft. to a lot as regulated in 155.029, 155.050 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: No representative present

- A. Rhineberger reviewed that this request is the second part of the applicant's two-part request. The first part of the request was the rezoning of the northern 50-foot strip of PID 217-000-332402 from R-1 Urban/Rural Transition to R-2 Suburban Residential. The second part of the request is to amend the previously approved 1980, 2-lot, unplatted subdivision by adding the proposed 50 feet rezone as a new lot to the unplatted subdivision. Southside Township has approved the request. With the timing of the request going before the County Board for review and the requirement of this amendment, staff provided a few key timing conditions for the Commission to consider.
- B. Mol asked the Commission for questions or comments, hearing none opened the hearing for public comment. No one came forward to speak on the matter.
- C. Felger moved to approve an amendment to the 1980 2-lot unplatted R2 subdivision by adding the north 50 ft. of tax parcel 217-000-332402 to tax parcel 217-000-331207, with the following conditions: 1) Approval of the rezoning of the north 50 ft. of parcel 217-000-332402 is approved by the County Board of Commissioners. 2) An administrative order, prepared by the Planning and Zoning Office, be signed by the property owners stating parcel 217-000-331207 and the north 50 ft. of parcel -332402 must remain owned in common and are considered one property for zoning purposes. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

4. **KYLE ASHWILL** – New

LOCATION: 15405 US Highway 12 SW – Pheasant Addition Lot 7, Block 1 of Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-023-001070
Property Owners: APP Properties LLC.

Petitions for a Conditional Use Permit to operate a contractor's yard on a newly created parcel in the I-1 General Industry zoning district as regulated in Section 155.029, 155.055 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Applicant not present

A. Rhineberger expected the applicant or representative to be in attendance.

Mol held the matter over until the end of the agenda to see if anyone would show.

5. **TYLER HACKMAN** – New

LOCATION: 4915 Reardon Ave SW – East 659.13 ft. Of South 676.13 ft. of SE ¼ of SE ¼ except Parcel 8 on MN DOT R/W PLAT NO 86-19 of Section 30, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-304402 Property Owners: Syngenta Seeds Inc.

Petitions for a Conditional Use Permit to amend an existing CUP to allow for a 725 square foot office addition to an existing seed manufacturing facility as regulated in Section 155.029, & 155.055, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Eric Snoke, Syngenta Seeds Inc. plant manager

- A. Rhineberger displayed the site plan, building plans and photos of the property while reviewing the details of the request. The property is located in Cokato Township on 9.41 acres. The site includes existing offices, warehousing and includes the manufacturing and storage of products. In 1979, the property was rezoned to General Industry (I-1) and a conditional use permit was granted for the allowance of an industrial building. The request is to amend the current CUP to allow for a 725 sq. ft. addition for office space. No changes to the operation, hours, or uses are proposed. Cokato Township has approved of the request.
- B. Eric Snoke did not have any more to add with comment opened to the public.
- Ralph Nystrom – property borders Syngenta Seeds. Concern is the runoff from Syngenta has greatly affected his property. The amount of run off has made it so he is not able to raise corn. Feels that something needs to happen to control water and runoff.
- C. Mol questioned E. Snoke if he had any suggestions on how to manage the water. Snoke – he has been site manager for 9 years and was not aware of a problem. He will have to talk with his Engineering group. Mahlberg – the comment from the Soil and Water Conservation District (SWCD) is that in 2015 Mr. Nystrom brought up the concern and staff from Syngenta didn't want to participate in a solution. Snoke – that could have been the previous site manager as he is not aware of the interaction. Bravinder – at the Township meeting they were not privy to the note from SWCD. Snoke – the property does sit higher than the neighboring land and water does flow to the west. He will have to have a discussion with the company's engineers, with a possibility of directing water into the Highway 12 ditch.
- D. Thompson – no objection to addressing water runoff concerns? Snoke – correct. The presented addition would be an area already hard surface. With the Beacon aerial photo as well as the building photo displayed, the location of the addition was reviewed.
- E. Bravinder – 725 sq. ft. addition would not have any additional impact on current water runoff. The 2015 concern from SWCD not being addressed by Syngenta is very bothersome.

F. Felger questioned impervious and building coverage. Rhineberger – in the I-1 district there is no impervious limit but a 50% building coverage limit. They are nowhere near that limit.

G. Mahlberg moved to approve an amendment to the existing conditional use permit to allow for a 725-square-foot office addition in accordance with the plans on file, with the following conditions: building permits be obtained, and proper inspections conducted prior to occupancy. Seconded by Holland.

DISCUSSION: Thompson believes based on the comment from SWCD there should be consideration to amending the motion and include a condition requiring a stormwater management plan to address the water runoff.

H. Thompson moved to amend the proposed motion with the added condition that a stormwater management plan, covering the entire site, be submitted at the time of building permit application. Amendment seconded by Felger.

DISCUSSION: Mahlberg questioned counsel if the Commission can require a condition that addresses a concern not related to the request. Kryzer – Supreme Court allows for conditions that are reasonably related to the request. Thompson stated the amendment is reasonably related to the request. Mol – the Supreme Court left the definition wide open. Mahlberg does not feel a water management plan is reasonably related to this request.

I. Mol called for a vote on the stormwater management amendment to the proposed motion.

VOTE: Felger, Holland & Thompson NAY: Bravinder, Greninger, Mol and Mahlberg.
MOTION FAILED

J. Mol asked if there was additional discussion regarding the original motion.

DISCUSSION: Mahlberg does not feel a water management plan is reasonably related to this request. What needs to happen is Mr. Snoke and Syngenta Seeds needs to do better in 2023. Appears the problem was already fixed and adding a condition now would be too late. Mol – the request is not adding any additional hard surface to the property, and it is not reasonable to ask for an entire stormwater management plan for a 725 sq. ft. addition. It is very concerning to hear that Syngenta was not cooperative at the time a concern was brought up and the hope is Mr. Snoke will look into addressing run off concerns. Snoke – agreed. Rhineberger – the building plan does show a drain tile. If a condition is placed directly proportional to the 725 sq. ft. addition it might be reasonable to indicate where that water should be directed.

K. Mol called for a vote on the original motion.

VOTE: Bravinder, Greninger, Mol, Felger and Mahlberg. NAY: Holland & Thompson.

MOTION CARRIED

6. **TERI DICKINSON** – New

LOCATION: XXXX County Road 8 SW – Part of the North 1/2 of the Southeast 1/4 of Section 6, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-064102 Property Owners: LeRoy Jelen and Susan Jelen

Petitions to rezone approximately 70.27 acres from AG General Agriculture to A/R Agricultural-Residential as regulated in Section 155.028, 155.047 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Teri Dickinson & Jim Dickinson

- A. Rhineberger displayed several photos of the property while reviewing the request the details. The property is a 70.27-acre site located along County Highway 8 SW in Marysville Township. The property is currently zoned General Agriculture (AG) and is designated in the Land Use Plan to remain AG. There have been 2 entitlement divisions, the 10 acres of the original farmstead and another 2.5 acres in the southeast corner. The request before the Commission is to rezone this property to A/R Agricultural-Residential with no subdivision proposal at this time. The proposal shows a single homesite on the currently restricted parcel. The Township did recommend denial of the rezoning, noting all building entitlements have been used, the Land Use Plan has the property to remain AG, and this would be against the Plan. The Wright County Soil and Water Conservation District (SWCD) commented that Judicial Ditch 1 traverses the property and discussion with the County Drainage Coordinator would be needed prior to driveway construction on the property. Comments were received from nine (9) residents, all requesting denial of the proposed rezoning. An additional comment was received, after the Staff report was printed, from a Marysville Township property owner that indicated they recommend approval of the rezoning.
- B. T. Dickinson – appreciates Marysville Townships concern of protecting the farmland and agrees with protecting farmland and food sources. A small number of people are purchasing large tracts of farmland. It is vital that our food source is protected but disagrees that large commercial farmers are better than small family farms. The Land Use Plan does state there will be situations that need to be evaluated on a parcel by parcel basis. Over 3 days she went door to door speaking with neighbors with a written request to build a single home. Of the 8 (eight) that supported, 3 (three) did sign a statement but after reading the letters she decided to not turn in the names in order to maintain a good relationship with neighbors. Her husband has studied the Land Use Plan and he will be able to articulate how building a home will meet the principals of the Land Use Plan.
- C. J. Dickinson – understands this is a restricted parcel. They are following a prescribed process that is allowed within zoning code to remove a deed restriction. The criteria in 155.048 (G)(4)(a), does provide that a restriction can be removed if the property is rezoned. The Land Use Plan does address opportunities to make a change in zoning and is not meant to be totally inflexible. The Land Use Plan indicates there is appropriate zoning, on page 73,

appropriate zoning may include General Agriculture (AG), Agricultural-Residential (A/R) or Suburban Residential (R-2a). They are not looking for R2a but A/R. The Land Use Plan also indicates rezoning from AG to A/R will be considered on a case-by-case basis; based on a set of guidelines. Since adoption of the current Land Use Plan, on February 8, 2011, certain conditions beyond the control of the applicant created unique circumstances and is the reason behind the request before the Commission. The property is unique and will limit long term agriculture uses for portions of the property. The property contains substantial areas not suitable for agriculture use due to steep slopes. The area selected for the residence is flat and currently pasture and is non-tillable land. They recognize the property is near the North Fork Crow River and the Land Use Plan states to be sensitive to the natural resources, they intend to stay out of those areas. The property is incumbered by Judicial Ditch 1 that meanders through the property on the northeast corner as well as the southwest corner. The property is in close proximity to the Wright County Tactical Training Center. That public property has received significant development since the Land Use adoption. Historical aerial photos show that significant farmland, on that property, was taken away and replaced with a significant structure and a Highway bone yard. The property has access to County Road 8 with no proposal of new County Road or Township infrastructure. The current code does require 300 ft. of road frontage. The Staff report shows a request is to rezone the entire property and that is because the 300 ft. of frontage is needed. If there was a way to split the property and not rezone the entire property to A/R, they would do so. Long-term, the applicant is committed to preserving the property to continue farming and maintain the current lot of record, in its entirety, to qualify for the preservation status. The applicant is committed to limit the prime farmland impacts and maintain overall tillable farmland. The applicant is committed to preserving the natural resources of the property. Making use of any aggregate resources in this area is not practical due to the steep slopes. The applicant is committed to preserving the existing natural environment with the resident placement adapted to suit the natural landscape. Hope is the septic system will take advantage of the natural gravity and avoid a mound system. Understand the animal unit limitations with A/R zoning, feel that may be a good thing with proximity to the North Fork Crow River, steep slopes and maintaining water quality in the ditch. The new A/R zoning would limit the potential intense impacts allowed in the AG district, such as land reclamation, livestock feedlot, solar energy farm and treatment facility. The applicant acknowledges the Wright County Tactical Training Center and feels that can be properly buffered. Further development would be a process controlled by the Township and County via a platted conditional use permit. Further development beyond a single development is not practical due to the unique features of the property. Road frontage allows for a single lot without adding a township road which would obliterate prime farmland as County Road 8 is the only way to access the property. The applicant does identify with a single residence and that there will be a significant cost related to a driveway and utilities. When presented to the Township he does not feel they were allowed to present the merits of the property. They got a 'no this would set a precedence, go buy an entitlement'. They are here tonight with a more transparent process, and he tried to acquire an entitlement. It is stated "spot zoning" and scattered subdivisions will not be allowed in the AG district. They are not proposing a subdivision. By definition a subdivision is two or more, they plan to keep as a single parcel. Looking for the 70-acre parcel to be zoned A/R but will continue to be

agriculture. There is a loss of opportunity, relative to conditional uses, when rezoned to A/R. Rural Residential zoning is less than a ½ mile from this property, both to the north and south. The Wright County Tactical Training Center and Highway bone yard were farmed prior to 2019. He would challenge the “spot zoning” by the definitions in the zoning code.

D. Mol opened public comment with a statement that comment is limited to 3 minutes.

- Andrew Hirsch – Marysville Township Vice-Chair – at the meeting it was stated by the applicant that this is a unique situation, the property won’t change hands and will stay in family for years. When the original property was purchased, there was an entitlement to build a dream home but what occurred is in 2022 the 10 acres, with a home, was split and sold. That transaction took care of the entitlement. Instead of selling for a profit they could have torn down the existing home and built their dream home. They are now coming back presenting this as unique situation and it was not purchased with an entitlement. They had the opportunity to build their dream home in a pasture by the Ditch.
- Randy Bednar – 751 County Road 8 – a petition was provided to the Commission where the landowners around the property signed indicating they do not want this to go through. Marysville Township already turned down the request. There were 2 entitlements on this property, with the 1st one sold before the applicant purchased the property and the applicant sold the 2nd entitlement. The choice was made to profit by selling and now coming back asking for special privileges. Questioned hearing that a road will be installed and are there required specifications. Mol – proposed would be a driveway that is up to the homeowner to build. Bednar – heard there were questions asked regarding a 7 ton road. Mol – that question can not be addressed at this time.
- Randy Withers – owns the 10 acres that was divided. At the time it was purchased they asked if it was possible to buy additional surrounding land and they were told the property was purchased for the purpose of flipping. Now they want to add a home, it doesn’t make sense why someone would need 70 acres for a single residence. Feels there are other issues at stake, and he cannot support the idea of converting 70 acres to allow for a single home, 5-10 acres would be more reasonable.
- Greg Butenhoff – family has owned the property west of the request since 1954. When he reviews the request, he sees a large field cut in half by a driveway, that doesn’t make sense. Years ago, his dad owned Deer Lake Orchard. A gentlemen came in saying he wanted to put in a house and rezone from AG to A/R, when

that permission was granted, he came back 6 months later saying he would be putting in a cul-de-sac. When the zoning is changed things can happen and anything is possible.

- Donald Streich – lived north of this parcel all his life. When the 10 acres was sold off, he could see there would be problems. Does not like the situation of having an extra home built when it is not supposed to be built. Two houses are supposed to be allowed on 80 acres. Would ask the Commission to not allow this request to go through.

E. J. Dickinson – a 7 ton road was not discussed. Yes, the driveway will meander along the north line, outside of the ditch buffer. There is a culvert within the ditch that is damaged and needs repair. Understands the sentiment of the neighborhood but they are looking for a location to build a single home. Comments regarding flipping, as he indicated there are items outside of the applicant's control. His wife is in the process of acquiring the parcel and was not part of the flipping conversation. Overtime there are mistakes that happen and there is a parcel to the west that is landlocked plus there are some other issues that have occurred in this area. There are areas around the northern portion of the property and the ditch that are wetlands, so there is a limited ability to develop the property to the north. Kryzer questioned where the culvert that needs repair is located. J. Dickinson – in the ditch, he has started a conversation with the drainage authority and SWCD regarding permits and a plan. Kryzer reiterated the County will be the one addressing the culvert and ditch issues.

F. T. Dickinson – the first time she heard of flipping the property was at the Township meeting. She asked her father if he purchased the land to flip and he stated he purchased the house site unseen. He was not able to do the steps in the home, so he needed to sell the home and at that time she was not able to purchase the property. She simply wants a single home. They have not discussed a 7-ton road and only have intentions for a driveway. If the Commission would allow 10-15 acres to build, in the back wood area, they would be okay with that.

G. Bravinder moved to continue the hearing to March 16, 2023, for a site inspection. Greninger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Mol called for a break and reconvened at 9:50 p.m.

7. **KAYLA BARTHEL**– New

LOCATION: 14555 County Road 37 NW - Approx. 1.5 acres being described as Part of SE ¼ of SW ¼ , Section 15, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-153410 Property Owners: Db Properties MN LLC

Petitions for a conditional use permit for a specific use for an off-sale liquor store in the west unit of an existing commercial building in the B-2 General Business zoning district, as regulated in Section 155.27, 155.029, 155.054(B) Chapter 155, Title XV, Land Usage & Zoning of Wright County Code of Ordinances.

Present: Kayla Barthel

- A. Rhineberger displayed the site plan while reviewing the property details and request. The property is a 1.5-acre site located on the southwest corner intersection of County Roads 3 and 37, rezoned from B-1 Highway Business to B-2 General Business in April of 2022 and is designated in the Land Use Plan as Commercial. A commercial building permit was approved for a building that includes three separate commercial uses, with a conditional use permit for a contracting business and subsequent storage that was approved by the Planning Commission in June of 2022. Those two uses will take up two sections of the commercial building with this request to allow an off-sale liquor store in the third and final unit. French Lake Township approved the request for an off-sale liquor store.
- B. No additional comments from Barthel or the public.
- C. Bravinder – concern with parking and water management. Rhineberger – the applicant did get approval from the Board of Adjustment for the location of the building, as a variance was needed for the distance from both County roads. Part of that approval was a condition requiring a stormwater management plan to be submitted with the building permit application. The site plan displayed includes parking as well as the stormwater management plan and was reviewed by Rhineberger. Barthel commented that Paul Otto, with Otto Associates, completed the site plan as well as the stormwater management plan.
- D. Mahlberg moved to approve a conditional use permit for an off-sale liquor store in the designated west unit of an existing commercial building, with the following conditions: 1) Signage is in accordance with the Wright County Sign Regulations; 2) Lighting must be such that it is not directly pointed toward neighboring residential structures; 3) Conditions noted in variance remain in full effect; 4) A fence meeting the requirements list in Wright County Ordinance 155.081(D)(4) is built along residential district property lines to the south prior to the business opening; and 5) All federal, state, and county permits, licenses, and requirements are approved and met prior to the business opening. Seconded by Bravinder.

DISCUSSION: Rhineberger – in the ordinance there is a statement regarding the requirement of fencing along a residential boundary. Barthel – there is a fence shown on the site plan. Felger questioned if there are specific height requirements. Rhineberger – intent is to keep headlights from neighbors.

VOTE: CARRIED UNANIMOUSLY

8. **MELISSA BEAUDRY** – New

LOCATION: 9859 Clementa Ave NW – part of the East 1/2 of the Northeast 1/4 of Section 15, Township 121, Range 26, Wright County, (Silver Creek Twp.) Tax #216-000-151400 Property Owner: BGL Property Holdings LLC

Petitions for a Conditional Use Permit for Commercial Ag Tourism to operate a wedding venue on the existing horse farm as regulated in Section 155.003(25), 155.029, 155.047(D) & 155.109 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Melissa Beaudry

- H. Rhineberger displayed the site plan as he reviewed the property and request details. The property is 71.2-acres known by some as the old Plaza Rina and Arrowhead Arena property located along Clementa Ave NW in Silver Creek Township. The property is zoned General Agriculture (AG) and is designated as Agriculture in the Land Use Plan. The request before the Commission is to allow a Commercial Agriculture Tourism for an outdoor wedding venue. Silver Creek Township has recommended approval of this use as an Interim Use Permit (IUP) to cease at time of property transfer, as well as with conditions that the use stay within the parameters presented, limited to up to 12 weddings per calendar year, and township review in 1 year.
- I. Kryzer questioned if the applicant was comfortable with the IUP. Beaudry agreed to the IUP and likes the idea of a yearly review as her business could evolve over time. Rhineberger – explained a IUP has specific language that would trigger the expiration of the permit and require the new owner to go through the permit process. In this case it would be if the property were to change hands. The Township is asking for a yearly review just to make sure conditions are being followed and concerns can be addressed.
- J. Holland asked if with an IUP there is a way to address situations that might be out of control. Rhineberger – that could be addressed as a violation. The IUP is more of a specific time or triggering event that would cause the permit to terminate.
- K. Beaudry – would there be a yearly cost to renew the IUP? Kryzer – in this situation the IUP would expire when the property transfers hands. Beaudry – the property is beautiful and feels weddings would be a great addition to what is already occurring at the site.
- L. No public comment.
- M. Felger moved to continue the hearing to March 16, 2023, for a site inspection. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **KNIFE RIVER CORP. – NORTH CENTRAL** – New

LOCATION: 4301 County Road 39 NW – S ½ of NW ¼ of SE ¼ and S ½ of NE ¼ of SE ¼ and S ½ of SE ¼ and N ½ of NW ¼ of SE ¼, except tract described in Book 321 of Deeds, page 439, at the Office of the Wright County Recorder; all Section 8, Township 121, Range 26, Wright County, (Silver Creek Twp.) Tax #216-000-084300 Property Owner: Naaktgeboren

Petitions renew and amend a CUP to allow the operation of an asphalt plant, truck hauling and storage/stockpiling of recycled materials for the 2023-2025 season. Request extended hours to allow for 6:30am start time for generator warmup and hours of plant and mining operations to be Monday-Saturday 7am to 7pm as regulated in Section 155.029, 155.048(D) & 155.100 of the Wright County Code of Ordinances.

Present: Holly Runnoe, Knife River Corp.

- A. Rhineberger displayed the site plan and reviewed the request. The property is in Silver Creek Township and known by many as the Naaktgeboren site. The request is for the renewal and amendment to allow the operation of an asphalt plant, truck hauling and storage/stockpiling of recycled materials for the 2023-2025 season. Traditionally, there have been 1 year permit reviews, this is a request for a 3-year renewal. A list of all permits issued to this particular pit are included in the Staff packet. At one point a 2-year permit was issued. The Township has recommended approval for the 2023-2025 seasons, with review/renewal prior to the 2026 season.
- B. No additional comments from Runnoe or the public.
- C. Mahlberg – last year there was a neighbor that had concerns, how did the last year go? Runnoe – spoke with gentleman. The concern pertains more to the mining portion and the area near him is no longer being mined and has been reclaimed. Mahlberg – would image if there was an issue he would be at this meeting, and he is not nor are there other neighbors. Runnoe – she did not recall receiving any complaints and the Township meeting went well. The reason for a longer permit is so that they do not need to come back each year. Rhineberger – there were 2 complaints in the 2022 season, both included odor with one also including early start-up and that was addressed. Mahlberg – a few years ago there were complaints of asphalt building up on decks and a list of issues. Rhineberger – a stockpile was fairly tall, and the wind would blow around the dust. Runnoe acknowledged there was an issue that was addressed with the landowner and there have not been complaints since.
- D. Mol – nothing has changed with the limited number of Saturdays. Rhineberger – last year 5 Saturdays were allowed. The potential motion does include 3 specific Saturdays listed, that are near a holiday. The potential language was taken verbatim from last years order and adjusted to meet this year’s request and dates.
- E. Thompson questioned why being asked for 3 years versus a year. Kryzer – that is what the applicant requested. The Commission can approve a year, two years or the three as requested.

It should be noted that the dates listed on the potential motion are only applicable to the 2023 season. If the Commission allows more than a single year there will be a new holiday, Juneteenth, that will start in 2024. Thompson – likes the idea of a single year, there is a lot that can change in a year within the gravel business and concerns do arise.

- F. Greninger – does not feel there have been a lot of complaints with Knife River and agrees with allowing a 3-year renewal. Thompson – 3 years is a long time to issue a CUP when there is so much potential for dissatisfaction from the general public and giving them the opportunity to address the Commission.
- G. Runnoe addressed counsel and questioned being a CUP and coming back yearly. Kryzer – the Commission can place conditions on a CUP as they choose. One of those conditions can be related to the operation of a specific season. Clarification of IUP versus CUP was provided.
- H. Thompson moved to approve a Conditional Use Permit for the temporary placement of a bituminous plant for the 2023-2024 construction season. Seconded by Felger.

DISCUSSION: Felger questioned the current duration of the CUP in place. Mol – currently a single year for the bituminous plant. Runnoe – ending December 31st of the year would be nice. Holland – how many years has the Commission been going through this process? Rhineberger pointed to the staff report document that reviews past requests. Thompson – since on the Planning Commission, this is the first year they have not seen any public at a meeting with complaints, which is a good sign but at the same time gravel permits do sometimes create additional problems. If the company has no objection, she cannot see why they would change the renewal period. Mol – the Township has been heavily involved with this plant and 10 years ago the meeting room would have been filled with residents. In this particular pit they have continued to work with neighbors and address concerns. In the past the Township has asked for a year review, but indicated they are okay with a 3-year renewal. Personally, he would be okay with a 3-year renewal.

Greninger questioned if the Commission approves longer than one year, and there are complaints, would the issues be able to be addressed. Kryzer – if approved the only way to bring back is due to a violation of a condition. Sometimes there are complaints related to starting up early or trucks coming and going at the wrong times, that can be addressed. An odor complaint or plant location could not be addressed.

Felger – if the applicant is comfortable with a year renewal, then he believes the Commission should stick with a single year renewal. The Township is comfortable with a 3-year renewal, but the Commission is the one making the decision. Knife River is a great company, the facility is run well, and complaints are addressed. He is comfortable with a single year duration.

Mahlberg – approval would be consistent with plans on file, which shows the location of the plant. If it is decided next year to move the location of the plant a new CUP hearing would be needed, as the location would not be consistent with the plans on file. Kryzer – correct. Recently there was an amended CUP hearing for another mining operation that was required because they changed the type of processing plant. Runnoe stated there is no plan to move the plant. Mahlberg – the plans on file are firm and it might not be known what will be done in 2-3 years, with regards to the plant location. Runnoe – at this time this is where the plant will be for at least the next 3 seasons.

Rhineberger – clarified that the motion should reflect the conditions. The motion should read to approve a Conditional Use Permit for the temporary placement of a bituminous plant for the 2023 construction season, both according to the applicant’s site plan and descriptions 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 more than a total of five Saturdays over the course of the season for the plant operations and plant operation is not allowed on the following Saturdays, May 27, July 1 & September 2; 2) All adequate measures must be taken to restrict loud trucks from operating without mufflers and other required sound equipment; 3) The plant must be kept in proper working condition and meet all State and Federal regulations; 4) Operation of the wash plant to comply with all applicable State regulations; 5) Generator may start no earlier than 6:30 a.m. to warm up the plant with no trucks leaving the pit before 7:00 a.m.

Kryzer – if the Commission does adopt that motion, he would like the minutes to reflect holidays as State of Minnesota Holidays, for 2023 would be allowed to operate Juneteenth as the bill will not go into effect until August 1, 2023.

Thompson and Felger agreed to the motion as stated by Rhineberger.

I. Mol called for a vote on the single year renewal motion.

VOTE: Felger, Mahlberg & Thompson NAY: Bravinder, Greninger, Mol and Holland.

MOTION FAILED

J. Bravinder moved to approve a Conditional Use Permit for the temporary placement of a bituminous plant for the 2023-2025 construction season ending December 31, 2025, according to the applicant’s site plan, descriptions and 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 State of Minnesota Holidays, weeks with weekday holidays shall be four-day work weeks, and no more than a total of five Saturdays over the course of the season for plant operations and plant operation is not allowed on the Saturdays closest to Memorial Day, Juneteenth, Independence Day, and Labor Day; 2) All adequate measures must be taken to restrict loud trucks from operating without mufflers and other required sound equipment; 3) The plant must be kept in proper working condition and meet all State and Federal regulations; 4) Operation of the wash plant to comply with all applicable State regulations; 5)

Generator may start no earlier than 6:30 a.m. to warm up the plant with no trucks leaving the pit before 7:00 a.m. Motion seconded by Greninger.

DISCUSSION: Thompson stated the reason they have not seen complaints about gravel pits is because the reins have been tighter with how long the operations can go and given a yearly opportunity to place conditions on the CUP. She is terribly disappointed this Commission is saying the yearly review is not needed. The applicant was okay with a year so she feels the Commission should have stuck with a yearly renewal. Mol – agrees the Commission has been hard on the gravel pits. But feels this Commission has been successful and why the room is empty is because of the tighter reins. Nothing has changed, they are still being strict with the conditions and having an empty room is because the Commission has done their due diligence. He does not feel they need to be back here yearly. Thompson – with the Gravel Committee she hopes they will hear her opinion.

K. Mol called for a vote on the motion.

VOTE: Mahlberg, Bravinder, Greninger, Mol and Holland NAY: Thompson & Felger

MOTION CARRIED

10. ACTION TO ACCEPT THE FINAL PLAT OF COUNTRY ESTATES 2ND ADDITION
(James Freebersyser)

On a motion by Mahlberg, seconded by Felger, all voted to approve the final plat of Country Estates 2nd Addition and authorize the Chairman's signature.

4. **KYLE ASHWILL** – held over from the beginning of the meeting

LOCATION: 15405 US Highway 12 SW – Pheasant Addition Lot 7, Block 1 of Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-023-001070
Property Owners: APP Properties LLC.

Petitions for a Conditional Use Permit to operate a contractor's yard on a newly created parcel in the I-1 General Industry zoning district as regulated in Section 155.029, 155.055 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Applicant or representative not present

A. On a motion by Greninger, seconded by Bravinder, all voted to continue the item to the March 16, 2023, meeting because the applicant or representative was not present.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission scheduled a site inspection date for Monday, March 6, with the Commission to meet at 8:30 a.m. at the Government Center.

Meeting adjourned at 10:32 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks