

WRIGHT COUNTY PLANNING COMMISSION
Meeting of: April 13, 2023
MINUTES

The Wright County Planning Commission met on Thursday, April 13, 2023, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chairman, Ken Felger, called the meeting to order at 7:30 p.m. with members present: Pat Mahlberg, Jan Thompson, Sandy Greninger, Jeanne Holland & Dan Bravinder. Absent was Dan Mol. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

Felger addressed the public regarding the public comment portion of items being heard. Instructions are to use the podium, provide name and address with comment limited to roughly 3 minutes.

ACTION ON MARCH 16, 2023 MINUTES

On a motion by Holland, seconded the Bravinder, all voted to adopt the minutes for the March 16, 2023, meeting as printed.

AGENDA

Bravinder addressed the Commission with a request to make a change to the agenda. Felger agreed to hear a motion.

Bravinder moved to continue the discussion regarding the Mining and Extraction Ordinance to a special meeting set for Thursday April 20, 2023, at 7:30 p.m. Motion seconded by Holland.

DISCUSSION: Rhineberger stated that if the item is continued written public comment would be extended to 12:00 p.m. on April 20th with the hearing remaining open to the public. Felger addressed the public in the audience with instructions that they would be able to provide written comment by the stated deadline or attend the April 20th meeting to speak.

VOTE: CARRIED UNANIMOUSLY

PUBLIC HEARINGS:

1. **TERI DICKINSON** – Cont. 2/16 & 3/16

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 was in the audience with Jim Dickinson stepping forward representing the applicant.

- A. Rhineberger – Commission at the last meeting continued the matter for the County Attorney's office to prepare Findings for denial, based on the record. At that time the public hearing portion

was closed. The Commission was provided copies of the Findings prior to this meeting for their review. Kryzer mentioned a typo in the last sentence on para. 28 of page 15, “afront” corrected to “affront.”

- B. Bravinder moved to adopt the Findings and Recommendation to the County Board of Commissioners for denial of the request to rezone the property from AG General Agricultural to A/R Agricultural-Residential. Mahlberg seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Kryzer handed directly to Teri L. Dickinson a copy of the adopted and signed Findings.

2. **HARLAN POPPLER** – New Item

LOCATION: 5956 Gowan Avenue SW – Part of SW ¼ of SW ¼, Section 31, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-313300 Property Owner: Roy H. Marschall & Danita M. Marschall

Petitions for an amendment to the previously issued Interim Conditional Use Permit as regulated in Section 152.078(A)(1), Chapter 152, Title XV, Wright County Code of Ordinances to allow for an extension of the timeframe to design and construct an alternate manure basin. No other conditions will be amended during this proceeding.

Present: Harlan Poppler

- A. Rhineberger displayed the site photo and reviewed the property. Request is to amend a 2018 Interim CUP for a feedlot expansion. The specific condition was that a manure basin be designed by November 1, 2020 and constructed by December 1, 2022. The applicant is here requesting an extension of that timeline as the basin has not been constructed. Approval was received from Marysville Township to allow a 1-year extension of the CUP deadline for construction of the liquid manure storage area. The City of Waverly and the Waverly Lake Association have also provided responses, which are in the staff report. An additional response was also placed in the hearing packet.
- B. Poppler – have been trying to get a basin installed. Filed for Natural Resources Conservation Services (NRCS) funding and has a bid for liquid manure tanks of \$1 million dollars. Went to NRCS to get funded and NRCS stated they are not a concern for pollution and was denied funding so the basin will have to be installed on his dime. Does not have a problem installing the basin, just needs additional time to get funding in place. Felger asked if a year extension would be adequate. Poppler – hoping no later than fall of 2024. Hope to get in still this year but will have to ask for a variance on the north property line. To get all setbacks in place he would have to push lagoon 100 ft. closer to the north property line. Spoke with neighbor, Donny Decker and he is okay with a closer setback, if allowed the variance. Felger questioned length of extension that is being asked. Poppler stated the hope is install this year but asked for fall of 2024.
- C. Public Comment
 - George Bakeberg – 8870 Grover Ave SW – known applicant for a long time. Last fall and summer it was hard to get construction work done. Feels if he is given another year and a half, he will get the job done. With NCRS approval it will be installed right. Would recommend giving the extension. Felger asked for clarification as to what NCRS stands for. Bakeberg – federal funding for FSA where they will do cost sharing on projects. Sat on this board for 18 years and decisions are hard but this is a simple decision to make.
 - Mary Ellen Nichols – 1105 N Shore Drive – president of Waverly Lake Association (WLA). In 2018 Mr. Poppler requested to double dairy herd from 390 to 790 animal units (AU). Granted and agreed to build alternate manure basin by 12/1/2022. In the 5 years since he has doubled his herd, received income from additional 400 cows but has not constructed the manure basin which was a condition to increasing his herd. The WLA has recommendations for the Poppler farm. He should reduce the heard by 400 head until the new basin is constructed or extend the deadline with strict rules, deadlines, and consequences. If deadlines are not met the permit should be revoked. Without consequences what is the incentive to

- complete the project on time? Maybe allowing a six month extension for the plan approval and a one year deadline to build the manure basin. Five years was sufficient time to get the manure basin completed. The basin was supposed to be designed by November 1, 2020. Understanding from talking with the Feedlot Department no plan has been submitted, which was supposed to be done in 2020 and construction was supposed to be done by December 1, 2022. There have been no consequences for missed deadlines and Mr. Poppler has benefited financially by increasing his herd while renegeing on his obligations. Mr. Poppler stated why the deadlines were missed but to not have a plan submitted in 5 years does not make sense. Part of the Interim CUP does not include any exceptions to wait for funding grants. Glad to hear Mr. Poppler is willing to pay if the grant isn't approved. WLA has a few questions. 1) Who was responsible for following up with Mr. Poppler regarding the deadlines? 2) Marysville Township stated they would allow a 1-year extension but who has power to approve an extension, the Township, or the Planning Commission? 3) If granted an extension who will be responsible for monitoring? 4) If granted an extension will the Planning Commission add consequences if deadlines are not achieved? 5) If granted an extension and does not meet the deadline, would the Planning Commission consider a revocation of the permit? Feel that all parties would benefit from construction of the basin. Mr. Poppler would only need to pump manure once a year compared to around three to five times. Other local farmers will only receive manure from Mr. Poppler during warmer months to optimize soil. Local residents will benefit from added protections to reduce contamination from winter runoff. Mr. Poppler has a unique and exciting opportunity to improve the watershed and farmland throughout Wright County.
- Janae Lyon – 4843 57th St SW – neighbor and Little Waverly Lake Association (LWLA) representative. The 26-page 2018 agreement has probably recently been read by most. Would like to note that when hearing from someone from Waverly they are coming from a place of concern and local economic impact of their city. Personally, comes from a farming family as well as graduate of University of Wisconsin River Falls or what is known as Moo U and values a well-run mid-west farm. LWLA would like to echo the recommendations presented by Ms. Nichols and the WLA. The applicant should immediately reduce head count of the 400 additional cows until new basin is constructed or allow a short extension with strict rules and consequence. Allow 6 months for the plan approval and 1 year to build the basin. Regarding the 2018 agreement it is stated there are 28 specific conditions. LWLA has the same concerns with the approval of today's requested extension as Ms. Nichols stated as well as an additional concern. Condition #13 of the 28-page document states “the applicant shall mail, email or deliver the notice described in paragraph 12 to all neighboring homes located within 1,000 ft. of the production site property lines.” A neighbor, next-door to the Poppler farm, stated they only received two notices of agitation to the manure basin in 2022 and one yesterday, April 12th. Lyon asked for a list of notices for the last 5 years. Condition #15 states “the property owner shall submit manure application records for the current year and the Manure management Plan (“MMP”) for the next crop year by August 15th each year.” Questioned if the applicant submitted this and if so, was it by the written due date. The applicant on Condition #23 is authorized to pasture animals within the shoreland area. Concerned if the cows are able to be in the river. Would like to know if the cows can be physically in the water. Questions from LWLA. 1) Is there a department that has authority to

- govern the applicant to implement the conditions? 2) What happens to the allowed additional head count if it is found the applicant cannot afford his additional conditions? 3) Has the applicant applied for financial hardship? LWLA would like the extension to be denied.
- James Moy – 5255 Cty Rd 8 SW – looking at the construction in the last 5 years there were 2 large silage pits, large grain bin and other things. Understands all of this may be needed for that many head of cattle but seems to be he put his eyes on that part and figured this part would gradually go away with no one pushing the issues. If the requirements can't be met than the herd should go back to where it belongs because that is the capacity of the manure pit.
 - Mike Young – 5430 70th St. SW – local resident, farmer and businessowner. Supports the extension request to the fall of 2024. The extension won't affect anybody in this room. The reasoning is that Mr. Poppler has a history of being able to handle additional animal units in a responsible way and has shown that over the last few years. No knowledge of how the construction works or why it didn't occur. Stating as a local person he has been able to handle the situation without any issues. His business represents a large chunk of commerce within this area. That commerce dumps millions of dollars into our economy and that is important. We should not step in and stop or restrict that.
 - Charlie Borrell – 6469 Emerson Ave SW – has been to this site many times and feels it is a top-notch farm site and Mr. Poppler does first class work. Three years ago, Mr. Poppler stepped up and helped with his harvest during a time he personally could not complete the harvest. Had a small project with NCRS and knows that they can be delayed. Agrees with statements made by Mr. Young. This operation is run well and Mr. Poppler has contingency plans if he can't get into the field and he is not going to let that manure go anywhere other than his property and into the field. He has been a great neighbor and good for the community.
- D. Tracy Janikula – Wright County Feedlot Program Administrator – stated she will address some of the questions that were asked. It was asked who monitors the extension, if granted. She would be the one that monitors the extension, if granted. The initial recourse of a missed deadline is a letter, which Mr. Poppler received after not meeting the first deadline. Questions regarding the manure application records were asked. The submittal of manure application records and manure management plans have been turned in every single year. Not always exactly on time but within a timely manner of a few weeks. In the last 2 years they have been received on time. It was asked if the cows can be directly in the water. Technically, the cows can be in the water. As long as it is green pasture the state legislature says animals can go anywhere. What happens if the conditions are not followed will need to be addressed by Mr. Kryzer as legal counsel.
- E. Felger – testimony was that the herd has increased. Janikula – yes, a dairy barn was built for an increase in the herd. Mr. Poppler would have to speak to the specific numbers. Felger questioned if the current manure pit adequately handles the increase in the number of cattle. Janikula – it is not a matter of can it hold the volume but how many times one would want to empty it. If doing spring, fall, summer, winter it can work. The manure management records show application on alfalfa during

the summer, spring/fall where it is knifed in and winter usually a surface application. This winter Mr. Poppler was out plowing the fields to move as much of the snow out of the way so manure was touching the ground and would not run with the snow when melted. Part of the reporting is including maps indicating where the manure will be spread. Felger – summer there is opportunity to remove manure from the pit and put directly on crops. Janikula – confirmed and explained the process. Bravinder questioned if the expansion site plan is on file. Janikula – have a site plan for the barn that was added onto and where the heifer barn could be added onto. The heifer barn portion did expire but it was part of the sketch of the site. Nothing is on file related to additional manure storage but based on the site would likely go east of the barn. Bravinder – if this was approved as a two-step process what would be a good timeline for that the plan to be on hand? Janikula – to get engineering would guess October 2023 for the plan and construction by December 1, 2024. Construction should be finished prior to freezing. Felger – testimony was given that Mr. Poppler is a very good farmer and abides by state rules. Questioned if there have been complaints of spillage or issues. Janikula stated there are none that she can remember.

- F. Thompson stated years ago she was at the site and impressed with the operation. At the site saw the operation and feels what has been stated so far would not change how she would vote on the extension with added provisions. Sounds like there have not been issues at the site. Janikula stated that to her the extension makes the most sense as the goal is to minimize the amount of winter application. NRCS is the Natural Resources Conservation Service and a federal entity offering a cost share. It does take a long time to obtain and qualifying can be challenging. There really has to be a huge mess for the federal government to cost share anything. The manure at the site is not running anywhere so there is not a pollution concern. Goal is to minimize manure application, especially in the winter but that does not bring it up in the ranking for the NRCS scale.
- G. Mahlberg asked why in the records is there nothing related to attempting to comply with a design by November 2020. Were the NRCS conversations ongoing and lasted for 3 years or was there just no attempt to comply with requirements until a letter or call was made? Janikula – fall of 2020 Mr. Poppler was reminded a plan was required. She was told he was working with NRCS. Being the Federal Government, they do not share information and will not tell her if someone is in the process or not. She has to just take the word of the producer and in this case believes he was in the program and denied. The applicant would need to explain the funding position. Because she believed he was in the program and knowing how long it takes to get through it just needed to be waited out. Mahlberg – the delay of multiple years is not surprising. Janikula – no, it is not.
- H. Felger – with more frequent emptying has the land used by Mr. Poppler increased in acreage? Janikula – yearly manure application records include any new fields. That report includes maps, crops, soil tests and a plan going forward. Those records are on file and yes, there is more acreage than when started.
- I. Mahlberg questioned if when NRCS funding is involved was the Planning Commission too optimistic with the initial timeline of 2 years for a design and 2 years for construction. Janikula – depends, an applicant could be working with NRCS prior to receiving a CUP. Feels 5 years is reasonable and the applicant didn't know he was going to be turned down.

- J. Poppler – not trying to put off the project. Has been working with NRCS and does have tanks designed to put in the back. The project presented to NRCS was over a million dollars put on the bottom of the list for funding because when they looked at his manure applications everything that he is doing is not a pollution problem. For every 10,000 gallons taken out it is \$500 worth of fertilizer, manure is a valuable part of his operation. He is not going to blow it out on the field and not use to the best of his ability. With the pandemic it was hard to get anyone to come out to the site or even talk with anyone in the office. Now that he knows he will be at the bottom of the list he knows that he will have to pay for this himself. It is not that he is trying to not install the lagoon it will just take time to get funding figured out on his own. Felger questioned when that process would start. Poppler – earlier today spoke with Dan at Soil and Water Conservation District (SWCD) and received the name of an engineer they work with and has spoken with Nate Turning regarding the dirt work. Install will be done by fall 2024, at the latest. An engineering plan is needed for an earthen basin but has a plan for tanks behind the barn. An earthen basin will be cheaper, and his feeling is an earthen basin is a lot safer than steel manure tanks. Felger – need roughly 18 months. Poppler – agreed. Felger questioned the mention of a setback variance. Poppler – earthen basin would need to be 200 ft. from the north line. Spoke with that property owner and they are okay with 100 ft. from the line. This would allow for all other setbacks to be met.
- K. Mahlberg – Janikula stated the timeline of 2023 and 2024 is reasonable, to which Mr. Poppler agreed. If the timeline doesn't work out what should the consequences be? Poppler stated he will depopulate the barn. Now that he isn't waiting to hear on funding from NRCS he is confident the work will get done. Three weeks ago, he hired trucks and tractors to get the manure knifed in through the snow. Yesterday he spent money to move over a million gallons from his lagoon to a neighbor's lagoon to ensure that his lagoon doesn't run over. If he really wanted to get funding from NRCS he would allow the lagoon to run over. He would then be put at the top of the list as a polluter. He has done everything in his power to make sure that lagoon doesn't run over into the creek or lake. He has spent a lot of money and is very proud of how the farm runs. He has rented pits as well as 2 sites on the emergency paper that 2 million gallons can be moved to within in 2 days.
- L. Rhineberger – the 200 ft. setback requirement for liquid manure storage states, noncompliance with Minn. Rules 7020.2100: 200 feet. Is it correct to state that is not a variance that requires state approval and would be variable by the Board of Adjustment? Janikula – correct, all property line setbacks are set by the County. Felger questioned what would be the case if the variance was not allowed. Janikula – understanding is Mr. Poppler can go with an above ground steel tank system.
- M. Bravinder – visited the site in 2018. At the site it was very clearly explained that regardless of what happened the manure would be properly handled. That is what has happened, and Mr. Poppler has kept his word. Thomson stated she agrees.
- N. Mahlberg – agreed, Mr. Poppler is a very good farmer and the operation appeared fantastic. Part of being good at what you do is also following the rules. There never seems to be consequences to those that do not follow the rules. Bravinder – true, when someone's first priority is to protect the public, which he believes Mr. Poppler is doing, in his mind that weighs very heavy. But he was also aware of the rules. Confident with the explanations, knows how the NRCS works and having the pandemic put into the equation he came to a decision that this has to be done and will now have to pay for it but

now needs extra time. Because of all these reasons he can go along with that request. Mahlberg – understands all of that. It is April of 2023 and the original deadline missed was fall of 2020. From a public expectation standpoint to be sitting here with this much time and an explanation that it was a long process isn't very satisfying. Very satisfying Mr. Poppler did what he said he would do with managing the manure in a responsible way. When the Commission sets dates hopefully eventually there will come a day when it means something. Not saying this is the case it needs to mean something but part of why these keep coming back for extension is that no one ever gets penalized.

- O. Thompson – during the pandemic everything in the nation slowed down. Everyday a cow wakes up it will do its business regardless of what is said in Washington D.C. or anyone says. Mr. Poppler is in a situation where he has no control over what happens in Washington D.C. He has explained to us that in order to have received funding at the very end of all of this he would have had to fail in his operation and he chose to not fail. He has continued to follow the rules and regulations. Feels it is the responsibility of Planning and Zoning and Feedlot Officer to make sure things are falling into place. Would hate to penalize someone that is doing a job that is the salt of the earth for the community. Even the people here from lake associations don't have the hostility in their voices that were there 5 years ago but instead hears recognition he is doing a fine job. If there is a desire for consequences, they would need to be clear so the Commission can hear what is being thought. Mahlberg – thinks this is fine opportunity and Mr. Poppler said what the consequences should be. On board and ready to approve the extension, provided there is a consequence and not just an apology. Applicants always have good reasons; they are always good people and the Commission accepts the apology. Thompson – as far as she can see he has done all he can for his neighbors and this Commission. Mahlberg – does not understand how it can be said he has done everything he could for this Commission when there is a deadline of November 2020 and did not hear anything until April 2023. Thompson – in her opinion he has answered those questions. Mahlberg – mean while the public felt a good order, with a ton of conditions, was approved in 2018 but what did it really mean besides yes, go ahead and do what you want and follow if you want. That is not very reassuring. Saying he did everything he could do but there are still no adverse consequences for him or anyone else that violates a CUP.
- P. Greninger – Mr. Mahlberg is voicing concerns that she also has. Why didn't Mr. Poppler attend the Township meeting to explain his situation? This is concerning when people don't stick to the deadlines and there are no consequences. If consequences are set, they need to be followed through on. Thompson questioned what the consequences should be. Greninger – if the deadline isn't met the herd is reduced. Understands there was COIVD and the challenge of working with the government, but if a condition is set this Commission needs to stand behind it. Rhineberger – in the end it is a condition. He would still have ability to come back and ask to further extend a deadline and it would be up to this Commission to decide what they would allow or not.
- Q. Mahlberg – if approved as October 2023 for submission of design and December 1, 2024, for completion; how absolute and enforceable that on December 2nd the herd must be reduced. Kryzer stated that legal authority to force reduction on that day is very limited. A deputy could be sent out on the 2nd with a citation while simultaneously evoking the revocation process. To get a court order would be a large process, which would include exhausting all administrative remedies. Mahlberg – best Commission can do is say it shall happen and if it does not happen the revocation process will be started.

- R. Felger – understanding that since here 5 years ago the herd has been increased. Poppler – correct, was at 250 and now at total of 400 cows. Felger questioned if the extension request is approved are there thoughts of increasing the herd more. Poppler – no, can only go to 999 Animal Units (AU's). Felger – currently have 400 cows. Do you intend to increase that amount? Poppler – filed for CUP of 999 AU's and granted that. If anything were to happen the barn would be expanded with a heifer facility and animals added to reach the AU number they were granted. With the problems of getting the pit installed they did not move forward with the heifer project. There is a design from NRCS for the tanks and all of a sudden, they couldn't get a call back. He doesn't have a pollution issue, so he was denied funding. Now he is in a position they're going to have to pay for the basin themselves. If the property setback variance doesn't work out, they do meet the requirements to put the tank behind the barn. Feels the earthen lagoon is a better option. He didn't realize he needed to go to the Township before coming to this meeting and apologized.
- S. Mahlberg – statement was made 999 AU's are allowed but thought currently at 790 AU's. Kryzer – condition #5 states not to exceed 790 AU's. Mr. Poppler is at 400 AU's and currently pursuant to Wright County he is still a permitted use in the AG district. A dairy operation can have up to 500 AU's. Rhineberger – the findings for 2018 state the reduction in animal units below 500 should not result in these conditions being nullified. Mahlberg questioned if at any point AUs have been over 500. Poppler – 400 cows in barn and 100 dry cows and heifers. Kryzer asked for the total number of animal units. Janikula – 400 milking cows. Milking cows are at 553 AU's, heifers would be 84 AU's or 120 head and 12 AUs of calves which is 60 head. Kryzer – condition # 5 limit is 790 AU's. Janikula – the property, if properly permitted, is only allowed a maximum per MN Rule a total of 999 AUs. Mr. Poppler is not permitted for that number but that is the maximum allowed.
- T. Mahlberg – talking about consequences, what is the right number to use in the conditions if he is going to be required to depopulate the herd? Janikula – prior to CUP being issued he had 390 AUs on site. He is allowed 790 AUs but does not have that.
- U. Bravinder motioned to close public comment with Greninger seconding.

VOTE: CARRIED UNANIMOUSLY

- V. Motion made by Bravinder to approve the extension of the deadline for the manure storage area with the following conditions: 1) Manure storage area design must be approved by 12/1/2023; 2) Manure storage area must be constructed by 12/1/2024. Motion seconded by Greninger.

DISCUSSION: Rhineberger suggested the motion include a condition that all other conditions of the 2018 approval remain in full force and effect.

Bravinder and Greninger agreed to amend their motion to include condition 3) All other conditions of the 2018 approval remain in full force and effect.

Felger called for a vote on the amendment. VOTE: CARRIED UNANIMOUSLY

Felger called for a vote on the original motion. VOTE: CARRIED, Mahlberg Nay

Felger called for a recess at 8:50 p.m. and reconvened at 8:58 p.m.

3. **MELISSA BEAUDRY** – Cont. 2/16 & 3/16

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: Applicant not present.

- A. Rhineberger reminded the Commission this item was heard at the last two meetings with final instructions for staff to draft a motion with conditions based on discussion. Staff has provided the Commission with a list of conditions they can adopt or make adjustments as they see fit. The applicant is aware of what the motion could potentially be and has chosen to not attend tonight's meeting.
- B. No public comment.
- C. Holland moved to approve an Interim Conditional Use Permit for Commercial Agricultural Tourism to allow weddings on site in accord with the plans and narrative on file with the following conditions: 1) No more than 12 weddings/wedding receptions per calendar year; 2) Weddings/wedding receptions are limited to the months of May through October, and may only be held on a Friday, Saturday, or Sunday. Weddings/wedding receptions are not permitted on federal holidays; 3) The existing accessory structures on the property cannot be used for weddings/wedding receptions; 4) All food must be catered; 5) A licensed peace officer must be present during all wedding receptions when intoxicating beverages are being consumed and until all guests have left; 6) Amplified acoustic music is permitted outdoors only during a wedding ceremony. All other music, including amplified music must be inside of a wedding tent with the sides fully dropped down and secured. The speakers on amplified music must not be erected more than 6 feet off the ground and the speakers must be pointed towards the interior of the property and away from neighboring parcels of property; 7) The applicant shall ensure that any amplified music does not leave the property; 8) All music associated with a wedding/wedding reception shall cease by 10:30 p.m. on Friday and Saturday nights and at 6:30 p.m. on Sunday evenings; 9) All visitors and guests to a wedding/wedding reception shall leave the property by 11:30 p.m. on Friday and Saturday nights and at 7:30 p.m. on Sunday evenings; 10) Wedding tents can only be placed in the areas identified on Appendix A; 11) In addition to the commercial restrooms in the riding arena, portable toilets will be provided in accord with the Portable Toilet Criteria for Large Gatherings policy of Wright County. Motion seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

4. **JOHNSON MATERIALS, INC.** – Cont. 3/16

LOCATION: 14650 – County Road 75 NW – Part of Gov't Lots 3 and 4 lying north of road; Part of NE ¼ of NE ¼ Section 21; and also, Part of the W ½ of the NW ¼ Section 22, all in Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-211101 & -222300 Property owner: Russell V. Martie Homestead Tr.

Petitions for an amendment to the existing Conditional Use Permit to expand the current mining operation by 6.51 acres, for a total of 38.27 acres, to include mining, screening, crushing, washing, and recycling of concrete and asphalt materials, as regulated in Section 155.029, 155.48(D) & 155.100 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances.

Present: Jeff Johnson and Adam Ripple with Rinke Noonan Law Offices

- A. Rhineberger – item was continued from the March hearing for a site inspection, which was conducted April 3rd. During the last meeting there was discussion around a phasing plan. The first phase would be roughly 2.4 acres west of the wetland watershed area, with phase 2 being 4.11 acres east of the wetland and associated watershed. Additional comments were received and are included in the staff report.
- B. Ripple – there was some discussion around potential wetlands in the area of phase 2. Reiterated they would like both phase 1 and 2 approved with a condition or understanding that wetland requirements would be addressed before starting phase two. The Township did review the full area and they would like to avoid having to go back for review. At the last meeting there was a question regarding elevations shown on the map and clarification has been provided to County staff. A number of comments submitted prior to the last hearing were patently false. Recently the crusher was started with a video provided to County staff today that could be reviewed by the Commission. Noise heard from around the pit is highway sounds. There were two comments submitted since the last meeting with some of what was addressed being taken out of context and provided by an individual that has a 'not in my back yard' thought. This request is to have approval of both phase 1 and 2 with a condition to comply with any wetland regulations prior to moving into the area of phase 2.
- C. Public Comment
 - Joe White – 10429 135th Street, Kimball, MN – owner of BH Aggregate and an aggregate supplier. Has been doing this business for about 50 years, as a 2-year-old playing in the sandbox. He loves the business and enjoys what he does. Feels that what occurred years ago put a black mark the industry today and is part of what is creating a lot of the present-day issues. There weren't rules, regulations, bonds, or reclamation requirements. In the last 15-20 years there has been a drastic change to how things are done. Personally, has known Jeff Johnson for years. Feels he runs an exceptional business and does all things the right way, as he is required to do. Gravel in general is similar to a farmer. Farmers built this country and provided for everyone. We are losing the family farms, due to financial responsibilities, to corporate farms. A corporate farmer is not our friend, not the neighbor willing to help but is there to make a dollar. Fortunate in Wright County to have a family farm and community that can help each other survive. Between farmers and contractors, the country was built. Everyone attending the meeting drove on a road. Those roads cost money to build and require an excessive amount of aggregate to build. We are running out of aggregate. In the Cities they have already built on the aggregate reserves and that resource is now gone for good.

Fortunate out here that there is opportunity to not do what forefathers did and destroy the reserves that are needed to live. It is important for people to realize and understand that moving to the country might mean living next to a gravel business. We can put a house wherever, but we can't put a gravel pit wherever we want because mother nature already did that. In Maple Grove most people are familiar with the large pit where millions of yards of aggregate came out of. There are beautiful homes, shopping, and business all in an area that was mined first. You need to plan ahead by not looking out a year or two but 50 years and have a bigger picture in mind. The gravel can be mined out of these properties and still use the property at the end. It will take longer for the end use but that resource that is badly needed is being fully utilized. He has been in the business for 30 years and permitted over 250 gravel pits. Feels we all need to have an open mind to what it takes to be in the gravel business. Truck traffic and noise are always the biggest issue with gravel pits. That truck traffic will be on the road whether it comes from Mr. Johnson's pit, his own pit or another down the road. The trucks are required to get gravel to a job and if pits are closed and pushed further and further out it is just increasing the amount of truck traffic, noise, wear, and tear on roads all while increasing cost of doing business. He went through the price list of three (3) of the largest quarry sites in Minnesota that provide most of the high-quality rock used to build roads. Since 2018 they all averaged over a 40% increase, which transfers to the public. Everyone says they don't want the pit by their house but there needs to be a pit somewhere and mother nature is the one that determines that. People need to be more considerate of what it takes to operate these facilities and not build on top of them.

- Bob Perry – what Mr. White stated is true. It is important to think about aggregate depletion rates. Once you go through the time and expense to open a site you should allow the pit to be emptied. What was said about trucks and truck traffic is true, no matter what the trucks will be on the road. The resources east of Wright County, in Hennepin County are depleted. Most material goes east and if pits aren't emptied, they will just go farther west to obtain material and drive all the way across the county to services those constructions to the east. In agreement with everything the last gentleman stated.
- Johann Massmann – 14518 Devitt Ave NW – as the previous gentlemen stated he comes from a farming and trapping family that he feels contributed to the building of this state. Was present when this pit was first licensed with a CUP and at that time Silver Creek Township recommend a 10-year pit. It makes sense to mine where the gravel is. Now more than 10 years have gone by with what feels like 20 some amendments and reissues of the CUP. The conditions the Township wanted and many that the County put on the original pit have all been violated at one time. At some point is it a conditional use or a permanent use? At some point if hauling in material to crush and haul out are they really mining anymore or are they an industrial operation? Like in the businesses he has been involved in there are good operators and bad operators. Believes there has been a pattern of disregard for the rules by this operation. When the original pit was opened there was to be no night work. The Silver Creek Township Supervisor, Langanki, noticed night work being done. He pulled into the pit and brought this to the attention worker and the end result was that it took a letter from Planning and Zoning threatening court action to get this operator to abide by rules of the CUP. Has seen other pit operators come before the Commission and knows that if Mr. Holthaus had a pit operator working in the middle of the night, Mr. Holthaus would address the issue without the county having to threaten legal action. This operator received a fine from the State of MN regarding water usage. In the past this applicant appeared before the Township and was asked directly by a Supervisor if they had a well permit. Reply was that yes, they did

and it turns out they applied for a permit the next day. The application before the Commission has a different date than the application the Township received. The Township received a different application, different PID number, no signatures, and a difference in the map. How can it be said the Township supports this when what they voted on is not what is before the Commission. Why would they vote on an unsigned application and why would this applicant provide one document to the Township and provide to the County a week and a half later a different application? Believes these patterns of disregard make it okay to judge this operator and his request for an additional 10 years differently than when looking at another applicant with a different track record. In Commission records there are two documents which he provided prior to the meeting that speaks to business practices. Does not feel you would see these negative business practices from another operator and prominent family in the community.

- Joe White – 10429 135th Street, Kimball, MN – came more for the Ordinance discussion. Regarding the 10-year comment. Does not know of a business in this state or country that is told they can open and only operate for 10 years. It cost a lot of money to open these operations. Understands that is what the limit was at that time, but times have changed. A new ordinance is being looked at for those reasons, we need to start to modify and look at things as a whole. Has a pit by Montrose that he took 30,000 yards out in 2022. This year he has about 100,000 yards coming out. At times there are items outside of their control. Bids have to be done daily to secure work and move product. A time limit is not logical.
 - Lori Johnson – Office Manager of Johnson Materials – her job is to do safety and compliance since 2005. For the record they have never violated any state or federal regulation nor guideline and never been fined for anything. The Mine Safety and Health Administration (MSHA) inspector inspects each active mining operation at least once a year. Last year the MSHA inspector made a point telling the crew this location is a model pit and one of the best regarding safety and compliance. Comments made are basically slandering. There has never been a negative dealing with the Commission or Township. Felger – mention of a well in the staff report, what is that story. L. Johnson – in the past there has been enough water to use for the washing operation but a few years ago it was very dry, and the water source wasn't there so they needed to install a well and do have a permit.
 - Barry Heikkinen – 14329 Barton Ave NW – 38.24 acres is under the 40-acre threshold of when an Environmental Assessment Worksheet (EAW) would be required. Not sure what the environmental impact difference is between 38.24 acres and 40 acres is but won't imagine it is much. The area of expansion appears to be heavily wooded, therefore feels an EAW should be recommended and appropriate for this mine. Has an email from James Bedell, with the MN Pollution Control Agency, indicating a \$3,000 fine for not having a wastewater treatment system. Used to be on the Silver Creek Township Board and Mr. Johnson appeared before the Township a few years ago asking for Saturday morning sales so he could make up for this \$20,000 fine he received from the MN Pollution Control Agency.
- D. Ripple – this is the last phase of the pit. The government set an EAW is required at 40 acres and therefore is not required with this request. Would like to address the comment around a permanent use or industrial processing. Yes, some material is hauled in because material that is sold needs to be processed to specifications and there is not always proper material on site. There is a cost to haul material in so it isn't the favored way but could be necessary to produce a saleable good. J. Johnson –

material currently being hauled in is granite. For every ton of granite that comes in about 5-6 tons of material goes out and actually speeds up the process.

- E. Felger – visited the site a few weeks ago and it struck him that there are a lot of mature trees. Will those trees be wasted or will they be logged? J. Johnson – fair amount of oak trees are sick but a fair amount can be utilized for lumber. Felger – comment at the last meeting was made about needing to bring in granite as part of a mixture for the end product. How long will that particular endeavor continue? J. Johnson – about 3 years. Only have 4 trucks so it is a slow process. Felger questioned if the mixing of materials is for a specific job or location. J. Johnson – ongoing, the State of MN likes to use Class 6, which requires rock and is higher level than any gravel pit in the area. Rather than leaving sand behind the rock can be mixed with the sand to make the product and sell the sand quicker. Felger asked if the State of MN is biggest purchaser for that product with J. Johnson confirming.
- F. Mahlberg questioned if phase 2 is dependent on phase 1. The comments from Soil and Water Conservation District (SWCD) are logical. If phase 2 depends on phase 1 and we don't know if phase 2 will get what the Wetland Conservation Act requires. Ripple – intent is start on phase 1 this year and work on the phase 2 wetland situation so they could move into that area when phase 1 is done. Mahlberg – independent economic utility so phase 1 will be done even if phase 2 is not. J. Johnson – confirmed. Mahlberg – comment was made this is the last phase. In reference to the 40-acre EAW mark, it could be stated that to utilize the next 35 acres the site may need to go through the EAW process. J. Johnson stated they will not be applying for another expansion because there isn't suitable material to the northeast or north. Ripple – the footprint applied for is the footprint of gravel reserves on this property. Mahlberg – addressing a comment made by the public; we can talk about people moving next to mine operations but the aerial from 2005 shows the same homes that were there then are there now. This is not a situation where people have come in around an existing pit and start complaining. This is a situation where the neighbors were out there first, so the concerns are valid. In the CUP balancing act does the Commission get to consider the need for these materials in the 6 factors of 155.029? Rhineberger – it is up to the Commission members to decide if they can factor that into what those criteria are. Mahlberg – essentially, here are things to consider and if there is anything else you want to consider go ahead and consider.
- G. On a motion by Holland, seconded the Greninger, all voted to close the public meeting to further written or oral comment.
- H. Kryzer – the Commission could come up with a motion tonight or continue the matter to the next agenda and direct staff to draft a motion for approval. If the Commission is looking for a motion of denial the item will need to be continued to draft Findings consistent with denial.
- I. Bravinder motioned to direct Staff to draft a motion with conditions consistent with approval and continue the item to the May 4, 2023, meeting. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **MATT BRUMMER** – Cont. 3/16

LOCATION: 1605 Highway 55 NE – Part of the W 1/2 of NE 1/4 & the West 2 rods of Gov't Lot 3 north of public road, Section 32, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-321300 Property Owner: The Trust Agreement of William and Arlys LaPlant

Petitions for a Conditional Use Permit to operate a self-storage facility as regulated in Sections 155.029 & 155.055(B), Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Matt Brummer & David Heil

- A. Rhineberger displayed the site plan stating the Commission continued this matter for a site inspection, which was conducted April 3rd. In the interim and when at site the area north of the existing buildings was noticed as aggregate and marked on the plans as aggregate. An aggregate area such as this could be for parking, but it was not specified in written or oral format to staff that the area is an outdoor storage area. It will be fenced and would be no different than what other industrial sites have. Based on the notice it may be possible to also address this matter without a new application. The Commission may want to obtain additional details to how the area will be used. On the plan is a “Proposed Aggregate Area” that will be just under 2 acres. Brummer – on the original application believe engineer sent details but it was possibly misinterpreted. Intent is to have outdoor parking with a fenced and gated access as well as screening at either highway frontage or residential area. Felger questioned what type of screening with Brummer stating slatting that is not opaque.
- B. Holland asked for verification that the piece of property in question is the area behind the existing business buildings. Brummer – correct. The site is a mess, and he isn't sure how many CUPs are allowed on the property at this time but intent is it clean up a lot of that and make this one synchronized site. Rhineberger – the site appears to currently be rental storage, which was never permitted. This plan would make storage a permitted use and include proper ground cover, fencing and items more conducive to storage as a use.
- C. Rhineberger – comment received from Buffalo Fire Department indicated they would like to see conditions for a lock box so they would be able to access fenced areas. Brummer – typically, with facilities they have lock boxes on the gate system as well as the gates have battery backup.
- D. Felger questioned what other access would be proposed to allow heavy duty rescue vehicles to enter facility if railroad crossing is blocked. Brummer – southeast corner of the lot is a designated access. If that is a driveway and not a road, what would be the requirements be as a redundant safety access or maybe a preferred access at a later time? In communicating with the Railroad there has been no negative comment with their comment being they feel access is a private drive. Currently working to get clarification as to what would be recommended with the in and out traffic. The southern access could be used and built to the required standards. They don't necessarily need Highway 55 access. Felger – recommend talking with own engineer.
- E. Thompson – in the staff report there are comments from the City of Buffalo saying bordering property is going to be developed and they are not pleased with the proposal. Letters from the Buffalo Community Planning and Economic Director state they oppose the petition. Brummer stated he has not read their reply. Thompson – sounds like the City is ready to issue a lot of residential building permits. Several years ago, the Commission did a site visit and accessed off that southern driveway. Can see the city being opposed to some of the request and would recommend speaking with the City

of Buffalo. Rhineberger was asked if he has spoken with the City of Buffalo. Rhineberger – not outside of the comments, that is extend of conversation.

- F. Holland – the property is in Buffalo Township and the piece of property is all zoned as I1-Industrial. Rhineberger – property is currently split-zoned with General Agriculture (AG) within the shoreland area of Lake Mary and General Industry (I-1) in the portion of the property outside the shoreland, which is 1,000 ft. When rezoned in 1991 the rezoning was specific that the I1 district is only that portion of property outside the 1,000 ft. shoreland area of Lake Mary. Property is in the long-range plan as Transition Area. This means the property remains within the Township and uses of said properties are dictated by this Commission with a general agreement comment from Cities have some weight. How much weight is for the Planning Commission to decide. Holland – Buffalo Township approved. Felger – Buffalo Township comment was that property would remain in the Township with hopes of an IUP, not a CUP. It does not sound like there is a plan to annex the property. It is and will remain Buffalo Township. Kryzer stated a similar issue came up with the City of Buffalo in the past. This property is sitting as an industrial property that is touching the City of Buffalo. Understands planning perspective from the Cities point but if a city isn't going to be proactive in managing their growth what happens is a CUP applicant gets stuck and suffers.
- G. No public comment.
- H. Mahlberg – Buffalo Fire Chief made a comment regarding improvement of the railroad crossing, thought railroads control what happens at their crossings. Brummer – would agree. Looking at how the site is currently used or used in the past he feels a storage facility of this size would be utilized less. Fully built out he would expect roughly 20-25 cars a day. Would think car repairs and other business that were using the site would have had more traffic. Willing to do what is required but has not heard what the recommendations would be. Bravinder – has dealt with the railroad and there is a 50 ft. right-of-way that is controlled by the railroad. Even though they control the intersection the State of MN gets involved with improvements. Conversation continued regarding experience with Cokato Township in dealing with the railroad and State of MN. In the end it was stated by Bravinder that unless the sightlines are not meeting required standards this is not something the railroad or State of MN will address. Brummer questioned if they could use the southeast access so that they wouldn't need to address the railroad access.
- I. Kryzer suggested if the Commission is looking to approve the request it might be ideal to continue the request to allow staff time to draft a motion for approval with a condition there has to be an access off of Bradshaw Ave., that is built to handle emergency vehicles.
- J. Mahlberg – looking at the Beacon aerial it does not appear this property touches Bradshaw. Kryzer – Bradshaw used to be a County Road; his guess is that right-of-way is larger than it appears. Rhineberger displayed existing survey which shows the property does touch the road right-of-way of Bradshaw. Thompson questioned road authority of Bradshaw with Kryzer explaining up to this property access it is township and after is city. Mahlberg – concerned the motion is condition with the access needing to be on Bradshaw but it is not yet known they can have commercial access in this location. Felger stated he would be in favor of the railroad crossing being the primary access and the driveway to the south being the alternate entrance built to standards that would handle large emergency vehicles. Rhineberger stated if that southern access is being included as part of the plan, he would not mind seeing the applicant go back to Buffalo Township, in the end the township probably has a cooperative agreement with the City regarding maintenance. Plans submitted stated everything is coming off Highway 55 so the Township might not have reviewed or considered

Bradshaw Ave. With what is being asked of access on Bradshaw he would like to see an agreement from the road authority. Kryzer pointed out that the survey on file shows the access is 33 ft. wide and should be established efficiently for emergency vehicles. Felger – he would prefer and support having the railroad access the primary access. Brummer – to them it does not matter, it is low volume traffic. They would be fine with either access. The railroad isn't providing great guidance as to what is required. Bravinder – the notes in staff report state the State of MN signed off on the access being off of Highway 55 and is a safe entrance as far as they are concerned. The railroad crossing is established.

- K. Thompson – it would be a good idea to have the applicant approach the Township again to review the access. Brummer – would be willing to talk with the Township. Holland – would going back to the Township be to see their preference of access? Kryzer stated it would be a good idea to hear what the Township has to say. Rhineberger – next township meeting would be May 8th with this item then continued to June. Felger questioned what map the Township based decision on. Brummer – access on Highway 55 only. Kryzer – Bradshaw Ave. road weight limit would not be exceeded with vehicles coming and going. Only concern would be during construction when they can use the Highway 55 access.
- L. Greninger asked if applicant is on a time constraint. Brummer – based on purchase agreement with many extensions already. It is a land deal, so they understand it does take time.
- M. Felger questioned if discussion has been had with the railroad. Brummer – discussion was that this is a private drive, and it was left at that with no guidance related to expansion or what would need to be done. Their engineer is going to try to get better clarification. Felger – initially reaction is that railroad would require crossbars and lights. Greninger – experience is you have to have a number of accidents or deaths before crossarms are a thing.
- N. Mahlberg asked if there would be a way to write a motion that would allow alternate entries so that the item would not need to be put off into June. Feels the Township would decide what makes the most sense and is not hearing from the Commission members there is a strong feeling as to which access is preferred. Kryzer suggested staff could send an email to the Township Clerk and ask for input from Terry Weese. It wouldn't be an official response but would be at least a communication. Mahlberg, Holland and Greninger stated they would feel good with that route.
- O. Mahlberg – addressing the applicant he asked about screening. Brummer – most times it is a guideline from the city. Would put up a fence for security proposes and if the Commission wants slats, it wouldn't be much of an additional cost. Mahlberg – asked feeling of trees. He is trying to balance a legitimate concern of the city with the residential development. With nice residential development trees might be more aesthetically pleasing than a metal fence. Brummer – recalls a berm that is fairly high but could add trees along the west side.
- P. Mahlberg motioned to direct staff to draft a motion reflecting approval with appropriate language and conditions that address access to be selected after speaking with Buffalo Township and screening language that includes vegetation. Item will be continued to the May 4th, 2023, meeting. Greninger seconded the motion.

DISCUSSION: Rhineberger – there was discussion regarding potential wetland impacts. Does the Commission want to see a motion that includes conditions regarding phasing of the storage structures themselves and the work that is done in the location done in a potential wetland area? The delineation

has yet to be completed on this property and what impacting would cost and entail. Brummer – their engineer feels the impact would be fairly minimal on the last two buildings and those are the last to be constructed. He would say they are a long way out from having to deal with the wetland area but it is part of the plan. Rhineberger – potential condition would include those northern two buildings and requirements met before being constructed. Thompson – isn't part of the building permit process that a wetland delineation be completed prior to issuing a building permit? Mahlberg – not sure it would be the building permit but cannot disturb the wetland until the permit is received and this normally supersedes the building permit. Rhineberger – this isn't new that we believe a wetland is in a location, but weather limits the ability to have a delineation completed and affects timing. In a case like this a condition can be included stating those buildings could not be built until delineation or wetland impacts have all been approved by the appropriate government bodies. Thompson – feels the Commission is rushing and entering into a situation that all facts are not known so she will vote against the request.

VOTE: CARRIED, Thompson Nay

6. **JAMES JURMU** – Cont. 3/16

LOCATION: 1342 80th Street NW – Part of the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 23, Township 121, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-100-234300 Property Owner: RJ Holdings LLC

Petitions to rezone 8.93 acres from AG-General Agriculture to R2-Suburban Residential as regulated in Section 155.028, 155.0548 & 155.055, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: James Jurmu

- A. Rhineberger displayed property related maps and concept plan. This property is an 8.93 acre site located along 80th Street NW in Maple Lake Township. Discussion at the previous hearing was extremely limited with the item being continued as the applicant could not attend and the Commission conducted a site inspection on April 3rd. The property is currently zoned General Agriculture (AG) with a designation of Residential Large Lot under the Northwest Quadrant (NWQ) Land Use Plan, which could include rezoning to R2a or R2. The applicant is requesting to rezone the property from General Agriculture (AG) to Suburban Residential (R2) with the ultimate goal of two buildable lots. The original request brought to Planning & Zoning was for R2a rezoning, which is consistent with neighboring properties. Because of the acreage involved it was recommended Mr. Jurmu try for R2 zoning and if not approved could go back for R2a, which he agreed. Rezoning to R2a would more convoluted and require the acquisition of additional acreage. A follow-up application for a two-lot unplatted subdivision would follow, if the rezoning were to be approved. Although only the rezoning is before the Commission, the creation of additional lots is a critical factor due to the limitations of acceptable sight lines along this portion of County Road 106. The County Highway department indicated they would require shared access locations with any existing or newly created lots. Maple Lake Township has recommended denial of the request.
- B. Felger asked for a review of how the shared driveway would look. Rhineberger displayed the concept plan and reviewed details of the proposal and shared approach. Jurmu stated the existing driveway and access could be moved to the east and still accommodate the shared requirement and be on the property line.
- C. No public comment.
- D. Mahlberg – the Township vote appears to be 2:1 with no reason or explanation. Jurmu – very friendly discussion. One person was in favor of allowing rezoning. One member wanted to see smaller lots, than what is required and another wanted to see 10 acre lots. The vote was 2:1 based on a difference of opinion. Mahlberg asked for an explanation on the decision to go with R2 versus R2a. Is it fundamentally if the Commission is okay with 2 lots or more to it? Rhineberger – either case would allow for 2 lots but a difference in lot size and required road frontage. R2a is a 5-acre lot minimum and at 9.83 acres that is not obtainable unless additional acreage is obtained from the neighbor to the north. Rezoning to R2 does not require additional land to be acquired. Mahlberg – the applicant did not apply for R2a. Rhineberger – original conversation with applicant was regarding R2a and through conversation it was suggested by staff to go with R2. At R2 standards there is a possibility for 3 lots, but because of the requirements from the Highway Department 3 lots would not work. The existing septic system might also pose a problem for 3 lots. Going with R2 would allow the 2 lots the applicant is wanting and allow shared approach with the existing driveway. Jurmu stated after talking

with Planning & Zoning he decided he would prefer the R2 zoning as to not impact the lot directly north. Intention is 2 lots, one additional building site to what is already there.

- E. Mahlberg moved to recommend approval of the rezoning to the County Board of Commissioners from General Agriculture (AG) to Suburban Residential (R2). Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

Felger called for a recess and reconvened at 10:30 p.m.

7. **MICHAEL SLETTEN** – New Item

LOCATION: 5775 118th Street SE – Rice Lake Hills Lot 3, Block 3 in Section 36, Township 1118, Range 25, Wright County, Minnesota. (Rice Lake– Franklin Twp.) Tax # 208-220-003030 Property Owners: Michael Sletten

Petitions for a Conditional Use Permit for a Land alteration of approximately 325 cubic yards of fill in a floodplain and shoreland for "site modifications" to accommodate a new future dwelling and to elevate house to conform to floodplain regulations, as regulated in Section 155.056 & 155.101 of the Wright County Code of Ordinances.

Present: Michael Sletten and Bill Brueggeman with b² Residential Design

- A. Rhineberger – with site plan displayed the request was reviewed. The request is for a Conditional Use Permit for a Land Alteration of approximately 325 cubic yards of fill in a floodplain and shoreland for "site modifications" to accommodate a new future dwelling and elevate house to conform to floodplain regulations. The property is 3.45 acres, in Franklin Township, on Rice Lake and was platted as Suburban Residential R2 zoning in the 1970s. The land alteration is taking place outside of the 200 ft. shoreland setback but there is extensive floodplain on the lot, which some fill will be going into. Any fill in floodplain or shoreland over 50 cubic yards requires a CUP. The Township did approve with no other comments received. Soil and Water Conservation District (SCWD) has been notified and is reviewing, no comment yet received.
- B. Michael Sletten introduced his designer. B. Brueggeman – started working together 6-7 months ago on a home design that would work with the existing conditions of the road and Regulatory Flood Protection Elevation (RFPE) setbacks. The home has been pushed back so that little of the home is inside the 927.3 RFPE. The 325 cubic yards would be used in the area around the house to maintain the 15 ft. perimeter of 927.3 RFPE; with 91% of the fill not for the structure itself but the area around the house. Township did approve.
- C. Thompson questioned how much above the wetland the home will be. Driving around the county there are wetlands where people build in a way the home looks out of place, sits low and doesn't appear very well protected. Brueggeman – currently there is no basement, there is a walkout level. Thompson – how much will be added to the slope to bring level? Brueggeman – for the building itself very little. The 325 cubic yards will be coming from excavating the foundation. Fill will not be brought in from other sites. Conversation continued regarding the look of the home and how the home will fit into the property with enough elevation so it would not look like it is recessed into the landscape. Brueggeman – the walkout level will be sitting at 927.5 with the next level 11 ft. above that at 938.5. Rhineberger – the finished fill elevation rule is the lowest floor elevation has to be at RFPE and fill at 1 ft. below RFPE for 15 ft. out from foundation. Sletten – told the 15 ft. needed to be carried out at the 927.5. Rhineberger read the ordinance with the applicant agreeing to the requirements as he does not want water problems.
- D. Rhineberger – for Rice Lake 13 ft. is the difference between the RFPE and ordinary highwater. This lake sees a change because it is connected to the Crow River.
- E. Felger asked to see an aerial photo of the property location. Rhineberger – very southeast corner of the county with part of Rice Lake in Carver County.

- F. No public comment.
- G. Thompson questioned if there is a need for driveway fill. Brueggeman – the driveway will remain as is with no fill needed. Rhineberger asked the reason for the driveway on the southside of home. Sletten – he wants his garage facing south to allow melting in the winter.
- H. Greninger moved to approve a conditional use permit for a land alteration in accord with the plans and narrative on file with Planning and Zoning and the discussion at the hearing, with the following conditions: 1) stormwater and erosion control measures be installed prior to any land alteration occurring and remain in place until vegetative cover has been established; and 2) as-built survey be submitted at the time of building final inspection. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

8. **TRAVIS FURNESS**

LOCATION: XXXX 52nd Street SW – Pheasant Ridge Addition Lot 3, Block 1 in Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-023-001030 Property Owners: APP Properties LLC

Petitions for a Conditional Use Permit to operate an appliance and electronics recycling center as regulated in Sections 155.029 & 155.055, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Travis Furness

- A. Rhineberger – property is a 4.06-acre site located in the industrial subdivision known as Pheasant Addition that is west of the City of Cokato. The applicant is requesting a Conditional Use Permit to operate an appliance and electronics recycling center and will include a new building as well as hard surface parking. As per the developer’s agreement for the platted subdivision, both the Township and the City of Cokato have approved.
- B. No comment from the applicant or public.
- C. Felger questioned if there will there be a septic system or holding tank. Furness – a holding tank as it will be just himself and son at the site.
- D. Rhineberger stated he has provided the Commission with a proposed motion based on similar request and is simply a guideline for the Commission.
- E. Mahlberg moved to approve a conditional use permit for an appliance and electronics recycling center in accordance with the narrative and site plan on file with the following conditions: 1) Signage on site must be in accordance with the County sign regulations; 2) Wetlands must not be disturbed, altered, or filled unless proper approval has been received by the Wright County SWCD; 3) Business activities on the site cannot commence until the proper building permits have been issued; 4) Proper stormwater management plan, approved by the Wright SWCD, must be submitted at the time of building permit application. Motion seconded by Holland.

DISCUSSION: Rhineberger addressed the applicant regarding contacting SWCD to discuss a stormwater management plan. The plan will need to be submitted at time of the building application.

VOTE: CARRIED UNANIMOUSLY

9. **STEVEN D. ZIEBARTH** – New Item

LOCATION: 15413 State Hwy. 24 NW – Part of E ½ of SW ¼, lying west of State Highway 24, Section 15, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #204-100-153100 Property Owners: Steven D Ziebarth & Jean L Ziebarth

Petitions to for a Conditional Use Permit to amend an existing CUP to allow a new 80' by 150' storage building to an existing seasonal storage facility regulated in Section 155.003(129a), 155.029, & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Steven Ziebarth

- A. Ziebarth – lives at the location where he would like to build a building for the storage of boats. Township did approve as did MN DOT.
- B. Rhineberger displayed aerial photo and site plan while reviewing details. The property is a 10.32-acre site located along Minnesota State Highway 24 NW in Clearwater Township. In April 2003, a CUP for a home extended business was approved to operate a marine repair shop with an allowance of storing three boats outside awaiting repair or pickup. In July 2018, a CUP for seasonal boat storage located within a 55 ft. x 200 ft. pole building was allowed with a maximum of 60 boats for storage. No outdoor storage was allowed related to the operation. This request was started with a noted violation of outdoor storage and why the applicant is here today. The applicant is proposing a new 80 ft. x 150 ft. building for boat storage that will be on the south end of the property. The building will be using an existing field approach off Minnesota State Highway 24, not the current business access at the north end. MN DOT indicated there will likely need to be some changes in the access, but they will allow the change in use, which would require a permit. Proposed building details were displayed. Township did approve of the request.
- C. Ziebarth – fixing the access to be used by only employees for the hauling of boats, not customers.
- D. Felger – currently in violation of 2018 CUP. Ziebarth – the first snowstorm caused a dirt layer on all non-shrink-wrapped boats so they had to provide free detailing. This caused them to be way behind on putting boats into storage. He also had to have his knee replaced and by that point the boats were all stuck in the snow, and he wasn't able to move them. This new building will allow for more indoor storage. He has more customer that want inside storage versus shrink wrap. He feels the new building will allow him to get work done quicker and move boats into storage faster. Felger questioned if the 2018 CUP did not allow outdoor storage why were they shrink wrapped. Ziebarth – shrink wrap occurs at that location, not the new location, and left because they didn't have time to set. This will not happen again next year. Holland asked if this was the first time the CUP has been violated. Ziebarth – years ago he didn't know he had restrictions. He has tried to not have this problem.
- E. Mahlberg questioned if the property to the south is Township owned. Ziebarth – correct. The Beacon aerial photo was displayed. Felger asked if the driveway would cross the creek or wetland area. Ziebarth – the easement road does cross the creek but there is a culvert the Township installed.
- F. Felger called for public comment.
 - Johann Massmann – 14518 Devitt Ave NW – stated that he has done business with the applicant for years. In the past he was asked to move his items because the applicant was out of room.

He has stored RV's, boats, and racecars as well as had repairs completed. He would do business on a handshake with the applicant and the Commission should consider the reputation that he has earned.

G. Mahlberg asked if the building would go up this year. Ziebarth – yes.

H. Bravinder moved to approve the amendment to the existing Seasonal Storage CUP to add an 80 x 150 building for storage with the following conditions: 1) building must be constructed by 12/01/2023; 2) proper building permits are obtained and final inspection conducted prior to business use commencing in the building; and 3) the conditions of the previously approved CUPs remain in full force and effect. Seconded by Holland.

DISCUSSION: Rhineberger stated from an enforcement perspective he would rather see no deadline for the construction of the building. If the building doesn't go up by a set date now the applicant would need to come back for another hearing. Regardless if the building is up or not boats cannot be stored outside. Mahlberg – he needs the building or he will end up storing boats outside. Bravinder and Holland indicated they would like to leave the construction deadline.

VOTE: CARRIED UNANIMOUSLY

10. **ZEKE BERG** – New Item

LOCATION: 7385 Jason Avenue NE – Part of the NW ¼ of SW ¼, Section 28, Township 121, Range 24, Wright County, Minnesota. (Monticello Twp.) Tax # 213-000-283201 Property Owners: Zeke Berg & Dana Berg

Petitions to amend an existing Commercial Outdoor Recreation conditional use permit to Commercial Agricultural Tourism, to allow a 40' by 40' pavilion and extend operations to include the month of August, as regulated in Sections 155.003(119), 155.029, 155.048, & 155.109, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Zeke Berg

- A. Greninger stated to avoid conflict of interest she will be excusing herself from this item as she personally knows the applicant.
- B. Rhineberger – the property is a 28.34-acre site located along Jason Avenue NE and 72nd Street NE in Monticello Township. The property is zoned General Agriculture (AG) and is designated as Agriculture in the Northeast Quadrant (NEQ) Land Use Plan. In 2018, a CUP was approved for Commercial Outdoor Recreation for seasonal events and activities, the sale of produce, and outdoor recreational activities from September through December. This request is to amend the existing Commercial Outdoor Recreation use to Commercial Agricultural Tourism to allow for a 40' by 40' pavilion and extend operations into August. Additionally, the applicant would like to expand the operation from 100 people on-site at any given time to 100-125 cars in the main parking with possible overflow parking. Monticello Township has approved the request.
- C. Berg – site plan was displayed and reviewed. Red area on the site plan would be the location of the pavilion. Overflow parking is shown in yellow with rotating which field is used for parking or planting as they alternate which field is used for pumpkins and the corn maze.
- D. Felger – is there intention of having music on site? Berg – part of existing CUP states no amplified music, so no they do not plan on having music.
- E. No public comment.
- F. Felger questioned how business has been going last few years. Berg – better and better. COVID was actually best thing to happen to Ag Tourism as being outside was only option for many.
- G. Thompson stated she had not been to the site before and feels it is time to visit. Berg – several people did visit with the last request. Rhineberger confirmed February 2018 was a site visit. Thompson – the staff report indicates recommendation for a site visit, which she is in favor of. Holland – knows the location as her family lives in the area. Thompson reiterated she would like a site inspection. Felger and Greninger stated they had been to the site with no need to visit again. Holland questioned staff on reservations. Rhineberger – increase of people allowed. A site visit would allow the Commission to see the area and potential impact. Looking for a fairly significant increase from 100 people on-site at any given time to 100-125 cars in the main parking with possible overflow parking. What does possible overflow mean? Does this mean potentially 500-600 people as it is related to cars not people being limited. A site inspection would not be out of order and is recommended but not required. Berg – the site is quite muddy.

- H. Holland questioned the location of the access and if there have been issues with vehicle backups. Berg – 72nd Street is the access point. This past year the parking area was almost at capacity on 2 days. Part of CUP says cannot allow parking on 72nd. When parking was full there was still capacity on the property with no lines or negative impact to guest or neighbors. He speaks with neighbors several times a year and addresses concerns. Biggest issue was customers missing the entry so they put up additional signage and flags. Last year no issues, even with construction on Jason Ave and 72nd being used as an unofficial detour. Rhineberger questioned at capacity how many cars are in the parking lot. Berg – hard to tell because people do not park between lines and will take up 2-3 parking spots at a time. Rhineberger – this question is to address if at capacity isn't working than it should be looked at being adjusted. Holland asked if the parking lot will be expanded. Berg – at this time no plan but would like the possibility. If for a reason they can't use the parking area, they would like the flexibility to expand into other areas.
- I. Berg – rain days impact the business, as there is no outdoor structure and is part of the request. They would like an area for people to sit under while the storm passes and still enjoy the activities.
- J. Thompson stated she would still like a site inspection. Mahlberg – with his work scheduled it is very difficult for him to attend site visits with the Commission so he will stay out of the discussion. Greninger – what is the concern? Thompson – for her she does not know what the business looks like so she would not want to make a decision without the opportunity to visit the site.
- K. Thompson moved to continue the petition to the May 4, 2023, meeting for a site inspection. Greninger seconded the motion.

VOTE: CARRIED

Nay: Holland, Felger Abstained: Greninger

SITE INSPECTION

Commission scheduled site inspections for Wednesday April 26, 2023. Commission members to meet at the Government Center at 8:30 a.m. and 8:50 a.m. at the site.

Meeting adjourned at 11:32 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

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