

WRIGHT COUNTY PLANNING COMMISSION
SPECIAL MEETING
Meeting of: April 20, 2023
MINUTES

The Wright County Planning Commission met on Thursday, April 20, 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, Jan Thompson Pat Mahlberg, Sandy Greninger (arriving at 7:49 p.m.), Jeanne Holland & Dan Bravinder. Absent was Ken Felger and Pat Mahlberg. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

PUBLIC HEARING:

1. **ORDINANCE AMENDMENT 23-1**

The Wright County Planning Commission will be reviewing and discussing proposed amendment to the Wright County Code of Ordinances. Proposed is to amend Section 155 to include mining and extraction, addition of Interim Use Permits with associated changes, and septic system soil disputes.

- A. Rhineberger stated a number of public comments were received referring to notifications and whether notifications would be provided. Notifications are required by MN State Statute 394.26 and is included in the interim use permit language where it references 155.029(c), which specifies rules and distances that need to be sent public notice. Rhineberger displayed the statute while reviewing the details and specifics. Even though removed from the mining and extraction section, the notices are still required for all public hearings and will continue to be sent, as required. The change in the amendment is simply a matter of cleaning up a statement that is listed in duplicate locations in the Ordinances. Notifications are not being taken away and will continue, as required by state law.
- B. Mol opened the floor to the public with a reminder to keep comments to 3 minutes as-well-as provide name and address. Those 3 minutes will not be allowed to be handed off to someone else.
 - Jeff Johnson – 16055 62nd St NW, South Haven – stated ordinance has good and bad areas. Asked for clarification on Section 1: B(1) where it is stated that “an interim use permit shall not exceed 10 years; after which time a new interim use permit shall be required.” Does that mean that you’d have to go through the entire permit process with mapping and everything? If that is the case, he feels there will be a series of 10 to 15 acre gravel pits all over the county. If you can’t mine more than that in the 10 years, there would be no reason to apply for a larger pit. Feels there will be a constant state of gravel pit applications. In other places he has interim permits, but they have a renewal after 10 years and a renewal process versus a new from scratch permit. The

- way it is written there will never be a need for an Environmental Assessment Worksheet (EAW) because everything will be starting from square one with no possible reason for anyone to permit more than 10-15 acres.
- Brian Bell – (Attorney representing Gilchrist Orchard) – Gilchrist Orchard is part of a group of concerned citizens that share many of the same concerns of Gilchrist Orchard. He will focus his comments on the consistency of the proposed mining ordinance with relationship to the Comprehensive Plan. Referring to the Northeast Quadrant (NEQ) and Northwest Quadrant (NWQ) Land Use Plan as well as the US Highway 12 Corridor (US 12) Land Use Plan. MN Statue 394 requires that a zoning ordinance be consistent with a County’s Comprehensive Plan. There are at least 3 ways the proposed ordinance is inconsistent with the Comprehensive Plan and therefore needs to be changed. First, proposed ordinance needs to be changed to allow mining operations on only properties 40 acres or larger. That is a requirement of the Comprehensive Plan, and the proposed mining ordinance allows on plots that are 20 acres or larger; that should be amended to only occur on lots 40 acres or larger. Second issue is that the Comprehensive Plan requires a developer submit a nuisance mitigation plan. This would be a plan where a developer would discuss negative impacts of the development and mitigation measures. Currently, not a requirement of the proposed mining ordinance but is a requirement of the Comprehensive Plan and should be added. Third concern is mining should be prohibited on any areas designate as commercial in the Comprehensive Plan. The Comprehensive Plan does not say that no mining can occur on land that is developed or designated on the Comprehensive Plan as commercial. Mining isn’t traditionally considered a commercial use but more of an industrial use or in his professional opinion a retail use or office use. In the Comprehensive Plan it does say future commercial uses should not require significate level of municipal services. The Comprehensive Plan also states that even after reclaimed any future redevelopment requires a significant level of municipal level services. For this reason, he feels the proposed mining ordinance should be amended to prohibit mining on land that is designated commercial.
 - John Wokasch – 8800 13th Ave E, Shakopee – questioned if there will be a need for multiple IUP’s. Seems to read that one would need to get an IUP for mining, separate one for crushing and washing, another one for recycling and last one for asphalt plant. Would like clarification on that. Usually, a IUP mining permit covers crushing, washing, and recycling.
 - Donna Pasternak – 13787 Meridian Ave N, Monticello – thanked the Commission for taking the time to hear public comment. Understands why miners are here, as they have a finical stake, as it is their livelihood. The foremost concern of the citizen group is the perseveration of the use and enjoyment of their property. It cannot be overstated this is not just property, it is their home. Two separate land use attorneys have pointed out the significance of the Land Use Plan or Comprehensive Plan. The Land Use Plan is not a theoretical guide it is a legal instrument used by courts and should be respected. She ran a small business for over 30 years an understands firsthand the

- challenges small business owners face. The citizen group does not have a problem with the mining industry but a problem with their history. There are some very well-run operations, but it is undeniable there have been some significant and reoccurring issues that have gone unaddressed. The proposed ordinance amendment does make a major compromise in the use of IUPs, however use of IUPs alone does not restore public trust. It is understandable the ordinance should be flexible, but it must also hold operations accountable. The proposed amendment lacks significant reporting and recording of violations as well as definitive schedule of disciplinary actions. Another major issue is the ordinance amendment must require compliance with the Land Use Plan or Comprehensive Plan. This change alone would resolve most of the discord in the room tonight. The citizens are not simply contrarious but fearful of negative impacts on their homes and families and are not convinced the proposed amendment will protect those things that are held so dear. There is a list of issues brought to attention of the Board and the citizens hope the Board will give due consideration to all issues and well researched suggestions. Do not bow to pressure and rush to enact a flawed ordinance that will impact community for decades.
- Dennis Klug – 7875 Greer Ave NW, Maple Lake – as previously mentioned the number of permits for mining, screening, asphalt, crushing and recycling would be nice to be clarified. Will 4-5 permits be required? There is also language regarding days not able to work following Federally recognized holidays. He would guess there are a lot of people that work on Veterans Day and Columbus Day. Thinks counties, states and many cities have bids that specifically state days not able to work as Memorial Day, Fourth of July, and Labor Day. The asphalt plant is limited to a 2-year renewal. With the amount of money, it takes to set up a facility and trying to limit to 2 years will really push people from trying to compete. Limiting to 2 years when it cost a million to set up a facility really needs to be looked at. Understands why the timeline is wanting to be squeezed but it should be noted there is a possibility of competition being eliminated and therefore increase cost to taxpayers.
 - Lori Cassady – 2573 50th St NE, Buffalo – there are many people from the community that have spent many hours learning and communicating with one another over the past year. There are also various townships that are represented here tonight. For her it has been good to get to know her Commissioners. It will be difficult to speak to all the specifics as there is so much information. There are many letters submitted with details found in those letters. The first topic she would like to address is regarding permit applications, performance standards and annual reporting. At the time an application is submitted it should include an operator background check and any prior citations or violations should be disclosed. That would be proof the operator is in good standing with the community. There should be a route planned and submitted for truck hauling on public roads, similar to what other counties have. Basic performance standards should be set into place. Without measurable standards it is difficult to enforce compliance. Annual reporting is within the MN Statutes requirements and a county is allowed to have a stricter ordinance. The ordinance amendment states, “imported material should not exceed the amount of material

extracted”. This would be an example of the necessity of annual reporting and could be used in accordance with the application to ensure what is estimated is within reason. If there is a concern with resources in the county, as far as personnel and finance, then there should maybe a dollar value increase for fines and fees to supplement enforcement. Each mining activity should require a separate IUP because it is important to address the many different things that go along with each activity. Another concern is traffic and safety. Should the consideration of MN DOT recommendations be taken into account? There are many traffic intersections and heavy flow areas. There are concerns with speed and finally one of the most important we need to remember is that there are specific bus routes and student corridors used by these trucks. In 1997 Monticello experienced an awful accident between a truck and school bus. Children need to be part of the Boards consideration.

*Sandy Greninger arrived @ 7:49 p.m.

- Derek Nikko – 2749 27th St SW, Waverly – gravel pit owner for over 25 years. The more red tape and rules being added really makes it hard to get into the business. Feels for children following behind as they try and get into the business. Understands concerns with trucks and mining but can’t change where the material is located. By only allowing on 40 acres or more, he feels that would take everyone in this room out of business. There are very few pits that are that big and everyone is just trying to utilize what is left. It is hard with government rules, MSHA for safety and paperwork stacked on paperwork. Safety and all these rules stack up and he is afraid that it is getting out of hand as far as too much red tape. Everyone he knows in the business are good operators. In the past there were poor operations and that probably gave residents a sour taste, but he feels things are getting straightened out and improving.
- Steve Garvin – 2209 Wildflower Ct, Buffalo – recently purchased an apple orchard and attorney did speak earlier. On April 6th the Journal Press had an article related to the growth of Wright County and begin the fastest growing county in the Minnesota. That growth does so much for the County and community. It helps with the tax base, schools, small business, families, and people want to move here because of the beauty of the area. What attracts people here is the friendly people, affordable living, peace and quiet and the beauty of farmlands and lakes. The growth has occurred in direct response to, and no short part, due to the wisdom of the Counties forefathers that put a long-term growth plan in place. What they are saying is the growth plan is a significant guideline and State Statute requires any ordinances that are put in place must follow those long-term plans. Would urge the Board to consider the ordinance with respect to the many thousands of hours, people and money spent on that plan. Feels the nuisance mitigation plan is very important. If these pits are only in AG districts than the Board should consider the fallout of what happens to the neighboring farmers that have field crops. There are farmers that have lost crops due to the issues dust causes. Would urge the Board to consider how the mitigation plan could help those farmers. If all of the gravel pits are only allowed in AG districts it is inevitable it will be associated with or adjacent to some farmland. Farmers need some plan to remuneration or helping coverage with the crop insurance; none of this is

- mentioned in the ordinance. Encourage looking at the long-term plan in the wisdom of the forefathers that put it together and continue the growth Wright County has experienced.
- Santo Cruz – Buffalo Township – grew up on a rural dairy farm and recently lived in Ramsey County where he did government work for a County. Moved 5 years ago to Wright County for all the reasons mentioned. He had a .11-acre lot in near a bus stop and 5 years ago decided they needed to get out of town. His children’s mental health benefited during COVID with not being confined to a small .11-acre lot when all parks in the Ramsey County were shut down. The fact that they could run through the woods, play with chickens, or pick apples at orchards was so beneficial to their health and wellbeing. His kids love their childhood the way he loved his on the farm. That is precisely because of the wisdom of those that came before this Board. He is not here to demonize those that work in mining. He grew up on a dairy farm that stunk and would be living in a glass house. Feels this topic is a question of proportionality. How much do we want? Wright County does not live in a bubble and is surrounded by other counties that would love for Wright County to relax standards so they could become the gravel pit for all the light rail and downtown development, so they don’t have to put it in their backyard. He is asking the Board to consider what is needed in Wright County. He is not trying to shut anyone down but is asking for a balance and for the Board to take into account what neighboring counties are doing. They are watching this, and they are saying to themselves that they don’t have to have mining because Wright County will be the gravel pit for all of us.
 - Kristen Todd – 15433 Curtis Ave NW, Monticello – would like to address Section 1: E(5) regarding screening barriers. The current ordinance states, “a screening barrier shall be maintained between the mining site and adjacent residential and commercial properties” and now is proposed to read “may be required”. This seems to be that it may or it may not be required. Shall sounds like a hard and fast requirement and may be required sounds like it is up for debate. Additionally, the current ordinance states “the screening barrier shall be planted with a species of fast-growing trees such as green ash”. That whole sentence was stricken from the section and replaced with “the type and extend of the barrier shall be set by the Planning Commission. Before there was a minimum of specific requirements and now that specificity has been removed and replaced with vague language that puts burden on the Planning Commission to decide what those barriers will be. As someone who lives near a mine would suggest that two rows of fast-growing trees, at least 1 inch in diameter, shall be planted 20 ft. on center around the perimeter of the site. Additionally, an earthen berm should be constructed to a height of at least 20 ft. or such height to block mining activities. MN DOT uses 20 ft. high sound barriers for highway projects. There is a great information page which discusses the amount of decibel reduction related to different sound barriers and explains earthen berms are great at reducing sound. Feels these are a few things that can be done on the public facing side of mines to improve appearance, reduce sound, reduce dust, and also show at least a bare minimum is being asked of the operators.

- Kate Dietel – 13720 County Road 75 NW, Monticello – this week Fox 9 News illustrated what we are trying to avoid. The residents of Denmark Township, in Hastings, are expressing concerns of their existing home. Currently dealing with noise of a conveyer and crusher echoing through their homes 12 hours a day. They are experiencing damage to homes. They have expressed safety concerns of heavy truck traffic on a narrow county road. Many residents are considering moving but know they will have difficulty selling their homes. This Board has an opportunity to adopt an ordinance that will likely be in place for years. Please add safeguards to protect residents adjacent to these mines to avoid issues residents of Denmark Township are experiencing.
- Johann Massman – 14518 Devitt Ave NW, Monticello – has been before the Commission many times in the last few years related to many mining operations and has been on various site visits. Thinks the IUP permit wording is right. Sherburne and Stearns Counties have already made the switch to IUPs. They give strength to future boards to deal with changing situations, bad operators, and things not even imaginable as affecting the mining industry in 20-30 years. The IUP gives future boards the ability to change with conditions. County staff members have stated CUPs are grandfathering a use into the land and an IUP has a definite triggering event. Reminded the Board that future mining needs and what this ordinance speaks to may not be gravel, it could be silica, magnesium, or sand so we have to have language that allows for staff to work on what the future brings. Crucial that what is done conforms to the Land Use Plan, which has been mentioned a few times. Important to talk about land use, tax value and best use of the land. Decades ago, he heard a township board member say some of these uses are part and parcel with gravel mining. If that were really true, then all of that steel industry in Pittsburgh would be on the Iron Range and next to the ore mines. We used to be a big spread-out county and are no longer that. As we grow in the population it is those uses that specifically decrease property values of neighboring properties and impact quality of use for those of us that are fortunate to live on a lake and maybe unfortunate to live next to a mine. Feels as we grow forward, we need to look at some of the uses not as agriculture uses but rather as industrial uses or possibly commercial. Hope the Commission is able to recommend changes to the County Board that talk to the citizens' concerns, if that can't be done than maybe the moratorium needs to be extended with additional discussion.
- Duane Rolstad – 1855 20th Street SE, Buffalo – has a pit in Rockford Township. Has only had a pit for 14-15 years. He has had 3 major projects where he has crushed on site. Just crushed 7,000 tons in downtown Monticello, which was monitored by MPCA and OSHA. The city wanted it done this way so that they would know how to handle future crushing permits. He makes more dust when he drops his two 40 ft. field cultivators in the spring when he plants crops than any crushing operation he has been on.

- Mark Magnuson – Representative of Knife River – has been before the Planning Commission in the past. It is stated that operations should be prohibited on federally designated holidays. Juneteenth and Columbus Day are not recognized as non-workdays in their government contracts. All contracts have start dates, number of workdays to get work done and completion dates with fines for not completing. Those days mentioned are not really incorporated into days that are passed over. If need to expand on days off related to federal holidays, such as Memorial Day or Labor day, wording stated can read limited to the Saturday that runs in conjunction with said holiday. In the past, statements such as this have been added into their CUPs. Workers are seasonal and need the hours. He is a very big proponent of berms for site and noise. Would caution the use of trees. Trees have caused issues with snow plowing and have been removed at the request of the townships.
- Kate Schmidt – 5170 10th St NE, Buffalo – would like to address the changing of the AG zoning restriction. Owns a piece of property between 2 pits that have been mined and successfully reclaimed. This new restriction would limit her ability to access the gravel and sand on her property. She would request that instead of restricting to particular zoning it is looked at on a per application basis. As stated earlier, we are in a growth phase of our County and it is not a time to restrict the resources we have.
- Bob Perry – the IUP was rewritten with some guidelines left out so that an application could be designed and restrictions added on a case-by-case basis rather than a one size fits all for all applications. Applications coming from the west as opposed to the east side could be looked at differently. This is a big county and the one size fits all doesn't work very well. Also, property owners have rights as a homeowner as well as those property owners that have resources they want to maybe use as part of their retirement plan. They should be allowed to reap the harvest of the gravel just as a farmer can get corn off their property. The pit operators are small businesspeople, and a lot of other people rely on that business for their life. It is important that everyone works together. The preamble to the ordinance says it well with the statement that the need for sand and gravel is undeniable for everyone in the county and neighboring counties to use.
- Chris Klein – 5758 112th St NW, Maple Lake – the committee for this ordinance change was set with members selected by application as well as the County Board made selections. Many of the concerns that have been listed tonight he is going to assume went to a representative and was part of what was reviewed by the committee. Understanding is that Silver Creek Township had a lot of concern with gravel pits and there currently is a mining moratorium in the Township. A lot of those concerns came through that representative to the committee. Those are good and everyone should have the opportunity to voice their opinion. What he is seeing and hearing is the IUP is somewhat concerning. There is a lot of changes in the ordinance for current and future operators. There are also concerns for the residents that live around pits and the rules aren't strict enough. There needs to be a balance and that is up to the

- Commission. There are 60,000 residents in Wright County and everyone uses gravel and the material mined. That should also be taken into consideration. Anytime you can get opposing sides to give and take no one is happy, so maybe there is a balance with the way it is written, and he would therefore support it as written. There is a little bit of language that could be adjusted regarding the 10-year limit. The Board should consider adjusting language regarding extension of an IUP. Would hate to see a hundred 10-acre pits all around the county. It makes more sense to see a larger area pit versus a bunch of little ones.
- Johnathan Hendricks – 14695 92nd St NE, Otsego – the issue is that there are a whole lot of competing interests. We are the fastest growing county in the State of Minnesota. If someone is all alone in the middle of the county and there is no one around to see or hear what is happening than we don't care if they are cutting trees or mining gravel. The problem is when people buy property and a few years later it is decided to put a gravel pit next to them and their quality of life is impacted. This is when the board shows up and tries to weigh the advantages of the mining pit versus the individuals that live near the pit and have lives impacted. The only common-sense way to go about this is to handle each individual case as it comes along. If people are going to have life impacted and their property values diminished, because all of a sudden there is a gravel pit next door, that is going to create a problem. The more people we have in Wright County the fewer gravel pits you are going to have or the more you are going to have these kinds of meetings. What are we going to do and how are we going to navigate the path to ensure people in the gravel business have access to gravel and the people living next door the gravel pit have don't have a worthless house? Property values are important to people. This is something that probably would do better instead of trying to have overarching rules, for example no mining on Sunday. What about Saturday when people are out and about as well. He would recommend having a system where you take into consideration where the lot is located and make sure land isn't developed near proposed gravel pits. On page 8 Section 4, it mentions the use of the MN DOT mix when closing the pit, he would like that changed to a native plant mixture. The MN DOT mix does not restore the land to a wildlife friendly environment.
 - Dean Mahlstedt – 2522 Osell Ave SW, Cokato – Cokato Township Supervisor – there are mining operations on the west side that will be significantly different than operations in the northcentral or east side of the County. There is one particular pit in Cokato Township that is secluded from neighbors and the requirements to protect neighboring lots is not relevant. He sees the proposed amendment as requiring protection for neighboring property owners, and in this case the pit is secluded. Would like the Board to make sure there is some provision allowing for adjustments so that it is not a broad brush painting a rule across the board. For property owners that have moved in next to mining or moved in and mining starts up. He recognizes there is a delicate balance. Every year the townships have to look for aggregate to maintain gravel roads that are used by residents and nonresidents of the township. He envisions a day when trains from the west will bring in aggregate, either from being

- so controlled or simply not have mining operations because other uses cover the resource.
- C. Hearing no other public comment, Mol brought discussion back to the Commission.
- D. Bravinder stated that he had not thought of an IUP as a renewal. Is there a way to have a renewal process that does not require a complete overhaul of the site plan, mitigation and all that is required for the original IUP? Rhineberger – it is all in how it is written and worded. Even in the renewal process, which is in the current ordinance, it does state a renewal will be acted on as if it were a new application. When we ask for renewals now it is supposed to be looked at as a new application. A lot of the information could be taken from the base of the original application and adjusted for the changes that occurred overtime. Currently this is already being done as part of the renewal, alternation, or expansion application so is really no different than with a new application, for the most part. Bravinder – information given with the original IUP could be rolled into the 2nd application for the renewal. Rhineberger – correct. If the plan shows a 10-year plan and they have not reached what was in the 10-year document, would assume the Planning Commission would want to know that. He would think the Commission would want the plans redrawn to compare where the pit is at and where they stated they would be and address where they will be and what the future plan is. More than likely the plans will change as the existing conditions will not be the same as what the existing conditions were at the time of the original permit. We will want to see the details whether it is a renewal or a new application.
- E. Thompson – agree with comment regarding screening and barriers. Feels this area is weak and needs to be beefed up some. Says barriers may be required between the mining site and adjacent properties and a screening barrier may also be required between mining site and public road within 500 ft. Feels the wording needs to be a little tighter to help with enforcement. It would give the Planning Commission more of a direction and ability to commit to final decisions. Feels the IUP should be carried forward and approved by the County Board. Appreciates that the notices are covered as a state law and will not be changing or getting weaker. Sees that there has been a lot of work and thought put into this amendment. Realizing gravel is a resource and this ordinance does a good job of making a bridge between everyone here and feels it is much more acceptable than the past ordinance.
- F. Greninger – it was mentioned this ordinance is not a one size fits all. She served on the committee with representation from all areas and it was a give and take by all of those involved. Feels that the give and take creates balance and that is what everyone is looking for. She has owned dump trucks for 20 years and is knowledgeable that this needs to be a give and take. Some operators do good with their pits and others do not but where can we get a happy medium? How do we get those that do not play well to play decent?
- G. Holland asked for explanation of the Comprehensive Plan. Kryzer – there are three separate Comprehensive Plans in the County. One for the Northeast Quadrant (NEQ), one for the Northwest Quadrant (NWQ) and one for the US Highway 12 Corridor (US 12). He was not here during the process but knows that at the time of adoption the NEQ had extensive input

and time put into an aggregate resources zone and at the last minute all of that work was removed from the plan. There are some policies incorporated into the NWQ. He would disagree with comment from the public and feels this ordinance does follow through on those policies and the ordinance amendment is in compliance with the Comprehensive Plan. The US 12 Corridor plan really does not reference much regarding aggregate resources. Believes the ordinance is in compliance with the Land Use Plan.

- H. Mol – several amendments have been added. Has the public been able to view those? Has the Townships been able to review and provide response? Rhineberger – no, those are amendments that staff was directed to draft. In discussion with County Commissioners, it was asked that they at least be brought forward. He can display the amendments on the screen but in the end, they were not part of the public distribution package. What was moved out of the workgroup committee was the language that was submitted for open public comment. Mol – some of these added amendments were written well and covered concerns mentioned. If people have not seen them, they may not have assurance as to what is being reviewed and worked on. He has been part of approving gravel pits and trying to work with citizens and operators in trying to find that happy medium. Every one of us in this rooms has concrete in their home that comes from aggregate and washed gravel. Also understands the dust related to agriculture. In the end we have to have gravel and they cannot be run out of the County. We live in a county with that resource. The Northshore has iron ore and we have gravel. Everything we do from driving on gravel roads to tar roads needs gravel. Interstate 94 had a recent large project that used a lot of Wright County aggerate. He is a citizen as well and hears what is being said. We have to find the happy medium where the gravel operators are not run out but as citizens, we can live amongst them.
- I. Bravinder – he took note of the one size doesn't fit all comment. As a Commission member for the last 9 years, that is something that has quite frequently dealt with when discussing gravel pits. Feels that this Commission does its due diligence when they look at the surroundings for the proposed gravel pits and what is going to be required. If there is a neighboring home, they have required a fence. To him the word shall is part of the ordinance he has taken very seriously. As a Commission we need to understand everything that is going on around the pit so that it isn't a decision that benefits the resident or pit operator. In the new ordinance that word has been stricken and replaced with "the Commission may require." Feels this is a dangerous way to go, this would be a more of a one size fits all. In Cokato Township there is a gravel pit that is a 1/4 mile away from a home and to require that pit to put up screening would be unnecessary costs. This is one area of the ordinance he is not in favor of. It was brought up a few times regarding the different interim uses. This was discussed in the gravel committee and how these different uses can be applied for at the same time. Rhineberger – they can all be run under the same application and hearing. If you know you are going to do all these uses than ask for that at the time of original application. If added later then specific approval will be required. Goal is for the operators to state what will be happening with the initial application and if something comes up that was not part of the original permit, a new separate permit is required. It will be a single application with a list of uses. Each use can have its own separate set of conditions or limitations added by the Planning Commission. It would be a single hearing with a single application and looked at as

a whole. This process is similar to what currently occurs. If there is a CUP now and one of those uses is not included in the original CUP, the operator would need to ask for permission. It really is not any different but worded and structured slightly different.

- J. Thompson – liked comment from the City of Buffalo where they had written a recommendation about taking a look at their Land Use Plan to ensure when issuing permits and when having a pit play out that the grading is completed at the requirements of the City. This would allow the transition to fit with the City Land Use Plan. Would think the County Board would be interested in working with the City of Buffalo to ensure their plan is worked into the County plan and staff's view of issuing permits.
- K. Bravinder – in the gravel workgroup they did discuss berms and screening. The berms, from what was discussed in the workgroup and even when dealing with the Delano Gun Range, reiterated the effectiveness of minimizing sound through berms. Vegetation did very little to stop any of the noise, but the berms were able to significantly reduce noise. Putting a strong emphasis on the berm being high enough to block existing residences is far more important for the Commission than the screening. The screening is mostly for a visual. Lives on Hwy 12, with quite a few trees, and they do very little to stop highway noise.
- L. Greninger – amendment number 23-1B mentions 6 ft. trees. The committee spoke extensively about berms cutting noise and that they address the sightline. The trees need to be kept alive and she is very much in favor of berms versus trees. Questioned why when there were 5 additional amendments was there not another gravel committee. These are a lot of changes. Kryzer – reason is because we are running out of time and there isn't time for another gravel workgroup meeting. Greninger asked why when these came out wasn't there an immediate meeting of the workgroup. Kryzer – because we are out of time. As staff we were directed to draft and get to the Planning Commission. Holland – from what she understands the two County Commissioners understood what was talked about at the meetings and wanted some language cleaned up. They wanted to ensure the intent of the Board was written clearly. This was something they could do at the County Board meeting but decided to do it now so that the Planning Commission and public could review. It is something the County Commissioners could do at a later date to solidify and make it cleaner and easier to enforce. Kryzer – would add that these 5 amendments were direct results of what was read and heard from the public. Mol – would agree, these amendments do correlate to many of the public comments.
- M. Thompson – lives on the boarder of Wright, Sterns and Meeker Counties. Feels out there is the gravel capital of Wright County. She has lived there for 25 years and every day she wakes up she is grateful that she does not have a gravel pit next to her. She does not mind the graveling and taking gravel out but personally feels that this ordinance really corrects a lot of this that are lacking in the current ordinance in fixing the problem. Several pits have been open and haven't been mined for years and we need to know why and if there are plans for the future.

- N. Rhineberger displayed each added amendment and gave a recap. Amendment 23-1A is an annual reporting requirement with a list of required information to be submitted as part of that annual report. Amendment 23-1B is related to screening and would basically require screening and includes tree replacement requirements. Amendment 23-1C is related to odor control at asphalt plants. Amendment 23-1D addresses the 10-year new IUP requirement with added language related to hot mix asphalt plants. Last one is 23-1E and states that the Planning Commission may waive or alter any screening requirements. Kryzer stated the last item addressed concern that screening was changed from “shall” to “may be”. The Planning Commission has ability to take the screening requirement away, depending on circumstances. Default will be that screening is required. Mol – the Commission can change the screening requirement if they see fit. Kryzer – correct, that is the last sentence of 23-1E.
- O. Mol – we have pits in the County that are corporate owned, as Knife River is, but there are also a lot that are not owned by a corporation. When you have an IUP, after 10 years they need to go through the re-permitting process. Is there a way to turn that into a review if passed onto an immediate family member? If a son is coming up in the business he’d have to go through the whole permitting process. Not against an IUP but many that this Commission seen where a new operator comes in and operates much differently than the last operator and the business is not operated the same. Being that it could be transferred from father to son is there a way to avoid a new permit? Rhineberger – has seen a business go from father to son and the business is not operated the same. There is an assumption they will be the same but that isn’t always the case. Many times, it doesn’t matter if it is family or not. In this industry one operator can leave and another operator can come in and do a better job. The triggering event is a triggering event. You could have it the opposite way as well. You could have an operator fringing on violating conditions and a new operator come in and is squeaky clean.
- P. Mol questioned how the Commission in wanting to move forward. Do they want to forward onto the County Commissioners? Greninger – this would be making a recommendation to the County Board. Mol – correct, County Commissioners have the final recommendation. As Commissioner Holland commented, the County Commissioners want their amendments seen tonight so that it they would be much more upfront, and the public could review some of what they are thinking before it makes it to them for a final decision. Thompson questioned if all public comments and comments from the Planning Commission will be passed to County Commissioners at their next meeting or when will that happen. Rhineberger – if recommendation is moved out of this Commission tonight it would be placed on the County Board agenda for May 2nd. All public comment received up to this point will be included in that packet. The Staff report provided to the Planning Commission was also emailed to County Commissioners. Holland – minutes would be included in that packet. Rhineberger – if the recommendation comes tonight that is it and discussion will not come back to this Commission. Mol – tonight is the night for us to either recommend approval to the County Board or also have the option to pass on as a recommended denial.
- Q. Greninger – was the question on Juneteenth and Columbus Day addressed? Kryzer – does not feel those can be addressed by this Commission. If it is a federal holiday, it is a federal holiday, and you cannot operate. If there is a contract that says otherwise you won’t be

hauling on that day. Currently Juneteenth is a federal holiday and will become a state holiday on August 1st. Mol questioned if this can be waived by the Planning Commission. Kryzer – it would be a holiday and not allowed to be waived.

- R. Bravinder – this Commission frequently hears about hours of operation and startup time. From what he is reading in the hours of operation there is no provision for startup time. Is this something that needs to be added? Rhineberger – that was language reviewed in the workgroup. Mol – read 6 a.m. – 7p.m. with no trucks leaving the pit after 7 p.m. Bravinder – that was just trucks, nothing about starting up the burners so they are ready for operation at 7 a.m. Kryzer – directed the Commission to page 6 item #8 regarding the days of operation. There is a default with what is stated, and the Planning Commission can make adjustments. Rhineberger – there is also language regarding what operations means.
- S. Mol – days of operation it is stated that every Saturday can be worked, unless specified by the Planning Commission. That still provides the ability for the Commission to allow 6-7 Saturdays a season versus every Saturday. Kryzer – the gravel workgroup discussed hours of operation for an entire meeting, and they wanted to have at least a baseline. If missed by the Planning Commission, there would be a standard set default, but the Planning Commission would be allowed to make adjustments. There was discussion around hot mix and parts of the plant being started prior to trucks being allowed to haul. What is in the ordinance is a compromise that came out of the workgroup. Mol – a 7-day operation has been heavily discussed and a sticking point for this Commission.
- T. Holland asked for the gravel workgroup to be explained to the public. How many meetings were there and who was in the group? Greninger – 2 members from the Planning Commission, 2 township members, 2 County Commissioners and 2 representatives from the aggregate industry, which was Knife River and MBE. There was also a member at large, which was a citizen member. Rhineberger – Staff member Zoning Administrator Barry Rhineberger, legal counsel Greg Kryzer, Scott Deckert and Assistant Administrator Marc Mattice. The workgroup had 10 meetings. One of those was an onsite tour of several different styles of operations as well as a drive by of other pits on the route. Holland stated this does not feel like a flash in the pan document. A lot of hard work did go into the ordinance with consideration and a lot of give and take from all parties. Feels confident moving forward with what is before them tonight.
- U. Greninger stated she feels confident moving forward.
- V. Bravinder – quite a few letters had comments related to setbacks from residences. Currently it is 500 ft. from a processing plant. Rhineberger – confirmed.
- W. Thompson moved to recommend approval of Ordinance Amendment 23-1, 23-1A, 23-1B, 23-1C, 23-1D and 23-1E to the County Board. Greninger seconded the motion.

DISUCISSION: Kryzer questioned the sentiment on the 5 proposed amendments or is there an opinion. Greninger and Thompson agreed they thought that was part of the motion made. Kryzer – motion will be noted as such. Bravinder – wanted to clarify 23-1B where it mentions trees and shrubs being at least 6 ft. in height, is only if the Planning Commission decides they need to be added to the site. Kryzer – confirmed.

VOTE: CARRIED UNANIMOUSLY

X. Bravinder moved to close the public portion of the meeting to all written and oral comment. Greninger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:15 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks