

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: July 22, 2021

MINUTES – (Informational)

The Wright County Planning Commission met July 22, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chair, Ken Felger, called the meeting to order at 7:30 p.m. with Board members present: Mahlberg, Kaczmarek, Thompson, Tanner and Bravinder. Absent was Dan Mol. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present. Kryzer announced to the audience the items to be continued and not heard.

MINUTES

On a motion by Bravinder, seconded by Thompson, all voted to approve the minutes for the July 1, 2021 meeting as presented.

1. **CURT SCHMITZ** – Cont. from 7/1/21

LOCATION: 606 Halsey Avenue SE – Part of Lot 7 & all of Lot 8, Charlotte Shores Second Addition, Section 5, Township 119, Range 24, Wright County, Minnesota. (Lake Martha - Rockford Twp.) Tax #215-014-000080

Petitions for a Conditional Use Permit as regulated in Section 155.029, 155.030(D), 155.049, 155.057 & 155.101, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a land alteration to excavate between house and garage for future dwelling addition. Removal of an estimated 300-350 cu. yds. of material.

Present: Curt Schmitz

- A. Riley reviewed the maps and pictures of the property. Noted the Commission drove by the property while out on another inspection. The survey was provided to show the proposed land alteration. Property is zoned R-1 and the applicant explained the land alteration is in preparation of replacing the existing house.
- B. Felger opened the hearing for public comment. No one came forward and he returned to the Commission for questions and comments.
- C. Thompson asked when the applicant is planning to rebuild? Schmitz stated the following year, depending on construction materials being available.
- D. Riley noted the Staff has recommended a condition be set for completion date of November 2021. Schmitz indicated it might not be entirely done by then. Riley –explained Staff does not want to see the site left open and susceptible to erosion over the winter. Felger asked the applicant if that deadline is acceptable? Schmitz confirmed that it was.
- E. Bravinder moved to grant the land alteration to remove approximately 300 yards of material from behind the house as shown on the plans with the following conditions: 1) Erosion control must be in place at all times, including the silt fence or bio-rolls or something similar until vegetation is established; 2) The project must be completed,

including seeding, or sodding where necessary, by November 2021. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **CHENEY PROPERTIES LLC, represented by Joe Cheney** – Cont. from 7/1/21

LOCATION: XXXX Dague Avenue SE - Part of Gov't Lots 1 & 2, Section 9; N ½ of SE ¼, except tract.; also S ½ of SW ¼ west of road, except..., Section 10, all in Township 119, Range 25, Wright County, MN. (Dean Lake- Rockford Twp.) Tax #215-100-094100 & - 103300

Petitions to rezone approximately 63 acres from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and also for a Conditional Use Permit for a two-lot unplatted subdivision (1-10 acre and remainder 53-acre lot) as regulated in Section 155.028, 155.029, 55.047 & 155.057, Chapter 154 & 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances & Subdivision Regulations.

Present: Steve Cheney & Joe Cheney; Paul Otto, Otto Associates

- A. Riley displayed location map, the current zoning and land use is AG General Agriculture. The Commission made a site inspection to consider the request to rezone to A/R zone with a minimum of ten-acre lots. The concept proposed is one ten-acre lot on the lake and the balance of 53 acres, everything north, with lake frontage and entitlement. A previous request in 2010 was noted, action on an Environmental Assessment Worksheet may still be in play from that hearing, depending on what the Commission decides tonight.
- B. Otto noted most Commission members met at the site. Felt two homes would fit into the area well. They feel the proposed rezoning and subdivision will lock up the property for the future. If someone were to try to do more, they would have to come back to the Commission and try for a smaller residential zoning district. S. Cheney added he bought the property from Bjorkedal before he passed away and has been trying to market the property the last 10-12 years. Everyone that looks at the property feels it is too big and splitting the property will make it more affordable. He noted if this is allowed it would complete the development around the lake and just adds one more home. He noted currently there are 54 homes built around this lake.
- C. Bravinder asked if under the AG zone there is one “entitlement”? Riley – correct.
- D. Kaczmarek – asked Riley to speak to procedure and the comments the Commission heard at the last meeting and at the site inspection. If this were approved, would it make the process easier or harder to get more development in the future. Riley – the theory is once rezoned to residential it allows the next step to allow a subdivision. If there were not a subdivision before them, would it make it easier? The standards have to meet to fit the number of lots proposed. The applicant is proposing two in this case and it is up to the Commission on how they feel about that. Felger – the A/R zone is minimum ten acre lots. Riley – that is right, but that does not mean the total acreage is divided by ten; but reviewed all the standards and buildability issues that must be met to determine the number of lots. J. Cheney – in talking with Otto, they could not further subdivide because of the amount of road frontage. Otto – noted the large parcel theoretically could split, but it would not have the lake frontage. They purposely located the division line with less than 600’ wide, noting

300' is required on width for a ten-acre lot. Although a new request would have to come back to the Board, they are “burning up” the property, that is what it will be until something else happens. J. Cheney – if it were re-subdivided it would have to be non-lakeshore, building roads, etc. Otto – noted it would have to be on the north side of the wetland, without access to the lake and with his experience with the Board, did not think that is something this Board would consider. Felger – currently there is one “entitlement”, if they rezone they are looking at two. Riley – they would rezone the entire parcel to A/R and as proposed the likely outcome is two lots.

- E. Patti Rich – 2932 24th St. SE – resident on the lake – the residents spoke against the petition at the last meeting and the previous hearings. There have been three proposals to rezone this property. They strongly recommend it stay zoned AG for the reason to protect the severely stressed Dean Lake. She reviewed the previous plan and residents asked for an Environmental Assessment worksheet be done in 2010 that was granted. Now looking at two lots with entitlements. Want a clear understanding of the proposal and the EAW. How will potential runoff and pollution affect the lake. During an onsite tour in 2010, the Commission walked the ridge and reviewed the entire property. The Commission voted against rezone because it is not suited for residential development. Nothing has changed, the lake is on the MN DNR “impaired” lake list. Noted the public access increases use of the lake. She referred to large wetlands on this property are important to maintaining lake water quality. The wetlands on this property is a natural filtration system and very important to the lake. She asked what would the benefit of rezoning be? For a third time the Town Board turned down rezoning and based it on the County’s Land Use Plan. She questioned why have a Plan if it is not followed? In 2010 a long and tedious process was worked on to submit a request for an EAW by Wayne Nelson for the Lake Association, he is present to answer any questions. She urged the Commission to turn down the rezoning and protect the wetlands. They want to follow through with the EAW if this moves forward. A petition was submitted, signed by the majority of property owners on the lake in opposition and respectfully ask for denial of the rezoning.
- F. Wayne Nelson – spoke on the wetlands involved that pose a unique problem compared to others entering a large water body. These are surrounded by woods. The water draining into the lake is high in phosphates. He explained how the loads could be that high and a single channel to the lake that is only 60’ and is not long enough to do a mitigation project. Only option is to limit development and allow the wetlands to continue purging excess nutrients. Leaving this agricultural would be the best. Felger asked if he was the person referred to on the UAW process? Nelson yes, but even rezoning for one more lot, once rezoned it opens the door for bigger things. He does not think it matters if people can build on the lake; but building and comprising the watershed will impact the lake. Mahlberg asked Nelson if they would consider just two lots and not the previous 40, vs. the one house they can do today. Nelson – did not think anyone opposed two homes, it is the rezoning and the possibility that it opens to something more in the future. The best option is to keep with the Land Use Plan.
- G. Heather Niemczycki 2501 20th St. – responded to Mahlberg’s question and stated it is the rezoning that is issue. They asked if the applicant could get two and keep it AG. Karen McDougall, Township Supervisor, had suggested giving a variance, lot line adjustment and leave it AG. That would be their preference. McDougall is not in the audience.

- H. Greg Underdahl - President of the Dean Lake Association – referred to the importance of improving lake quality as it is a valuable resource. He referred to the impaired lakes list by the MN PCA which this lake is on. In 2008 the lake was tested and is the worst in the County. An over-abundance of nutrients runoff from surrounding lands, super charges the algae blooms and turns the lake into a sloppy mess. He referred to water monitoring tests since 2008 show the high levels in the lake. The lakes are supposed to be clean enough for fishing and swimming and State governments are supposed to figure out how to fix those that don't meet Federal standards. There is a public access, swimming is less common on the lake and problematic as algae blooms. People are depending on the County to protect and improve the lake. The Town Board has turned down rezoning three times, the County Board ordered an EAW in 2010. Any rezoning to residential opens the possibility of land development and that would be harmful. How can it be approved when the lake has been deemed impaired? They have partnered with SWCD, are making efforts to slow runoff and develop MN Filter on a main creek draining into the lake. Aeration is used during the winter and a significant amount of time and money is spent on improving the lake. They are committed to improving the water quality and opening the door to more development will undermine their efforts. The activities involved in development will add further stormwater and clearing of shoreland vegetation have a negative impact. There have been 47 signatures on a petition that shares these concerns. A printout on the applicant's website advertising this as a great development property is a concern. That is in conflict with what they have said at meetings. Ask the Commission to do what is in the best interest of the lake.
- I. Clairice Kessler – noted she spoke at the last meeting, moved out here last October and it was important to them that this land was agriculture and want to keep it that way.
- J. Otto asked if their application would have been more appropriate to have asked to rezone just the 10 acres and leave the balance AG. Riley – he would need time to consider that; but does not preclude someone from coming back and rezone the balance to A/R or a higher density zoning. The Office cannot refuse applications and that option does preclude anything in the future. The way to make it more difficult is to configure it so it would have the “entitlement” and have that lot include the riparian portion. Mahlberg – asked if the division were to include all the riparian? Riley responded, enough so that it could not be further divided. Otto – sounds as if two lots would be acceptable and they are trying to lock this up. He was not part of the proposal in 2010, but the one before that. They may be able to configure two riparian lots leaving the balance on the north restricted and does not come back again. Looking for direction and then they could explore options to see how it can be achieved. J. Cheney would agree and make a third lot on the north, there is already an access there. Riley – appreciates the effort to compromise, but this is not the forum for it. The only way to get an additional building site is to rezone.
- K. Kryzer – a continuance would be in order if there is going to be a new plan and a new notice might be necessary. Mahlberg – stated they could continue for a different plan; but he is having an issue on whether this is “shoreland that is especially suited for residential”. He wants to better understand the calculus for a parcel like this. Asked how an impaired lake and this shoreland is especially suited to residential. Otto – noted this is not the only impaired lake in the County. Buffalo Lake is also impaired along with several others; but they are still seeing development around them. He noted there are standards for stormwater required around the lakes that must be put in place. Each lake has different challenges.

When he looks at what is especially suited, he looks at the lake. This one is designated a Recreational Development with homes on 50-100' lakes and what did that lakeshore look like at one time. With two parcels proposed on 1500' of shoreland, there should be room for a 50' strip to access the lake and not negatively impact the lake. Not always the lake but the density put on the lake. Noted these are not sandy beach shores, but not sure existing lots on the lake were originally. The criteria he looks at on the lake is the density on the lake. Mahlberg – a comment was made you look at lots that overlook the lake as not much different. That is the problem, they hear everyone that comes before them, it is shoreland especially suited and that it is in the “beauty of the beholder”. If it is not much different, how can it rise to the threshold to “especially suited for residential” and warrants the zoning change. Otto – if this lake is so bad, then why are people living out here. He feels people will want to live on this land. The Commission rezoned a parcel on Fountain Lake where they got on site and found it was a beautiful site. There is something to say about viewing the lake too. Mahlberg – there could be dozens of examples, but at what point do they say the exception swallows the rule because people enjoy different things. Otto his rationale is all lakeshore is beautiful in some respect. He looks at the number of homes and how much destruction. Is it especially suited for two or twenty lots and he would argue this is suited for two.

- L. Discussion on a continuation. J. Cheney – they are not looking to continue the hearing. Have agreed to do a wetland buffer and the A/R would make it impossible to get another lakeshore lot. Appreciates the time and asked for a decision on the request.
- M. Felger – Otto mentioned the inlet through the wetland and with the proposal that would not get encroached on? Otto that is on the western or near the property line. J. Cheney it is on the parcel already sold. Felger – asked if it is possible to even open up more lots. Riley – rezoning makes it possible, until he sees a specific plan cannot be certain, but the physical restrictions and requirements would make it difficult to further subdivide. He cannot speak to the concerns of opening the door and noted forever is a long time. The access is shared and they will be using most of the shoreland and the wetland is protected by State law. He could not predict the future. Felger – this is addressed in the Zoning Ordinance and in the policy to rezone to other districts that he read. If an individual had 40 acres across the street there is no way to open the door if it is not riparian. There must be an avenue to consider rezoning and with this parcel it is the riparian. Cannot say never and years down the road things can change. Patti Rich stated if anyone wants to see the record in 2010 she has the record when there was an in-depth conversations on when they voted down the rezoning.
- N. Thompson – asked about the reference made to giving a variance for a second home. Riley – explained under the AG zone there is only one left. The only way to increase the density is rezoning.
- O. Felger asked whether there is any further public comment. Hearing none returned to the Commission noting the applicant has asked to move forward on the request.
- P. Tanner – his opinion is that he takes the Town Board’s recommendation seriously, this is not in the Land Use Plan and would not want to vary from that and set that precedence.

- Q. Bravinder asked for a full reading of the policy on rezoning option on “especially suited to residential”. Mahlberg when you are talking about rezoning the riparian is separate in the policy. Bravinder – referred to two developments on Cokato Lake, one did not require mitigation because there was not a large watershed. On the other side it was required and in that situation has improved the lake because it held back water from running directly into the lake. Much discussion on phosphates and what is the source, the home sites or is it the AG land. He viewed the watershed on his own since he did not make the site inspection. He did not think two more lots will impact the watershed.
- R. Felger asked if any of the open land has been under cultivation? S. Cheney not since he has owned it, other than hay taken off. Felger noted row crops create more erosion than a lawn or hay field. He relayed his experience on his 40 acres that he never puts into a row crop, too steep and how it relates to a neighbor that adds chemicals for his row crops. They need to weigh that in their decision. The door is open because it is riparian, there is a potential although remote that it can be rezoned further down in the future. This is a growing population and will be faced with more development, in the 30 years he has lived in Wright County he has seen it. The owners have property rights also and want to get the best gain, struggles with the “NIMBY”. He relayed a property experience with two development proposals he made. The objection to a neighbor wanting to develop because they want to look at the ag land can be solved by buying it. He asked there may be a huge watershed feeding into this lake and there could be lands way beyond that might want to develop.
- S. Riley a decision on the rezoning, with no conditions and not on the EAW is what is before them. Felger asked about the EAW status. Kryzer –Staff cannot decide on the EAW ordered in 2010. The RGU has to decide that because they have significantly different proposals.
- T. Thompson agreed this is a difficult decision. In adopting the Plan that has given them direction and should abide by those. Cannot predict the future or what the next owner might want to do.
- U. Thompson moved to recommend the Staff to draft Findings according to the record for a denial of the rezoning and close the public hearing. The hearing is continued to August 12, 2021 to review and adopt Findings. Tanner seconded the motion.

DISCUSSION: Bravinder if they are always going to follow the rule or the law, why are they sitting on this Board. They are allowed to rezone under the riparian clause. He does not support the motion because they can look at the riparian aspect. Mahlberg – agreed it is not just saying it is not in the Land Use Plan goes far enough. Felt where they will struggle is they have established in many cases a lack of predictability. They may have approved others that are further from this standard than this one.

VOTE: CARRIED, NAY: Felger & Bravinder

Kryzer informed the public there is no further comments or written documents accepted because the hearing was closed. The matter was continued for Findings on August 12 and will be referred to the County Board for a final decision.

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

3. **JOHNE. HOVLAND** – Cont. from 7/1/21

LOCATION: 5834 – Fairhill Dr. SE – Part of S ½ of NE ¼ Section 12, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-121401 & - 121300

Petitions for a Conditional Use Permit for Commercial Agricultural Tourism to allow public events and group activities on site that includes use of the existing barn as regulated in Section 155.003(25), 155.029, 55.048 & 155.057, 155.109, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: John Hovland

- A. Riley noted the Commission had continued the hearing for a site inspection. The maps to show property location, zoning and Land Use were displayed. The plan is designated for AG. In 2020 the Commission approved Commercial Outdoor Recreation and they have had a year of operation. The new proposal is to allow the public inside a barn, have events and operate under the Commercial Agricultural Tourism. The applicant contacted him after the process was started would like to add more large events and increase people. Commission should decide if that should require going back to the Town Board and new notices.
- B. Felger asked if the applicant has been in contact with the Town Board on increasing the numbers? Riley – it would be both going from 20 events to 40 events a year and increase from 200 to 250 people. Hovland at the last Town Board meeting they had not talked about those specifics. If that is something to prevent this from going forward, he would drop it at this time. Hovland – indicated the past year has been good and sees a need for more.
- C. Felger opened the hearing to the public. No one came forward.
- D. Riley clarified the current Conditional Use Permit allows up to 20 events per year. The new request is to use the barn and the other matters are an increase in events and numbers. Usually, that would be better spelled out in the notice and before the Town Board. The Commission can address the Commercial AG Tourism leaving the numbers as permitted before and he can come back later; or amend action to include more. Felger asked for clarification on the dates of events. Hovland stated weekends between May – October. Hovland stated he does not want the numbers to hold up work on the barn. Felger – asked if there is minimum of when it is classified as a large event. Riley – it is defined as over 40 people and up to 200. The applicant is asking to go up to 250 for a large event and go from 20 to 40 events a year. Suggested the Board focus on whether this qualifies for the Agricultural Tourism, indoor events in a structure after improvements and having the public in the barn.
- E. Felger – the applicant is making a huge investment to the barn and needs revenue to take that risk. He supports using the barn for large events. As far as increasing the numbers, he would agree, but suggested they first deal with the barn.

- F. Thompson – she viewed several good things on the site, the applicant has improved the property substantially. Based on the plans presented and quality controls he has in place, she would support this.
- G. Kaczmarek questioned with the changes since the Town Board reviewed this, would they typically send them back for more review. Felger – not that he is aware of. Riley – ideally they know everything up front. He referred to changes at a winery with the pizza oven, they started over. He noted the number of events at 27 may be in the ballpark, but maybe not 40 events. A total number going from 200 to 250, he would leave up to the Commission. Kryzer – added, he does not see a problem from a legal standpoint to increase the numbers.
- H. Bravinder – the Commission hears many problems with music outside and this request brings the music indoors. Riley – not sure that this would limit him from having music outdoors. Bravinder – understood, but with the investment he would think the applicant will want to use the building. Bravinder – questioned parking with the restriction on no parking allowed on township streets. Is there adequate parking on site? Hovland – stated there is, they are adding parking behind the barn with access from Gabler Avenue.
- I. Felger noted there were representatives from the Town Board at the site inspection.
- J. Kaczmarek moved to approve a Conditional Use Permit for Commercial Agricultural Tourism to allow public events and group activities on site that includes use of the existing barn in accord with the plans and narrative on file with the following conditions: 1) Parking must be on site per the parking plan and in accord with the Townships conditions. Parking on any public road is not allowed; 2) Building permits and if applicable septic permits, must be obtained and occupancy given before the public can be in any structure which will need to meet commercial code for public occupancy; 3) Porta Potties are required for events as regulated by the Environmental Health Department; 4) 2020 CUP is still enforce for the parameters of the large events and outdoor events including music being allowed only on weekends, no amplified music is allowed and all music must cease by 10:30; 5) Food and liquor must be catered in; and 6) Must conform to the conditions for Commercial Agricultural Tourism 155.109 (C): not create an excessive demand upon existing services or amenities; must be screened or able to be screened adequately, or are sufficiently separated from adjacent residences to prevent negative impacts to nearby properties; must have an appearance that is consistent and compatible with the surrounding area and land uses; must not cause traffic hazards or undue congestion; and must not negatively impact surrounding residences and neighbors by the intrusion of noise, glare, odor, or other adverse effects. Bravinder seconded the motion.

DISCUSSION: Mahlberg asked about condition #4 regarding the parameters of the large events and whether they are considering increasing those. Riley motion as presented, it is the past Conditional Use Permit, asked as discussed are they are changing the number 20 events, and number of public from 200 to 250?

Kaczmarek amended his motion to add the following condition: 7) Not withstanding anything in the contrary of condition #4, large events are considered more than 40 and up to 250 people; and not withstanding or in the contrary of Condition #4, the total number of large events are not to exceed 40 a year. Bravinder amended his second.

DISCUSSION: Felger asked about Condition #6, and whether language following the semi-colon is needed in the motion. He asked how do they judge “consistent with surrounding land uses”? Mahlberg although he agrees, he noted it is addressing language in the Section of the Ordinance. Riley they can strike what is already in the motion but it is in the ordinance. Felger – concurred, but felt it is unnecessary and can be deleted since it is already in the Ordinance. Kryzer referred to criteria in the Ordinance where it states the Planning Commission shall adopt conditions that address the five criteria. He would agree it is vague, but it is best stated. Thompson – felt if it does not hurt anything, it should stay. Mahlberg –has no concerns as it is a great use. But he would send the matter back for further review, although he agrees with the use. The number of events is material to him.

VOTE: CARRIED, Mahlberg voted nay

4. **MAURICE E. CARLIN** – New Item

LOCATION: xxxx Duffield Ave. NW & 110th St. NW – Approx. 3 acres described as part of SW ¼ of SW ¼ Section 4, Township 121, Range 26, Wright County, MN. (Little Mary - Silver Creek Twp.) Tax #216-000-043300 & 216-000-043203
Property owners: Carlin & Prevost

Petitions to rezone approximately 3 acres from A/R Agriculture-Residential & S-2 Residential-Recreational Shorelands to AG General Agriculture and S-2 and combine it into the parcel lying to the north owned by Prevost as regulated in Section 155.028, 155.048 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Applicant not present (left prior to the meeting)

- A. Riley stated the petition has not been heard by the Town Board and a continuation to the August meeting is in order.
- B. Bravinder moved to continue the petition to the August 12, 2012 meeting. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **MN CSG 10, LLC** – Continued Item from 2/24/21 (Moratorium lifted)

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

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

Present: Applicant not present

A. Tanner moved to continue the hearing to August 12, 2021. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **NORTHERN NATURAL GAS COMPANY** - New Item

LOCATION: XXXX CR 16 SE – NE ¼ of NW ¼ , Section 26, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Property owner: Schneider Tax #208-200-262100

Petitions for a Conditional Use Permit as regulated in Section 155.029 & 155.048(D) Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances to allow the location of “Town Border Station” to serve as a new transfer point between Northern Natural Gas and Xcel Energy. The secured site will be located on less than an acre.

Present: Mitch Kleist, representing Northern Natural Gas

- A. Riley reviewed the property location in Franklin Township. The property is currently zoned AG, in the Plan for Resource Land. There is no change in zoning or subdivision requested for the natural gas Town Border Station in the corner of the property. This is a lease agreement, the Highway Department has approved the access, a screening plan was provided and all structures meet the setbacks.
- B. Kleist expressed appreciation to meet in person. These stations are a transfer point for interstate transmission of natural gas. They bring the gas from the south to serve customers here. This will be a joint site for Northern Natural Gas and Excel Energy. The area is diverse, there is a steep drop to the County road and under normal circumstances would not be considered an ideal site. However, explained the criteria for picking a site that must also be over a gas line. Excel’s request was to get west of the Crow River since they do not have one now. They had few options. In 2010 they had put a line across the farm, the exhibit shows the 50’ x 50’ exception and they are expanding on appurtenance they already have there. The driveway put in place for that is what they will use for this.
- C. Felger is Excel the only customer you provide to? Kleist yes they have not had presence in the Delano area since 1960’s. Every town that is served by natural gas has a Town Border Station. This is needed to provide service to a growing community.
- D. The public hearing was opened for comment, no one came forward.
- E. Thompson – questioned the site maintenance and concern is that it does not become an eyesore. She would suggest a condition that it is maintained into the future and what would the applicant consider unsightly. Kleist – have been trying to obtain sites and it becomes more difficult and it is a concern that is brought up often. The newly planted trees look great at first but maintaining them is the concern. The landscaping plans have become more common and he would be onboard of installation of the screening plan and maintenance of that. He would encourage the condition so future representatives are aware when he is no longer involved. At this site, the Schneiders wanted the trees. He suggested they hire someone to water and trim trees throughout the summers. He does not have a formal plan in place where they have a monthly or yearly contract, but that is inevitable and if the condition is on the permit it will force the hand. Thompson – asked if they would be willing to submit the annual certificate that things look good to the County. Kleist – indicated his willingness to do that.

- F. Kaczmarek – along with what Thompson talked about, the suggested a condition of the motion could state the installation and maintenance is continuous. Noted with solar farms they talk about weed control. Wondered if the property owner who have sheep would be letting them wander into this area and keep it clean. Would the condition suggested be good enough? Riley – good enough for a worse-case scenario, but with the suggestion to have someone look at it every year he does not have a mechanism to do that. Kaczmarek – then it would be complaint driven. Riley – compared to solar, these sites are much smaller. Did not think they have a noxious weed problem. Kleist stated the site is gravel with nothing growing. Trees will be planted outside of the fence.
- G. Bravinder moved to approve a conditional use permit for a town border station in accord with the plans and narrative submitted and on file with the following conditions: 1) A building permit must be obtained before construction commences; 2) Screening must be planted at the time of construction and maintained continuously as long as it is in operation so it does not become unsightly; and 3) An access permit is obtained from the County Highway Dept if required. Town Board approves. Tanner seconded the motion.

DISCUSSION: Thompson felt additional language is needed to ensure the site does not become unsightly as that is subjective. This motion should reflect the agreement the representative agreed to. The applicant should provide an annual certificate to the Planning & Zoning Office that the site is in compliance with the condition.

Bravinder amended his motion to include the following language in Condition #2) the applicant must submit an annual certificate that the screening and property is being properly maintained. Tanner amended his second.

VOTE: CARRIED, Mahlberg abstained

7. **MICHAEL ANDERSON** - New Item

LOCATION: xxxx Eastwood Ave. SE - Lot 1, Block 1, Dickinson Spring Industrial Park 4th Addn., according to plat of record, Section 14, Township 119, Range 25, Wright County, MN. (Rockford Twp.) Owner: RY-LAND LLC Tax #215-158-001010

Petitions for a Conditional Use Permit as regulated in Section 155.029, 155.055(B) & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances to construct a building with office space for proposed business related to a lawn and snow removal. Review includes a land alteration associated with preparation of the building and stormwater controls.

Present: Mike Anderson

- A. Riley reviewed the lot in the Industrial Park, on the corner of State Highway 55 and Eastwood Avenue. The property is undeveloped. Rockford Township has responded favorably.
- B. Anderson explained he has operated a lawn and snow removal business for 38 years out of three homes. His employees would show up in the morning to pick up equipment and bring it back at the end of the day.
- C. Felger asked if the site is vacant now? Anderson – right, it is the site where the Niccum Dock sign is located.
- D. The public hearing was opened for comment, no one came forward.
- E. Anderson stated he may have some employees that work further east that might still come to his house. He has other employees that work in the Buffalo area that would come here.
- F. Kaczmarek – noted for the record that the Commission has approval from the Town Board and MN Department of Transportation. No comments from the public.
- G. Mahlberg moved to approve a Conditional Use Permit to construct a building with office space for a lawn and snow removal business in accord with the plans and narrative submitted and on file with the following conditions: 1) This approval includes the approval of the land alteration associated with preparation of the building and stormwater controls as submitted; 2) An access permit will need to be obtained from the Township if required; 3) Building and septic permits will need to be obtained prior to commencement of operation; 4) The existing sign is permitted in accord with the sign regulations; 5) No other outdoor storage will be allowed except vehicles and items related to the approved business; and 6) Any expansion or change in use requires a new Conditional Use Permit hearing. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **DENNIS G. HAVEL** - New Item

LOCATION: xxxx Davern Avenue NE – NW ¼ of NE ¼, & part of Gov't Lot 1, Section 3, Township 120, Range 25, Wright County, Minnesota. (Gilchrist Lake - Buffalo Twp.) Tax #202-000-031200

Petitions to rezone approximately 85 acres from AG General Agriculture and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2 and a Conditional Use Permit for an unplatted eight-lot subdivision as regulated 155.028, 155.047 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Jolene Pierce, speaking for some of the family members; Dennis Havel

- A. Riley reviewed the location of the property on Gilchrist Lake. Maps showing the existing zoning, future Land Use Plan were displayed. The property is designated for Agricultural-Residential. An existing town road runs through the property and the concept is to have lots on either side of the road. The property is relatively low and flat as mentioned by the Wright County Soil & Water Conservation District. The Land Use Plan was further viewed with the green being public lands. A site inspection is recommended to see the wetland features.
- B. Thompson asked about access to the proposed lots. Pierce – stated there would be individual driveways off the existing road for each lot. The red box shown on the site plan is a suggested home site. Felger asked if there are soils and sites for two sewers? Havel – Meyer-Rohlin would be doing that work. Riley – stated they do not have the detail needed for the subdivision. The Commission is asked to decide on the rezoning and that information would come in for the subdivision. Havel – indicated the wetland delineation is being done at this time.
- C. Tom Jahnke – had submitted a response in writing. Riley confirmed the Commission has a copy in their packet. Jahnke – his concerns are not about having someone in his backyard. Using the air photo he pointed where his home is located. He has been out here since 1985 and knows the family. He pointed to a potential lot, noted there is a wetland near the road to go through and there would be no way to get to the lake. In response to Jahnke, Felger stated it is likely the Commission will visit the site. Jahnke – his concern is to keep as much pressure off the lake, keeping it a pristine high-quality lake. The wildlife is exceptional out here. Understands there is a 300' setback, but the tendency is people try to clear the natural vegetation to see the lake. He would like to see the site plan and be able to comment on that. Asked if Wirkus's letter was received? Commission confirmed they did.
- D. Loren Thompson – is on Gilchrist and pointed to the land he owns. He questioned a 300' setback from the lake? Riley – stated that was a neighbor's comment, but it is actually 200'. L. Thompson – asked if the Plan would change? He wants to know what the lots would look like and whether it would encroach on him. Felger explained the rezoning requested is A/R and there are performance standards that include at least 300' wide on the road and a minimum of 10 acres, 200' setback from the lake for a structure. Riley –the plan is a concept and it can change. L. Thompson asked, can there be more than 4 lots on the lakeside? Riley that would be the maximum under the proposed A/R district on the west side of the road.

- E. Pierce – have the owners, David & Eugene Decker in the audience. The Land Use Plan for Buffalo Township calls for Rural Residential. They are only requesting ten-acre lots and not a Planned Unit Development. The applicant attended the Town Board meeting and they approved unanimously. Contracted with Meyer-Rohlin who prepared the concept plan showing the standards can be met. Havel added the survey and the wetland delineation will be completed.
- F. Bravinder moved to continue the hearing to August 12, 2021 for a site inspection. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **BART A. ANDERSON** – New Item

LOCATION: 371 90TH St NE – Part of E ½ of NW ¼, Section 19, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-192100

Petitions to rezone approximately 40 acres from AG General Agriculture to A/R Agricultural-Residential and also a Conditional Use Permit for a three-lot unplatted subdivision (lots proposed are approx. 19 acres with the existing dwelling & two lots, minimum 10 acres each) as regulated in Section 155.028, 155.029 & 155.050 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Chapter 154, Subdivision Regulations.

Present: Bart Anderson

- A. Riley reviewed the property location, zoned AG and in the Land Use Plan for A/R. There is an existing home and outbuildings. The rezoning requested is for A/R and if approved, the concept is to break the property into three lots. The Town Board indicated they need to meet on the matter, applicant decided to appear to describe the petition to see if there are any questions.
- B. Anderson – stated he wants to subdivide the property for his sons who may eventually want to build out here. Had discussed the shared driveways with the Township three times. Mahlberg asked if he met with the Town Board or representative of the Township about the driveways? Anderson clarified a Township representative. He is scheduled to meet with the Town Board at their next meeting.
- C. Bravinder – suggested when he meets with the Town Board, they should address using one driveway as that is not advised. The Commission allows a shared approach to a road, but not sharing a driveway. Riley – the lots must have direct access to the road. Anderson – Kevin Yonak stated the County prefers they share them. Riley noted each lot needs primary access unless two shared along a common property line if required by the Township. Bravinder – noted what the applicant is describing is a shared driveway, that is an issue that raised a red flag. Kryzer – normally they would see a shared approach on the property line, if needed. Bravinder - 90th Street is a busy road.
- D. Mahlberg – this is just north of the Veit rezoning request which he visited. Although some members were not at the site, he would not need to see the area or property again. Thompson could not recall being out here.
- E. Thompson moved to continue the hearing to August 12, 2021 for a site inspection and to meet with the Town Board. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **DUININCK, INC.** - New Item

LOCATION: Part of SE ¼ of SE ¼, Section 14, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-144401 Property owner: Duinnick Bros., Inc.

Petitions to renew a mining permit issued in 2016 as a Conditional Use Permit as regulated in Section 155.029, 155.048(D) & 155.100 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances to continue to mine, process and stockpile gravel and granular materials, including recycled materials and operate a hot-mix plant and wash plant in the pit.

Present: Jason VerSteeg

- A. Riley reviewed the property location, noting it is zoned AG General Agriculture and in the Land Use Plan as Aggregate Resource area. History of the property includes in 2004 received a 10-year permit. In 2016 the applicant received a permit for five years and that is now expired. The application is similar for a renewal for five years.
- B. VerSteeg – noted the County Engineer had a recommendation for the access to the pit. The access was to be moved 1300’ west of the intersection, a turn-lane and by-pass lanes installed. They have incorporated those recommendations into this site plan. There are no other changes from what was before the Commission last time. Understand the hours of operation. Have asked for the asphalt plant for five years, however, were approved for one year. If the Commission wants to limit the asphalt plant to one year, that is acceptable. Riley confirmed in 2016 they only allowed the plant for that year, however, noted this year the construction season is almost over. Had talked about the trees and berms last time because it was not on the plan. Mahlberg asked if they are looking for a year in 2022 for the plant or to place it once during the five-year mining permit. VerSteeg – won’t need it this year but want the option next year. Thompson asked if they do not need it in 2022 would they come back? VerSteeg yes.
- C. Thompson – the Duininck is located in Prinsburg and is familiar with the Company who is good for their word.
- D. Felger opened the hearing for public comment.
 - Jim Holmstrom – Town Board Supervisor stated he and other family members live close by. He feels they have enough gravel pits in the Township. The Conditional Use Permit has lapsed a number of years, expired in 2016. The property has not been reclaimed. He and another Supervisor did a drive around yesterday. He did not find the applicant is true to their word, they have not reclaimed another pit. Questioned approving another permit, allowing them to pull some gravel out and the residents have to live with it. There are other pits in their Township that needed to be addressed and are looking at those that are expired, not being used and active pits. They are planning to take action to get them cleaned up. Felger asked if there were plans or reclamation plans referred to? Riley yes they were both. Thompson stated she had raised the question when she got on the Board and was told at the time they opened the (Latour) pit there were no rules in place and nothing they could do about it. She supports the Town Board and supported their efforts to

try and clean up these old pits that have not been reclaimed. Holmstrom – why given them another permit? Thompson stated they have already given them a permit, did not know that they can withhold it. Holmstrom if the Commission can't who can? Felger asked about the other pit Duininck owns that is not compliant? Riley clarified Holmstrom is referencing the Latour pit, not this property or land owned by the applicant. Holmstrom stated in talking with Riley, the County will cooperate in enforcement. If they get a list, they will start there. Felger – concurred and it is not just Southside Township; and indicated possibly they could put some heat on it.

- Tim Provo – lives on 90th Street where he owns 12 acres, concerned about water quality, pollution and noise that goes with a gravel pit. He relayed problems with getting well water, he has drilled five since he has been there, the current well is only 20' deep a neighbor's is only 40'. He is concerned about contamination of his well.
 - Jeff Jude – pointed to his property where a new home is under construction. He is concerned about his property value with a gravel pit here who will want to live next to it. He pointed out the other pits and operations nearby, one is MN Hot Mix that has turned into a dump. The operation will bring much truck traffic, who pays for the upgrades to the tar road. He pointed out what has happened to roads with the Knife River location in Silver Creek Township. Urged the Commission not to renew this permit.
 - Tim Engle – 12529 - 90th Street – has the same concerns stated, also they have a disabled child with a heart condition and another asphalt plant is a concern. Clean air is important to her health. The 7-ton road was recently resurfaced, Knife River trucks use this road as a short cut rather than go through Annandale. Residents don't need more truck traffic for safety reasons. There are 4-5 new homes built recently in the area.
 - Tim Hable – Southside Town Board Supervisor – he felt they messed up by allowing this mining permit to go on for another five years. Latour pit may have been active or walked away from and not reclaimed. There is 1.7 miles between the two sites and they have a mess. Much material stacked up. He has been on the Town Board for awhile and had approved another five years because there has been no activity; but if they would have a chance to redo, he would not have approved. Does not think it should go through until they have things taken care of and consider the economic impact to the new homes gone up. Gravel is an important resource, but more important are the people. Mahlberg asked if Hable is the Supervisor that seconded the motion? Hable yes, and where he mentioned he messed up. Mahlberg confirmed the other Supervisor is present and was told there is one other Town Board member.
- E. Felger asked if he was around during the Land Use Plan study? Hable no. Felger indicated there was citizen, Township and County input into the study. His point is this is when the Aggregate Resource and studies that went into it came about. Riley confirmed there was data on the resource before that, but not delineated as an area in the plan. Felger this property falls in the Aggregate Resource designation. Hable understands that. Holmstrom at the time he had moved into the Township, he and other family members attended some of those land use meetings. He had expressed the same concerns then as now, they had farmland they were concerned about. There were too many pits and too concentrated.

- F. Ms. Jude – stated considerable housing has gone in since the Plan was adopted. Nevens is a cut-across road, used to get to a swapper’s meet not want to put another gravel pit in this location. They smell the hot-mix plant that is three miles away, now facing another. Devaluation of property values is another concern.
- G. VerSteeg – addressed what he agreed are valid concerns. They only had a permit for a very small portion on the far west end of the Latour property. They had intentions of renewing the lease, however, in the meantime Mr. Latour passed away and the property got tied up in an estate battle. The concerns referred to are on the vast majority of the site that was pre-ordinance and is a mess. They mined a small portion for about five years and their Company cannot be held responsible what happened on the rest of the property. Well water is always a concern. The mining proposed is above the water table and this pit has a clay layer below which will prevent anything from infiltrating into the ground water. He feels there are no potential problems here. They have a large number of sites across a five-state area and have never had a problem. Noted there are regulations by different agencies that control stormwater and groundwater. They could be doing aggregate washing here, but their plans are to build a pond to circulate water for reuse. If they were to do that here they would need a DNR water appropriations permit. Understands residents are concerned about their property values, but he has not seen anything substantiated on reduction of property values after a pit was opened. Referred to a pit they own, opened in Hanover during the 1960’s, after an area around it was developed, they reclaimed the pit and now that is being developed for residential. He has not seen any negative impact shown on property values. The MN PCA regulates clean air quality. The plants have filters and regulations to make sure there is no negative impact. There are acceptable thresholds they have to meet. Pits on gravel roads create dust, so not a nuisance here. Addressed traffic safety by revising the plan significantly to provide the turn and by-pass lanes as well as moving the access to address the concern raised by the Engineer. Don’t anticipate they would operate out of this site continuously, but job specific. After ten years, they have not moved into it and at this time, cannot anticipate when that will be. Would not operate every week all summer here; but would be for a specific job. Most comes out of their plant in Monticello.
- H. Felger any potential sales? Duininck – nothing on contract, they are bidding all the time. The proximity of projects in relation to where the pits are is important and that minimizes traffic. Felger noted he addressed the issues raised. Asked when mining starts if they would scrape off the black dirt and reserve it in the berms, but that would start until you mine? VerSteeg that is right.
- I. Jacob Ende – neighbor to the east, noted there are other pits nearby – felt with all these in operations it will be a dust bowl, especially in a dry year. His property sits higher and he hears the other operations now. He asked the Commission members if they would want this next to their homes? For the applicant it is income, for the residents it is quality of life.
- J. Kaczmarek – asked VerSteeg if their responsibility was narrowed to a small area on the Latour property and within that area would the Commission find the site reclaimed as required? VerSteeg – there is more context to the issue; because the property got held up in an estate issue they could not move forward and do more on the land. He does not know what the legal outcome was, part of the reclamation was included in how the land was

settled, he offered to get that information. They would not reclaim until they were done mining. The lease expired during this time and they could not access the property. Kaczmarek – the question is with the applicant’s 30 years of experience whether they have completed the reclamation. VerSteege – probably not completely reclaimed with the side slopes, etc, because they did not have access to the property. Kaczmarek asked Riley what steps are taken to make sure reclamation has been done as stated in the permit? Riley – property has a long history, includes pre-ordinance operations, permits after. The applicant does not own the property and the County would go after the property owner. They knew the situation was a lease with the operator and a family situation. Waiting for an area to be mined before it could be reclaimed. The family is not here to speak to it. He has not had time to see what the results were of the legal matter or look at all the standards and who is responsible for doing it. Kaczmarek – with the feedback from the citizens, who should complete the unfinished business. Riley – there may not be anything they can do about the larger issue of preordinance mining on the property.

- K. Holmstrom – asked VerSteege when the lease with Latour expired? Riley – 2016. Holmstrom – understood the estate issue has only been a year and what Jason said is once they open it is left open.
- L. Thompson – indicated she has been an outspoken member on the Commission about gravel pits. She also attended the Land Use Plan planning meetings and spoke out. However, the rules are in place. Gravel mining is allowed in Wright County and in these areas. She looks after her Township. If it is allowed, it behooves them to inspect the pits and hold them to their plans and conditions. She drives by the Duininck pits and sees they do reclaim them. There are good operators in the mining business too and need to recognize those that are for their efforts. She had asked for landscaping five years ago so they would have matured by now, however, that was not a requirement of the previous permit.
- M. Bravinder – questioned VerSteege about the 32 acres and reclamation. Some pits open up a portion to mine and reclaim as they go and asked what their process is. VerSteege – referred to the plan and are open to interim reclamation as long as they have area for stockpiling, staging and placement of the bituminous plant on the pit floor. Around the edges of the pit they could slope and do it as part of the berm built around the site. Slope visible from the road is finished with trees in front and behind that they have the slope. He noted this pit will not be very deep and it will be easier to do it here than where they have 40’ deep pits.
- N. Felger asked if the current CUP calls for incremental reclamation? Riley – it does not. Mahlberg – would like to consider the gravel issue separate from the plant and he would want to look at the area in relation to the plant. Tanner – agrees with Mahlberg, he does not know the area and there is a lot of passion on the issue. Holmstrom – won’t see much, the property has a cornfield Mahlberg he is more interested in seeing the area.
- O. Mahlberg moved to continue the hearing to August 12, 2021 for a site inspection. Tanner seconded the motion.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission scheduled site inspection for August 6, 2021 meeting at the Government Center at 9 a.m.

ADHOC WORKSHOP

Kryzer asked the Commission to set a date for a workshop. The consensus was to meet August 3 at 7 p.m. in the County Commissioner’s Board Room, Government Center. Members send any suggestions to Riley.

Meeting adjourned at 11:10 a.m.

Respectfully,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
Applicants/Property Owners
Twp. Clerks

