

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: May 8, 2014

MINUTES – (Informational)

The Wright County Planning Commission met May 8, 2014 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, David Pederson, called the meeting to order at 7:30 p.m. with the following members present: Pederson, Dan Mol, Jan Thompson, Charlie Borrell and Jerry Pettit. Absent were: Ken Felger and Dave Thompson. Sean Riley, Planning & Zoning Administrator, represented the Staff; and, Greg Kryzer, Assistant County Attorney was legal counsel present

MINUTES

On a motion by Mol, seconded by Thompson, all voted to approve the minutes for the April 10, 2014 meeting as printed.

1. **CHRISTOPHER A. ROHR, SAC for AT & T** – Cont. from 4/10/14

LOCATION: SW ¼ of NW ¼, Section 36, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #204-100-362300 Property owner: Frederick & Janel Schaefer

Petitions for a Conditional Use Permit as regulated in Section 604.4 & 760 of the Wright County Zoning Ordinance to construct a 300' cellular antenna tower with unmanned ground-level telecommunications enclosure in the northeast corner of the farm.

Present: Christopher Rohr

- A. Rohr indicated he submitted the requested documentation and has been working with Staff. He is looking for approval for the tower.
- B. Riley reviewed the reason for the continuation was to allow the applicant to meet with the Town Board. The Township has submitted approval. The matter was discussed at length at the last meeting. The drawings could be displayed if the Commission wants to review.
- C. Pederson opened the meeting up for questions or comments and hearing no response, action on the matter followed.
- D. Mol moved to approve a Conditional Use Permit for a 300' cellular antenna tower with unmanned ground-level telecommunications enclosure in accord with the plans and specifications submitted by the applicant, with the condition that all performance standards in the Ordinance are met and the proper building permit is obtained noting if the tower is divided off on a separate parcel at any time it would use one of the farm's entitlements. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **STEPHEN MASTEY** – Cont. from 3/13/14

LOCATION: Gov't Lot 5 & Part of W 1/2 of SW 1/4 lying easterly and southeasterly of the right of way line of State Highway 25, Section 33, Township 121, Range 25, Wright County, Minnesota. (Gilchrist Lake – Monticello Twp.) Tax #213-100-333304 & -334300 Property Owner: Perez

Petitions for a Conditional Use Permit for a land alteration as regulated in Section 728 of the Wright County Zoning Ordinance to fill area needed to build a driveway into the property.

Present: Applicant not present

- A. Riley informed the Commission the case is still under review by the Wright County Soil & Water Conservation District. He hopes a formal decision would be made after one more meeting.
- B. C. Borrell – County Board representative on the Soil & Water Board – relayed the area under consideration is a small wetland he estimated to be a quarter acre with some history of a road that was used to travel between the islands before the water came up. He is hoping the applicant can get approval. Riley noted if this passes the TEP Board it would be a fairly basic request.
- C. Pederson asked for public comment. No response.
- D. Borrell moved to continue the hearing until June 5, 2014 so a future motion can reflect any action taken by the Wright County Soil & Water Board. Pettit seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **FREDERICK C. JUDE** – Cont. from 4/10/14

LOCATION: 8120 – 113TH Street NW – NE ¼ of SE ¼, except tract described in Book 293 of Deeds, page 871, Section 3, Township 121, Range 27, Wright County, Minnesota. (Corinna Twp.) Tax #206-000-034100

Petitions to rezone approximately 38 acres from AG General Agricultural to A/R Agricultural-Residential and Rural Planned Unit Development District as regulated in Section 603 & 614 of the Wright County Zoning Ordinance.

Present: Frederick Jude

- A. Pederson noted the request was discussed at the last meeting and some members were able to make an on-site inspection.
- B. Borrell asked for clarification on the separation of review by the County and Corinna Township. Riley stated the County has sole authority on changes to the zoning map. Township will review details for the subdivision. Action is whether the property should be rezoned A/R & Planned Unit Development District (PUD) and that recommendation goes to the County Board for final action.
- C. Mol asked if the design and layout for the Planned Unit Development would be heard by the Township. Riley noted the Planned Unit Development requires a preliminary plat layout and that is before the Commission for consideration on whether this meets the criteria for a PUD. With a traditional A/R plat the Commission does not need to see the layout to decide rezoning. Corinna Township could still modify the subdivision, but not too drastically that it is no longer a PUD. The lot sizes will be decided by the Township. Mol asked what the buildings are used for and if that is a commercial business. Jude indicated those are used for personal storage and workshop for his hobbies. He had tried farming the land but these are sandy soils. He plans to build a home out here for himself.
- D. J. Thompson questioned the division with the existing house and whether that has to be part of the plat. Riley stated it would not be included in the PUD. That has been owned by someone else and is the reason the balance of the land is currently restricted. J. Thompson asked if that owner would not have an interest in the outlot. Riley indicated they would not through the PUD; however, the owner could give a private easement. J. Thompson questioned the location of the outlot and design that does not provide direct access for one of the lots. Riley explained with previous PUD they have had both kinds of open space, some have smaller lots on both sides of a new public road that is built; a person can travel down the road to get to it. Other designs have involved trails with access to the outlot. J. Thompson did not understand the significance of the common area here and questions the layout. Riley stated they have PUD that protect resources such as wetlands or flood plain; or it has been an orchard or farmland that continues to produce crops for an owner.
- E. Mol questioned the use in this case with the way they designed it is to encompass most of the low area. Some plats would have paths to wooded areas and paths to allow enjoyment

of the open space. The buildings are located in close proximity to the wetland, no one would be able to hunt ducks on this low ground and the question is what use would the common space provide. Riley noted the planning concept of Planned Unit Developments in Wright County are more for protection and not have it attached to large sprawling lots and cut up. The Ordinance does not specify it must be set up with trails; if it were he would agree it should function for everyone in the plat. With a farm Planned Unit Development, they have land set aside in one case was an apple orchard and other instances have been farm fields and in those type of plats, no one else uses the open space.

- F. Borrell noted the property owner could handle access through easements to the open space for a path. Riley noted that is not what is being proposed on the plat, which would be the only way to guarantee it.
- G. Pederson agreed this is not the traditional PUD the Board usually sees. Riley agreed, they usually see a new town road with the 2-3 acre lots developed along the road with open space around it. Here they have a town road on two sides with only 39 acres in the plat. Whereas, usually the applicant is trying to cluster small lots along a new road. There are no criteria set for the size of the outlot. He understands it is tough to separate the plat layout from the rezoning issue. Pederson noted this sets the wetland aside and instead of creating square parcels the lot lines should follow the wetland. Since the wetland is what is being preserved they should pull the wetland out of the two lots. He questioned the authority they have with this project. Jude thought that is what they had done here. Borrell noted there are ten acres of wetland that they cannot do anything with anyway.
- H. J. Thompson noted a property to the southwest has a horse facility and she asked if there is much horse traffic on this road. Jude indicated he lives two miles from here and has only noticed horses by the property a few times a year.
- I. Pettit moved the Commission finds that the criteria in section 614.2(3) of the zoning ordinance are met, the Plan will meet the requirements for common open space as regulated in 614.9, and the Town Board has approved. Therefore the Commission recommends that the County Board approve the rezoning to A/R with the establishment of a Planned Unit Development District for a maximum of 5 lots in accord with the outline development plan reviewed, noting that the Corinna Planning Commission may require design changes prior to final approval of a preliminary plat. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **WILLIAM T. FISHER** – Cont. from 3/13/14

LOCATION: 7062 6th Street SE – Lots 1-7 and part of Lot 8, Charlotte Shores, according to plat of record, Section 5, Township 119, Range 24, Wright County, Minnesota. (Lake Charlotte – Rockford Twp.) Tax #215-013-000070

Petitions for a Conditional Use Permit as regulated in Section 505, 611, 612.5(1)(a) & 728 of the Wright County Zoning Ordinance to allow a land alteration in excess of 500 cubic yards to bring in approximately 2220 cubic yards of fill to create a building pad for a dwelling. Lake Charlotte has a FEMA designated floodplain elevation and much of the fill will be placed within the floodplain

Present: Applicant not present

- A. Riley explained the petition has been ongoing for some time. The Commission has been waiting for decisions by Wright County Soil & Water Conservation District regarding drainage and wetlands. This turned out to be a lengthy process, so in fairness to property owners and the Town Board, Staff suggest the matter be dismissed without prejudice and the Office will re-notify parties when the applicant is ready to be heard with no re-notification fee. This does not change the schedule.
- B. Borrell moved to dismiss the petition without prejudice at the applicant's request. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **TIMOTHY & ISABELLE OLSON** - New Item

LOCATION: 302 90th Street NE – Part of the E ½ of SW ¼, Section 18, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-183400

Petitions for a Conditional Use Permit as regulated in Section 603.2 of the Wright County Zoning Ordinance to allow a subdivision of the existing 43.80 acre parcel into two parcels, one new residential lot of approximately 11-12 acres zoned A/R Agricultural Residential on 90th Street, leaving the balance of the property zoned AG with “entitlement”.

Present: Isabelle Olson

- A. Olson explained because she had one neighbor show up at the last meeting and voiced concern about tires on the property, she hired someone to sort through the tires and stack them neatly. She submitted pictures to Riley and they were passed between the Commission members. An explanation was given on why she had to cancel the site inspection. They did not want to open up a situation that was a public visit where two of her feuding neighbors might show up. She indicated they have no objection if any of the Commission members want to visit the site. The neighbor attending the last meeting lives two miles from this site, but his property line is about a quarter mile from here. There is no place the neighbor could view these tires.
- B. Riley recapped the action to this point. Rezoning has been approved and the Commission is considering the subdivision. Soil tests were submitted for septic systems, Staff has reviewed those and there are some conditions suggested.
- C. Olson explained she had been prepared for the site visit and had also built one of the horse jumps to give the Commission an idea of one of the uses she has for the tires. Pederson questioned if the members felt there was still need for a site visit. Borrell did not think it necessary; Thompson indicated she had interest in seeing those. Riley stated the applicant is concerned a site inspection would invite anyone on the property, would it have to be a public meeting. Kryzer stated anytime there is a quorum present it is a public meeting. He offered to call the County’s Insurance Trust to see what they advise. Olson suggested a Staff member could come out to verify the situation. Riley stated the purpose of the site inspection was so the Commission could view it. Staff is equipped to follow up on anything that is in violation. He is confident of proper disposal of the tires or junk cleanup.
- D. Borrell noted he is comfortable with what he has seen and the Town Board approved. Riley suggested the Commission can attach a condition for proper disposal of junk or demolition. Pettit understood a Staff member had not viewed a problem during a drive by. Riley noted it would require going onto the site.
- E. Olson stated she researched State law and she is allowed to have waste tires on her property. The PCA has no concerns about using them in retaining walls or her horse jumps and agree with the use in retaining walls as long as they are not entirely buried.
- F. Pederson hearing no comments from the public, the meeting was closed.

- G. Borrell noted he would usually concur with seeing the property, in this case it may not be necessary and moved to approve a subdivision of the existing 43.80 acre parcel into two parcels, one new residential lot of 10.95 acres in accord with the survey completed by Taylor Land Surveyors, Inc. dated 4/16/2014; File No. 14037, leaving the balance of the property zoned AG Agricultural with one entitlement with the condition that proper testing be done if the septic ends up going in the old arena area and record of abandonment of the existing septic system is submitted. Pettit seconded the motion.

VOTE: CARRIED, J. Thompson abstained

6. **MARK P. HAYES** – New Item

LOCATION: xxx Ebersole Avenue – Lot 7, Block 1, Whispering Winds Industrial Park, Section 14, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax 215-062-001070 Owner: Bradley Hayes

Petitions for a Conditional Use Permit as regulated in Section 505 & 610.2 of the Wright County Zoning Ordinance to locate and operate an indoor sports facility in a 70' x 72' building to be constructed on the property. This will provide practice space for athletes and teams in a variety of sports who want to train and improve their skills. The space will also be used for clinics for up to 20 children at a time. Property is zoned I-1 General Industry.

Present: Mark & Ann Hayes

- A. Riley reviewed the lot in an Industrial plat where the proposed sports arena is planned. The facility would provide indoor space for sports training and practice. A partial soccer field and batting cages will be in the building.
- B. A. Hayes explained the completed pole shed will have a turf floor, a couple retractable batting cages for practice for Lacrosse, soccer baseball, softball and batting practice. They will use the facilities for practices and clinics.
- C. Mol asked the amount of traffic expected. A. Hayes – stated the busiest time would be from September through May when teams cannot practice outside. During the week they will be open between 3:30 – 10:00 p.m., and, in the summer include some daytime hours. She estimated between 20-40 people a day depending if there is a clinic on a Saturday.
- D. Pederson asked what parking facilities are planned. Riley noted parking is south of the building with the sewer to the east of building. There is room for expansion when needed. The proposed parking spaces accommodate what is proposed. Borrell asked if a condition would be appropriate restricting parking on the road. Riley noted that is not permitted regardless, but the Commission could add that no parking could take place off premise.
- E. J. Thompson – questioned if there is need for a buffer for any nearby residences. Riley explained the requirement to buffer is between the land developed and a residential area. If Thompson is referring to property to the east, that is zoned AG. There was planting of some pine trees that might be bigger now. The Commission should decide if this use needs an additional buffer. J. Thompson asked if that neighbor is present.
- F. Pederson opened up the meeting for public comment. Gary Klingelhoeltz – lives to the north in the Quady Addition. He supports the activities in the building. He would be concerned about outdoor lighting and asked what would be used. Prefer any lighting be deflected down so it is non-invasive for the neighborhood. A. Hayes – stated the only lighting planned is on the building so people can see to get out to the cars. M. Hayes – parking is on the south side of building and the neighborhood is to the north. Lights are below the roof line. Pederson confirmed there would be no parking lot lights, just on the building? A. Hayes- indicated that is right. Borrell agreed the lighting should be deflected

downward.

- G. Mol moved to grant a conditional use permit in accord with the plans and narrative on file to locate and operate an indoor sports facility in a 70' x 72' building to be constructed on the property with the following conditions: 1) Proper permits will be obtained for the building and septic; 2) Signage is in accord with the Wright County Sign Regulations; 3) SWPP that were completed as part of the development of the plat are followed; and 4) No parking on the township road right of way. Town Board approves. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **TRACEY J. VAN LITH** – New Item

LOCATION: 6984 Cameron Avenue NE – That part of Lot C of N 1/2 of NW ¼, ... Section 33, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-332202

Petitions for a Conditional Use Permit for a personal dog kennel for the applicant's 12 adult dogs as regulated in Section 302.2 (72), 604.4 of the Wright County Zoning Ordinance.

Present: Tracey Van Lith

- A. Riley reviewed the property location off County Road 131 and west of State Highway 25. The property is zoned AG General Agricultural as well as designated in the Land Use Plan. Air photo was displayed to show the buildings and fenced play area for the owner's dogs. The outdoor structure and animal units were noted. The photos taken at the site were displayed along with additional information included in the Staff Report.
- B. T. VanLith explained they have had a number of dogs over the years; they currently have 12. An application to do foster adult care raised the question of compliance. She explained they have acquired the dogs over years, some were dogs they cared for that were never picked up. Some are used by her husband for hunting purposes.
- C. Borrell suggested a site inspection might be helpful. VanLith indicated the Commission was welcome to come out, but indicated after 3:00 p.m. is better for her.
- D. Borrell moved to continue the hearing until June 5, 2014 for a site inspection. Pettit seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **ROBERT L. PERRY** – New Item

LOCATION: West Half of Southwest Quarter of Section 20, Township 119, Range 25, Wright County, Minnesota, except part to highway; except plat of Maewroth First Addition. (Rockford Twp.) Owner: Bank of Maple Plain Tax #215-100-203200
Petitions for a Conditional Use Permit as regulated in Section 727 of the Wright County Zoning Ordinance to renew the mining permit that expired at the end of the 2013 construction season and allow a three year temporary mining permit to complete mining and restoration of property. Review of restoration plans that have changed to include several new wetland features.

Present: Bob Perry with Wes Boll, of Wenk Associates

- A. Riley updated the Commission on the on-going mining operation. The applicant is back for a three-year renewal and modified reclamation plans. The new owner has requested a wetland banking project and the final plans include much detail for this. The Conditional Use Permit expired last December and some mining has taken place with the construction season starting. Road restrictions are to be lifted on the County Road tonight he noted. Riley explained when the permit was first heard five years ago, the economy was strong, but since the downturn the applicant has needed extensions.
- B. Perry stated he is working with a new owner now that the property went back to the Bank of Maple Plain. The Bank wants to restore a portion of the property into wetlands rather than for agricultural use. He would refer any questions on the engineering and plans for the wetlands to Wes.
- C. Wes Boll stated he is the wetland consultant on the project. He indicated the plans meet all State and Federal regulatory agencies to create a plan that would be dominated by natural species. He reviewed the type of soils and that they would have fairly shallow waters to make an excellent wildlife habitat. Mol – questioned how much deeper or what would have to be taken out to qualify for that. Boll – there would actually be some filling in to make it shallow, only want a foot of water so vegetation will grow.
- D. Riley – using the map he showed the portion that has been reclaimed, portions left to be mined and reclaimed. Some are areas that are part of project but are too deep for wetland and drastically different slopes would be needed for the wetland project. Perry noted the pond was in the original plan because the previous owner wanted a pond deep enough to stock some fish. There are materials on site to fill in and bring it to the wetland elevation needed. Borrell asked about filling in the pond. Boll stated that would be filled to an elevation that meets the wetland banking requirements. These requirement call for largely vegetated.
- E. Pederson asked how much material is left. Perry – estimated 100,000 cu. yds. There is an area in the north end where the sand runs deeper. They would fill that area in to meet the wetland requirement. Some of the material they were going to mine falls within the homestead division and so that is taken out of the project.

- F. Jay Hickman – property owner at the south end of the pit, across from the access. His concern is the water and wondered if this would not result in more mosquito habitat for the area. He felt they have enough wetlands in the area. This was supposed to be a 3-5 year short-term project, however, has become long-term. He would like to see it mined and closed up. The operator has been hauling out recently. He questioned if the trucks were meeting road limits. He asked why they were mining if they did not have a permit. The culvert under 40th Street was noted and there is a pond on the corner and he does not want it to affect the flow of water. This would result in more water into this area he would lose his pasture area. He felt they were hauling more material out then hauling back in. He felt the Bank is trying to get out of the requirements for reclamation. Borrell asked if he would rather have a pond then a wetland? Hickman – stated no, it is not moving water. The area does drain and dries out over the summer.
- G. Mol asked how they address operating after the permit had expired. Riley noted it is one thing if someone starts mining without a conditional use permit and plans. In that case, the County would show up and shut them down. Here the operator has been operating under a CUP and they have plans on file. He felt this was bad timing on the part of the applicant and he should have applied sooner opposed to waiting for the season to open up. They are in violation for operating after the expiration date. Mol indicated he would like to see the site before making a decision on the wetlands and change to the reclamation plans. Perry asked if they could address the mining and reclamation separate. The bond is continuous and plans are in place. The goal is to get this mined out as soon as possible and land restored. He has an active project he would be supplying from here immediately.
- H. Borrell asked if they are required to make these wetlands or if he thinks it will help the process along. He personally thinks they have enough wetlands in Wright County and would rather see flood control projects. Boll – stated this is what the property owner wants to put wetlands in banking. Statewide there is going to be a shortage for these credits.
- I. Pederson – asked Perry if he holds the contract on this property. Perry that is right. Riley everything is active, the plan and bond. If the Commission is going to continue for a site inspection, he would not recommend a three-year mining permit. The Commission could state they have to stop operation until it gets figured out. Kryzer indicated they could do it either way. The Commission should make a decision and either move on. Pederson – the reclamation plan is in place and if they act on the mining that reclamation would be in place. Kryzer – indicated that is right. Riley – they are caught in between the mining project and restoration plan being continued. The wetland project could have been addressed on its own without a CUP, if it were not for the mining. The mining is altering the wetland restoration plans. Borrell if they do not address the wetlands, it would fall back to previous reclamation plans. Riley asked is the Planning Commission comfortable having the restoration plan altered until all the wetland details are figured out. Pederson we have approved the first reclamation plan. Riley yes.
- J. Mol – if there is only 100,000 yards left, is that material needed for the current reclamation. Borrell, and do we have enough value on the bond for that. Perry – most of the projects are east of here where the soils are not suitable for the building project. They are swapping out materials; they take out the soils out and bring to the pit and haul the sand to the project site.

He referred to a Grosskreutz pit east of here in Rockford Township where they cleaned up the site and filled the pit to a farm field and you cannot notice there was ever a pit there.

- K. Pettit – asked if they could act on the mining so they can continue operating under the current reclamation plan. If they want to pursue the wetland restoration they can come back. Riley stated they could, but the Conditional Use Permit would have to be amended. Borrell asked if there were any wetlands in the original reclamation. Perry stated the original owner wanted a pond deep enough to stock fish. Borrell would prefer that rather than wetlands.
- L. Boll –stated he has put much time into working with the PCA and SWCD because the State has requested development of more wetlands and asked the Commission to take that into consideration.
- M. Pederson asked if they can deal with this in two parts. Riley explained there are not two parts to the petition. If a decision is made on the mining that is done. If they want to pursue the wetlands that is a separate request. Borrell asked if they cannot continue this for a month and go and look at it. He would not want the wetlands, it is a big money maker for them but he would not want that in his backyard. Could they grant an extension of a CUP. Riley – it would be an extension of the existing CUP, keeping the plans and bond active. The other option, at the request of the applicant could be to stop mining to properly evaluate the new reclamation plan. That avoids starting the hearing over. Pederson sees two different decisions, the Commission is not as concerned with continuation of mining under the old plans; secondly, they could consider a different reclamation plan after seeing the site.
- N. Mol – there are concerns, he wondered if there is enough material at the site now to reclaim the original reclamation plan. Pettit – the permit request is for three years. Could they change the timeframe. Borrell felt if they cannot give a one month extension, suggested 6 months to a year. Kryzer concurred that would be appropriate. Pederson asked if there is enough material for reclamation under the current plans. Perry indicated there is. They have several piles in place for backfill, but if they do the reclamation plan for wetlands they can use it for that or they would come up with what is required that the County requires. Borrell asked if they can get the 100,000 yards out this summer. Perry – felt with strong activity they could get 400,000 yards out of here in a year. Borrell asked if it is possible this year to complete. Perry explained if the right jobs are awarded them they could get it mined out this year.
- O. Borrell approved to extend the Conditional Use Permit to continue mining for seven months, with the previous conditions, bond kept current and current reclamation plans on file. J. Thompson seconded the motion.

DISCUSSION: Pettit asked if the Commission should address the time they have been operating. Kryzer felt it is clear that the permit is good for seven months forward.

VOTE: CARRIED UNANIMOUSLY

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

LOCATION: 3487 37th Street SE - S ½ of SW ¼ and that part of the West 60 acres of SE ¼ south of the centerline of road, all in Section 22, Township 119, Range 25, Wright County, MN. (Rockford Twp.) Tax #215-100-224300 Property owner: Taylor
Petitions for a renewal/extension of the Conditional Use Permit granted in 2009 to continue mining operations for additional five years according to plans submitted as regulated in Section 604.4 & 727 of the Wright County Zoning Ordinance.

Present: Randy Huiras

- A. Riley reviewed the location of the mining operation on property zoned AG. The request is for an extension of a Conditional Use Permit. Mining is in the southeast corner of the property
- B. Huiras – explained the Taylor Resource was opened five years ago and have operated out of this site for several highway projects. Six stages have been established and they are still in the early stages of 1 & 2 that includes about seven acres of which half has been put back into farmland. The way their company operates is that they reclaim as they go. The construction industry has been slow for the past two years, but the next several years are looking better. They renewed their contract with Taylor. The Town Board has reviewed the extension and approved, noting no complaints are on record. The Company has invested in this site, built permanent turn lanes and signs they can flip up while they are hauling. They also have a hard surface haul road into the pit to control dust going back there.
- C. Borrell noted SWCD response and they are not impacting any wetland. Huiras – there is 30’ of sand there, they are returning the property back to farm field. Riley noted the motion in the Staff Report is the original motion on the mining and it has not been changed. This is a permit for mining only and not for crushing. The conditions are for the mining only. Huiras explained there is no recycling included in the request. They have renewed their permit with MN PCA and SWCD and the pit is inspected weekly even when they are not operating.
- D. Borrell moved to extend the mining permit for five years for mining subject to the plans on file and subject to bond and previous conditions on record. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

10. **GRANITE CITY AGGREGATE, LLC** – New Item

LOCATION: SW ¼ of SE ¼, except tract..., and also NW ¼ of SE ¼, and a part of NE ¼ of SE ¼, all in Section 14, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-144300 & -144200

Petitions for a Conditional Use Permit to allow placement of an asphalt plant in the existing gravel pit for three years (2014, 2015 & 2016) 8-12 weeks each season. Operations may include the recycling of asphalt as regulated in Section 604.4 & 727 of the Wright County Zoning Ordinance.

Present: Kevin Gannon

- A. Riley displayed maps to show the location of the pit. This hearing is to consider placement of a hot-mix plant. Property is zoned AG and in the Land Use Plan for the Aggregate Resource Area, designation where mining can take place. There is an original permit and this is a renewal.
- B. Gannon – noted Granite City is a subsidiary of Hardrives. Under the old Ordinance they had to apply for a bituminous plant each year. They have a project in the area this year and since the Ordinance changed, they can get a three-year permit which they have applied for. Met with the Town Board and they have no objection. There have been no complaints at this operation on either the mining or when the plant was in there.
- C. Mol – this is along CR 101 and he asked if any improvements are planned where they come out; or are there any County plans for road work. Gannon–stated they built the turn and by-pass lanes. As part of a road project, an assessment is done on the haul roads they are responsible for any damage. A plant has been in here five times over eight years. Mol – explained he is familiar with the road as he drives it regularly. The road has taken a toll from the truck traffic from the operation and other trucks using the route.
- D. Jim Holmstrom – stated he lives to the west, but farms land on both sides of the mining operation and a landlord adjacent to the mine is concerned about the operation. He is asking they be good neighbors and should not start working before 7 a.m. like the CUP states. The elderly landlord has health problems and trouble sleeping and when they start up before 7 a.m. it disturbs her and the smell is not good. He asked what the penalty is for an infraction under a CUP. Kryzer – stated that would be a criminal offense with a misdemeanor citation. The County tries to remediate things before getting into Court. Borrell asked the operating start-up time. Gannon – they have not had any violations since they have been in there and don't start up before 7 a.m. Holmstrom stated Partridge is not here and stated when they had called the County their complaints were marginalized and did not get to the operator. Nothing was done about it. It should be clear who they contact. Gannon noted another mine down the road and questioned if the two operations are getting mixed up. Riley noted that is Mid-Minnesota nearby. Holmstrom stated this applicant does keep the berm maintained. Second issue is the road and it is getting torn up and that is something the Board should look at. As a farmer he would ask Hardrives to watch weed control, on the fields across the road to the west there is rag weed seed coming off the trucks that are inhibiting his attempts for weed control in the fields. He suggested they are

given a one-year permit and if they comply, they can get future extensions.

- E. Mol asked in the CUP can they restrict trucks lining up before 7 a.m. Gannon – stated they prohibit any trucks from coming in before 7 a.m. Mol – this is one of the problems they have had in the past and might be what Mrs. Partridge is concerned about. Gannon – stated they make sure that does not happen. Kryzer suggested they include that in the motion.
- F. Discussion on a time frame for the permit. Borrell suggested the Company keep a good relationship with neighbors and be responsive to their concerns. Communication is important. Gannon – felt they have been a good neighbor and will continue to be one. Borrell asked if activities would go on longer than a year. Gannon – stated yes. They have a mining permit, this is for placement of the plant. Holmstrom assured the Commission if there are problems in the future the County will hear about it before three years. There should be responsible people at the site to make sure the rules are followed. That is the reason he suggests a one year permit. If all is going well, the second year should not be a problem. Borrell felt if there had been a lot of complaints he would agree, but he would trust Hardrives will be a good neighbor. If neighbors bring a problem to the operator he will expects they would respond.
- G. Mol moved to approve the placement of a temporary bituminous plant for the 2014-2016 seasons only; and, in accord with the plans submitted and the description provided by the applicant on the record. Condition: No trucks can line up on the County Road before 7 a.m. Borrell seconded the motion with a suggested amendment to drop the time, as they would not want trucks lined up on the County road at anytime. Mol agreed and amended his motion to drop “7:00 a.m.”.

VOTE: CARRIED UNANIMOUSLY

11. **JAMES M. HICKMAN** – New Item

LOCATION: Approx. 21 acres on the corner of 23rd St. SE & Calder Avenue SE - Part of Gov't Lot 3, Section 16, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-162305 & -162308

Petitions to rezone from AG General Agricultural and part S-2 to A/R Agricultural-Residential and part S-2 and a Conditional Use Permit for a two-lot residential subdivision as regulated in Section 603 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: James Hickman, Paul Otto, Otto Associates

- A. Riley displayed maps to show the parcel location near Dean Lake. The property is zoned AG and is in the Land Use Plan as A/R. The request is to rezone to A/R for minimum ten-acre lots. First the Commission should address the rezoning and if approved a potential subdivision.
- B. Otto reviewed the proposal which is fairly simple. The property is in the Plan for ten acre lots. The tax parcels were reviewed, with the north parcel with the large outbuilding to have the lot line adjusted to just over ten acres, making the building compliant for the size lot. He noted the barn and yard area in the north lot and the new south parcel to be about 11 acres with a farm field. The neighborhood has a number of similar size lots with smaller lots on the lake. Town Board approves.
- C. Borrell asked about the acreage. Riley noted the large parcel and the lot line to be adjusted with the south parcel. Both lots would exceed ten acres. Borrell questioned the restriction on animals for this size lot. Riley stated that is already in the Ordinance standards. If rezoned to A/R this animal density applies. The suggested condition makes it clear to property owners that this has moved from AG to an A/R zone which has restrictions that now apply to it. A ten-acre lot could have five horses, for instance. Discussion followed on density limits.
- D. Borrell moved for approval of rezoning of the described parcels (approximately 21 acres) to Agricultural Residential (A/R) with a small portion Shoreland (S-2) to the County Board because it complies with the Land Use Plan Map, there is similar development surrounding the property and the Township approves with the condition that the parcels are limited to 1/2 animal unit (AU) per acre as the property will be zoned A/R and part S-2. Pederson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- E. Thompson moved to continue the request on the subdivision to the hearing of June 5, 2014 to allow time for the County Board to act on the rezoning and time for the applicant to get a certificate of survey, soil borings and other pertinent data required for subdivision approval. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

12. **GARY B. SAUER** – New Item

LOCATION: 5636 45TH Street SE – West Half of the Northeast Quarter south of River, Section 25, Township 119, Range 25, Wright County, Minnesota. (Crow River – Franklin Twp.) Tax #208-300-251300

Petitions to rezone and establish a Rural Planned Unit Development District and a Conditional Use Permit for a seven-lot platted residential subdivision with an outlot proposed along the river as regulated in Section 603, 612 & 614 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Gary Sauer & Jeff Martineau, Coldwell Banker Burnet Burnet

- A. Riley reviewed the location of the 48 acre parcel with one house and private driveway along the Crow River that is currently zoned A/R. The proposal is to rezone to allow a Rural Planned Unit Development District. The Plan has this designated for A/R and without the PUD the minimum lot size is 10 acres. The Planning Commission is considering whether this property and proposal is appropriate for a Rural Planned Unit Development District. A preliminary plat has been submitted to show a proposed subdivision with a new road that will connect up to 44th Street to existing developments. The proposed outlot takes in area that has steep slopes and is the flood plain of the Crow River.
- B. Borrell noted the 33' access strip shows there is access to the outlot. Riley noted that gives access to the common space. The sheds and animal issues have been primarily cleaned up and they would have to make sure the old buildings are properly removed.
- C. Doug Dietrick – lives on 45th Street – a part of the “Big Woods” Association originally the Farr farm. The Farr’s plan was to keep 45th Street a dead-end and create a safe development for the families and there are many children in the area. The Association put in a turn around for people to turn and for the school buses. The neighborhood does not want to see the road cut through their neighborhood because the new development would likely travel through their street. Borrell noted his experience on a Town Board and felt all Townships want the roads connected for maintenance reasons. A number of dead-ends make it difficult. Dietrick stated he did not know who to raise the issue with; this is the first he knew of the proposal.
- D. Randy Esparza at 5959 45th Street - concurred with what Dietrick stated. The neighborhood is not interested in the road connection. They do not want to change their addresses as he noted they would become 45th Street. He asked if there are minimum standards for the size homes and how it will be developed. The County allowed an adjacent owner to one of the lots in the plat several cows. The neighborhood is not interested in living next to owners who can have livestock. What are the covenants that would be tied to this new subdivision? He is concerned about a new road between the existing developments and demands to improve their existing roads which could lead to future road improvements. They do not want to changes their addresses, a road punched through and future road assessments.
- E. Scott Harris –felt the Township is more interested in ease of maintaining roads and not thinking about the quality of the developments. He felt dead-end roads maintain a higher

- property value. Existing taxes should cover this and he is willing to pay to keep the dead-end cul-de-sacs.
- F. Josh Haukos –lives on a cul-de-sac with three homes. He indicated they have eight young children at their end and have no interest in seeing the road extended. They pay more than enough taxes to support the road maintenance of the cul-de-sacs. It makes more sense for the new development to come down 45th Street rather than connecting up to 44th Street.
- G. Bob Bauman – owns the land to the west. He is concerned about drainage and has not seen the plans for the proposed development. Would like to see how they plan to direct the water. He noted where the water now runs to the river. He noted there is a pond there and a tile outlet and there are also tiles running into the property that he does not want disturbed. Borrell asked where the tiles are located. Bauman used the map and noted those. He does not see any farmland being protected and the outlot is small in comparison to other PUDS. When they developed their farm, they had quite a large area preserved.
- H. Joshua Bragg–is a new owner in the development to the west. He has small children that cross the road to go to the neighbor’s property and was concerned that if it becomes a through street it would increase the traffic significantly. The current owners watch out for each other’s children and others coming through would not have the same concern. The existing residents don’t want a through street and he felt the new owners of these lots would also appreciate that.
- I. Amy Warner - lives in the cul-de-sac and is also concerned about a through road. Do not want a lot of traffic as there are a lot of people walking and biking on the street.
- J. Jeff Martineau of Coldwell Banker representing Sauer – stated they have spent considerable time working with the County and Township leading up to the meeting. The proposed subdivision is not anything that would negatively impact adjoining properties; rather he felt it would increase their value and aesthetics of the whole area. Much work has been done to restore the existing house, cleaned up the property removed several buildings. Soil evaluations show there are primary and alternate sewer sites for six new homes. The existing driveway would be removed to existing house and shorten to reduce the traffic on 45th Street. Covenants have not been developed yet; but, they will have architectural control and looking at houses that would support the house there that they estimate is valued over \$1,000,000. They are not looking at lots that would have any livestock. The homes would be developed in an environmentally sensitive way and create a conservation easement along the river. In conversations with the Township and County they are supportive of a through road. The road would meet or exceed County and Township requirements.
- K. Borrell asked if the Township heard concerns from the neighborhood at their meeting. Neighbors in the audience indicated they did not know about that meeting.
- L. Mol asked how they would address the existing tiles. If they cut those it could create problems for surrounding fields and back water on them. Martineau stated he is not aware of any unrecorded tiles. He explained in their design the lots on the east side of 44th Street were made larger (6-7 acres lots) leaving adequate space so not to impact the existing ponds.

Further engineering that might be needed is understood. He noted the other developments in Wright County he has been involved in. He is aware and sensitive to wetlands and drainage issues.

- M. Pettit stated he would like to see the neighborhood. Borrell agreed. If the tiles drain to one of the low areas, he would like to see the drainage. Martineau stated they have done wetland delineation and extensive review of the property.
- N. Pettit moved to continue the meeting to June 5, 2014 for a site inspection. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- O. Kryzer explained the site inspection is public, however, no record is taken and not a place for public comment, those need to come back to the meeting on June 5.

SITE INSPECTION

Commission scheduled inspections for Tuesday, June 3, 2014. Members are to meet at the Public Works Building at 2:00 p.m.

Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
County Board of Commissioners
Twp. Clerks
Applicants/Property owners