

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: January 16, 2020

MINUTES - (Informational)

The Wright County Planning Commission met January 16, 2020 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Board members present were: Pat Mahlberg, Charlie Borrell, Ken Felger and Dan Bravinder. Absent were: Dan Mol and Jan Thompson. Sean Riley, Planning & Zoning Administrator, represented the Planning and Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ORGANIZATIONAL ITEMS:

Riley, acting as Chairman pro-tem, called the hearing to order at 7:30 p.m. and called for nominations for Chair & Vice-Chair for 2020.

A nomination for Dan Mol as Chair was made by Bravinder. Hearing no further nominations, Mol was elected Chair for 2020.

In the absence of Mol, Riley called for nominations for a Vice-Chair.

A nomination for Felger as Vice-Chair was made by Borrell, seconded by Mahlberg, Felger was elected Vice Chair for 2020 and assumed the Chair.

Felger asked if there were any changes or comments on the meeting dates and 7:30 p.m. start time? Hearing no negative comment, the consensus was to adopt the meeting calendar provided, meetings to start at 7:30 p.m. in the County Board Room at the Government Center.

MINUTES

On a motion by Borrell, seconded by Bravinder, all voted to approve the minutes for the December 12, 2019 meeting as printed.

1. NATHAN H. SCHMIDT – Cont. from 12/12/19

LOCATION: 2768 – 40TH Street SW – S. 1161.56 feet of the W. 332.77 feet of the E ½ of SW ¼ and part of W ½ of SW ¼ all in Section 22, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-223400

Petitions for a Conditional Use Permit for a home extended business to operate an auto repair business in the west portion of the existing building as regulated in Section 155.029 & 155.048 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Nathan Schmidt

- A. Riley summarized the continuation from the last meeting was to allow for Town Board review. He reviewed the location, zoning and land use maps and noted the property is zoned and designated to remain AG General Agriculture. The hearing is to consider a Home Extended Business for an auto repair business. The applicant will convert a portion of the existing building to meet the standards for a Home Extended Business and that part of the building is 500' from any neighbor's residence. Town Board approval was given with the suggestion the permit be reviewed at the town board level in two years.

- B. Schmidt – confirmed he met with the Town Board the last Monday in December.
- C. Felger opened up the hearing to the public. With no response he returned to the Commission for any questions.
- D. Bravinder moved to grant a Conditional Use Permit for a home extended business to operate an auto repair business in the west portion of the existing building in accord with the plans and narrative on file with the following conditions: 1) proper building permits must be obtained before the operation commences; 2) no outdoor storage is allowed and all business related items must be contained within the shed; and 3) the Township reviews the Conditional Use Permit every two years for compliance. Borrell seconded the motion.

DISCUSSION: Riley noted this is with the understanding that outdoor storage cannot include parts or unlicensed vehicles stored around the building. Normal turnover of cars to be serviced parked outside of the building or to be picked up after service would not be an issue.

VOTE: CARRIED UNANIMOUSLY

2. **PRESTON T. KROSKA** – Cont. from 12/12/19

LOCATION: 2361 Eckert Avenue SE- Approx. 20 acres described as Part of SE ¼ of NW ¼ and part of SW ¼ of NE ¼, Section 14, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-141302 Property owners: Applicant/Paul & Sara Berg

Petitions for a Conditional Use Permit to allow a land alteration to move in excess of 50 cu. yds of material for a berm along the northwest property line as regulated in Section 155.030(D), 155.051 & 155.057 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Preston Kroska

- A. Riley summarized the request for a land alteration that the Commission continued to look at the site. Property is zoned residential and he referred to a lengthy description of limits on use which can become a challenge to enforce. The consideration before them is the land alteration for improvements to include screening, a berm, excess earth movement and grading of soil for parking for the nursery operation.
- B. Kroska explained the silt fencing and socks that have been added for erosion control. Felger recalled comments from the Town Board Supervisors at the site was on concern about erosion control that had not been put in place. Asked if the silt fence was installed on the south side by the piles of material? Kroska confirmed the silt fence up by the piles and assuming this permit is approved, those piles will be moving. He confirmed no silt should get into the exposed area.
- C. Karen McDougall – Town Board Supervisor – talked with their road crew and were going to check on the silt fencing when it was done but had not heard confirmation on that. Although she could not speak for the Town Board; but, this is a sensitive area and how it drains to the west it is a big concern. Kroska stated because of the inspection, he had not notified them.
- D. Kroska displayed a couple photos via his phone to the screen to show the placement of the silt fencing and placement of the socks on the north side. He did not believe they would have any runoff to the north. The water from that area would run onto his own property.
- E. Kryzer asked if this excavation would reach an acre noting that is a cutoff for a State permit and there are fines if it is not obtained. Riley noted the project might be close to an acre. This time of year, it is hard to get some of the erosion control staked in, so there is more work to be done. He felt Staff or Town Board should have a spring review. Borrell noted if it is not done, it will be a violation of the Conditional Use Permit. Riley clarified it is started, but if there are additional things to be done that will have to be completed. Borrell directed the applicant to work with the Town Board to make sure it is done to their satisfaction.
- F. Felger asked about plans to build new buildings and how would doors face? Would there be outdoor lighting? Kroska confirmed he would be building two new buildings, no outdoor lighting.

- G. Borrell moved to approve a conditional use permit for a land alteration to create a building pad, driveway and berm for a new nursery business with the following conditions: 1) Since the applicant has already begun work, care must be taken to prevent erosion in the spring time through the use of biorolls, straw or silt fencing. The applicant should consult with the Wright Soil & Water Conservation District for the best way to prevent erosion; 2) All dirt piles should be spread and seeded or sodded as soon as possible this spring; 3) The business cannot be a contractor's yard or other commercial business that differs from the permitted use of a nursery; and, 4) Obtain a NPDE permit, if necessary. Bravinder seconded the motion.

DISCUSSION: Felger asked who determines if that area is less than acre. Kryzer it would be the PCA and if a permit is required and they find out, there would be fines. Riley – this is similar to wetlands and the owner is responsible for applying for those permits. Mahlberg –noted an additional condition suggested by the Town Board for a culvert to address water flow. Borrell – asked where that was proposed. Riley –read the Township input to split the berm or install a culvert if water needs to flow around it. Borrell – recalled the water flow could be a concern if the berm was continued further west. Kroska it would make the water drain more back on his land, which is fine. Riley – the concern was to address a neighbor's concern. Kroska – he had already discussed this with the neighbor. He plans to install the culvert, which he pointed out on the site plan, close to the west end. Riley asked how would it drain? Kroska – inlet on the north side with the outlet on the south side and keep water from going on the neighbor. Borrell – questioned the topography and if that would work. Mahlberg – felt if it was important enough for the Town Board, they should make this a condition. Kroska – they would have to address the elevation and after the rains to ensure it drains south.

Borrell moved to add the following condition to his motion; Bravinder concurred: 5) Install a culvert on the southwest side of the berm to drain water on the applicant's property.

Further discussion on the berm: Felger indicated although he would not suggest an amendment, he would like to see a species of trees on top of the berm. Kroska indicated he would not object.

VOTE: CARRIED UNANIMOUSLY

3. **SOLAR CLUB 10 LLC** – Cont. from 12/12/19

LOCATION: 2861 85TH St. NE – Part of E ½ of SE ¼, Section 21 & W ½ of W ½ of SW ¼ , Section 22, all in Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-214100 & - 223200 & Property owner: Sustainable Holdings LLC

Petitions for a Conditional Use Permit to allow construction of a 1 MW solar farm as regulated in Section 155.029, 155.048 & 155.108 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Lauren Walberg

- A. Riley noted the hearing was continued for a site inspection. They looked at this site in relation to the existing solar farm. One concern is properly maintaining these sites. The adjacent property has an existing solar farm and the maintenance of that property has been lacking. The DNR has suggestions for the site which were included in the Board's packet.
- B. Walberg – addressed condition #12 suggested by the DNR. The type of fencing near the basin should be wildlife friendly, 8' in height and have small holes for small wildlife to pass through. They would agree with that. They also suggested specific erosion control measures that are wildlife friendly and they agree with that. Another item was non-reflective panels and she noted the panels made at this time are made with anti-reflective materials. The technology has changed, and glare was a bigger concern in the past.
- C. Felger confirmed they would build an 8' fence? Walberg – that is agreeable to them. Borrell – stated he did not think the County would require that. He would not be willing to include some of the conditions suggested by the DNR and has a different opinion on the holes in the fence that it might be better for pheasants to fly in and build nests and raise their young without predators getting in. Walberg – she spoke to the vegetation issue on the adjacent property and conclude the vegetation was not treated properly before the panels went in. That is something they would be sure to do on this site. Borrell – the weeds are easier to control when they are small.
- D. Felger opened the hearing to the public, hearing no response returned to the Commission.
- E. Borrell moved to approve a Conditional Use Permit to locate a 1 MW solar farm in accord with the revised plans showing the proposed two external poles and narratives on file with the following conditions: 1) Existing screening using the planted trees along north line be maintained. This would include the replacement of any trees that may die; 2) The applicant must keep up with ongoing vegetative and system maintenance which includes weed control as stated in plans; 3) Proper building permits, along with any required State permits, are obtained prior to any work started on the site; 4) Proper access permits are obtained from the County Highway Department and all access roads created will be created in a fashion to have minimal impacts to return the property back into its original state at the end of its useful life with any topsoil being left on site; 5) Must conform to all setbacks; 6) An agreement must be entered into with Wright County for decommissioning and financial security in accord with Subsection 155.108 (14) (a) (b) and (c) of the Wright County Ordinance must be met which includes an approved decommissioning plan in accord with

155.108 15(g); 7) The Conditional Use Permit for Solar Energy Farms shall expire at the same time the Solar Energy Farm lease ends, or in 30 years in accord with the ordinance noting the site will be returned to its original condition; 8) internal panel lines shall be buried underground or strung under the panels; 9) The applicant is responsible in assuring all approvals from Excel Energy are obtained and followed for this project and these requirements do not alter what has been approved by the Planning Commission or the applicant will be required to come back to amend the CUP; 10) If there are substantial changes to the plans submitted a new conditional use permit hearing would be required; and, 11) The Township reviews every year for the first three years and then subsequently as they see fit. Felger seconded the motion.

DISCUSSION: Felger – felt these are onerous demands the DNR is putting on the applicant and has some questions about that. They suggest holes in the fence; but if there is a solid fence they will not get in at all. The water fowl that can fly in can fly out. The skunks and racoons could get in and damage the wires or panels. He felt a 7' fence is adequate. If the applicant is willing to build an 8' fence, that is up to the applicant. Mahlberg –the fence is a suggested condition, but the guidance is so they are not interfering in wildlife corridors. In looking at the area, he would not view that it is warranted concern. However, he may not negate that concern in another location. Felger –commented on the summarization of their policy about guiding wildlife. In this instance deer would end up on the highway because there is nothing stopping them. Noted other commercial properties where they require a security fence, would those direct deer in a different direction. Bravinder indicated he is not concerned about small wildlife, they will get in where they want regardless.

VOTE: CARRIED UNANIMOUSLY

4. **DUANE H. ROLSTAD** – New Item

LOCATION: 1735 40TH St. SE - NE ¼, Section 29, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-291400 Property owner: Gauger Ltd. Partnership LLP

Petitions for an amendment to extend the 2018 Conditional Use Permit for another two years for the temporary sand borrow operation. An estimated 42,000 cu. yds. have been removed to date with an estimated 30,000 cu. yds. left as regulated in Section 155.027, 155.029, 155.048(D) & 155.100 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Duane Rolstad

- A. Riley – the request is for a time extension of the previous issued gravel mining permit. The two-year extension is before them and discussion on the original amount of material, how much has been mined out and the amount to remove for the additional two years. The scope of the project should not change much but should know what is involved.
- B. Rolstad – he had stated 25,000 yds. for first two years and there may have been a misunderstanding on the amount when he applied because he initially talked with staff about a three-year permit, but it was recommended he apply for two-year and come back. The numbers are: In 2018 the gravel tax he paid was for removal of 11,941 yds.; 2019 he removed 9810 yds. For total yards removed to date of 21,000-22,000 yds. They bored some holes this fall and felt there is another 20,000-25,000 yds. to be taken out over the next two years and will complete the site. They have reclaimed about half which would be put back into ag production this coming year. He has about 5,000 yds. of black dirt in piles to be used in reclamation.
- C. Felger – the hearing two years ago the estimate was 25,000 yds. and it was clarified, 21,000 yards has come out. Rolstad – explained he has work he needs the material for, however, has been approached by other contractors to buy what is left. He explained the material is hard to gauge and found there was a lot of clay and where they thought they would find a deeper deposit of gravel.
- D. Mahlberg – asked if the figure estimated is correct. He has 42,000 yards that has not been removed. Riley – that notice was prepared with staff a few weeks ago and now they have it clarified. He would suggest they state 42,000 yards over the life of the pit with about 21,000 already removed. Mahlberg – summarized that the applicant felt he would be out of there in a couple years and has only mined about half to date. Rolstad correct.
- E. Ron Hartneck – resident just east of the pit on 44th Street – the request was to get a permit for two years to remove the hill and be done. The hill is gone, and it has been two years. Questioned why they are back? He got what he asked for and did not agree with an extension. He feels this will keep getting extended and wants the operation gone.
- F. Chuck Workcuff – 247 44th Street – asked about reclamation and will he be done in two years. There are a number of things that could happen that would prevent reclamation and land returned to farmland. Truck traffic onto CR 32 where there is no turn lane for truck

exiting onto the highway will cause damage. Depending on activity there are dust issues and noise while he is operating. Those are his main concerns. His location on the map was noted.

- G. Karen McDougall – applicant attended their last meeting, however, there is not a formal response yet. Much discussion at their meeting and summarized the motion for the original 2-year permit was 25,000 yards and black dirt to be brought in. Their understanding was the permit was for a specific project in Maple Plain, take down a hill and put it back to farmland. The figures on the amount in the Public Notice are different from what they are hearing tonight. The Town Board passed a Mining Ordinance last fall and limits pits to three in the Township. They had expected this one to close because of the small size and nature of the permit. The Town Board’s concerns are it will be one of those pits that keep growing. Felger asked how many pits are active now? McDougall stated three, including this one. Questions on the Falde pit and whether that is counted? Riley – stated the most recent hearing on the sale of the Falde property for an orchard before the Commission fell through. The pit has does not currently have or is allowed mining activity. McDougall – she explained the concerns and frustration are based on the difference in the information provided. The Town Board did not hear the figures she is hearing tonight. She cannot speak for the full Town Board, they planned to attend to hear more and they understand the Commission can take action. She did not know if the Commission approves it would conflict with the Township Ordinance. Mahlberg what is it about the Ordinance that would be problematic? McDougall – they are limited in the amount, they established a policy that if an owner is interested in using the resource on the property they would have to get on a waiting list. They have one person waiting. They expect things could open up again and wanted people to be treated fairly. This is not a new operation, but if it were new, they would have to get on the list. Borrell – asked if a compromise of a one-year extension is a possibility McDougall – the Town Board did not turn it down at their meeting. Bravinder – where did the figure 42,000 yards come from? Riley – explained mistake was saying that was the amount removed; the first permit was for 25,000 yards and less than that amount has been removed at this time and amend the CUP for another two-year extension and allow them to remove up to 42,000 yards, using the same acreage area. There are two issues, the time needed and new total amount.
- H. Felger – questioned the Ordinance adopted in 2019 and the three existing pits. Riley – he does not consider the Falde pit active as gravel is not being mined; but, could not speak to how the Town Board and their separate Ordinance addresses it and if another person should come in to apply. The Township has a policy on getting on a “list”. No one has come in to make a formal application in his office since the new Township Ordinance. Felger – asked McDougall if their Ordinance refers to “active” pits? McDougall – active and permitted. Riley – explained if it is not active and there is a slot, he would not know how to apply it to a policy list should someone apply. They recognize the Township’s Ordinance, but not sure how this would play out. Kryzer – concurred, if there is an application that is proper they would have a hard time refusing it. Riley – if they knew it was not in compliance with the Township Ordinance, that would be different.
- I. McDougall asked for some general guidance on the timeframe set and then get extended over and over. This is something the Town Board and residents get frustrated with. Borrell – noted the County has routinely extended these mining permits; however, it may differ in this Township and asked if they could set a deadline and then someone else is

in line. Riley – the permit expired and is the reason he is back before the Commission. Borrell – noted this is a common occurrence. He referred to other pits where they have many years of material, but they only give a permit for a couple years at a time. Here, Rockford is saying no. Kryzer – cannot deny a CUP for policy list reason. The criteria for granting a CUP has to be applied. They cannot deny on sole basis that the applicant had his two years and is done. That would not be due process. McDougall – is there a way to tell their citizens that there is a timeframe. People would not be so frustrated if an end date was realized and could have avoided their separate Ordinance. The Town Board felt because they are more urban and don't have as much granular material, this was their effort to improve the quality of their resident's quality of life. This is an effort to get the operator to commit closer to the deadlines. She noted the Township can be stricter. Riley – the conflict is not in the Ordinance. But the issue of only three active permits, extending a permit and what to do about the fourth person who is waiting. Borrell a permitted pit could drag out over a long time. McDougall –another question is it fair to someone who wants to mine and is waiting. They looked at large number of things as it relates to quality of life. This is a perfect example of a small operation that should get done in short period of time. If the Commission needs them to come back with a response, she could get that.

- J. Mahlberg – did not know that there would be a continuation and asked since the amount to be mined is only about half as to what the notice stated, did that make a difference in her opinion. McDougall –the conflict in numbers was frustrating and the time frame. She cannot say whether a year or two is reasonable because their figures were not right. The frustration is why the Township did not respond. Mahlberg – what it really comes down to, it was about the total amount to be mined in the limited area that is not to be expanded. Asked Rolstad if this is going to be a long-term pit, or can it be accomplished in the same general area over the next two years. Rolstad – explained the reclamation plan is in place. The operation has not expanded, the erosion control fences are in place. Has mined about half way across the six acres and only about half of the hill is gone. The east half will be farmed this coming year. A site inspection is welcomed to verify these facts. The amount of material is difficult to determine, with the hills and valleys and the clay found. Dust control on the driveway is applied twice a year. One neighbor was confused about what was being spread. Mathiowetz is in the process of reclaiming and had extra dirt to get rid of and offered it to him, he declined. He asked if there is a reclamation plan for the Falde pit and material could be brought there? Riley stated a reclamation plan is on file and would have to be followed. The Bank is the owner who would give permission.
- K. Riley asked if the Commission wanted a site inspection to re-evaluate and look at the 21,000 yards already removed; or address the extension.
- L. Bravinder felt it makes it difficult for the Commission to be asked to treat pits differently. Recalls the site visit and is told the extension will not go outside the original permitted area. As a Town Board member, they like to have their residents make use of their land in respect of their neighbors. If the applicant can make revenue off this in the future; reclaim it back to a farm field and meets the requirements, he does not object. Borrell added, if the project was completed in six months it would be much more commotion to neighbors. The applicant has some rights also.
- M. Mahlberg – the problem expressed is that the mining is being extended. From what he has seen over the last couple years, this does not seem out of the ordinary. The question the

Town Board has about these extending out and not getting completed, he does not have an answer. This permit is within the same area and there is more to get out. If the applicant comes back to expand the area in a couple years, that might be a different matter.

- N. Mahlberg moved to approve the renewal of a Conditional Use Permit to allow a gravel mining operation for an additional two years for 25,000 yards on the same conditions as the first permit; according to the plans and reclamation plans on file. The perimeter of the mining has not changed. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **RICHARD L. BROWN** – New Item

LOCATION: 2542 50th Street NE - Approx. 44 acres - Part of SW ¼ of SE ¼ & Part of Gov't Lot 3, Section 4, Township 120, Range 25, Wright County, Minnesota. (Gilchrist Lake - Buffalo Twp.) Tax #202-000-044302

Petitions to rezone approximately 44 acres from AG General Agricultural and S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential as regulated in Section 155.027, 155.047 & 155.057 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances. Rezoning will give the “restricted” parcel a building “entitlement”.

Present: Richard Brown

- A. Riley reviewed the property location in Buffalo Township. Existing zoning maps showing the property is currently zoned AG and Land Use Plan designation is Rural-Residential. The request is to rezone to A/R Agricultural-Residential which has a minimum lot size of 10 acres. Currently, this parcel is a restricted Ag parcel adjacent to the homestead parcel the applicant owns. If rezoning is approved, it would be for one residential site and a plan and borings have been provided to show there is a building site available.
- B. Brown – indicated borings were done in a location that would support a home, but he has no idea where someone might want to build.
- C. Borrell noted with this acreage there could be a future three-lot subdivision. Riley explained the limited road frontage. The “entitlement” division was adjusted to get the 300’ in width on the road needed for this parcel. Divisions would require a new town road.
- D. Felger asked about an ag building on the property? Brown stated that would go with the orchard and felt it would enhance the sale.
- E. Warren Thompson – resident across the lake at 3236 55th Street NE asked for clarification on what the applicant is trying to accomplish. Is concerned this will develop into a number of lots. He asked if rezoning includes the existing building site? Riley explained it does not include the lot with the house. Rezoning would give the parcel in question one house. No proposal to subdivide or develop beyond that. Mahlberg further clarified the intent of this request. Thompson – noted a previous request that was of concern was a sand pit on adjoining property. The Planning Commission turned that request down because it would harm the apple orchard. He asked if this request is approved, would that open up the possibility for mining? Riley – noted the mining request was at least ten years ago and there were several variables considered. There is nothing that would prevent someone from apply for a future mining request and it is unknown what decision would be made or what impact this rezoning might or might not have on that request.
- F. Borrell clarified this allows one house. There is potential for more in the future. Riley added, that would take a new application and road built; but that is not being proposed.
- G. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG Agricultural & S-2 Residential-Recreational Shorelands to A/R Agricultural Residential & S-2 Residential-Recreational Shorelands because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves, this would allow for one home. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **WALTER KUNZ**– New Item

LOCATION: 8541 Darrow Avenue NE -Part of Gov't Lot 1, & part of the NE ¼ of SW ¼, Section 15, Township 118, Range 25, Wright County, Minnesota. (SW corner of farm in shoreland district of Cedar Lake - Franklin Twp.) Tax #208-200-153401
Petitions for a Conditional Use Permit to allow construction of a new barn and indoor riding arena for a riding academy to include, horse boarding and some training. Activities proposed are small “jumping” clinics (4 participants) for up to six weekends a year and up to two weekend outdoor schooling competitions a year involving up to 80 participants per day.

Present: Walter Kunz

- A. Riley reviewed the property location in Franklin Township. The property is zoned and in the Land Use Plan as AG General Agriculture. Commission was on a site inspection for the plat recently approved, “Cedar Ponds” that is directly west. An air photo showing the existing house and outbuildings was viewed. The proposal is to build a barn along with a riding arena for boarding and training horses. The events were outlined in the application.
- B. Kunz stated he would not personally train horses, but board horses for their owners who would hire professional trainers to work with the horses boarded on his property. This would provide a place for riders to practice jumping. There are few places that have the acreage to do this. Also, he would invite people out to see the sport of jumping.
- C. Felger concurred the sport takes a lot of acreage and insurance. Kunz concurred, indicating he knew where to get that.
- D. Felger opened the hearing to the public. No one came forward and he returned discussion to the Commission.
- E. Borrell moved to approve a conditional use permit to operate a riding academy to include, horse boarding and training for the public in newly constructed indoor and outdoor arenas in accord with the narrative and plans held on file with the following conditions: 1) The number of people on site are consistent with the narrative submitted by the applicant and held on file ~~by the applicant~~; 2) Twice a year (over a weekend) they can hold one “large event” up to 80 ~~people~~ participants in attendance each day; 3) Signage must conform to County Ordinance; 4) Proper building permits must be obtained prior to commencement of operation; and, 5) Proper sanitation facilities will need to be provided for the larger functions (porta-potties are acceptable in accord with the County Regulations). Bravinder seconded the motion.

DISCUSSION: *Bravinder asked if the applicant is agreeable to limit of two large events. Mahlberg questioned the number of people on site is 80, is that clear. The application states 80 participants and his experience is these people don't come alone. Kunz stated it could be up to 80 participating in the jumping. Kunz suggested language that states 80 participants would be more accurate. Borrell & Bravinder concurred and the above motion reflects this. Felger again asked if the frequency for the events is adequate? Kunz – confirmed it was, he has a number of smaller ones. Due to the amount of work that goes into these, he may only have one large event.*

VOTE: CARRIED UNANIMOUSLY

7. **JOHNSON MATERIALS, INC.** – New Item

LOCATION: 14650 – County Road 75 NW – Part of Gov't Lot 3 lying north of road; Part of NE ¼ of NE ¼ Section 21; and Part of the W ½ of the NW ¼ Section 22, all in Township 122, Range 26, Wright County, Minnesota. (Part in Shoreland District of Locke Lake - Silver Creek Twp.) Tax #216-100-211100 -211400 & -222300
Property owner: Russell V. Martie Homestead Tr. & RUSH-MAR Land Corp.

Petitions for an amendment to Conditional Use Permit for mining issued in 2004 and allow a change hours of operation from 7 a.m. – 5 p.m. Monday-Friday to 7 a.m. – 7 p.m. Monday – Friday; and up to 10 Saturdays a year with hours from 8 a.m. – Noon as regulated in Section as regulated in Section 155.029, 155.048(D)(14), 155.100(F)(8) Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Jeff Johnson

- A. Riley summarized the 2004 Conditional Use Permit that allowed mining operations and limited hours to Monday-Friday with hours of 7 a.m. – 5 p.m. and no Saturdays. This application is about the limits. The restriction has come up on other requests for Conditional Use Permits that have hours 7 a.m. – 7 p.m. on Monday-Friday and up to 10 Saturdays, 8 – Noon for each season, except operations are not allowed on the holiday weekends or the weekend of the 4th of July. Discussion on holiday restrictions.
- B. Johnson – stated he would be agreeable to the hours and limits put on other operations, including the holidays.
- C. James Theisen - 3162 142nd Street - lives on the south side of Locke Lake – has not been to recent Town Board meetings and asked if this extends hours for the asphalt plant or the gravel mining. Riley – confirmed this hearing is about the operational hours for the pit. He reviewed the temporary permits for the plant and also night hauling is different. Theisen – received a letter from the Lake Association that this meeting had to do with the asphalt plant. Riley – stated that information was not from the County.
- D. Chris Klein – recommendation of the Town Board is in the Board's packet. An owner living to the east wanted to know what would happen if there are problems and the Town Board worked that out with Johnson on who to contact if there are problems. Klein noted out of seven items he noticed three were gravel permit applications. Felger asked how many active gravel operations in Silver Creek? Klein responded, four.
- E. Borrell asked which Saturday would be restricted on the 4th of July holiday during the middle of the week, the prior or following? Kryzer and Mahlberg felt it would be the following Saturday. Johnson explained he would not have any employees that would want to work. He noted the Saturday hours did not allow him to supply individuals who have small projects and want to come in and get a small load of gravel. This allows that. Kryzer explained a “week” is defined Sunday – Saturday. Mahlberg – or it could be stated the nearest Saturday.

- F. Borrell moved to approve an amendment to the 2004 Conditional Use Permit (file #044041) to change the hours of operation from 7am-5pm Monday-Friday to 7 a.m.-7 p.m. Monday-Friday; and up to 10 Saturdays a year, with hours from 8 a.m.-noon on those Saturdays that do not fall on a week of a Federal holiday with the rest of the conditions and terms of that 2004 Conditional Use Permit still valid. The Township review date to be changed to January with this Conditional Use Permit having a review in one year. Mahlberg seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

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