

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: March 12, 2020

MINUTES – (Informational)

The Wright County Planning Commission met March 12, 2020 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with the following Board members present: Mol, Pat Mahlberg, Jan Thompson, Charlie Borrell, Ken Felger & Dan Bravinder. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office. Greg Kryzer, Assistant County Attorney, was legal counsel present.

Action on February 13, 2020 minutes

On a motion by Bravinder, seconded by Mahlberg, all voted to approve the minutes for the February 12, 2020 meeting as printed.

1. **JOE FAKE** – Cont. from 2/13/20

LOCATION: 10875 Fenner Avenue SE – Part of W ½ of SE ¼, Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-254300 & -254302 Owner: Singer

Petitions to rezone the north ten acres from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for a two-lot residential subdivision (One new residential lot with remainder to remain zoned AG General Agricultural with existing dwelling) as regulated in Section 155.028, 155.029 & 155.047 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Applicant not present

Mol held the item over until the end of the agenda to see if the applicant or his representative would appear.

2. **SARAH R. BONVALLET** - New Item

LOCATION: 4529 128TH Street NW – Part of Gov't Lot 6, & part of NE ¼ of SW ¼, Section 32, Township 122, Range 26, Wright County, Minnesota. (Ember Lake - Silver Creek Twp.) Tax #216-100-322406

Petitions for a Conditional Use Permit for a Home Extended Business for a tasting room for the “farm” micro-brewery to allow the public in an existing building and a Conditional Use Permit for Commercial Outdoor Recreation to allow for onsite public events as regulated in Section 155.003(119), 155.029, 155.048(D), 155.057(G)(4) & 155.103, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Sarah Bonvallet & Rob Miller

- A. Riley reviewed the property location on the south side of Ember Lake. The Commission visited the property on the west side of the lake for rezoning requests in recent years. A previous Conditional Use Permit for commercial outdoor recreation for a music venue was granted this property to the previous owner, Nunke. Additional maps displayed show the property zoned AG General Agriculture and is planned to remain AG in the Land Use Plan. The applicant has submitted a staged development plan. He referred to the plan that shows what will happen the first year. Staff realized just before the hearing, the parking area proposed is a lease agreement to use the neighboring property. The Commission cannot force that and should make certain there is the proper lease or agreement in place. He deferred to the applicant for further description of their plans.
- B. S. Bonvallet – explained they also have a micro-brewery and tap room in Minneapolis. They purchased and moved out to this property three years ago with the long-term goal to have a small brewery here. It seemed to be a good fit considering the previous owners had a business on the property. Financially their business plan is to proceed over three years. They will start with the brewery in the pole barn and that will be just for manufacturing and not public space. The second year would involve hiring a structural engineer and develop plans to use the existing older quonset building for the tasting room and to have a music area. The third year they will start the AG Tourism portion that will include the back 20 acres and incorporate a wide variety of ingredients as adjuncts used in the brewery. Miller stated these products he would be growing on the farm. S. Bonvallet, yes. A maximum of six events are planned a year, starting with two a year between May and October. The events would include a food truck, people could purchase a glass of beer and take a tour of the back 20 and see the ingredients they grow and enjoy music in the quonset later. The events start at 11 a.m. and music cut by 9:30 p.m. so people are gone by 10 p.m. She explained this is their family’s home and would not want the public on the property after 10 p.m.
- C. Beck Ann Stolp – resident at 12495 County Road 8 stated she and her husband own property that abuts directly east. They are not asking for denial, but have concerns about noise late into the night, or every weekend like the previous business. The previous owner’s guests were going into their property. Not looking to stop the proposal, but clear guidelines and boundaries where the guests can be are needed. The Code of Ordinances states that the proposed use should not constitute a nuisance and lights are not a disturbance, those were problems with the last permit. Understand they share the

community with others, but don't want these issues. Want to be able to enjoy their property that has peaceful woods and gardens.

- D. Duane Hickman – lives on the northwest corner of Ember Lake. He noted most owners around the lake were in attendance at the Town Board meeting and no one expressed objection. They had both attended events and were home when the previous owner had the music venue without experiencing any disturbance. He supports the proposed permit.
- E. Dave Kramer – is living directly across the street from the applicant – he has gotten to know the neighbors who are considerate and good neighbors and has no objection.
- F. Chris Klein – Silver Creek Town Board Supervisor – no objections to the business were voiced at their meeting. Had talked about the noise when the Nunke's owned the property and discussed the orientation of the music to better contain it. The applicant understands the concern about noise and this will not be the same kind of music as Nunke had. The applicant currently run a brewery in Minneapolis and are experienced and want to utilize the land to create different brews. The Town Board response was favorable as can be seen on their report. They suggest the permit is issued as an interim permit, so if it sells new owners would have to come in for a CUP.
- G. Patty Hickman – owner on Ember Lake talked with other owners on the lake and indicated they are in support of small businesses, the brewery and community events.
- H. Borrell – felt the applicant has done their homework. Asked about the buckthorn? S. Bonvallet stated they have been working hard to remove that.
- I. Felger – stated he has googled the applicant's current brewery "Dangerous Man Brewing Co". and questioned the difference between a "tasting room" and a "tap room"? S. Bonvallet explained in the State of Minnesota the license does not allow them to have two tap rooms with consistent hours open all the time. The tap room is open Tuesday-Saturday and open to the public all the time. The tasting room will not have open public hours, but have variable hours, depending on the day. This allows people to get a beer during an event. Miller added, this will not operate like a bar, just for events. Felger asked if there would be security during these events? S. Bonvallet – assured them they want to be good neighbors, plan to live in the community with their 13 & 15-year old children for a long time. They want open communication with their neighbors on what is working and not. The location in Minneapolis is in an old neighborhood and they are doing a lot of community work there. Regarding safety, they have seven years of experience and are well versed in not over-serving the public. They are certified and can identify someone and check I.D.s. Changes to the property were reviewed on how they can control where people can be during an event. It will include moving a driveway in a few years; an additional access for the person that runs the back. Tours will be guided and noted the location where the public would be allowed which is in the middle of the property (location of an old foundation was pointed out). It is possible they could have some fencing installed. Borrell felt if they are a good neighbor, they could offer a fence when there is a problem. S. Bonvallet – understands that outdoor music is a concern, sound travels depending on the wind. The music events will be in the quonset.

- J. Bravinder questioned the breakdown for the permits requested. Is it a Home Extended Business and the Commercial Outdoor Recreation? Riley – for the farm proper is the Commercial Outdoor Recreation and if the quonset is used later that would be the Home Extended Business. Bravinder – asked if the brewery is under one of the permits? Riley – that is a farm, AG business. The other activities and some will not be done immediately such as the tasting room and is what requires the permits. S. Bonvallet –although the progress of developing the business is staged; it was suggested they have the Commission review everything. The quonset upgrade would not be until the second year. Bravinder – the Home Extended Business permit is limited to 2,000 sq. ft. Riley – they have checked the building size and it complies. He asked about all the agricultural improvements and if public would only be coming into the property, that includes the trails, tours and use of quonset, for six events at the most. Miller and S. Bonvallet confirmed that is the most. Riley – he wants to make sure, the previous owner had less people but more events a year. The parking entrance for the events, driveway to the house and another access “C”, trail or drive has been reviewed by the Town Board. S. Bonvallet –driveway “C” on the site plan is a gravel road for access to the back so the person that takes care of that area would not have to drive through their personal property.
- K. Miller – addressed the parking question. He has been working with the adjoining owner and provided the email communications on using that area for parking. An attorney is in the process of getting a legal document drafted for the parking area. The materials to be used for the base and parking area have been agreed upon. S. Bonvallet – further explained the area described in a legal document was area previously used by Nunke. Riley explained this will have to be verified.
- L. Klein noted a wetland that they would not be able to get access through. The Town Board has not addressed the additional driveway. Mol – stated that will have to be addressed by the Town Board first; or require the permit if a use permit is issued tonight. S. Bonvallet – they would be going around the wetland. Kryzer – noted the zoning standards for drive and parking areas adopted recently. S. Bonvallet – they have been talking about Class V material. Kryzer asked how the license works? S. Bonvallet explained they would keep it under the “Dangerous Man Brewing” business name. They are licensed by the State Department of AG for the micro-brewery. Alcohol and Gambling Division will apply for six temporary permits for events. She reviewed that would go through the State license and the Sheriff signs off. The Federal Government considers this an extension of premise under their business license. Riley asked if the Sheriff or Auditor issues a permit? Kryzer –wondering if it would need a local permit or separate license. He is not an expert on liquor laws and distribution. S. Bonvallet – explained the volume they can self- distribute. She stated it would be a local permit for the six events. Are allowed to brew at more than one facility. They would not need a permit as a distributor here because they would be under 500 barrels at this location.
- M. J. Thompson noted they would have up to 350 people in attendance and questioned if they would have enough parking on their own property for that many? S. Bonvallet no and that is why they reached an agreement with the neighbor before applying. In response to Thompson’s question, Miller explained one barrel is 31 gallons, similar to two kegs.

- N. Mahlberg – asked until the quonset is structurally improved what are the plans for music and where would it take place? S. Bonvallet if they have an event this year they would not have music, Miller - or if they did, it would be acoustic and quiet. S. Bonvallet – it will take time to be ready for the public and grow into large events. Mahlberg – the quonset is where the music will take place and asked if they would accept a condition that is the only place it can take place? S. Bonvallet – that is acceptable. She confirmed they would have amplified music in the building. She would like to tell the bands they have to be done at 9:30 p.m. so everyone is out by 10 p.m. Mahlberg asked Klein if the Town Board specifically addressed hours of music? Klein did not recall any discussion other than they would be out by 10 p.m.
- O. Borrell moved to approve an Interim Conditional Use Permit for a Home Extended Business for a tasting room for the “farm” micro-brewery to allow the public in an existing building and an Interim Conditional Use Permit for Commercial Outdoor Recreation to allow for onsite public events in accord with the plans and site plan held on file with the following conditions: 1) Proper access permit is obtained from the Township prior to the commencement of the business for the “parking” driveway approach or any other new approaches; 2) Waiver of the 6 month commencement in accord with the layout of the business plan as presented; 3) Proper permits are obtained before use of quonset for public use (D1 on site plan); 4) They are limited to six events at this time and any expansion would require an amended interim conditional use permit; 5) Events must cease by 10 pm and music by 9:30 pm; 6) No outdoor amplified music is allowed; 7) Maximum number of people on site is limited to 350 people; and, 8) Must comply with all liquor laws and Department of Health regulations. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **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 also Part of the W ½ of the NW ¼ Section 22, all in Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.)
Tax #216-100-211100 -211400 & 222300
Property owner: Russell V. Martie Homestead Tr. & RUSH-MAR Land Corp.

Petitions for a Conditional Use Permit to extend the night hauling of material from the pit between the hours of Monday at 6 p.m. through Saturday 9 a.m. for a time period from March 15- July 1, 2020. Activity during night hours in the pit will be limited to truck loading and hauling only, no mining or processing of materials. All operations in the pit during the night are related to and in conjunction with the reconstruction of Interstate 94 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: Noah Fisher, representing Hoffman Construction

- A. Riley reviewed zoning and land use maps to show the zoning and future zoning is AG General Agriculture. Material is piled during the day. The Planning Commission made a site inspection in the past, heard a Conditional Use Permit last fall and more time is needed to complete the project that is solely for the I-94 project. The extension allows for night hauling of aggregate.
- B. Mol questioned the reason for the extension? Fisher stated last November the temperature turned colder sooner than expected and they could not work the full month. There is more work to be completed on the east bound side of the freeway. They hope to start again the first week in April. Mol asked the expected timeframe for the night hauling? Fisher indicated they hope to be done in two months.
- C. Chris Klein – Town Board Supervisor – appeared before the Commission to report that there were no neighbors attending their meeting that voiced objections. Because this is a State and Federal government road project, he suggested the permit be issued until August, so the applicant does not have to come back.
- D. Mol- how did it go last fall? Klein no complaints on noise or dust. He was out one night on a calm evening and sat across the freeway on the south side and could not hear anything but the freeway noise.
- E. Bravinder moved to approve a Conditional Use Permit to allow night hauling of materials and operations in the pit from March 15 to August 1, 2020 for operations specific to the Interstate 94 road project with the following conditions: 1) The Petitioners are authorized to conduct night time hauling for the hours of Monday 6 p.m. through Saturday 9 a.m. from March 15 to August 1, 2020. All operations in the pit during the night must be related to and in conjunction with the reconstruction of Interstate 94, Wright County, SP 8680-173. Operations on Sunday are not allowed; 2) The Petitioners are not authorized to conduct mining or extraction operations at night; 3) All adequate measures must be taken to restrict loud trucks from operating without mufflers and other required sound equipment; 4) Engine, dynamic, or jake braking is prohibited for all vehicles and trucks coming into and inside of

the pit during night time hauling and signage be posted to remind haulers; 5) Back up alarms shall be disabled on all the loaders and dozers used inside of the pit during night operations. The Petitioners are directed to use strobe lights as an alternative method for backing up; 6) Any night time illumination of the pit shall be directed away from neighboring properties; and 7) All other conditions imposed in prior conditional use permits, to the extent they are not superseded herein, remain in effect and are incorporated herein by reference. Mahlberg seconded the motion.

DISCUSSION: Borrell questioned limiting the bituminous being used for the I-94 project. Kryzer for the night hauling permit they can limit. He referred to a recent Supreme Court case on frack sand mining in Winona County and Commerce clause that set a limit.

VOTE: CARRIED UNANIMOUSLY

4. **STEPHEN D. KRAUSE** – New Item

LOCATION: XXXX 28th Street SE –Lot 3, Block 3, Whispering Winds Industrial Park, Section 14, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-062-00303 Property owner: Garages Too LLC

Petitions for a Conditional Use Permit to construct two mini-storage buildings as regulated in Section 155.029 & 155.055, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Steve Krause, architect

- A. Riley reviewed the property location in Rockford Township. The lot is part of the I-1 industrial park and is vacant. The proposal is to build two separate cold storage buildings for mini-units. Require land alteration and drainage plans. There have been some issues with road ditches and culverts in the area and the Town Board wants to make sure it is developed according to the plans and verified.
- B. Krause – each unit measures 20 x 40, will be leased units and presented as cold storage. There is the option for an individual leasee to take it beyond this for an individual unit and insulate them and have heat. The design presented meets all the Ordinances and requirements of the Park.
- C. J. Thompson questioned individual improvements to each unit and metering the electricity, etc. would they build that in right away? Krause – they would be later, metered individually.
- D. Bravinder – questioned the location of the transmission line. Riley – noted it is the south portion of the lot. Noted an easement covers this.
- E. Felger – there would be no sanitary plumbing installed? Krause that is correct. Felger – the narrative was provided and hearing a business with an employee or two may operate out of leased space. If an individual is running a business, what would they use for sanitary facilities. Krause – that would not be their concern based on the occupancy type. Have no plans for plumbing and would be communicated to a potential leasee. Most business activity is a start and stop business such as a landscaper and do not conduct the business on-site. Felger – there would be no outdoor storage, but who would monitor? Krause – the owners would be and communicate that to their clients when they engage in leases. Felger – presuming there is gas or radiant heat, is there a fire suppression requirement? Krause – the buildings are small enough that codes do not require it.
- F. Riley apologized for not having the level of detail to address the questions raised; however, the buildings must meet code and there is a line that cannot be crossed based on code or the Conditional Use Permit. The line will be crossed if someone wants to do more than store items/equipment. Having a disclosure in the lease does not mean they can do what they want. Krause – his understanding is the owners have had this on another building in the park. Riley – recalled there were conditions attached to that Conditional Use Permit. The public was not supposed to come to the storage unit, was just for the leasee to be coming and going with his things. Mol – agreed, as long as there is no running water, it limits use. Riley – for instance a car is not supposed to come to the unit to have to the window

replaced, it is supposed to be the van that leaves to do the work off site. If it is beyond normal mini-storage it can lead to issues.

- G. Chris Scherber – part-owner of this property – explained storage units they have in St. Michael they get inquires on whether they can sell cars out of a unit. They tell them it is not up to them, but they have to get the City’s approval. At that location the City has allowed one customer at a time for car sales. At this location they have proposed smaller units and anticipate it will be leased to the homeowner who does not have enough storage where they live. They do get calls from businesses, for instance one woman who needs storage for items she sells on e-bay and ships things out. Another, window tinting for a dealership and bring one vehicle there, is low traffic. They do not do anything that would be high traffic and is the reason there is no over-night parking outside the unit. Riley – stated the preference is not to fill the units up with businesses; but if they get a couple requests, that would take another Conditional Use.
- H. Felger –the owner would control who would be coming into the unit. The comment about having sanitary facilities, if someone is working in the unit how would they handle bathroom facilities. Scherber – the other building in this development they ran into a problem - reason they are not adding plumbing. Riley –that unit had an office and needed a bathroom and is the reason the issue is raised. Krause – this particular use/type plumbing is not required by code. Riley – if a use proposed needs a bathroom, it cannot go in. Felger concerned if the unit can be heated and someone is working out of the unit, will not have facilities. He asked if that is the case, could they share a common bathroom or portable. Krause this is a storage facility. Riley added, it is set up for the business that may work off site.
- I. J. Thompson – felt if a person wants a bathroom they will not rent from this owner. Will go somewhere that is available.
- J. Scherber – they have repeat customers that understand the requirements and they try to handle these issues upfront. Relayed an experience with a business at their City location.
- K. Mol – understand the Commission is only considering a petition for a storage building. If a use comes in and they are going beyond storage, it will be reported. Riley – added if anyone needs a CUP, they will have to apply for that. Kryzer – the issue discussed could be addressed with a condition that requires the use comply with building and zoning codes.
- L. Felger asked about security lighting? Scherber – yes and provided a picture to show the other property. There is lighting on the building.
- M. Bravinder moved to buildings in accord with the plans and site plan held, with the following conditions: 1) Proper permits will be obtained for the building and the septic location shown on plans is protected and preserved; 2) Signage is in accord with the Wright County Sign Regulations; 3) Storm Water Pollution Prevention Plan (SWPPP) shown on the plans must be followed; 4) The Township requirements for the driveway be followed along with the excavation plans that were submitted for the two buildings. We will require approval from the Township before building permits are issued; 5) Expansion of the business will require an amended CUP; and, 6) Proposed use on the property must comply with zoning and building codes. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **DUANE H. ROLSTAD dba Rolstad Construction** – New Item

LOCATION: 3207 Dague Avenue SE – Part of E ½ of NW 1/4; NE 1/4 and part of NW 1/4 of SE 1/4, Section 21, Township 119, Range 25, Wright County, Minnesota. Tax #215-100-211103 PROPERTY OWNER: Janice Ruhr

Petitions for a Conditional Use Permit to 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 allow fill material to be brought in and grade the site to improve the contours of the area previously mined.

Present: Duane Rolstad, Curt VanLith, representing the family

- A. Riley displayed maps and reviewed the property and location of the previous gravel pit in Rockford Township. The zoning is AG and planned for Rural-Residential. The division shown on the map is Curt's home. The original plans included a potential water feature that did not happen. The way the property was left is not conducive to farming and the owners felt this could be improved. The applicant is proposing a project to further reclaim and improve the land. The conditional use is required because of the length of time since the previous operator was in there. Commission is to review the amount of material to be brought back into the pit, neighbors and Town Board were notified.
- B. Rolstad indicated in 2000 Buffalo Bituminous opened the pit when CR 14 was improved. When Knife River bought out the Company, they were not under obligation to fill it. There is a 16' hole up by Curt's home and the road. That is where they would start filling and work west. There is large demand for disposal of clean fill from job sites. His reclamation plan for the other site is full until he mines more out, people need a place to dump and he would charge to control it. He has local contractors lined up. Unsure how much he will get the first year but reviewed some projects he can get the material. They will seed it down as they make progress. Felt they could get 50,000 yards and still not up to the full height shown in the reclamation plan. The Town Board has approved.
- C. VanLith – met with the Town Board last fall because Veit had thought they might bring some material in, but there was not an open permit. The family did not apply for a reclamation with a pond, could they fill this without a permit from NRCS. Kryzer there are nine years to fill it under WAACO rules. Riley – the Wright County Soil & Water Conservation District did not submit any negative comments to the application. Is there a place for water to go? Staff would consider this could operate under standard mining hours but would the Commission limit work on Saturdays. He reviewed the numbers that were proposed initially in the application and Commission should change those if needed. Rolstad – after he got the plans back and calculated the material needed, it came out to about 58,000 cu. yds. to fill it back up. That amount also matches the gravel tax paid for material taken out. If they bring that much back, it would fill it back up to original level.
- D. Mol asked about hours and were there any complaints received on the previous operation? Riley there was discussion between the Town Board and neighbors. Apparently, there was some concrete and debris dumped there and Deckert was out to the site. Rolstad that person was caught on camera dumping material. Mol – stated he wants it on the record that it can only be clean fill. Riley explained those complaints were early on and no one is

present tonight. VanLith indicated a couple of his neighbors stopped by his house to ask about this and after he explained they are not re-opening the pit they were satisfied.

- E. Discussion on the total amount of material and allowing an extension of the two-year request. Mol – suggested three years. Thompson would not object to extending it to three years. She questioned if there is any original top soil left? Rolstad – no, but he will be stockpiling some material here that is brought in for use as top soil and seeding. Riley explained the purpose is to farm the land or at minimum get vegetation established. Thompson emphasized the property should be finished with good top soil to make sure they can get something growing. Rolstad – noted another location where they had success in getting a crop to grow. If done right he expects the same here.
- F. Borrell moved to approve a Conditional Use Permit to allow approximately 60,000 yards of clean fill material to be brought in to grade the previously mined site according to the plans submitted Job No 202020. Hours of operation limited from 7:00 a.m. to 7:00 p.m. Monday-Friday and project is completed by October 31, 2022. Mahlberg seconded the motion.

DISCUSSION: Riley stated top soil and vegetation is a requirement of reclamation; however, agreed the Commission could add a condition.

Borrell felt that is what the applicant has stated and is on the record; he amended his motion, to include proper top soil and establish vegetation. Mahlberg amended his second.

VOTE: CARRIED UNANIMOUSLY

Commission took a five-minute recess.

1. **FAKE** – Cont. from earlier on the agenda

Present: Applicant not present

- A. Riley – stated they expected the applicant to appear tonight. However, the rezoning passed by the County Board. The information was complete and did not see a problem with the Commission action on the two-lot subdivision without the applicant
- B. Felger moved to approve a conditional use permit for a two-lot unplatted subdivision in accord with the survey completed by Paul Schoborg; Job No. 8831 with the following conditions: 1) Per Feedlot regulations the new A/R parcel will be allowed ½ animal unit per acre and will not be allowed to reach 10 animal units and any building that houses animals will need to be 100 feet from property lines; and 2) If required, access permits will need to be obtained through the Township prior to construction. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

FINAL PLAT

On a motion by Mahlberg, seconded by Bravinder, all voted to approve the final plat of Prairie Glenn and authorize the Chairman's signature.

Meeting adjourned at 9 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
Twp. Clerks
Applicants/Property owner