

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: March 18, 2021

MINUTES – (Informational)

The Wright County Planning Commission met March 18, 2021 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Mol called the meeting with all Board members present. Sean Riley, Zoning Administrator, represented the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, was legal counsel to the Board.

MINUTES

On a motion by Felger, seconded by Bravinder, all voted to approve the minutes for the February 25, 2021 meeting as printed.

1. **ROSS L. DANIELSON** – Cont. from 2/25/21

LOCATION: 3138 Bolton Avenue SW – NE ¼ of NW ¼, except tract desc. in Bk. 280-444, Section 23, Township 119, Range 26, Wright County, MN. (Marysville Twp.) Tax #211-000-232101 & 211-000-231200

Petitions to rezone five acres from AG General Agriculture to R-2a Suburban-Residential and a Conditional Use Permit for an unplatted two-lot subdivision (one new 5-acre residential building lot). The existing house to remain zoned AG and split off on 2.5 acres with the remaining acreage to be attached to adjacent land owned by the applicant as regulated in Section 155.028, 155.029, 155.048 & 155.051 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Ross & Jonathan Danielson

- A. Riley the Commission had continued for a site inspection. The request to rezone from AG to R-2a for minimum of a five-acre lot. Lengthy discussion at the last meeting on the Land Use Plan and that information was included in the Staff Report.
- B. R. Danielson updated the Board on the concerns about the wetlands brought up at the last meeting. He has been working with Andrew with Wright County Soil & Water Conservation District (SWCD) to address to impacts of the wetland. Removal and impact of wetlands on the east side, south side of pond and another that will be removed (culvert) by an excavator the following week. This is a condition of SWCD and the area on the west end will be condensed and narrower than what exists. Needs final plans for that, possibly retaining blocks or some structure or grade a back slope. That creates more of an issue to get back to the back of the ten-acre lot. It has been a challenge to meet and preserve the tillable and wetlands. Town Board had agreed because they do not want any new town roads, they had also agreed to two four-acre lots; however, understands that would be a concern for the County for zoning and size. This is the reason they came up with 2.5 acres with the house and a five-acre lot. It was hard to develop or utilize the original 10-acre split because it went through the shed. Another split to the west was described that they ran into setback problems for a barn. He questioned when the Plan was developed, with all these smaller lots already in place and questioned why the R-2a was not adopted instead of A/R. They are now trying to fill in lot, make the two divisions to match what is already out here. Division proposed squares up lines with the other division and will utilize the non-tillable and marginal area. Described the problems using the field road for access. The proposal resolves the issue with the tax parcels that only touch at a corner and won't have to cross someone else's property. SWCD email were looking at options to avoid impacting wetlands. Noted in 2001 sharing and using the easement was an issue between two parcels. They are in the process of cleaning up debris, equipment, and cars on the five acres which was a concern in 2001. He reviewed the lot sizes nearby that include 1 acre – 8 acres it is an area that has a mixture of sizes, fitting an R-2 or R-2a district. They looked at alternatives when they were out with SWCD and they would impact things

three times. Confirmed with Riley, that they are in the process of resolving the wetland impact the issues to the west? Riley stated that is what Andrew indicated.

- C. Mol questioned if anyone from the public has gotten on for comment? Riley – did not see anyone.
- D. Bravinder – read the Town Board response and their approval was one five-acre and one 2.5-acre parcel. Danielson – he met a couple times with the Town Board, first for two four-acre lots and explained the final proposal is what they felt was the better plan. Bravinder – is concerned more with their last response and they asked that the 22.5 acres remain ag land. He explained the Planning Commission cannot prevent someone coming back and ask to rezone and further develop. Danielson – to avoid landlocking the balance they had asked this be attached to the east, north or both. He pointed out where the land lies in the same section. Bravinder – there is an opportunity to develop in the future because you own the land to next to it. Looking at what was done before them he would agree there are challenges because of the amount of water. He noted the quality of ag land; he is familiar with grass fed operations, which this would work well for. He recognizes the Town Board’s recommendation, and he is assuming looking at the topography and type of properties is why they approved this and would not split up the ag land in back. For that reason, can agree with it. The buildable area is small. He feels it fits one of the unique circumstances they come across. J. Thompson asked for a summary of what he said to be clear on his statements. Bravinder summarized his comments.
- E. J. Thompson – this is something they need to take a serious look at this request. She has reviewed all the information although was unable to go to the site. She asked if through the Conditional Use Permit, they can restrict the property being further subdivided down from the “1 per 40” or from transferring from an owner to another. Riley – the first issue is the rezoning and cannot put a condition on that. Decision is on whether to rezone the five-acres to R-2a. If she is alluding to the leftover land, the restriction only applies until someone comes back to rezone which is guided by the Land Use Plan. There is not a mechanism to deny future requests. The proposal is to add the remaining land to the adjacent land and not allow more density unless they get a new proposal. Kryzer agrees.
- F. Kaczmarek – looked at the Land Use Plan and it does not fit, looking at the uses in the AG zone. He acknowledged, a letter from a resident who had made a similar request that was denied. If approved, what kind of precedent does that set for others. Kryzer – not too worried about a precedence. There are many things that go into whether someone has an equal protection claim, one is time, another is a similar situation. Kaczmarek asked about the Township comments, although he has not talked with them personally, there could be two ways to interpret the conditions they suggest; and whether they know it cannot be upheld. Kryzer has said they cannot restrict it and the Town Board says they approve if that can happen. He would conclude that this request does not fit the Plan.
- G. R. Danielson – after this meeting and rezoning is approved, he would have to come back for a Conditional Use. Kryzer – the second stage is not a method to restrict no development ever on surround ag land. The Township can say that is a restriction as the PC can, but that cannot be upheld. A separate request to rezone would have to be decided on its own merits.
- H. J. Danielson – felt the Town Board was not wanting to come in with an easement or try to put a house on the back 22 acres that would be left over.

- I. Mahlberg is concerned with this one considering the standards. Applicant makes a good point there are some smaller lots. Does not think it is infill, but whether they can look at this is adjacent to smaller lots. It matters at the scope you are looking at. But, zooming out on the map you see an area that is very rural area. Recognize it might be a good use of land and looking at a productive use of land, although may not be good farmland. Looking at precedent and in a legal aspect, are we concerned about precedent being set. But as far as following the LUP and providing reasonable expectations for people who own land or planning to own land in the County it matters. Is this unique, too often we are trying to find things to call something unique and eventually the exception swallows the rule. It is a close one but is leaning toward upholding the Land Use Plan.
- J. Felger – it is obvious it does not follow the Land Use Plan. He recalls the applicant was in the County Land Use quadrant studies, R. Danielson agreed he was very involved. Felger – questioned at that time why they did not include this for this zoning district. Felt the Town Board could make a request to the County to have a new hearing. Riley – in theory they could be, but it is usually done at a large scale. They don't change the Plan in one small area. Would involve public hearings at the Township and the County. Does not think it is practical in a case like this. Felger – there is ability for a ten-acre lot and applicant's reason is to preserve a small piece of ag on the other side of the wetland and restore the wetlands. Questioned if he just left the wetland alone. R. Danielson – does not fit the area with what is there now. Leaving it alone, creates an access problem down the road. SWCD felt it is in his best interest to restore. He noted there are not owners nearby that have animals, but an owner of a larger lot is likely to have animals and that could cause problems. Felger asked about the surrounding farmland. J. Danielson – you will still have 2.5 acres with the house and then get back on the ten acres. All those homes to the west are on smaller lots and beyond is flood plain and won't develop. The five acres would save the tillable ground to the east. He pointed out the back field on the air photo and access without taking trees down. Felger how get to the southeast ground and not impact wetlands? R. Danielson – no, pointed out how they can get there and area that will be regraded. Trying to maintain as much productive land of the family farm as possible. Felger agree it is unique in the northeast corner with Resource Lands, does not buy the argument that it fits into the neighborhood. What they do here could set a precedent. Other owners in the area could ask for the rezoning and felt would set a precedent for R-2a. Agree with Kaczmarek that did the Township agree to this with the condition on the remainder parcel did not think they can do that. He is uncertain with this request. There are some unique things; but setting a new zoning area. R. Danielson-two parts to this had rezoned from A/R back to AG, and in the AG zone they decided to do the 2.5-acre lot with his mom home. The second part is only one lot asking for R-2a for a fill in, the proposed five acres in the corner. Riley clarified there is only one part to this request. He cannot speculate why the Township addressed the AG division with the existing house as they could split that on 2.5 and maybe up to ten acres without this hearing. This decision is about rezoning.
- K. Mol – his opinion is addressing the one parcel going to R-2a. If they do that, are putting that zone in a part of the County where it is not planned for. Looking at the air photo he could pick out four more locations in small fields nearby that could be rezoned to R-2a in the future. Put in a town road using the driveway to service lots. He feels because it is not in the Plan sets a precedent. He would agree it is a good place for a house. This area is not meant for rezoning for small parcels and would not want to set a precedent. R. Danielson – there is no road access to come back to get more lots. Mol – the possibility is there. They could also come in from the back side.

- L. Kaczmarek moved to direct Staff to draft formal Findings consistent with a denial of the request to rezone to R-2a and close the public hearing to further written or oral submissions. Tanner seconded the motion.

DISCUSSION: Bravinder – stated his position is if they are not up here to make decisions that vary from the Ordinances, what are they here for. Because of the uniqueness of the property, even their attorney has said he is not concerned with setting a precedent. He feels it is in line with what they can do as a Commission.

VOTE IN FAVOR: Kaczmarek, Mahlberg & Mol
NAY: Bravinder, Felger, Tanner & Thompson

MOTION FAILED

- M. Bravinder moved to recommend to the County Board approval of the request as notified from AG General Agriculture to R-2a Suburban Residential the Town Board approves. Felger seconded the motion.

VOTE IN FAVOR: Bravinder & Felger
NAY: Kaczmarek, Tanner, Mahlberg, Thompson & Mol

MOTION FAILED

DISCUSSION: Riley –felt because of technology it makes understanding difficult. He was unsure if members understood if the motions made were to approve or deny as they both were denied. Kryzer agreed he was concerned some members did not understand the motion. They Suggested they consider a new motion and if they want to deny the request, they direct staff to draft Findings.

- N. Kaczmarek moved to direct Staff to draft Findings consistent with denial of rezoning. The public hearing is closed to further oral and written submission. Mahlberg seconded the motion.

VOTE IN FAVOR: Kaczmarek, Mahlberg, Tanner, Thompson, Mol
NAY: Bravinder & Felger

VOTE: CARRIED

Kryzer – the Findings would be before the Commission for adoption at their next meeting (April 15) before it is sent to the County Board for formal denial.

2. **STEVEN ALBERG** Cont. from 2/4/21

LOCATION: Part of Gov't Lot 1, Section 24, Township 121, Range 28, Wright County, MN.
(Southside Twp.) Tax #217-000-241100 Property owners: Applicant, Gregory Alberg &
Julia Barrett

Petitions to rezone approximately 23 acres from AG General Agriculture and S-2 Residential Recreational Shorelands to A/R Agricultural-Residential and S-2 and also a Conditional Use Permit for a two-lot unplatted subdivision (lots proposed are approx. 10.6 & 12.3 acres and are non-riparian), as regulated in Section 155.028, 155.029, 155.050 & 155.057 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Steve & Brad Alberg

- A. Riley stated the County Board action approved the rezoning to A/R. The maps were displayed to show the property. The survey and soils information provided shows the two-lot subdivision meets all the requirements. The Conditional Use Permit for the subdivision is what is before them.
- B. Albergs indicated they do not have more to offer. Provided the work that was requested. The buyer is buying both lots
- C. Mol opened the hearing to the public, hearing no one was on WebEx, returned to the Commission.
- D. Bravinder moved to grant a conditional use permit for a two-lot unplatted subdivision in accord with the survey completed by Webb Surveying dated 3/2/2021; Project No. 20170 with the following conditions: 1) Per Feedlot regulations the new A/R parcels 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) Driveways will need to be placed as shown on survey. The two lots will be required to have a shared driveway access. Access easements will need to be recorded prior to or during the sale of any of these lots. Access permits will need to be obtained through the County Highway Department. Kaczmarek seconded the motion.

DISCUSSION: B. Alberg explained their buyer is purchasing both lots. Noted where he prefers to use the existing approach. That is further from where there is the sight line issue. He will not need another road approach if the sale goes to this buyer. Mol did not think that will change the motion. Suggest they could take that up with permits. Riley that does not change the fact that there are two lots.

VOTE: CARRIED UNANIMOUSLY

3. **KENNETH J. SCHWARTZ** – Cont. from 2/4/21

LOCATION: XXX CR 75 NW- Part W ½ of the NE ¼ lying north of county road, Section 25, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax Parcel #216-100-251200; Owner: Kelmaren LLC

Petitions for a Conditional Use Permit to allow mining of material with processing to include crushing, screening and washing as regulated in Section 155.029, 155.048, & 155.100 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ken Schwartz and Paul Otto of Otto Associates

- A. Riley stated the hearing was continued for a site inspection. Maps displayed show the property location, current zoning is AG and Land Use Plan that designates this area for “Rural-Residential”. A document labeled “Phase I” was provided by the applicant since the last meeting. Several comments were received that refer to that. These are included in the Board’s packet.
- B. Schwartz explained he did not want Phase I to get confused with the permit. Someone suggested that is mis-leading. The entire area is described for a permit; however, he narrowed the area down to show where operations would be located the first 3-5 years. He assumes that his permit will require renewal and that will give an opportunity to monitor how he is doing. This reduced area is only a part of the entire mining project and represents where the irrigator does not reach.
- C. Otto using the map outlined Phase I. Board members have been out to see the site. There is a good neighborhood out here and a lot of responses. In comparison to many of the mines, this one has a good distance from these homes. The range of the closest homes are 300-1,000’. Residents have a right to be concerned, but it is a long distance compared to other mining operations. They will have to operate with that in mind and keep the dust down. He feels because the Township is getting a lot of mines, they denied this one; but did not give them any reasons. A lot of issues were discussed, and some solutions were offered, including moving berms to help. The vote was 4/5 to approve; next a denial vote of 5/4. There was much debate at the Town Board meeting.
- D. Mol opened the hearing to public comment. Limited each to 3-4 minutes. There has been much information on the subject and the Commission members have all the letters on file including emails and the Attorney for the residents.
 - Barry Heikkinen – concerned resident and member of the Town Board. He opposed the request. The reasons include this request directly conflicts the Northwest Quadrant Land Use Plan and the policy to preserve ag land, protect areas that are rural and residential from the industrial and commercial areas and that they are kept separate. Town Board as well as the Commission received a letter from the Monticello School Superintendent and from citizens. The Ordinance 155.029 guiding Conditional Use Permits (CUP) was read that the use cannot be injurious to adjoining properties or reduce property values. The letter from a property appraiser was provided that illustrates diminished values have been estimated from 0-30% in the area. He lives a mile and half from here, has been accused of being a NIMBY, although a petition includes some residents as far as 40 miles away. The preliminary Staff Report he pointed out the Findings that support a request for Valley Paving on Hwy. 25, the plans were much more professional compared to what is before them on this one. He felt a better plan is needed. Also, they are members of the Central Mississippi Regional Partnership and the County is a member. Are heavily invested at \$60,000 a year and they have a second round of engagement and don’t know what the end agreement will be.

Noted the area is where the Wright County parks are planning a park and walking path all the way from Hennepin County Parks to Stearns County parks. There is no shortage of gravel, there are 113 gravel pits now in the County of which \$224,000 of gravel tax is collected. Those funds are for road repair and go towards reclamation. Does not want these mines to be the legacy they leave for the future generation.

- Donna Pasternak expressed their strong objection to the 20-year mining operation. She submitted photos of their 10-acre property purchased 28 years ago. Their lot was one of three with homes that were built by a contractor. Each are well developed now. She noted the six acres was the only area that was coned off for the site inspection. This is not representative of the initial proposal for the entire 19 acres to be mined. The six acres is only a third of the total area. The entire mined site would be 30' within and all along their entire west pasture and fence line. No berm or screening is proposed, and the prevailing winds will blow dust towards them. Have not provided a noise mitigation plan. The applicant is an inexperienced miner, plans are vague; in comparison to Valley Paving who is the next agenda item have a complete 12-page application along with an 8-page pollution prevention plan. They are asking for a 4–6-year CUP depending on market demand. She does not feel this applicant is prepared, admits he does not know where the water table is, cannot address the legitimate concerns of potential contaminating or depleting wells nearby and potential drainage problems. The issues must be more thoroughly addressed including, dust, noise, safety, water concerns and reclamation. The transformation of the Martie/Johnson pit is another issue. It has exceeded the initial time frame, expanded to include an asphalt plant. Are concerned this proposal will follow that pattern. They realize there is a need for gravel, but that the I-94 project has driven a spike in demand, a “gold mine” mentality making for hasty decisions that will have long term and negative impacts on the community. There is a general opinion of the community is that this pit should be denied. Letters submitted shows the community concern. A moratorium on new pits was on the March 16, Town Board meeting and was continued. This proposal conflicts with the Land Use Plan that shows the 53 acres were clearly intended for rural residential development. The Commission must consider the greater good of the community against a misplaced pit that would benefit a few. Asked the Commission not to dismiss the concerns as NIMBY as it is not just the nearby neighbors, but the general community who are opposed. A mining operation would have a negative impact on the community, diminish the investment they have made, and the claim is supported by the Appraiser, see letter. Request the Commission deny the request as the Town Board has advised, because of the nuisances and effects that will impact the peaceful enjoyment of their homes.

- Kate Dietel - would ask that the Commission not take the community's strong opposition as NIMBY. She has attended all the meetings, the site inspection and has done much research her concerns extend beyond that. Over a hundred pits is alarming in the County. Feels they need to complete and reclaim existing pits. Her major concern is the applicant's ability to run the operation properly and safely. The applicant's answers to most questions have been vague, incomplete, or deflected to Otto who has admitted he is not a sound or dust expert in mining operations. The lack of knowledge or plans are concerning. The plan does not include a dust or noise control plan, or a complete plan of all phases. He has not addressed the questions on water quality and water table. He has indicated he does not know, just that he is not mining close to it. These plans are required by County regulations. The answer to address the barrier is to take material for the berm along the road and place it along the residential lot boundaries. The regulations require the screen barriers for both the road and residential property lines. This shows willingness to cut corners and keep his costs down. This project will have long impacts to the County. For these reasons they ask the request for a CUP be denied.

- Sally Heikkinen – two things she would like the Commission to think about. This is the third pit within a two-mile radius of over a hundred residents. The impacts will affect many people. Concerned with the setback rules which is 30' from a residential lot. OSHA regulations in 2017 have limited exposure to silica dust for an 8-hour period. Yet they continue to extend hours for these pits, one pit will be open 24/7 for 2021 to 2022. The regulations are behind on silica dust. The effects of silica are long-term, and she has a health concern. As she tours the area, she is seeing these large stockpiles, there is nothing to stop the fugitive dust, there is no plan to protect them. The berms will not block the dust. At the Township and County level there is lack of enforcement. She is not an environmentalist or an attorney and felt she must present a bigger case than what she is seeing presented by the applicant. The residents are not against gravel pits, but this is not a good place. They would like a pause on them.
 - Stuart Alger, attorney representing Spears and Pasternak – summarized the letter with attachments he wrote (see letter on file). The main point is that the CUP does not meet the criteria set forth in 155.029 of the Ordinance for approval. In particular, the use would be injurious to the use and enjoyment of properties in the vicinity. Neighbor comments reflect the injury and diminished quality of the life of rural residents living nearby. Submitted an appraisal from MAI, Kevin Meeks, who looked at property values within a mile and half. He found 75 properties and used assessed values and his conclusion is the average diminish of land values would be 10% with a cumulative loss of 2.4 million dollars spread over those 75 properties. He looked at several studies that demonstrate the diminish of value. The Spears and Pasternak family feel their property value would be diminished 30% from their current property value. He feels the use is in conflict of the Land Use Plan and that the use proposed is incompatible with the Residential Rural planned for the area. The Northwest Quadrant Plan study shows in 2009 they looked carefully at the area and the conflict the aggregate resource land would have with the residential. That was a factor for guiding the Plan. A committee met nine times to study this and after, this area was designated Residential and not Aggregate Resource. The Ordinance was developed to prevent nuisances. The Commission has heard that the concerns have been inadequately addressed. The owners have developed their residential uses with the expectations of being able to enjoy their properties, especially outdoors which is expected in this rural location. No reason to depart from the Plan and request the County adopt the Town Board's recommendation and deny.
- E. Schwartz the plans for the dust and noise would be formulated from these meetings. He is willing to address all of that and have a complete plan if they can get to an approval he will work with the Commission to meet those targets. He agrees he is not experienced in gravel; however, he is a farmer, in real estate business and understands machinery. This is a family business and has two sons that would be involved supplementing their farming business. He plans to continue farming the land area that is not mined. He will be row cropping on three sides of the gray area. He does not see the impact. He may look at the pit differently as he lived and raised three children for 35 years next to the Barton pit. Offered to answer questions.
- F. Otto if it is details they want, Schwartz would provide that. The mining is allowed in this District and zone. The plans are consistent with previous mining plans approved in the County. Plans differ depending on who is doing them and the specifics of the project. The plan includes stormwater protection plans, address where the petroleum is stored on site, erosion, dust, etc. This is a separate permit through the State and involves any alteration that involves more than an acre. The applicant must abide by the mining Ordinance and if the applicant is not abiding, the County

can take action. Regarding berms, they were talking about whether it makes more sense to locate it near CR 75 or by the neighbors? If it takes berms all around, that is what they would do.

- G. Joy Schmitz -is opposed. A plan should have been in place before getting to this point. A noise control plan or an EAW should be completed. He has had since November when he submitted the application to have these plans in place. In searching gravel pits and the risks involved they cannot estimate the supply in the County. She asked if they cannot measure the supply, how can they determine need? She would expect these things would be determined and in place before coming to the Commission.
- H. Otto wanted to make it clear that and EAW and noise study is not required for a project of this size. This is about the smallest mine that they can do. The entire parcel is 50+ in total size. It is a free enterprise and if someone wants to make a living at it, they should be allowed if it meets the rules and merits of the area.
- I. Mahlberg asked Schwartz/Otto or Algiers to address the impact on property values under the CUP criteria. The issue is the onus he seeks for property values comes out of the Meeks study. The hypothetical condition that the assessed value in his market study are equal to the market values and the question is hypothetical question is true or false. Or do not have information that the Assessor has historically found a devalue of properties near these pits. Algiers – responded that Meeks used the information he could gather to do the study in the amount of time he had. He went to the County Assessor's values and the target is to assess the value of the property at market value and often the assessed value ends up being low and sometimes high. The appraiser used the data available; felt those the target market value was a reliable indicator. Those values might be low, and impact could be higher. Meeks addressed the location of mine and property around it, I-94, the large transmission lines and made an adjustment for those characteristics. Considering that did not use 30% but the 20% devalue was considered appropriate. An appraiser would prefer to look at comparable sales, in this case he used the County's assessed values and felt that was sufficient in this case. Mahlberg – did Meeks talk with the Assessor about that issue? Algiers – was not aware whether he did or not. Mahlberg – in summary of what Meeks says and on how he reads the Ordinance, we are not selecting a specific area but land closer. Should they assume the property adjacent to the pit are 20% diminish in their market value? Algiers that is correct those properties that are adjacent would have a 20% reduced value, especially for a mining operation of 20 years on over at least 20 acres. Otto responded that it is not his specialty, but if it is an issue would it not be the case for any mine in the County. Cannot put a mine in and say it would not affect someone. Mahlberg – that is a good point and a point that he has talked about in other requests. Sometimes they make decisions without that information. Here they have an appraiser suggesting there could be an impact on property values. He noted the applicant stated he has lived next to a pit and maybe can speak to that. Schwartz – he could not say what this appraisal considers and noted a difference in the access. The Barton pit comes down onto a town road and then onto CR 75. This pit would access right onto the county road where all the traffic is now. He felt the subject comps used would also have to take into consideration the maintenance of pits. The pits get a black eye because of the way some are taken care of. He would do things differently in what people see being done in other pits. He did not think you can make a blanket cut in values. There would have to be number of sales and an in-depth study. In response to a question about his property by the Barton pit, he stated it was passed down to his son and did not have any figures to show if the value was impacted or not.

J. Thompson asked the question to be called for a motion. Riley stated they are in discussion and someone would have to decide to make a motion.

K. Thompson moved to call for ending the discussion. Felger seconded the motion.

DISCUSSION followed on what Thompson's intention was. Kryzer advised to take action on the motion on the floor before proceeding.

Felger if it precludes any further discussion by the Board, he withdraws his second.

Mol called for a second three times and hearing no response MOTION FAILED

L. Felger – questions the diminution of value of the surrounding properties. The Commission has approved mining permits in much more dense residential areas than this. The first phase is proposed a minimum of 30' from one property line and 400' from the east line. The first thing he noticed at the site was the noise from the freeway, the large power high-lines. Noted the current ag use would also create dust. He has dealt with appraisers in the past and it ends up one appraiser against another. Any numbers can be used to achieve what is trying to be proven. In a sense these residents happen to be surrounded by pits, but that is where the resource is located. He felt this applicant should be given a chance subject to a review. He can support the petition.

M. Bravinder would agree with Felger about property valuation and that it is very difficult to nail what it might do to properties. The Commission has been out to a couple pits near here. At the Johnson pit he could not hear the operations in the pit with the freeway noise and this location is similar. Did not think noise will be an issue. Dust control is dependent on the management of the pit. He would agree to start out small and allow something, like 2-3 years and see how it goes. They often review expansions of the pits.

N. Tanner stated he would agree with Felger and Bravinder on the property values. He took much time to review the written comments, especially the School Superintendent. He could not support the application at this time.

O. Mol called for a motion and whether they want to close public comment.

P. Bravinder moved to close the public hearing to written and oral comments.
Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Q. Felger moved to direct Staff to formulate formal Findings consistent with approval.
Bravinder seconded the motion.

VOTE: Felger, Bravinder & Mol

NAY: Thompson, Mahlberg Tanner, Kaczmarek

MOTION FAILED

DISCUSSION: Schwartz asked for a withdrawal of the petition. Kryzer stated that is appropriate on the condition he signs the Withdrawal request form, which he signed.

R. Mahlberg moved to accept the applicant's request withdrawing the petition.
Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **VALLEY PAVING, INC.** – Cont. from 2/25/21

LOCATION: SE ¼, except tract desc. in doc #1396893, 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, 213-100-214200 & 213-100-223200 Property owner: Holthaus
Petitions for a Conditional Use Permit as regulated in Section 155.029, 155.048 & 155.100, Chapter 155 of Title XV Land Usage of the Wright County Code of Ordinances for a phased sand and gravel mining operation to include washing, screening, crushing, stockpiling. Operations include the recycling of asphalt and concrete materials. Placement of a temporary asphalt plant is proposed for the 2021 road construction season.

Present: Trent, Valley Paving & Joe Holthaus, property owner

- A. Riley displayed the maps to show the location, zoning, and land use. The previous pit and surrounding pits were noted. A proposed motion was drafted if the Commission decides to approve.
- B. Trent stated they met with the Town Board and asked for some additional items that they do not have any problem complying with. Holthaus felt they satisfied the Township.
- C. Mol asked if anyone from the public had comments. Hearing no response, returned to the Commission for questions/comments.
- D. Felger asked if they have asked for a surety bond or letter of credit? Kryzer – the conditions are suggesting \$50,000 and Commission should determine if they want to change that amount. Riley – they do require them on these permits, not sure if the original permit had one. Because this is a new permit, there would be one.
- E. Kaczmarek – noted one neighbor who was opposed and referenced past activity with odor and noise lives in the development to the north. He recognized that concern and asked if there is anything to mitigate those concerns. Trent – could not speak to the past operation, but it is now in the hole and noise will be contained. Holthaus – stated he lives out here and has another pit next door. There could have been noise when they were up high. He has talked with his neighbors and asked them to notify him if there are any problems. Kaczmarek – questioned the applicant if they are aware the County has a gravel tax on material mined. Trent responded yes.
- F. Thompson – asked that the surety bond be set at \$100,000 due to the length of the permit and increased costs of fuel, etc. Regarding the amount of the bond, Bravinder noted the bond is only collected on if the owner skips town and does not take care of the reclamation. They have a good history with this owner on other pits, no complaints and felt it is adequate.
- G. Holthaus before he got in the gravel business, he saw what was going on in others. He does not want that to happen on his land. It is responsibility of the landowner to make sure they reclaim each year. The other pit has had topsoil replaced and a good crop of soybeans was grown on it.
- H. Felger moved to approve a Conditional Use permit for an aggregate mining operation, to include washing, screening, crushing, stockpiling, the recycling of asphalt and concrete, and a temporary asphalt plant, in accord with the plans and description provided by the applicant on the record (Carlson McCain Project 9250-00, February 4, 2021), with the following conditions. 1) A

temporary bituminous plant is approved for the 2021 season only. 2) Hours of operation to be 7am to 7pm M-F and 7am to 5pm Saturdays. 3) Notification must be given to the Township when the asphalt plant will operate on Saturdays. 4) The permit shall be reviewed by the Town Board for compliance in one year. 5) The applicant shall provide a letter of credit from a reliable surety institution in the amount of \$50,000. The purpose of the letter of credit shall be to ensure that restoration for the property takes place in accord with the Reclamation Plan. 6) This permit will expire December 31, 2025 but may be extended and/or modified by making application to the Wright County Planning and Zoning office. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **ALFRED & JULIE NELSON** – New Item

LOCATION: 7928 Aetna Avenue NE – 3.9 +- acres lying in Gov't Lot 1, Section 30, Township 121, Range 25, Wright County, MN. (Cedar Lake – Monticello Twp.) Tax #213-100-301200
Petitions for a Conditional Use Permit for a two-lot unplatted-residential subdivision (one new building lot) and requests waiver of platting requirements as regulated in Section 155.029, 155.049 & 155.057 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations. Property is zoned R-1 Urban-Rural Transitional and S-2 Residential-Recreational Shorelands.

Present: Al & Julie Nelson

- A. Riley displayed the maps to show the property zoned R-1 by the Planning Commission and County Board in 2016. There is an existing home and structures. An application for a Conditional Use Permit is before the Commission to consider two lots. The professional survey and soil work has been received to show the proposed lots meet all the standards.
- B. Nelsons stated they were asked to get the survey and get the soils information to support two sewer sites on the new lot as well as one for their existing home.
- C. Mol opened the hearing for public comment. No response was heard.
- D. Felger asked if the setbacks are being met for the shed. Riley stated that is correct.
- E. Bravinder moved to grant a Conditional Use Permit for a two-lot unplatted-residential subdivision with waiver of platting requirements in accord with the survey prepared by Bogart, Pederson & Associates, Inc. dated 2/21/2021; File # 21-0068.00, with the following conditions: 1) An access permit/approval will be obtained prior to any construction on the newly created lot; 2) Because of the size and topography of the new lot, the house and septic placement will need to be in accord with site plan shown on survey, any considerable changes would require a new conditional use permit; and 3) No clearcutting of vegetation or land alterations along the shoreline of the lake without proper permits. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **JON P. TOEDTER**– New Item

LOCATION: 13779 37TH St. NW –Part of Gov’t Lot 6, Section 14, Township 120, Range 28, Wright County, Minnesota. (backlot of French Lake - French Lake Twp.) Tax #209-000-142402

Petitions to rezone approximately five acres from AG General Agriculture and S-2 Residential Shorelands to R-1 Urban-Rural Transitional and S-2. Also requests a Conditional Use Permit for a platted three-lot subdivision (two new 1-acre residential building lots). The existing house with the remaining 2.9 acres as regulated in Section 155.028, 155.029, 155.049 & 155.057 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations.

Present: Jon Toedter

- A. Riley presented the location map to show the property that is proposed to be rezoned from AG General Agriculture and S-2 to R-1 Urban-Rural Transition and S-2. The air photo and survey show the existing house and outbuildings. The concept of a proposed three-lot subdivision was reviewed to show what a subdivision might look like, if rezoned.
- B. Toedter – stated the new lots, identified as 2 & 3 would each be an acre. They are showing the two lots meet the lot standards.
- C. Mol opened the comments to the public. Hearing no comments, returned to the Commission.
- D. Bravinder asked if Lot is off a town road? Toedter responded yes. Felger asked if the road to the south is maintained by the Township. Toedter – pointed out on the air photo where they maintain. The east part of the loop is not maintained. He noted there are only 2 or 3 homes down there. He pointed out the year-around homes. He noted they plow from the “T” to the end of the road. He has lived out here twenty years. Bravinder felt if they are going to approve new lots the road would have to be maintained.
- E. Felger felt for safety purposes the road should be improved and maintained. Rezoning is guided for this district.
- F. Mol indicated the questions related to the road would be a part of the Conditional Use Permit.
- G. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners to rezone the property from AG General Agriculture & S-2 Residential-Recreational Shorelands to R-1 Urban-Rural Transitional & S-2 Shoreland because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

- H. Bravinder moved to continue the hearing to April 15, 2021 on the subdivision portion of the request to allow time for the applicant to finalize survey work and obtain other required information for plat approval and for the County Board to act on the rezoning. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **KAMI HOLDINGS, LLC – represented by Paul Tucci** – New Item

LOCATION: corner of 80th St. & Pilger Avenue NW – NE ¼ of NE ¼, Section 28, Township 121, Range 28, Wright County, Minnesota, except tract desc. in Book, 281 of Deeds, page 659 & except tract described in Doc # 1300464. (W. Lake Sylvia - Southside Twp.) Tax # 217-000-281101 Property owner: Hennepin Ave. United Methodist Church

Petitions to rezone 29.5 acres from AG General Agriculture & S-2 Residential-Recreational Shorelands to A/R Agricultural-Residential and S-2. Rezoning would allow one residential building site as regulated in Section 155.028, 155.047 & 155.057 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Paul Tucci & Paul Otto, Otto Associates

- A. Riley reviewed the location maps to show the property on Lake Sylvia. The property is zoned AG General Agriculture and is in the Land Use Plan as AG. A “1 per 40” entitlement division has been divided off with the remainder deed restricted. Proposed rezoning is to A/R Agricultural-Residential and the Commission has the policy guidelines to determine whether the property is “shoreland especially suited for residential development”. Soil borings are needed to establish there are adequate sites for sewer systems. Staff suggest since a continuation is needed, they might want to visit the site. The applicant has made a second application since this one. That property was pointed out on the map and lies to the east. Written responses on file are an approval of the rezoning by the Town Board; four neighbors wrote in letters of opposition.
- B. Otto explained they are waiting for the frost to come out to do soil borings. He explained the proposal before them is for one 29-acre residential lot. Next month they are coming back with the rezoning and subdivision proposal for land that lies to the east. They agree for a continuation for a site inspection. Noting that is common for the Commission when dealing with lakeshore. He suggested the Commission also look at the east side while they are out there.
- C. Felger clarified they are only dealing with the 29 acres on the west side at this time. Otto stated that is correct, however, have submitted application for the rest of the land.
- D. Riley asked if there is any public comment. Hearing no response, Mol questioned the Commission as to how they want to proceed.
- E. Bravinder moved to continue the petition to the April 15, 2021 meeting for a site inspection. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

8. **KNIFE RIVER CORP. – NORTH CENTRAL** – New Item

LOCATION: SE ¼ west of the right of way of State Highway 25, except..., Section 5, and small parcel west of road right of way, Section 4, all in Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-054101; -051102 & -042200 Property owners: Wm. & Cynthia Holthaus

Petitions to renew a Conditional Use Permit for the mining/processing/stockpiling/storage of materials including recycled products and truck hauling for area construction projects 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.
(Current mining permit expires end of 2020 season.)

Present: Holly Brisk, participating on WebEx

- A. Riley summarized the previous permits that have expired, the location of the property zoned AG General Agriculture and the Land Use Plan. Originally an Environmental Assessment Worksheet was completed. The mining has not been completed and they are asking for more time. There are no changes to the plan and Staff have not received any complaints from the Town Board or surrounding neighbors. Staff feel the current conditions are adequate and the decision is to allow them more time to continue.
- B. Brisk stated they have no new information to provide.
- C. Mol opened the hearing for public comment. Hearing no response, returned to the Commission.
- D. Felger asked if the haul road used to the south onto CR 113 is still in use? Brisk stated no, that access was requested due to the previous county road project. They would use their access onto State Highway 25.
- E. Riley stated a Town Board supervisor indicated the permit could continue under the original CUP conditions; but wanted the permit to expire in five years. If an extension is needed, they could reapply.
- F. Bravinder moved to renew the original Conditional Use Permit that was issued on January 26, 2006, according to the original plans done by Otto and Associates, project 1-04-0277 for 5 years. All conditions of the original permit must be met. Kaczmarek seconded the motion.

VOTE: CARRIED UNANIMOUSLY

9. **KNIFE RIVER CORP. – NORTH CENTRAL** – New Item

LOCATION: 4301 County Road 39 NW – S ½ of NW ¼ of SE ¼ and S ½ of NE ¼ of SE ¼ and S ½ of SE ¼ and N ½ of NW ¼ of SE ¼, except tract described in Book 321 of Deeds, page 439, at the Office of the Wright County Recorder; all Section 8, Township 121, Range 26, Wright County, (Silver Creek Twp.) Tax #216-000-084300 Property owner: Naaktgeboren

Petitions for a Conditional Use Permit to allow the operation of the temporary asphalt plant that include a wash plant and placement and storage of recycled concrete bituminous/shingles for the 2021 construction season. Request extended hours to allow for 6:30 a.m. start time for generator (warm up) and hours of plant and mining operations to be Monday-Saturday 7:00 a.m. – 7 p.m. 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.

Present: Holly Brisk, participating on Web-Ex

- A. Riley displayed the zoning and land use maps to show the area is zoned AG and in the Plan to remain AG. The past hearing was an expansion of the pit along with seasonal hot-mix plant placements. The public notice was for a one-year permit. The Town Board recommends approval for five years. Riley suggests they follow what was noticed. Written response voicing concerns and asking for limits on Saturday hours were received from Carlberg, Aleckson & Knudson. These were provided the Commission and are on file.
- B. Hearing was opened for public comment:
Brian Klaphake – pointed out his lot location (division to southwest) and described what it was like living next to the pit. The crusher, noise has all moved closer to his residence. The stockpiles of material located closer to his property result in a lot of material blowing from the prevailing winds in his direction. His yard and gutters are filled with the material. He has pictures to show this that he provided the Commission. He asked about the hours of operation from 6:30 a.m. – 7 p.m. and if other pits in Wright County operate those hours?
- C. Mol responded that the Ordinance allows 7 – 7, but the Commission has allowed the plant to start warming up at 6:30 a.m. Klaphake, how about Saturdays? Mol – stated most pits operate Monday- Saturday, although the Commission has asked some pits to cut that back.
- D. Klaphake described increase traffic into the pit. He is concerned with strangers who are trespassing and the proximity they have seen them to their property. This occurs primarily during the summer months, evenings and weekends and is alarming. Stated these are different people every time. They are walking, parking in the west and new entrance and he is not comfortable with this for safety reasons for his kids and family. He has been told to call the cops. He is concerned these people could retaliate if he does. Mol asked if this is earlier in the morning, want to clarify it is not employees parking there. Klaphake these are trespassers and increased this past year. Submitted pictures.
- E. Bravinder asked Klaphake to point out the new access. He questioned if the old entrance is closed off? Klaphake – noted the location. They are parking in there also.
- F. Brisk reminded they focus on the asphalt plant; these issues have more to do with the mining. She asked if the landowner has called Knife River to log complaints, that is what they would like?

Klaphake responded they have been told to call the cops by the Town Board. They have addressed this issue in the past. Mol asked Brisk how the neighbor should proceed and how the Company will address the trespassing. Brisk they have had this problem in other pits also. Have worked with the local Sheriff's Department to go by on their route. They have tried to deter this at all their pits, but there is only so much they can do. Mol – now that they are aware of the problem would the applicant be willing to work the Sheriff's Department? Brisk is agreeable and a condition of that. They would be willing to work with the Sheriff and landowner.

- G. Kaczmarek – in reviewing the pictures and asked if Brisk has seen these. Brisk stated she has not seen them. Kaczmarek – one of the pictures shows a berm with erosion and asked if they are aware of this, was it caused by dirt bikes or erosion in there? Klaphake – he brought this to show what some of the issues he has been dealing with. They have corrected that, but another thing he has to police. Kaczmarek – pictures show a lot of material that has blown into gutters that appears as gravel or dust. Is this something Knife River can address that without seeing the pictures. Brisk – are willing to work with the landowner. Stockpile height can be limited and or talk with the operations manager to work with the landowner whether it would help to move it for screening. Kaczmarek asked what the setback from the property line is to the operation? Riley – 30' is required; at one time it was encroached on but does not know the distance from the current operation. Kaczmarek with no reference in the photo, was wondering if there was a current measurement.
- H. Riley – the proposed motion is the same as last year's action. Kaczmarek – suggested a condition is added to work with this property owner to address the concerns. Mol – concurred, ask they contact the Sheriff's Department. Kaczmarek – and the applicant works with this owner on the gutters. Brisk agreed they would work with the neighbor.
- I. Bravinder – the Town Board recommendation was to extend five years because of no complaints, they have another request in the middle of nowhere with numerous objections. Mol – only notified for one year, Riley is suggesting that action. Mol asked Kryzer if they can change the number of years? Riley – this is based on past practice is why he recommends that. Next year if an application is submitted, suggest they make it up to a certain time. Kryzer – in reading the Staff Report and Notice he would concur with Riley.
- J. Kaczmarek moved to grant a Conditional Use Permit for the temporary placement of a bituminous plant for the 2021 construction season, both according to the applicant's site plan and descriptions and with the following conditions: 1) Operation of the plant shall be limited to five working days in a calendar week, no plant operations on Sundays or legal Holidays, weeks with weekday holidays shall be four day work weeks, and no more than a total of five Saturdays over the course of the season for plant operations and plant operation is not allowed on the following Saturdays, May 29, July 3 & September 4; 2) All adequate measures must be taken to restrict loud trucks from operating without mufflers and other required sound equipment; 3) The bag house be kept in proper working condition and meet all MN Pollution Control Agency regulations; 4) Operation of the wash plant to comply with all applicable State regulations; 5) Generator may start no earlier than 6:30 a.m. to warm up the plant with no trucks leaving the pit before 7 a.m.; and 6) Knife River is to work with the Wright County Sheriff's Department to request extra patrol to address trespass issues; and, work with the adjacent landowner to mitigate his concerns, especially on the material blowing from the pit into his gutters. Bravinder seconded the motion.

DISCUSSION: Felger – could they word the condition to work with the neighbors in a more general way. He would suggest Knife River to work with Klaphake on all his issues and not just the gutters.

Kaczmarek – amended his motion to read: 6) Knife River is to work with Klaphake, the adjacent property owner, to mitigate any concerns he has with their operations in the pit. Request that they request the Wright County Sheriff’s Department provide extra patrol to address trespass issues on the property. Bravinder amended his second.

VOTE: CARRIED UNANIMOUSLY

10. **KEVIN FOSTER/MPM & HOFFMAN CONSTRUCTION** – 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 to amend the Conditional Use Permits issued on November 7, 2019 & August 20, 2020 to change conditions #1, #2, #3 & #16. In summary the modifications would include the following: The operation of the temporary asphalt plant, hauling of asphalt, sand and aggregate and to allow operations on all Saturdays for 2021 & 2022, from April 1 - November 15. Requesting overnight hours be allowed for the 2021 & 2022 seasons. The project is scheduled to be completed this season; however, that may not be realistic and is the reason the changes requested are for the 2022 season as well. All operations in the pit during the night are related to and in conjunction with the reconstruction of Interstate 94, Wright County, SP 8680-173 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: Kevin Foster & Mike Callahan, of MN Paving; Tom Dobberheim, Hoffman Constriction (MPM)

- A. Riley – reviewed the petition, noting there were a couple requests last year related to the I-94 highway project which he summarized. The petition before them is a combination of both requests Attachment 3 that describes the request and summary of changes. The existing two Conditional Use Permits have the sixteen conditions and looking to modify or extend 1, 3 & 16, for the 2021 and 2022 seasons. Looking for the applicant to clarify the overnight operations. At this time, it is defined as a 10-week period and want to extend what had been approved from April 1 to end of July, to November 15. This is not every night but want the ability for that to occur during those months. Condition 16, would be a change to hauling after 7 p.m.
- B. Foster – thanked the Commission for hearing their request. It is correct there is not a set schedule and the reason for the time frame. Won't operate every weekend and they have six times the amount of material for the I-94 job and greater demand for asphalt to be brought on site and reason for the removal of condition #16, asking no night hauling is removed. This time period is for the I-94 project, not the life of the pit.
- C. Mol – how much of the pit would be exhausted? Foster –, Hoffman is getting 100,000 of Class VI and borrow material. Estimated 100,000 crushed material and 100,000 of sand. He would not expect this would exhaust the site.
- D. Mol any members have questions and concerns? Pause, no response heard. Mol asked if any Commission members online have had any questions or concerns.
- E. Mahlberg if he is reading the material correctly, if this extension is not allowed, the project cannot be completed on schedule. Callahan, correct. Mahlberg – confirmed night hauling is for this season and next season. Callahan – explained the reason is they did not account for weather in the bid and if the project gets put on hold, they cannot make up for those days and is the reason they want to carry it over until 2022. Mahlberg noted he struggled with this last time; it is not dissimilar with the one down the road.
- F. Thompson by the end of the 2021 season they would know if they need more time and apply next winter? Foster – they could but time is of essence. Would prefer to address it now. Mol – we keep seeing additional CUP's and asked the applicants, does it appear any more are needed?
- G. Tom Dobberheim – explained the design-built project – the full design is not complete; the changes are ongoing. This is different, felt they are getting to the end of the design.

- H. Bravinder – questioned Hoffman regarding the design changes asked for the explanation that might require the Commission look at. Dobberheim stated other environmental permits delayed the work and took until Mid-September and required changes with ditch and drainage matters. Design for the freeway between Hasty and Clearwater are complete and the design between Hasty and Monticello is close to being complete.
- I. Felger moved to extend the Conditional Use Permit granted to Noah Fisher-Hoffman Construction, file number PR20200001644, and the Conditional Use Permit granted to Kevin Foster, file number PR20190002314 through the 2021 and 2022 seasons, according to the description provided by the applicant. Bravinder seconded the motion.

DISCUSSION: Mol asked if the motion covers what the County needs. Riley stated he has not had complaints to this one aspect of the project. Did not receive letters from the neighbors or Town Board did not ask for further restrictions. Felt this is a project specific CUP localized to the gravel pit, and at worst case they are representing it will be done in 2022. Felger asked the applicant if this asphalt operation would only be used for the I-94 project and if completed in June 2022 that would be the end of the asphalt operation and plant would not be used for any other jobs. Foster – that is correct, just want amendment to the hours and is temporary. Felger only used for the I-94 and when done and gone? Foster – summarized once the project is 100% complete it would be gone. Felger – not using it for other projects. Foster – stated only use it until the end of the CUP and request today is specifically for the I-94 project.

VOTE: CARRIED, Mahlberg Nay

SITE INSPECTION

Commission scheduled a site inspection date for Monday, April 5, Commission to meet at 1 p.m. at the Government Center.

Meeting adjourned at 4:45 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

cc: Planning Commission
Applicants/Property Owners
Township Clerks