

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: May 28, 2020

MINUTES – (Informational)

The Wright County Planning Commission met May 28, 2020 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 1:05 p.m. with Dan Bravinder present in person; attending remotely were Charlie Borrell, Pat Mahlberg, Jan Thompson and Ken Felger. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, was legal counsel, attending remotely.

MINUTES – Action on the minutes for the May 7, 2020 meeting

On a motion by Bravinder, seconded by Thompson, all voted to approve the minutes for the May 7, 2020 meeting as printed.

1. NOAH FISHER, representing 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, 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 an amended Conditional Use Permit for a time period from March 15- August 1, 2020 to extend the night hauling of material from the pit to include Sundays with the hours to start at 6 p.m. Sunday through Saturday at 6 a.m. Also requests hauling of materials on Saturday during the 2020-2021 seasons starting at 6 a.m. to 7 p.m. (Saturday operations currently allow operations from 8 a.m. to 12 p.m.). 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

- A. Riley presented maps of the property and explained the request is to extend the existing Conditional Use Permit (CUP) for night hours to include Sunday to start at 6 p.m. and allow hauling materials from the Johnson pit on Saturdays. The extension is for the I-94 project only.
- B. Fisher – explained hours needed to get six shifts a week as they are now. When they go back to night hours and end on Saturday morning. During reconstruction of the west bound lane, they will need material out of the pit and work on Saturdays. He found out Johnson pit has a limit to Saturdays in a season, they need almost every Saturday.
- C. Riley – no one from the public has signed in to participate.
- D. Mol – opened questions and comments to the Commission.
- E. Borrell – by allowing this work that can be completed at night when traffic is lighter.
- F. Mahlberg, Thompson had no comment. Felger – questioned further clarification on the specific changes to the hours. Riley – outlined existing hours allow 6 p.m. on Monday, adding another day by starting at 6 p.m. on Sunday. Confirmed the new request does not

allow hauling on Saturday night. In addition, the pit can now operate 8-12 for up to ten Saturdays and they are asking to haul material out of the pit between 6 a.m. -7 p.m. around the clock. It would be normal hours of 7-7 and night time hours before and after.

- G. Bravinder – asked the applicant if they knew this when they first applied. Fisher stated he did not, and this came about because of some changes that have created much more work/time needed. The additional shift will allow them to get through this stage. Bravinder - how long will this last if they can get the additional night? Fisher – estimates a month and half. Fisher confirmed the design changes came after the first CUP and is driven by the Federal Highways and MN Department of Transportation requirements.
- H. Mol – his concern is with the way this is written and if they do not limit the time frame they could be operating these hours the entire two seasons. Riley – clarified the timeframe is March 15, to August 1 and is what is in the notice. The motion proposed does not reflect that. The normal operations they were allowed were stated. The request for Saturday is for this season and next and is requesting for 6 a.m. – 7 p.m. Mol – the pit would be open six days a week for two years. Riley – normal operating hours with an extra hour in the morning (start time of 6 a.m.) for hauling, not processing of materials, out of the pit for two years. Mol – questioned how they would know if other haulers are using the pit on Saturday. Fisher – indicated he could talk with Johnson; noting Johnson was allowed ten Saturdays a year they could be open for the public. Could suggest signage that restricts hauling to other haulers. Mol – this question is in consideration for the neighborhood's concerns and the lake across the freeway, before they give out Saturdays for everyone for the next two years.
- I. Thompson – she has concerns about the amount of hauling also. Asked for clarification on why they need it. Fisher – they work Saturdays to stay on track. There are serious consequences if they do not finish within the timeframe. This is strictly for I-94 project. Thompson – asked if they expect to work every Saturday? Fisher – it would not be every Saturday, some is weather related. Riley – would not work on Saturday bringing materials to any other location. Fisher the I-94 is the only project they will use this pit for. Riley – crushing mining is limited to ten Saturdays a year. The applicant is asking for every Saturday to haul materials out and hours from 6 a.m. – 7 p.m. Fisher – the piles of material will be already there and ready for loading.
- J. Bravinder – the extra hour in the morning is needed for what reason. Fisher – that is just to give them more time, if the Commission is not willing they can operate within the standard hours. Bravinder – stated the Commission has only given an extra half hour to hour for warm up of an asphalt plant. Fisher indicated 7 a.m. is acceptable.
- K. Bravinder moved to approve a Conditional Use Permit to extend the night hauling of material from the pit to include Sundays with the hours to start at 6 p.m. Sunday through Saturday at 7 a.m., from March 15 and ending August 1, 2020; and hauling of materials on Saturday during the 2020-2021 seasons from 7 a.m. to 7 p.m. Activity specific to this Conditional Use Permit and the loading of aggregate 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 must be related to and in conjunction with the reconstruction of Interstate 94.
Borrell seconded the motion.

VOTE: CARRIED, Thompson nay

2. **NEW LOOK CONTRACTING, INC., represented by David Mitchell** – New Item

LOCATION: 12712 – State Highway 55 NW – Part of S ½ of SW ¼ of Section 24, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-243402 Owner: Hicks Company LLC

Petitions for an amended Conditional Use Permit to allow placement, storage and processing of recycled concrete & bituminous in the mining pit 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: David Mitchell

- A. Riley displayed the air photo and plans to show the location of an old aggregate pit on the north side of State Highway 55. The property is zoned AG and in the Land Use Plan for Aggregate Resource. The pit has had intermittent use over the years and the operations this summer are expanded and relate to the State Highway 24 project in Annandale. The proposal is to remove the existing pavement and bring it back to the pit for processing and hauled back to Highway 24. The amended conditional use permit is needed because the permit does not cover those activities.
- B. Mitchell explained the project will be completed this year, this permit is only needed this summer. Riley asked about the length of the haul route. Mitchell – indicated it is 3 miles.
- C. Mol – opened the hearing for public comment, no one was online.
- D. Thompson – indicated she is familiar with the project and asked about the hours and if it includes operations on Saturday. Were there any responses received from residents? Mitchell – they would operate the standard hours of 7-7 Monday-Friday and request hauling between 7 a.m. – 3 p.m. on Saturdays with no processing of aggregate or crushing operations on Saturday. Riley – his understanding they would not operating every Saturday this summer. Riley – only written comment was from the Township who approve. They will need proper signage according to MN DOT requirements. Expect a peak in the spring and fall for operations. Mitchell – confirmed that.
- E. Mahlberg had no comment to add. Felger asked if there is unlimited Saturdays? Riley responded yes, what is left in this year, except those they are not operating. No proposed number because it will be depending on the job and is weather based. Saturdays are a backup and for hauling. Mitchell concurred with Riley's statement. Borrell offered no comments.
- F. Bravinder – read the Renn email from MN DOT about signage. Trucks hauling go right unto Highway 55 and he does not see any problem with hauling on Saturdays. Mol agreed with that statement.
- G. Bravinder moved to grant a Conditional Use Permit for placement, storage and processing of concrete and bituminous according to the description provided by the applicant for 2020 season. Hours of operation to be 7am to 7pm Monday through Friday and 7am to 3pm Saturday with no crushing on Saturday. Truck hauling signs to be placed according to MN Department of Transportation specifications. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **DUININCK, INC.** – New Item

LOCATION: NW ¼ of NE ¼; S ½ of NW ¼ & NW ¼ of SW ¼ & Gov't Lot 2; also, Part of W ½ of SE ¼, all in Section 28, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax Parcel ID #213-100-281200; 213-100-282300 & 213-100-283400 Owners: Joseph & Janice Holthaus & Patricia Holthaus

Petitions for an amended Conditional Use Permit to allow placement of a hot-mix plant, storage and processing of recycled concrete & bituminous in the mining pit through the 2022 construction season. Also requested is occasional extended hours of operation including some limited nighttime hours (the hours permitted are 7 a.m. – 7 p.m.) to allow for warmup, maintenance, sand, gravel and hot-mix production to meet contract deadlines 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: Jason Versteeg, engineer for Duininck; Joe Holthaus, property owner

- A. Riley reviewed the property location; the zoning map indicates the land is zoned AG and Land Use Plan is for AG. The existing gravel mining permit allows for only mining. Request is to put an asphalt plant in the pit and associated activities including bringing in product for recycling. The members of the Commission have not been to this site. Usually there is a one-year temporary permit for a plant and hours of 7 a.m. – 7 p.m., with occasional consideration for startup before 7 a.m. The Ordinance does not give the Administrator authority to allow anything outside of the Ordinance such as extended hours or night hauling.
- B. Holthaus stated he had a contractor ask for night hauling related to a specific job they want to bid and not beyond that. Versteeg explained they see specs that include night hours, especially State jobs or near the metro area. He does not have a specific job to use this pit now; but, they would like the opportunity in the event there is a job that comes up that requires it. This would be a specific job application and it is something his company and the owner would like. The request for an asphalt plant is accessory to the gravel mining. He had completed the EAW originally and that study included placement of a plant. No negative impact was found for both activities in the EAW. He pointed out two separate areas of the pit. The plant would be north of the wetland a long distance back from 131. The duration of a job is typically one year. They are asking for three years to allow for jobs that might come up.
- C. Riley two written responses were received and were attached to the Staff Report and received no indication neighbors wanted to participate remotely. No one is on-line. Town Board abstained and provided some direction with concerns.
- D. Mahlberg – for clarification asked, in terms of the request for extended hours, there is not something pending at this time; but would want the flexibility if something should come up. Holthaus and Versteeg stated that is correct, nothing now. Mahlberg – is there some additional approval by the Zoning Administrator or any history of giving the Administrator the flexibility to approve extended hours? Riley -explained all mining are limited to 7 a.m. – 7 p.m. and other activities require a Conditional Use Permit. In his opinion, it is one or the other, a “blanket” permit to extend those hours or they come back with a specific job and

those hours. Mahlberg – either approve it now, or wait for a specific job, like the first agenda item. Riley – that has been the past practice. Noted another job was the State Highway 25 improvements a year ago. It had been job specific and dates.

- E. Felger – no comment. Borrell – he noted, a neighbor, Jeff Young informed him this operator has done a good job. He would give approval with standard hours; but is willing to first see the site.
- F. Bravinder – questioned the haul route and asked what direction they typically leave the pit. He asked are there a lot of homes on this route? Near CR 37 there are four homes and much of the truck traffic goes that direction because they can get on to State Highway 25 where there is a light. However, trucks can come back to the pit on 131. Bravinder understood it could be difficult to turn onto State Highway 25 without a stop light. Using the map, Riley described the route. Bravinder – makes sense after seeing the route, sight lines are good.
- G. Thompson – moved to continue to the June 18, 2020 meeting for a site inspection. Felger seconded the motion.

VOTE: CARRIED, Mahlberg, abstained & Bravinder abstained

4. **MICHAEL S. LIVERMORE** – New Item

LOCATION: 727 14^T Street NW – Lot 5, Buffalo Highview, according to plat of record, Section 25, Township 120, Range 26, Wright County, Minnesota. (Buffalo Lake – Chatham Twp.) Tax #203-012-000050 Property owner: Muralidhar/Gadela AB Trust

Petitions for a Conditional Use Permit for a land alteration to include more than 50 yds. of fill in a shoreland and floodplain district so the lowest floor of future dwelling meets floodplain elevation standards as regulated in Section 155.029, 155.030(D), 155.048, 155.056(D)(2)(a), 155.057 & 155.101 Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Michael Livermore & Michael Sharratt, architect with Sharratt Design Co. participating remotely were Laura Liverpool & neighbor, Kailee Mastel

- A. Riley reviewed the location map to show the undeveloped lot on the north side of Buffalo Lake. Zoning is R-1 for the undeveloped lot in an existing developed plat. The request is for a land alteration in excess of 50 cu. yds. and a portion of the lot is within the Flood Plain designation. Photo of the lot looking from the street was viewed. Topographical survey with the site plan, plans to show the pad needed for the house and the proposed house and sewer were displayed. The response from one of the direct neighbors is attached to the Report. Riley noted there are a number of issues out here already, including water issues because of a high density of homes on small lots, without city sewer or storm water systems. The concerns expressed are about potential water impacts in the area. The purpose of the hearing is to make sure that the placement of fill and construction of a house and sewer will not make matters worse. The owner must show they can handle the water on site or direct it to culverts or to lake. Suggests a site inspection to the area.
- B. Livermore – stated they have looked at the lot for some time and working with the architect feel they have plans for a modest home. His architect would address the fill and drainage. He met with several neighbors and showed them the plans and they seem receptive to the proposed home, sewer system and drainage. He is excited to move to the community and feel they have come up with a reasonable plan for the lot.
- C. Sharratt – responded to the forces pushing on the site. The plan meets all setbacks, hardcover and structure requirements. City sewer is close but not here. If they did not need a private sewer they would have pulled the house further back from the lake. House is 1900 sq. ft. with only a two-car garage. A grading plan shows a minimal amount of fill, just meeting the flood plain elevation. Swales on both sides of the property are planned to bring the water down to the lower part of the yard and predominately soak into the yard. Noted there is only a change of about one foot near the lake, water should stop and percolate into the soil. The plans consolidate the space and provide a responsible design with a minimum amount of cut or fill. Offered to answer any questions.
- D. Mol – opened comment to the public.
- E. Kailee Mastel - 2727 14th Street NW–her lot is directly northeast and referred to her written comments. In addition, she would like a more in-depth review by an engineer. Water sits

on the north side of the lot and drains into the north side of their lot under their driveway. With a revised elevation, cement driveway and proposed raised sewer, where will the water go? Concerned it will push more water into the driveway, shed and garage that are in that corner. She questioned elevations for the proposed sewer and what is the plan for that. Her mound sits 2-3 feet in elevation and her shed is on the other side of the sewer. What kind of guarantees can be given to assure them that this water will not create any damage to their property and buildings. The swales sit right on the property line, what are the plans? Are they sod or rock and will there be erosion as a result of water draining along the line.

- F. Borrell – agrees a site inspection is necessary. He asked if water flows to the north? Mastell – could not speak on how water drains on the south side, but on the north side there is a small ditch near the road and during snow melt or heavy rains the water sits in the east and west sides of their driveway.
- G. Laura Liverpool stated in relation to the concerns expressed about the water; the plans provided show there could be an improvement to what is currently happening. She and her husband went through a process on a similar lake lot and were given permission to go forward. Based on the plans the architect put together, she is satisfied it addresses these concerns and is a reasonable request.
- H. Sharratt – if the Commission were to study the site plan and topography it shows it is a very flat lot near the road. If there are issues on the east side of the driveway and the west side is still the neighbor's property for about 10'. If there is something that impacts the west side of the neighbor's driveway, they were not aware of it. In areas where a lot is very flat, they suggest a rain garden. They would be glad to look at that and assured the Board rain gardens work. The site plan was referenced and a 922 contour on the east side of the subject property and everything west of that is lower. He explained the drainage is based on the contours. A rain garden is something they are willing to accommodate for both properties.
- I. M. Liverpool talked with Chase Mastell and recognized there are some existing drainage issues and wants to work with them to help reduce any risk.
- J. Commission members indicated they would reserve comment until after a site inspection.
- K. Borrell moved to continue the hearing to June 18, 2020 to allow time for a site inspection. Thompson seconded the motion.

DISCUSSION: M. Liverpool the delay is a challenge because a closing is set for June 19 and sellers are not willing to extend it any further. Mol – the site inspection will take place first and action at the June 18 meeting. Riley – or there is a chance the Commission would continue for more information. Mol asked if the Commission wants more information at this time? Thompson – without hearing everything said, she would like a wetland delineation. Riley – clarified it is the flood plain at this location and they do have the elevation. They would want to make sure all the information needed to address the flood plain is on the plan. There is some minimal information provided, but more may be needed. Mol – is there any variance needed? Riley yes, it will need a variance for this type of system. State law requires a Type I sewer system, although it might make sense for the lot, it will need a formal variance.

VOTE: CARRIED UNANIMOUSLY

5. **DISCUSSION**

Riley reviewed action for a recent plat approval (Burau is the owner). A change to replace “non-domestic” should read “livestock”, Condition #8. He missed the language, and this is the proper language.

On a motion by Bravinder, seconded by Thompson all voted to change the word to livestock on Condition #8.

6. **SITE INSPECTION**

Commission scheduled site inspections for Thursday, June 4, 2020. Commission members to meet at the Government Center at 1 p.m. and travel to the sites in their own vehicles.

Meeting adjourned at 2:30 p.m.

Respectfully submitted,

Sean Riley
Planning & Zoning Administrator

SR:tp

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