The Wright County Planning Commission met June 18, 2020 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chair, Ken Felger, called the meeting to order at 1:00 p.m. with members present: Felger, Bravinder and remotely were Charlie Borrell & Pat Mahlberg. Absent were: Dan Mol and Jan Thompson. Sean Riley, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer provided legal counsel remotely.

MINUTES – Action on the minutes for the May 28, 2020 meeting
On a motion by Bravinder, seconded by Mahlberg, all voted to approve the minutes for the May 28, 2020 hearing.

1. **DUININCK, INC.** – Cont. from 5/28/20

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, representing Duininick Inc. & Joe Holthaus, owner

A. Riley reviewed the property location of the pit and new request for placement of a hot-mix plant and extended hours. The Town Board input was summarized. Although, they approve a one-year (trial) conditional use permit for the hot-mix he is uncertain if the hours were discussed or just not mentioned in the response. The Town Board would like to review the conditions after a year.

B. VerSteeg – explained they had discussed the hours and although some of the Town Board members had questions or reservations; they did not act on that part.

C. Borrell asked the applicant if they would accept the proposed motion? Riley read the suggested motion. VerSteeg – asked if they would approve one year or the three years requested? The reason they are requesting three years is, so they can make plans. Trying to avoid having to come back every year. The hours requested are 7-7 Monday- Saturday with some flexibility for night hours. The night hours would give them flexibility to bid on jobs that require it. Suggested the night hours could be subject to the consent of the Zoning Administrator when they get a job. Due to the time frame needed for this process and to get on a public hearing, they are concerned about bids that don’t allow for that. Currently there are no jobs they are considering.
D. Felger did not recall the Commission giving night hours except for a specific project. He does not recommend that. Riley explained the Ordinance only allows it during an emergency and it is up to the Planning Commission to decide what those situations are. The Ordinance does not give him that authority. Felger asked for clarification on the Town Board’s recommendation is for a one-year trial period on the asphalt plant? Riley stated that is right. Most plants have permits for a year. It is possible after a year, based on this location and operation the Town Board or Commission might consider it.

E. Public comment was opened. Hearing no response, Felger asked for questions and comments from the Commission.

F. Mahlberg – asked the applicant what is the compelling reason for the Commission to consider the night hours? He felt it would be more appropriate for them to wait so they could address appropriate conditions if it were to be allowed. VerSteeg – although that is a good question, he noted the time frame when they are awarded a job with this requirement does not always give them the time to come before the Commission. He noted most of their work is to the west, jobs closer to the metro area or along the freeway are requiring night work. If they could get some assurance it would be looked on favorably, they would be able to pursue these jobs. Mahlberg –this reason makes sense and gives them some flexibility. Questioned if the applicant thought at this point of the 2020 season there would be any jobs opening. VerSteeg agreed it is unlikely for the 2020 season, unless something specialized comes up. He is anticipating they will in the future. Presented a three-year proposal in anticipation of the next two seasons. If they are going to limit the plant to one year it may not be as critical.

G. Holthaus – explained they had started discussing this in February and March, however, the COVID-19 situation has delayed their request.

H. Bravinder understands the delay that has caused this year; however, would recommend waiting until the 2021 season to see what might come up. He did not know that he would change the annual permits for the hot-mix plant for just one applicant. He prefers to stay consistent. The only night hours he recalls were for State projects such as the State Highway 25 and the Interstate.

I. Felger would agree to one season on the bituminous plant and look at this in 2021.

J. Borrell concurred that a one-year permit for the asphalt plant without night hours. Suggested a future bid calling for night operations could be contingent on the Planning Commission approval. He questioned if any comments from the public were received? Felger noted there were two emails received. He asked if anyone from the public wanted to address the issue, no response was voiced.

K. Mahlberg was reluctant to extend beyond the one-year permit as suggested by the Town Board. Bravinder concurred and if it is a year it would be until June 2021. Riley stated he would then suggest through the 2021 season and would explain it is only a half season at this point. The Town Board could review June of next year.
L. Bravinder moved to approve the placement of a temporary bituminous plant for the 2020 & 2021 season; and in accord with the plans submitted and the description provided by the applicant on the record with the following condition: Any operations outside the hours of 7am-7pm must be job-specific and will require a separate Conditional Use Permit. Town Board review the operations and submit to the Planning Commission by June 18, 2021. Felger seconded the motion.

DISCUSSION: Mahlberg – what is the point of the Town Board’s review in the middle of the 2021 season and would it be a nugatory event? Bravinder – as a Town Board member, if there are issues with the current operation they can report that to the Commission because a CUP can be revoked. If they want to put a review at the end of the 2021 season also. Mahlberg regardless if there are issues he would hope the Town Board would report that right away rather than waiting for a review time. Riley asked if traffic flow and weekend (Saturday) flows are not something they want to address. The pit is open on Saturday. Felger noted that is not part of the motion.

VOTE: CARRIED UNANIMOUSLY
2. **MICHAEL S. LIVERMORE** – Cont. from 5/28/20

LOCATION: 727 14th 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; remotely was Rhonda Pierce, PE

A. Riley stated the matter was continued for a site inspection. The Staff Report includes new information, the completed work for adding fill and the information from the engineer hired to address the storm-water issues.

B. Livermore – he and his wife are purchasing the lot. They hired an engineer to attend the site inspection and complete the work for the proposed fill and design a drainage plan to address some of the concerns addressed at the first meeting. This is the first step and have at least one variance they will need to address.

C. Sharratt – the site visit was valuable and were all looking and discussing where the drainage is for the area. There is a drainage ditch next to the road that drains slowly westward. Could not determine an outflow. Considering this lot and both lots on either side are all relatively flat, all have their own issues with mound systems, etc. The lot to the east has a depression that probably holds water. The civil engineer that was at the site integrated that information into her plan and provided a letter. She states from what she viewed and after a full evaluation when completed would receive approval from a City engineer.

D. Felger asked if there is any public comment from remote viewers. Hearing no response returned to the Commission for questions or comments. Riley asked the engineer the letter and site plan shown on the power point, if there are any calculations that they have not seen yet. Rhonda Pierce, civil engineer, has not completed calculations or modeling, but have shown where the drainage areas are proposed to be. They are doing this in small pieces to avoid spending a lot of money. Riley would they agree a final document would include final engineering and understand it would be needed for the building permit? Pierce – would have a full grading design plan and show the swales and water runoff from the roof and site would stay on the property. Currently any water flowing into this lot would be handled also. Agreed they would provide that work. Riley – as Staff he is concerned the issues are not all worked out, or if it does not fit; it leaves everyone later in a tough position. He feels it is best to address ahead of time rather than later. Livermore – could it be conditional on the City engineer’s approval? Riley- that is a given; but, if not met, they may have to come back to Planning Commission and start over. Livermore – there is that potential, but asked Pierce in her extensive experience is this something that would not satisfy the County. Pierce responded stated there is nothing here that is out of the ordinary. It is a small and tight site; but, they can make the drainage work on the plan before them.
E. Borrell – responding, addressed Pierce about water backing up on their property during a heavy rain. He asked if the swale could be deeper to help the neighbor? Pierce – she would need to see where they are having a drainage problem. If it is near 14th Street where there is a ditch, this would not necessarily improve that. She noted a tree they are trying to save, and it might be a problem to move the water around and get it to the lake. There is only 2’ of elevation change. They would need to look at that and see if there is some grading that might help. Borrell questioned placement of a non-perforated tile that would help take the water away. The time is right to do it now before they put in grass Pierce – agreed it might help in the project and tie into a drainage system and daylight toward the lake. Borrell agreed noting now is the time to do it. Pierce – an agreement between the two neighbors would be needed.

F. Felger – asked Pierce if there are drainage and utility easements dedicated along the lot lines? Pierce – stated she could not determine it from the survey used for a site plan. Rhineberger confirmed from the original 1967 plat there were no easements between the lots. Felger – noted that if these things are not fulfilled, it puts Staff in a bad position when issuing a building permits. Sharratt – the issue for the buyer is how much money and energy are they going to put forward before they know they can build on the site. The closing is set for tomorrow. If they make a commitment to meet engineering standards, could the Board act?

G. Riley the project will need a variance for the septic system and 15’ of fill around the foundation of the structure. There is a chance the Board of Adjustment require the full engineering design. This is not set up like a City where there is an engineering department. This Commission is the decision-making body and don’t like to kick it down the road and hope that all the professional work satisfies the concerns. The Commission is hearing from a site visit and what Pierce knows about the project, the engineer can make it work. He cannot say that the Board of Adjustment would see it the same. Livermore – they understand they would need variances and understand they need to invest in a civil engineer; but would like some assurance before they close the following day.

H. Bravinder – noted they addressed the water issue at the site and walked to the east. The water is coming from the east and he felt much of the water problem is coming from the road ditch. The water flows down the shallow ditch and he could see how it goes on the neighbor’s lot, some of the water goes under the culvert under the driveway. The elevation they are proposing is not above the neighbor’s lot. The only extra watershed should come from the new buildings. Borrell indicated he would agree with that assessment. Suggested gutters are installed on the buildings to help keep the water from going to the neighbor. Bravinder – felt they are doing the best they can to prevent watershed toward the neighbors. Borrell would agree on action to approve. Felger questioned if that is advisable. Kryzer – stated he likes finality on these types of things. The applicant is asking for some assurance prior to closing. He made it clear the Commission is not making guarantees.

I. Bravinder moved to grant a Conditional Use Permit to move more than 50 cu. yds. in shoreland and flood plain districts with the following conditions: 1) That formal civil engineering designs and calculations must be submitted supporting the site plan for or and/or building permits or Board of Adjustment process; 2) Constructed according to site plan; 3) Proper erosion controls are installed; and, 4) Wright County Soil & Water review and approve the technical information. Borrell seconded the motion.
DISCUSSION: Felger informed the applicant if these plans are not approved by other Boards or Agencies or the conditions are not met, the Conditional Use Permit is void. Livermore – stated he understands.

VOTE: CARRIED UNANIMOUSLY

3. **JOHN HOVLAND** – New Item

LOCATION: 5834 Fairhill Dr. SE – Part of S ½ of NE ¼ of Section 12, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-121401

Petitions for a Conditional Use Permit for Commercial Outdoor Recreation to allow for outdoor group activities for the public on their homesite. Activities are educational in nature to introduce the public to ag operations and environment with some retail sales. Also, group events to include outdoor weddings as regulated in Section 155.003(119), 155.029 & 155.048(D), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: John Hovland

A. Riley stated the property is zoned AG and the 10-acre “entitlement” parcel was viewed that has the existing dwelling. The farmland owned by the applicant surrounds this parcel. The proposal is to have the commercial outdoor recreation business on the 10 acres. The information provided by the applicant is included in the Staff Report. With these type of requests, a site inspection is recommended.

B. Hovland – the entire property they own is 75 acres and want to do something along the farm venue, have grown apples, started a large vineyard and have bees. Would allow the public to come onto the property and enjoy these activities with them. Would provide all the safety and bathroom needs.

C. Felger opened the hearing up for public comment, hearing no response opened the hearing to the Commission.

D. Borrell – noted the Town Board has suggested all traffic come from the east. Riley used a map to show the traffic direction off CR 33, down a town road (Gabler) to Fairhill. Borrell indicated the Commission would address the direction of traffic and visitors would have to be informed of those directions to get to the property. Riley explained the Town Board wants traffic to avoid a long and windy Fairhill route.

E. Felger noted a site inspection is suggested. Bravinder agreed.

F. Bravinder moved to continue the petition to July 9, 2020 for a site inspection. Borrell seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**SITE INSPECTION** Commission agreed on Tuesday, June 23 at 1:30, 1:45 p.m. at the site.

Meeting adjourned at 2:25 p.m.

Respectfully submitted,
Sean Riley
Planning & Zoning Administrator

SR:tp

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