

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: January 20, 2022

MINUTES – (Informational)

The Wright County Planning Commission met January 20, 2022, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Commission members in attendance were: Dan Mol, Pat Mahlberg, Ken Felger, Sandy Greninger, Dan Bravinder. Absent: Mark Daleiden & Jan Thompson. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning Office. Greg Kryzer, legal counsel.

ORGANIZATIONAL ITEMS:

1. Elect Chair & Vice-Chair for 2022

First meeting of the year was opened by Administrator Rhineberger, acting as Chairman pro-tem at 6:30 p.m. First order of business was to call for nominations for a Chair:

Bravinder nominated Dan Mol as Chair. Rhineberger called three times for any further nominations, hearing none, a unanimous ballot was cast for Mol as the 2022 Chair.

Mol assumed the Chair and called for nominations for a Vice-Chair:

Bravinder nominated Ken Felger as Vice-Chair, seconded by Mahlberg. Mol asked if there were any further nominations, hearing none a unanimous ballot was cast for Felger as Vice-Chair for 2022

2. Set the 2022 Meeting Calendar Dates and Time

Mol called for a motion to set the 2022 Meeting Calendar Dates and Time. The current meeting time is 7:30 PM May through October and 6:30 PM November through April. Bravinder motioned meeting times would be 7:30 PM year-round, starting with the February meeting with adoption of the 2022 meeting calendar. Seconded by Felger.

DISCUSSION: Mahlberg asked to be reminded why the time was switched to 6:30 PM. Felger – a member, no longer on the Board, suggested the meeting go from 7:30 PM to the 6:30 PM time. Recognized the 6:30 PM time is difficult for some of the current members and supports going to 7:30 PM year-round. VOTE: CARRIED UNANIMOUSLY

3. Per Diem: Set by the County Board for 2022

Rhineberger – County Board did increase the Per Diem for the Planning Commission members to \$120 per meeting. Ample discussion was had on what the number would be, in the end the motion was approved at \$120 for all meetings. Discussion was had on different amounts for different lengths of meetings. In the end, it was decided the rate for all meetings would be the \$120 per meeting no matter the length. Mol commented members can thank the County Board for a raise. Felger questioned if they are allowed to provide input or discuss the increase. Mol –not an appointed board so there is no discussion on the matter. Kryzer – members can decide to not accept the payment. Felger stated he was not in favor of the new Per Diem amount.

ACTION ON DECEMBER 16, 2021, MINUTES

On a motion by Mahlberg, seconded the Greninger, all voted to adopt the minutes for the December 16, 2021, meeting as printed.

PUBLIC HEARINGS:

1. **SCOTT HENDRICKSON** – New Item

LOCATION: 8365 County Road 3 NW – Part of NE ¼ of SE ¼ Section 22, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-224101

Petitions for a Conditional Use Permit to have a contractor's yard, Cokato Janitorial LLC, to store applicant's business equipment and materials used for their cleaning service as regulated in Section 155.003(30), 155.029 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Scott Hendrickson

- A. Rhineberger displayed the location details. The conditional use permit that the applicant is looking for is a contractor's yard, Cokato Janitorial LLC. Intent is to store business equipment and materials used for their cleaning service in the existing building. The property is 1.43 acres located along the west side of County Road 3 in Southside Township. The property is zoned and in the Land Use Plan for AG General Agriculture. Due to conflicts with scheduling, the applicant has not met with Southside Township. They have indicated they are on the schedule for the February meeting. Given that this item was originally applied for in October, Staff determined it was best to present the request to the Board to allow for time to address any concerns or conditions before the Township meeting.
- B. Hendrickson stated they purchased this house because of the shop and location off County Road 3. The previous owner left the house, shop, and yard needing major repairs, cleaning, and maintenance. Over the course of a few months, they renovated the home, cleaned up the 40x40 shop and yard. The shop is an ideal size for their business. The neighbor, Angie Boyer, expressed concerns in a letter he would like to address. Another neighbor, Mike Latour, has property that surrounds their home but was not able to attend tonight's meeting. Support was provided in a written statement that was read and provided to Staff and the Board. Concerns in the written statement from neighbors Shawn and Angie Boyer were read and addressed by Hendrickson. Concern with the growing amount of traffic coming in and out of the property all hours of the day and night. Hendrickson stated there are 8 employees, 1 works remotely from North Carolina, 4 are full-time and are 3 part-time. The part-time employees come roughly once a week to pick up supplies. Increase traffic is possibly related to the extensive remodel and cleanup of the property that has been occurring for the last 6 months. This increase in traffic would be contractors and deliveries coming and going. Nighttime work accounts for less than 5% of business. Boyer stated employees are loud and congregate outside, often in the middle of the night, they drive erratically when leaving the property. Police have been on site on a couple of occasions due to disruptions. Hendrickson stated this is an inaccurate statement but possibly authorities were on site when their sons rented the property, the summer of 2020. Deputies tend to make traffic stops in front of the home. When a vehicle is being pulled over, they tend to turn from Highway 55 onto County Road 3. With the vantage point of the neighbors this could be deceiving. Since they have owned the property, the authorities were called regrading barking dogs and a medical emergency. Another statement of concern is extra traffic pulling in and out being so close to the train tracks and stop light. Many families are

raising children in the area and would like to see the area stay safe and low traffic as possible. In doing some research, according to MN DOT, in 2018, daily Hwy 55 had approximately 7,000 cars travel between County Road 3 and Annadale. The Star Tribune stated that 16-18 trains run through Buffalo daily. Yes, this is a very active track along Hwy 55 and County Road 3. In 2016, the average traffic coming off of Highway 55 going south on County Road 3 was 2,950 per day. They figure that they have 2-3 employee vehicles a day coming in and out, including the company vehicle. This would account for roughly 10 vehicles collectively. According to Boyer, the previous owner stated he called Wright County and asked if there was a possibility of obtaining a Conditional Use Permit and was told no. He is not aware of what the previous owner asked or required and therefore cannot comment. At time they took over ownership the shop windows were blacked out and there was a green house and junk filling the shop. The driveway and yard were in desperate need of a repair and cleanup. Now they are able to store company vehicles and cleaning supplies in the shed. Crushed rock and black top were added to repair the driveway and the yard was cleaned of garbage and mowed. Boyers have concern that turning this property into commercial would allow for traffic growth with around the clock noise and disturbance. They disagree with the opinion of around the clock noise and disturbance as their business does not operate all hours of the night. Out of consideration for neighbors a new home was found for one of their dogs, as together they could be very noisy. They feel the integrity of the neighborhood has improved as well as increased property value. The home has been completely remolded inside and out with exterior landscaping work to be completed this spring. They are asking the Board to go forward with a motion of approval so that they are able to meet with Southside Township in February 2022.

- C. Mol asked the Board how they would like to proceed. With the request not yet heard by the Township, is there concern with moving forward. The Township has always been a very important part of the decision and the Board does consider their opinion and thoughts.
- D. Bravinder questioned if this request is a home extend business. Rhineberger – contractor’s yard. With this request there are not the 18 criteria or the 500 ft. setback to neighbors.
- E. Felger moved to approve a conditional use permit for a contractor’s yard to operate a cleaning and restoration business in accord with the narrative and site plan on file contingent on the Township approving the request. Signage on site must be in accord with the County sign regulations. Seconded by Bravinder.

DISCUSSION: Rhineberger – if the Board approves the presented motion, what are the remedies if the Township does not approve. Mahlberg – what happens if the Township wants to add conditions. Not sure if a motion can be constructed in advance that would be able to adopt what the Township might ask for conditions and adopt. Felger – in that case would it come back to the Board. Kryzer – the best way might be for the Board to hold approval of the CUP or stay for 30 days and allow for final review by the Township than act at the next meeting. Rhineberger – at this point it might make more sense to table a decision until the next meeting. Mahlberg questioned if there is there an urgency to move forward. Rhineberger – the item was applied for in October. It was decided to at least let this Board discuss the request. At least now some discussion is out of the way, and we can try to move forward. The applicant did sign the 120-day waiver, so theoretically the request could be extended for an indefinitely amount of time. Commonly, with the Board of Adjustment situations like this do come up. The applicant is asked

by the Board to address concerns or make adjustments to the plan and come back to for a decision at the next meeting. Mahlberg – if there is not a real important or urgent reason for a decision to happen tonight than he would prefer continuing to the next meeting. Felger asked the applicant if there was an urgency. Hendrickson – no reason it could not wait until next month. Confirmed they are set to attend the Township meeting in February. Felger – motion does say contingent on Township approval. Mol – if the Township recommends stipulations or conditions there is not a way to address those with the CUP, if approved tonight as motioned. If the applicant is not under a deadline than he feels it is best to wait for the Township response. Felger questioned the applicant if they applied in October why have they not been able to meet with the Township. Hendrickson – the first hearing was on the same date that their son graduated from the Marines. Felger – that was last fall, why no contact with the Township before now. Hendrickson – there was just one reason or another with communication and getting on the agenda that somehow it just kept getting missed. Felger – he hears the Boards concern regarding moving forward with the presented motion. Greninger addressed the applicant on their certainty that they are set to be heard by the Township and on the agenda for February. Hendrickson confirmed they are indeed on the agenda for the February 1, 2022, meeting and fully understand the importance.

- F. Felger stated because there is no urgency, he would like to withdraw his motion. Bravinder requested withdrawal of his second to the motion.
- G. Mahlberg moved to continue the matter for consideration to the February 17, 2022, meeting. Providing the applicant has met with the Township prior to that. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

2. **CRAIG MCADAMS** – New Item

LOCATION: 693 90TH STREET NE – Part of NE ¼ & part of Gov't Lot 2, Section 19, Township 121, Range 25, Wright County, Minnesota. (North Lake - Monticello Twp.) Tax #213-100-191200 Property Owners: Elroy C. Yager, Eleanor A. Olson, Elvon P. Yager, Elaine M. Ailie and Eloise K. Lee

Petitions to rezone approximately the South 91.52 acres from AG General Agriculture to A/R Agricultural-Residential S-2 Shoreland as regulated in Section 155.028, 155.047 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Craig McAdams, Tim Hillukka

- A. Rhineberger reviewed the property location, noting it is currently zoned AG General Agriculture/Shoreland and in the Land Use Plan designated for Rural Residential. Proposed zoning requested is for the 91.52 acres to A/R Agricultural Residential/S-2 Shoreland. The property is 102 acres in total. Recently the north 13 acres went through the Board of Adjustment (BOA) and was approved for the division of two entitlements, along 90th Street, and included a 66' access strip. This 66' strip is the proposed access road for the remainder 91.52 acres and proposed subdivision. The Township did approve the request to rezone and indicated they are willing to take over the proposed road. The only item before the Board currently is the rezoning of the 91.52 acres.
- B. McAdams – looking for approval to rezone from General Agriculture to Agricultural Residential. The concept plan has been presented and discussed with the Township multiple times with the Township agreeing to take over the road and stating they are in favor of the request. Hope to move forward with the road this spring.
- C. Bravinder asked Rhineberger to display the current Land Use Plan and Zoning maps.
- D. Mol asked if anyone from the public had comments.
- E. Dan Holthaus questioned if the property is currently zoned A/R or AG. Rhineberger – explained the difference in the current Zoning map and the Land Use Plan map. Holthaus questioned if parcel is currently zoned AG does it need to switch to S-2 and does that change development. Rhineberger – S-2 is an overlay designation given to a property located within 1,000 ft of a lake. Shoreland designation is not a request, it is either within a 1,000 ft. of a lake or it is not. Holthaus – with S-2 classification would the proposed lots be able to go down to the 2-acre parcels with the 200 ft. along the lake shore. Rhineberger – lot size requirements are based on the Zoning District. With A/R being primary and S-2 the overlay the minimum lot requirements are lakeshore width of 300' and minimum of 10 acres. Holthaus stated his concern was if the lot was going to become a bunch of 2 acre lots with the S2 being a factor.
- F. Faiza Zuckerman questioned if the proposed road was already approved. Mol – the road has not been approved. The road and lot discussion will be part of the development review. Zuckerman stated that she moved to the country for a reason, would like to see that area stay

county. Have animals and children and feels that is a lot of homes and it is starting to feel more like a suburb and not the reason they moved to this location.

- G. Bravinder stated he does not see a problem granting the rezoning.
- H. Felger questioned if the BOA action allowed the two lots and left the remainder restricted or where there three entitlements. Rhineberger – with over 100 acres there was three entitlements on the property. Mol – there were 3 entitlements, which is why there needed to be an access strip to the back parcel. Felger questioned the reason of the 66’ strip. Mol – to prevent a land locked situation, the BOA required 66’ access to the back lot. When the 2 lots were approved, they each received an entitlement and without that 66’ access strip the 91-acre parcel would be landlocked. Rhineberger – with there being three entitlements, if they had not requested to rezone, the 66’ access strip and entitlement would allow a house. The BOA could have approved a 33’ strip but in this case the 66’ access strip meets the minimum requirement for a public road. Kryzer questioned if the applicant is proposing to plat the two entitlements that are noted on the concept plan. Rhineberger – those are not part of the proposal and are included in the concept plan because of the road location. The 2 lots have been approved as entitlement divisions, which can be processed today if they have the soil borings and survey. Reminded the applicant that the two entitlement lots cannot be part of the concept plan, as they do not meet the minimum requirements for lot size. The Surveyor will need to remove them from the concept plan, as they are currently shown as Lots 1 and 9.
- I. Hillukka – those lots were included in the concept plan because the road is part of the concept plan. Not knowing exactly where the road is going to go but wanted to show the concept. Rhineberger – the location of the road must be known. The development and two lots already approved are based on the location of the road. There isn’t the ability to move the road. Hillukka – understands but 5’ one way or the other will not greatly change the plan. The Surveyor has yet to complete a detailed and accurate survey with the exact location of the road.
- J. Greninger – discussion is only regarding the rezoning, not the plat. Mol confirmed the discussion and decision is just the rezoning. Applicants tend to present a concept plan with a rezoning request. It does not guarantee approval on the subdivision proposal; it provides the opportunity to see density and what the applicant envisions.
- K. Rhineberger – this request is a little unique compared to what normally comes before the Board. Once the rezoning is approved there is no way not to continue with some type of development and a new road. If the rezoning is approved, and some type of development does not happen then this lot would not meet the minimum road frontage and therefore would not be entitled to a house, unless the public road is built. There have been situations where an applicant has rezoned to A/R, just to get one house. In this case, that is not possible because of the minimum road frontage requirement. If approved by the County Board, there must be some type of development of a public road in order to build a house on that remaining acreage. Kryzer – the Board needs to understand that if the rezoning is approved the rezoning occurs at that point in time. If there is apprehension related to the road and how the lots are proposed, or they are not comfortable with the concept plan; from a legal perspective he would recommend denial of the application.

- L. Mahlberg – just adjacent to west is the Viet tract went that through the same process within the last year. Rhineberger confirmed the Viet property borders the parcel before the Board. Mahlberg – according to rules the Board needs to look at if there is a need for this type of land in this area. The Viet property was parceled off with prices of about \$300,000 and they sold pretty fast. Some lots are still sitting there as well as some lots on Ames Avenue. Decide if there is evidence lots like these are in hot demand or are we starting to see a spot were a bunch of properties, like these, will be sitting for sale for a while.
- M. Bravinder – respects the right of the property owner to take the risk on themselves. Rezoning this property is not harming the neighborhood. The parcel is already surrounded by current A/R zoning. Respects the applicants desire to develop the land and it is not out of the ordinary from what has been seen in the past, except for the BOA road portion. Concern with the concept plan is the comments from SWCD regarding delineation on Level 1 and Level 2. This was a similar issue with a property being developed in Buffalo Township. Mol – are the wetlands and delineation needing to be looked at first, before rezoning is addressed. Bravinder – if delineation cannot be done the number of lots would be limited. Looking at the map and elevation, the concept of the road does not appear to be a problem from an elevation standpoint. Hillukka summarized the response from SWCD regarding the delineation. There would most likely need to be a Level 1 delineation to provide a wetland boundary, that would be incorporated into the concept plan. A Level 2 delineation may be required, for areas where impacts may occur. Rhineberger – there are likely ways to adjust the concept plan and work around the wetlands. The number of lots could be affected but it is not a deal breaker. With the nature of the rezoning and regards to the road, a wetland delineation should be required.
- N. Bravinder moved to recommend approval of the rezoning to the County Board of Commissioners for the south 91.52 acres of the property from AG General Agriculture/S-2 Shoreland to A/R Agricultural-Residential/S-2 Shoreland because the Board feels it meets the criteria laid out in the Land Use Plan and the Town Board approves. Mahlberg seconded the motion.

VOTE: CARRIED UNANIMOUSLY

DISCUSSION: Rhineberger reminded the applicant they need to work on getting the preliminary plat items completed and apply for the subdivision hearing.

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 2024 construction season. Also requested are 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

- A. Rhineberger displayed the current aerial site plan and reviewed the request. In 2020 there was a request to place a ready-mix plant for the 2020-2021 seasons. This request would be a renewal of that CUP. The property is zoned General Agricultural and is AG in the Land Use Plan. Recommendation was received from the Township to approve extending the CUP to allow an asphalt plant in the mining pit through the 2024 season, as specified in the current CUP, which states “any operation outside the hours of 7 a.m. – 7 p.m. must be job-specific and requires approval of a separate CUP” with the Township to review the operation on an annual basis. No comments or complaints on the current operation have been received. Mol questioned if any complaints in the last 2 years with Rhineberger confirming there were no complaints.
- B. Versteeg – one of the comments from the Township was relating to the operation outside the hours of 7 am – 7 pm would require a separate CUP that is job specific. Certain there are contacts this year that will require nighttime paving. Coming back before the Board for a separate CUP does not seem very efficient. Possibly the Board could approve with a condition such as, contingent on administrative approval, rather than be required to go through the whole 2-month CUP process. A lot of the time these contracts are specific on timing and require more expeditious output than 2 months would allow. Mol – in the past with specific projects, like Interstate 94, it is understood work will be done in the evening and strictly in those time frames. With the job specific approvals, it is clear on when the working hours will occur, and it prevents working night hours if the job falls behind schedule. The Board, Townships and County still must answer to the citizens and that is usually done with job specific CUPS to address working outside regular hours. Kryzer questioned the applicant of when bidding will start for the upcoming construction season. Versteeg – in the next few months. Kryzer – there is the ability to continue until the next meeting and present specific job details to the Board. Versteeg – it could be May by the time specific job details would be available. Kryzer – this Board has a history of acting quickly when amending existing CUPS. Granted there is no guarantee. Mol - on a specific project the Board has always been reasonable. Kryzer – for the neighbors the Board must address job specific requests related to hours, the roads, route, and what is happening at the site. Mol –

- nighttime is when people are sleeping, and the neighbors don't like to have their sleep interrupted.
- C. Kenneth Krienk – neighbor on Cameron Ave. appreciates the Board not allowing continuous operating hours. It does get irritating hearing hauling semis after 7 pm. With another mining operation just down the road the semis seem to go down County Road 131 instead of staying on Highway 25 and last summer was painful during the evening with the amount of hauling. Does not want to see approval of night hauling.
- D. Felger - there have been occasions when the Board allowed for extended hours. Specifically recalled a project on I-94 and Hwy 25 when MNDOT required contractors to do nighttime work. However, since he has been on the Board, he does not recollect allowing extended hours without a job specific reason to do so.
- E. Greninger questioned if there is still quite a bit of construction on I-94 between Monticello and Clearwater. Mol confirmed construction work will probably continue until the Fall of 2022. Not aware of open contractors for that project.
- F. Versteeg – not opposed to job specific, the opposition is the separate CUP. It becomes a timing issue and coming back through the process again is time consuming. Kryzer – you can wait 30 days and see if specific jobs comes up. Mol – you can continue until the next meeting and present job specific details. The room tonight is not full of neighbors or opposition, which could indicate you are doing an okay job out there. That does not mean the next meeting won't be filled with public. Versteeg asked for clarification on if the job must be specifically named and under contract. Mol – in the past it has been that way. With Hwy 25, it came out of a specific pit and the Board gave very specific roads and routes that they could haul on. Mahlberg questioned if the contact had to actually be secured or could it be they are bidding on a project with the specific details of that job. The applicant is asking if they have to be under contract or bidding on a project with the specific details provided. Rhineberger – there have been requests at the bidding stage and the bid packet is provided, which gives details of the project, and the applicant presents the route and details to the Board. There have been past approvals where the applicant did not end up doing the job. Versteeg – from the time a project is advertised to the time bidding occurs can be a 2-3 week and the CUP process being 6-8-week process. Mahlberg – there is the option to continue to the February meeting or even the March meeting and if there was a specific project that could be presented for consideration. Rhineberger – approving now, if the Board goes that route, work can continue. If the extension is not approved, work must stop at the site. Mol – cost is about \$425 to get on the agenda for a new hearing. Understands it is more about the timing and maybe not the cost. Not comfortable giving an open operating time period. What happens is jobs come up and there isn't the conversation or conditions placed that prevent damage to the roads or impact on the area.
- G. Felger addressed the applicant and questioned the experience, in other counties, when presented similar situation. Versteeg – this is as far east as their company goes, they do more of their work to the west. As you move farther west there is less nighttime work, and, as a general practice, his company does not do a lot of nighttime work. The preference is to not have night jobs. Felger questioned the experience related to the process or approval of nighttime hours in other jurisdictions. Versteeg – that has not been an issue because they really have not requested nighttime hours. This is new ground for the company. Felger – curious if the Board is up to speed with others regarding granting of nighttime operating

hours in advance of getting a specific job. Versteeg – competitors, that work in the metro, set up their permits with 24 hour operation.

- H. Mahlberg asked if the applicant wanted to continue to the February meeting or move forward with a motion. Versteeg stated he would like to move forward with a motion. Acknowledged the site is needed regardless of what jobs come up.
- I. Mahlberg motioned to approve the placement of the hot-mix plant, storage, and processing of recycled concrete & bituminous in the mining pit through the 2024 construction season, 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 7 a.m. -7 p.m. must be job-specific and will require a sperate Conditional Use Permit and Township to review on an annual basis. Second by Greninger.

Discussion: Felger addressed Rhineberger regarding the job specific comment about not necessarily being under contract. Rhineberger – job specific details would be laid out in any bid packet which the Board could use when reviewing a request. The packet would provide details about the duration, material, job hauling requirements and details specific to the job that the Board would review and use for their decision.

VOTE: CARRIED UNANIMOUSLY

4. **KATHLEEN OSBORNE** – New Item

LOCATION: 175 County Road 37 NE – SW ¼ of SW ¼ also S 500 feet of W 300 feet of NW ¼ & SW ¼ & SW ¼ & NW ¼ S of Road and NW ¼ of SW ¼ also S ½ of NE ¼ and part of N ½ of NE ¼ of County Rd 37 & E ½ of NW ¼ of County Road 17, Section 31, Township 125, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-313300 & 213-100-312302 Property Owner: Rolling Hills Landfill Inc.

Petitions to renew a temporary mining and excavation permit issued as a Conditional Use Permit on November 11, 2013 (and renewed in 2017 and 2019) to allow continued mining in the borrow pit for material used in the daily cover at the landfill as regulated in Section 155.029(6), 155.48(D), & 155.100 of Chapter 155 Land Usage and Zoning, Title XV of the Wright County Code of Ordinances.

Present: Kathleen Osborne, LRS; Dale Gapinski, Operator at Rolling Hills Landfill

- A. Rhineberger displayed the maps to show the location, zoning, and land use. Request is to renew the temporary mining and excavating permit issued as a Conditional Use Permit on November 11, 2013, and renewed in 2017 and 2019, to allow continued mining in the borrow permit for material used in the daily cover at the landfill. The plans presented are from 2019 as the exact same plan and operation request is a continuation of the 2019 plan, as the barrow on site has not been completed. The Township has recommended approval of the renewal, as it is not an expansion of the operation, to run for 2 years to December 31, 2023. No other comments or complaints have been received.
- B. Mol asked if anyone from the public had comments. Hearing no response, returned to the Commission for questions and comments.
- C. Mahlberg moved to approve an extension to the Conditional Use Permit approved in 2013 for 2 years, to expire December 31, 2023, according to the plans previously submitted by Wenck Associates, project 3030-0018, dated October 2019, provided the finished slope of the restoration be no greater than 23% exactly, and all other requirements of the original permit be met. All mining and restoration must be completed by the expiration date and trees planted for a buffer be no less than 4' in height. Seconded by Greninger.

DISCUSSION: Mahlberg asked for details on the plan and activity occurring at the site. Gapinski – slow at this time. Caped 8 acres last year with a balance of roughly 14 acres left. Osborne – LRS recently purchased the Landfill as part of a greater acquisition involving several companies in Minnesota. As an internal Engineering Consultant there is another employee of LRS that is involved in the planning and decisions for the future plan of the property. That staff member has mentioned that in Quarter 2 a detailed plan will be presented to the Township. With that report in the works there is no real details to report tonight.

Kryzer questioned how much air space is left. Gapinski – not sure on the amount of air space and volume left. Osborne - they did a fly over this year and the end report is currently being worked on. There is not that much left and probably settling more. Kryzer – is the plan to bring stuff in or do final cover. Osborne – current contracts are being worked on with no additional

contracts being added. Mol – with what is going on out there will there be enough in this borrow pit. Gapinski – yes, there is very minimal that comes out of there. Osborne – used more for daily operations and during closer construction the soils were brought in from off site. Mahlberg – Quarter 2 update is not just how to finish or expect to finish but the property to the east as well. Osborne – decision on when to completely close the site or direction on filling and capping should be in that report. Gapinski - the barrow pit will be used for the next 30 years with the maintenance and erosion control measures that are required.

VOTE: CARRIED UNANIMOUSLY

5. **NORTHWEST PROPERTY SERVICES** – New Item

LOCATION: XXX 65th Street SE – Part of NW ¼ of SE ¼ & NE ¼ of the SE ¼, Section 01, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-014200 Property Owner: Dwayne Ganzel

Petitions for a Conditional Use Permit for a land alteration involving approximately 25,000 cu. yds. of material to add roughly three feet of clean fill material to an old gravel pit to make the land better for farming as regulated 155.029, 155.048, & 155.101, Chapter 155 of Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: John Fritz

- A. Rhineberger reviewed the petition details with the site plan displayed. There are three different sites where fill will be brought in. The northern area is two sites that are bisected by a drainage area. The 2nd location is an old mining pit, with a wetland. Comment from SWCD gave approval of fill going into the wetland, as it was artificially created. The 3rd site is a rectangular field that does have some slope. Rhineberger continued to review each site with details specific to that location, with pictometry displayed. The old gravel pit, with the wetland, will be filled to an elevation of 930. The northern portion of the request is within the shoreland area and the floodplain of the North Fork Crow River. Elevation of the floodplain in this area is approximately 917, with roughly half of the 2 sites on this parcel at that 917 elevation. The 2-3 feet of fill being brought in would bring the parcel above the flood elevation. There is no portion on this location 2-3 feet below the flood elevation. This could be a concern with non-compacted soil eroding. The 2-3 feet of clean fill being added to the larger rectangular field could be incorporated into the existing soils. The Township did approve the request. The County Highway Department did respond there are conditions they would like to see as part of the motion: no proposed fill will be allowed in the right-of-way, truck hauling signs shall be placed along CSAH 17, and the roadway shall be cleaned and swept daily.
- B. Fritz stated most of the fill will accommodate the Delano Gun Club operation that will be starting. The part of the floodplain could be removed from the proposal. Mol questioned where the material would be coming from. Fritz – street dig outs, large commercial buildings, basements. Mol questioned if there are specific jobs. Fritz – not currently.
- C. Mark Baumann, Delano Sportsman Club – no problem with the request. Feels that it is important to utilize this property as quickly as possible before the city makes its way to this area, and nothing can be done. This will be an improvement for the whole area. Kryzer – applicant made a comment that providing fill for this area will help the Gun Club. Baumann – not specifically the Gun Club, the area around the property itself. There can be a lot of clean fill generated at construction site that needs to go somewhere. Fritz – this project could help the Gun Club when they apply for a grading or mining permit by providing a location for the fill. Bauman – not applying for a grading permit but yes, it could potentially give the Gun Club a place for their fill. Fritz – the main goal is to turn 3-4 acres of usable farmland back into production.

- D. Felger addressed the rectangular location and what the plan is. Fritz – cover the area with 2-3 ft. of fill primarily the eastern portion. Felger questioned if the applicant deleted from the request the area North of the County Road, where the flood plain is located. Rhineberger indicated that area would not be receiving fill, because of the floodplain, but the Board needs to incorporate that comment into the motion. Felger – to be clear the applicant is barred from touching the area in floodplain with fill. Rhineberger – a CUP is the proper channel to apply for fill in a floodplain. In this case, the portion of the floodplain ordinance was not included in the request and therefore not part of the notice. Typically, engineering plans, soil compaction reports and erosion control measures are included with the floodplain proposal. Adding fill into a farm field that is in the floodplain could warrant additional information and conversation. Mol –dumping fill onto a farm field, within a floodplain, could potentially result in that loose soil eroding into the river during a flood. We do not want to see more dirt added into the river. Rhineberger – the added 2-3 feet of fill might not incorporate into the native soil and if a flood occurs that fill could flow into the river.
- E. Mahlberg questioned thoughts of erosion control measures on the eastern portion. Rhineberger – with the amount of slop that is there and not being native soil, the Board might want to see an increased buffer strip between the western portion of the field to allow filtration before water hits the trees, woods, or other wetlands in that area. There is already some natural filtration in these areas the Planning Commission might want to see a stormwater management plan. This area will be farmed so is that extra dirt making a difference and needing to be addressed. Mahlberg – the Board will not be able to add a condition that states approval on the condition of adequate erosion control measures; that is meaningless. Rhineberger agreed that in this situation there is not a single trigger, a general condition would be meaningless. Fritz stated that he is Erosion Control Certified through the State of Minnesota and plans to take all measures to prevent erosion. Bravinder – hesitant to put those conditions or controls into the motion.
- F. Kryzer questioned the applicant if a NPDS permit is required. Fritz – that permit is not required.
- G. Mahlberg motioned to approve approximately 20-30,000 yards of clean fill material to be placed according to the plans and description provided by the applicant. Except, the area identified as area “B” north of the road, which was withdrawn by the applicant. Conditions: hours of operation limited from 7:00 a.m.– 7:00 p.m. Monday-Friday, no fill to be placed in the highway right-of-way, truck hauling signs to be placed along CSAH 17, the roadway shall be cleaned/swept daily. Seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

ORGANIZATIONAL DISCUSSION:

DISUSSION: Mol asked the status of a new building tour. Rhineberger – have not heard an update. About 2 weeks ago there was a lot of work still to be done. Kryzer – noticed a meeting February 17th and March 3rd, does not see that the Board will be meeting in the new building for that March meeting. Rhineberger – February and March there was some staffing schedules that needed to be worked around while still trying to have enough meetings so that the agendas would not be too long. Opted for keeping the number of meetings and having them closer together instead of one very long meeting. Staffing levels are tight. Mol – Clarified next meeting would be at 7:30 p.m. February 17th.

Meeting Adjourned at 8:05 p.m.

Respectfully submitted,

Barry Rhineberger
Planning & Zoning Administrator

BR: sd

cc: Planning Commission
Twp. Clerks
Applicants/Property owners