

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: February 17, 2022

MINUTES – (Informational)

The Wright County Planning Commission met February 17, 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, Dan Bravinder, Mark Daleiden, and Sandy Greninger (arrived during 1st item discussion). Absent: Jan Thompson and Greg Kryzer, legal counsel. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning Office.

ACTION ON JANUARY 20, 2022, MINUTES

On a motion by Mahlberg, seconded the Bravinder, all voted to adopt the minutes for the January 20, 2022, meeting as printed.

PUBLIC HEARINGS:

1. **SCOTT HENDRICKSON** – Continued from 1/20/2022

LOCATION: 8365 County Road 3 NW – Part of NE 1/4 of SE 1/4 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 reminded the Commission this item was heard at the January 20th meeting and continued to give the applicant additional time to meet with the Township. The Township submitted approval. Note that the existing sign does meet dimensional standards, however, is not meeting the road setback. The sign must be 30 feet from the right-of-way of a County Highway.
- B. Hendrickson questioned how the ROW is measured. Currently the center of the road is 43' from the sign. Rhineberger – the ROW is 50' wide so that would be 80' from the center line. Mahlberg stated there could be ROW signs in the ditch. Hendrickson – willing to move the sign when the ground is not frozen. The Township didn't voice any opposition.
- C. Bravinder motioned 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 and will need to be moved back to meet road setback. Seconded by Mahlberg.

VOTE IN FAVOR: Mahlberg, Daleiden, Mol, Felger, Bravinder

ABSTAINED: GRENINGER – arrived at meeting during discussion

2. **WILLIAM J. HOLTHAUS** – New Item

LOCATION: E 1/2 of W 1/2 of SW 1/4, Section 22, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-223201

Request to renew the Conditional Use Permit that was granted in 2006 to continue mining, stockpiling, crushing, and recycling of bituminous and concrete materials for an additional 5 years as regulated in Section 155.100 of the Wright County Code of Ordinances.

Present: Bill & Cynthia Holthaus, Paul Otto with Otto Associates

- A. Rhineberger displayed several years of aerial photos so the Commission could see the pit progression. Existing gravel mining operation just south of the City of Monticello at the intersection of Count Road 106 and MN 25. The property is zoned General Agriculture and is in the Land Use Plan to remain AG. A Conditional Use Permit was approved in 2005 to allow stockpiling, crushing, and recycling of bituminous and concrete demolition materials. In 2006, the remainder of the 40 acres was permitted, with a completion date of December 2015 and reclamation date of December 2017. The permit was again renewed in 2016 for 5 years and this request would be an extension of that permit. Township did approve. Letter received, from a neighbor to the north, requesting the CUP be denied. The mining plan has not changed. Vegetative screening of trees and berm along the north border appear to be in good condition.
- B. Otto – completed a topography survey to determine status of ground mined and left to be mined. Volume left to be mined is somewhere between 60,000 to 80,000 cubic yards. Estimate being done in 1-2 years. The demand for this material is currently fairly high.
- C. B. Holthaus – wanted to start reclamation in 2021 but that did not happen. Goal is to start reclaiming this year. Continue mining to the north, there isn't much material left, and then can start reclamation. Most material is mined out. Have not had any recycling hauled in for the 12 years. Mol questioned if everything going on right now gravel being hauled out and nothing coming in. B. Holthaus – 50,000 cubic yards of black dirt brought in for reclamation and will probably have to bring in more.
- D. Felger questioned if there are berms that have material to be used in the reclamation process. Otto – there are some berms out on site, note a lot of material to reuse. They are looking to bring in additional topsoil. B. Holthaus – have built up the berms in the past few years but that might not be enough material for their end goal. Felger – understands there is reclamation plan in place. How much more topsoil will be needed when complete? B. Holthaus – not sure the volume that will be needed but there are some clay areas they would like to build up with topsoil. All of the original black dirt remained on site. The soil was scraped back on the east and west sides to be used during the reclamation process.
- E. Bravinder questioned the applicant if County Road 106 is ever used as an access to the pit. B. Holthaus – he personally uses County Road 106 as an access, but not the mining operation equipment. Bravinder – off of MN 25 is the primary access. B. Holthaus – Correct. There have been times he has brought a contractor in and out of the County Road 106 access or farm equipment.
- F. Rick Rosnow – lives in Prairie Acres, just north of the mine. Concern is noise. Over the summer there were problems with someone in the area dumping rocks into the back of a metal box at 4:30 or 5:30 in the morning. Not sure if there is a noise ordinance or rules about hours of operation. Other than the

noise everything has been fine. Rhineberger – standard operating hours are 7 a.m. – 7 p.m., contact the Planning and Zoning Office if there is operation outside of those hours.

- G. Daleiden – when the reclamation is complete, will the level be what it was originally or down. S. Holthaus – down a ways, but not sure how far. Rhineberger – the reclamation plan shows more or less a 24' hole from the edges down with slopes at 3 to 1 or better. There will be high sides with lowest area at 24' down with majority of slope in the first few feet and gradual bowl from there. Daleiden questioned the use of the property once reclamation is complete. Rhineberger – assumption would be agriculture. Otto – the property would be able to be farmed. The 3 to 1 slopes can't be farmed but with enough black dirt there are areas that will be able to be farmed.
- H. Felger – concern with what is happening with rocks being loaded outside operating hours. S. Holthaus – will talk with contractor. He does store rocks on site but usually loads during the day or mid-morning. Would be shocked if he is loading before 7 a.m. as he is aware of the operating hours. C. Holthaus – there are 3 gravel pits in the area it could be anyone of them. Mol – aware of a potential issue, at a minimum look into it. Felger – existing permit is for 5 years. Rhineberger – confirmed this request is a 5-year extension.
- I. Felger moved to renew the existing Conditional Use Permit for another 5 years, to include mining, stockpiling, crushing, and recycling of bituminous and concrete materials, according to the conditions established previously, and with the following conditions: 1) The letter of credit must be kept in place until released by the Planning and Zoning Office upon final reclamation; and 2) Mining to be completed by December 2026, with reclamation completed by December 2027. Seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

3. **MARTIN WEBER** – New Item

LOCATION: Part of SW 1/4 of NW 1/4 and part of the W 1/2 of SW 1/4 , Section 34, Township 119, Range

25, Wright County, Minnesota. (Franklin Twp.) Tax #208-300-343306

Request a Conditional Use Permit for a 3-lot unplatted subdivision (lots proposed are approx. 11.5, 12.03, 28.84 acres) as regulated in Section 155.029 and 155.047 of Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances & Wright County Subdivision Regulations Chapter 155 Land Usage and Zoning, Title XV of the Wright County Code of Ordinances.

Present: Scott Gyllen with GLS Surveyors

- A. Rhineberger displayed the concept plan. Request is for a three-lot unplatted subdivision in Franklin Township. In 2008 the property was rezoned to Agricultural Residential/S-2 Shoreland and approved to split into two large A/R lots. Applicant is back to the Commission to divide in a different fashion with three lots at 11, 12 and 28.84 acres. The County Highway department has approved the proposed access points. Soil and Water Conservation District commented there are wetlands on site, but the presented plans do meet standards. Access on Parcel A, the largest parcel, includes some wetland work that was done to create access on a higher point, likely for farm purposes. SWCD noted this alteration was allowed but any additional work to access the proposed northern homesite will need to be reviewed. Homesite access on the northern portion potentially would require a CUP for fill in a floodplain as well as SCWD review. The floodplain area was displayed and reviewed. Township did approve noting the request meets road frontage regulations and lots are greater than 10 acres.
- B. Gyllen stated all access points were approved. Proposal for Parcel A shows 2 suitable sites, a northern and southern homesite. The buyer would be the one to decide which area to use as their building site. The seller wanted to show there is ability to have a septic system in both locations. The 2 sites on Parcel A show 1 septic location; Bernie Miller with MSTs stated both home locations have the ability for a primary and secondary site. With Parcel A the property owner will have to decide where they want their home and what will have to be done for a building and septic site.
- C. Brian Schaust – on the original homestead, east of the property in question. Father was original owner of all the land in the proposal. The proposed northern driveway for Parcel A was built-up for the tractors. Rhineberger – potentially could be a driveway. Schaust – feel the access road has caused more of a wetland. Feels the driveway that is there created the area in question to be more wet. Father farmed all of the land and it was all tillable. Sister lives to the west and what happens on Parcel A could cause more of an issue for her. Does not have a problem with 3 parcels, each having a home. Three homes are more appealing than a larger development or commercial. Parcel A needs to really be looked at with what is happening with the water. The access that is there now does not seem to have been well built. Mol questioned the applicant if there is a possibility there is tile or maybe broken tile. Schaust – as far as he knows his father did not put in tile. He plowed and planted corn in that area. There is an area on the lot that has a spring and stays wet. Not sure if the access road is what has created the increase in

water on the parcel, it could be other things or possibly even the road ditches. Daleiden – when did father last farm the property? Schaust – ended in 2005 or 2006. It started to get more wet even before that. That water wants to flow north and into the creek. The access might not be causing the problem, but it is not helping.

- D. Lorri Otto – resides in the home on the west side of what will be Parcel A. Concern is the wetland area. How and what is going to be done to get back where to build. There is a spring on the other side of the pond, the trees, and the heavy farming equipment, is full of a lot of springs. Farm equipment has caused issues with increase in water. It is all wetlands in area. Not opposed to the proposal but concern is how Parcel A and wetland will be handled so that existing homes won't have issues. Can't see where access as a field road goes through where they would build is all wetlands. Bravinder – SWCD stated that there is a low area and floodplain on Parcel A therefore it will be difficult to build. Suggestion staying with a split level or shallow basement would be best. Questioned Otto and how her home sits in relationship to the current floodplain. Otto – since they have built, they have not had an issue. From her understanding the floodplain has been changed. Bravinder – 2002 was the wettest year in a long time, what was property like for her. Otto – where house sits was fine. It doesn't take long, and the yard will get soggy. Have a full basement with walkout to the south. The basement was filled in not dug in. Have not had a problem in the home with wetness.
- E. Greg Theisen – owns property across Hwy 12, to the east and south of this property. Delano has long term plans with the Hwy 12 corridor and this property is varying from the allowed 1 per 40. This farmstead has already received more homes than the 1 per 40 rule would allow. Is against more homes than then 1 per 40 rule would allow and does not want to see more residential development on the property. Mol – the 1 per 40 rule relates to General Agriculture zoning and this property has been rezoned to Residential Agriculture, which allows 1 home per 10 acres. Theisen – visualize the Hwy 12 corridor being better suited for something other than residential development.
- F. Michael Boomgaarden – lives on the north lot that borders the property. Concern is the water; it already floods to the south of them. Interested in where the proposed building sites would be located. Mol – options are shown based on where a septic system can be sustained. The sites shown on the proposal are just options. Boomgaarden – concern is where driveway will be located. Mol – proposal map does show where the Township did approve access. Boomgaarden stated when they built, they had a lot of back and forth with FEMA. Even though building site was approved by County and Township they had to work extensively with FEMA and obtain a LOMA. It was more of a connection with insurance and the mortgage company requirements. Rhineberger – generally in a floodplain FEMA will require additional insurance or review related to a mortgage. Mol – the Board does not deal with mortgages. Boomgaarden – if denied, could the parcel be rezoned too industrial or commercial. Rhineberger – the Land Use Plan can change, so that is a difficult question to answer. Right now, it is being looked as slated in the long-range plan, for denser than the 1 per 40. By raw acreage, 4th lot could potential be added into the proposal. Boomgaarden – prefer 3 new homes now would be better than in future commercial, industrial, or smaller residential lots.

- G. Bill Ray – home is just to the east of the parcel in question. Concern with the wetland. Another neighbor kept adding fill, which has now created more and more water in the area. In an area as low as it is, concern is what happens on the parcel will affect his lot and current buildings.
- H. Daleiden – feels these parcels will be reviewed by SWCD to make sure requirements are met. Questioned if the access road that is there now has a culvert. Gyllen – drain tile was used before not sure what is there now or how it is currently functioning. Daleiden – quite a bit of improvement will be needed to the road for the northern building site, as it does not meet the 911 vehicle standards, which will involve conversations with several departments. Gyllen – intent with Parcel A is giving the new owner 2 building site options and allowing them to decide where they want the house and what effort and funding they want to devote. The southern location doesn't have the floodplain, water, and access issues. The northern parcel would be dealing with FEMA and SWCD with possibly mitigation work, which can be expensive.
- I. Felger questioned if the road mentioned not meeting 911 standards is the access area noted on the proposal. Daleiden – correct the access is not wide enough to meet 911 requirements. Rhineberger – the evaluation is important, not so much the width. A road must have a minimum vehicular elevation no more than 2' below the regulatory flood protection elevation. For this parcel the base flood elevation is 915. The regulatory flood protection evaluation is 916.4, with a spot elevation of 912.4, in the wetland area. Roughly 2' of fill will be needed. Any improvement to the access would require bringing in fill, which in a floodplain requires a CUP. Daleiden questioned if SWCD would be required to sign off on a dwelling permit prior to issuance. Rhineberger – a building permit for a dwelling on the northern portion would most likely need to come before the Commission regarding fill placed in a floodplain, which triggers review from SWCD. Daleiden – the south portion is not an issue.
- J. Bravinder - if the north portion of Parcel A is accessed, just south of the Otto property, what would it look like going through the low ground and how would everything to the east be affected when a driveway is run through there. On the site plan it appears there is 6.1 acres that is high ground. Rhineberger – how the water flows would depend on requirements for culverting. It sounds like possibly tile is being used now, which work for a full driveway. There is no guarantee a culvert won't back up during a flood. Topography map, showing 2' contours, was displayed; appears water flows east and at the eastern property line wants to turn and run north. The water wants to flow into the river. Daleiden questioned if there are County ditches in the area. Rhineberger – not on this property, there is one to the west that runs into the property directly to the west.
- K. Mol questioned if a condition can be placed which states the northern portion or proposed building site is not an option. There are situations where the Commission has set a specific building area because of limitations with the property. This request has a larger area to the south with a site to build and a northern site would be impacting wetlands and floodplain. Rhineberger – the Commission has set a condition that states a house must be placed as shown on proposed plan. The Commission can add that condition but if owner wants to push it, they can come back for amendment, and this has happened in the past. Mol – adding the condition would force the owner to come back to the Commission and address the concerns of the northern site. Concern is that someone will go ahead and do something

without SWCD or Commissions knowledge. By adding the condition there is only one viable building site, without asking the Commission for more. With the sale, a condition with that single site, it is clearly known.

- L. Bravinder – proposed motion mentions any land alteration must comply with section 155.056, what does that section state? Rhineberger – in this case specifically referencing section 155.056(D) is considered a flood fringe area. Fill should get properly compacted and is related to fill. The land alteration portion of the Ordinance does state any work in a floodplain requires a CUP. To meet 911 standards, they would need to bring in fill which would require a review by the Commission for a CUP related to the land alteration in a floodplain.
- M. Gyllen – agree that someone wanting to build on the northern portion would have to come back to the County for a permit. Limitations will naturally be set on the northern site; slab on grade with no basement, considerable amount of fill brought in, wetland mitigating. The plan is to market the property with all of the limitations and information disclosed, so they fully understand what obstacles are on that property. The new owner will be well aware that the northern site will be costly.
- N. Felger – relative to comments on the northern site for Parcel A, is not in favor of adding a condition limiting the house site. An individual that purchases the property has the right to build where they want. Does not want to preempt them from building where they choose. If they are made aware of the obstacles that come with building a home on the northern site it is their right to build where they want, within reason. Does not want to see a condition that restricts to only building on the southern area. The northern portion might be the ideal location and it should be the owners right to choose where they want to build and what price. Rhineberger – instead of a condition that states where a house cannot go, a condition could state that if wanting to build on the northern portion must come back to the Commission for review. The condition could be related to concern with access through a wetland, land alteration and providing the Commission with more details. Looking at the current aerials, that access isn't going to be used to get to a homesite without some dirt work, and due to the floodplain and wetlands, additional review is required.
- O. Motion by Daleiden to approve a conditional use permit for a three-lot unplatted subdivision in accord with the survey completed by GLS Surveyors dated 12/27/2021 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; 2) Driveways will need to be placed as shown on survey and access permits obtained from the County Highway Department for the two west access points for Parcels A and B. For Lot C to the east an access permit will need to be obtained from the Township; and 3) On Parcel A only the south proposed building location is approved unless the proper land alteration permits are obtained to improve access to meet 911 standards. Any land alteration that takes place within the floodplain must comply with section 155.056 of the Wright County Code of Ordinances and any fill placed in a wetland must be reviewed by Wright County Soil and Water. This may also require a land alteration CUP. Seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

4. **JACKIDOTY** – New Item

LOCATION: 799 Chamberlain Ave SE – Part of E 1/2 of SE 1/4 Section 4, Township 1119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-044404 Property Owner: KO Storage of Buffalo LLC.

Petitions for a Conditional Use Permit to allow expansion of the existing storage facility with a 44' x 80' shop as regulated in Section 155.029 & 155.054(B), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Applicant not present

- A. Rhineberger informed the Commission the applicant had met with the Township, but action was not taken. The applicant has asked for additional time to meet with the Township and work out some items. A date of March 3rd, 2022, is suggested.
- B. Mahlberg moved to continue the hearing to March 3, 2022, at the applicant's request. Daleiden seconded the motion.

VOTE: CARRIED UNANIMOUSLY

Respectfully submitted,

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

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