

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: April 21, 2022

MINUTES – (Informational)

The Wright County Planning Commission met April 21, 2022, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Commission members in attendance were: Dan Mol, Ken Felger, Dan Bravinder, Sandy Greninger, Pat Mahlberg and Mark Daleiden. Absent: Jan Thompson. Barry Rhineberger, Planning & Zoning Administrator; Greg Kryzer, Assistant County Attorney, legal counsel.

ACTION ON MARCH 03, 2022, MINUTES

On a motion by Felger, seconded by Bravinder, the minutes for the March 3, 2022, meeting were approved with a word change on page 15, from convents to covenants.

PUBLIC HEARINGS:

1. **JACKIDOTY** – Continued from 2/17/2022 & 3/3/2022

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 #215-100-04440 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 expected the applicant or representative to be in attendance.

Mol held the matter over until the end of the agenda to see if anyone would show.

2. **DANIEL JARVIS** – New Item

LOCATION: 6858 Ames Avenue NW - NW ¼ of NE ¼ & Gov't Lot 1, Section 36, Township 121, Range 26, Wright County, Minnesota (Black Lake – Maple Lake Twp.) Tax # 210-100-361200 Property Owner: Jarvis Living Trust

Petitions to amend an existing subdivision Conditional Use Permit to slightly alter the lot lines for a shared driveway on the north two lots with an easement as regulated in Section 155.029, 155.047 & 155.057 Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances & Chapter 154, Subdivision Regulations.

Present: Daniel Jarvis

- A. Rhineberger – maps showing the existing subdivision property lines and close up of shared driveway location were displayed. In 2001 61-acre property was rezoned AR, with a 4-lot being approved in 2021. Applicant is looking for an amendment to allow for a shared driveway easement on the north 2 lots. As part of the 2021 subdivision approval the southern 2 lots were required to have a shared driveway. During the subdivision discussion there was some concern presented by Maple Lake Township regarding site distance issues for the northern lots. The shared driveways will have 33 x 66-foot easements on each side of the common property.
- B. Jarvis – the property lines change slightly in the middle of the parcels. Mol – this will help ease some of the sight lines. Jarvis – yes, the slight movement should help with the view by the hill.
- C. Rhineberger – Township did approve. Town Board Member Neumann did submit his own response stating this will be much better for sight distance.
- D. Bravinder moved to approve an amendment to the conditional use permit for a four lot un-platted subdivision in accord with the survey completed by Webb Surveying LLC., dated 8/13/2021, revisions dated 3/9/22; Project No. 20097, with the following conditions: 1) An access permit will need to be obtained from the Township prior to construction, noting that Lots A and B, and Lots C and D will have shared driveways. Access easements (legal descriptions) will need to be recorded for the shared driveways at the time of sale or prior to sale; 2) All conditions listed on the previous approval will remain in full force and effect. Mahlberg seconded the motion.

VOTE: CARREID UNANIMOUSLY

3. **KYLE ASHWILL** – New Item

LOCATION: XXXX QUIMBY Ave SW - Approx. 47 acres being described as Part of N 1/2 of the NW ¼ lying south of the railroad, Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-331200 & -331204 Property Owner: APP Properties, LLC

Petitions to rezone from AG General Agricultural to I-1 General Industry District as regulated in 155.027, 155.028 & 155.055 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Applicant not present

- A. Rhineberger – request is to rezone from General Agriculture to Industrial. In the past few days, an issue was presented that needs to be resolved with the applicant, City of Cokato, and Township. The applicant did sign a request to withdraw, but instead he would like to rescind the withdrawal and continue the item to allow time for further discussions with the appropriate parties. The City replied with a comment that this property is in the Transition Area and they will be annexing the property. If the property is annexed there is no reason for this Board to make a determination. There are agreements and other items that need to be worked out before the annexation takes place. Reasonable to continue the item to allow time for the applicant to work through some questions and determine if annexation is the route that will occur.
- B. Mahlberg questioned if the item would be continued to the May 12th meeting or later. Rhineberger – Commission member Bravinder is a member of the Township Board, would defer to him to address the timing. Kryzer – concerned with the M.S. 15.99. Rhineberger – the 60-day deadline is 5/28/2022 and the 120-day deadline is 7/27/2022. Kryzer – if the Commission wants to do a site inspection and the hearing is continued to June that will be pushing the 120-day deadline. Mahlberg – continue to the 5/12/2022 meeting and at that time the applicant can sign the M.S. 15.99 waiver.
- C. Bravinder – spoke with the applicant at the end of the day and there were some processes and assumptions from his conversation with the City that were not accurate. Details need to be ironed out before moving forward. Encouraged the continuation of the meeting.
- D. Mahlberg questioned if action needed to be taken on the rescinding of the withdrawal request. Rhineberger – no motion needed.
- E. Mahlberg moved to continue the hearing at the applicant's request to the May 12, 2022, meeting. Daleiden seconded the motion.

VOTE: CARREID UNANIMOUSLY

4. **SHAWN NOLAN**– New Item

LOCATION: 3109 County Road 3 NW – S 50 ft. of the E 150 ft of S 1-2 of SE of SW Section 15, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-153402 Property Owner: Delores E. Nolan 2006 Rev Trust

Petitions for a Conditional Use Permit to allow an office for wholesale auto sales in the existing building as regulated in Section 155.029 & 155.054(B), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Shawn Nolan

- A. Rhineberger displayed the location map. The property is roughly 7,500 sq. ft. zoned B-2 General Business, with an existing Conditional Use Permit for a beauty shop, granted in 1987. In the Land Use Plan as Commercial. The request is to convert the existing building into an office for wholesale auto sales. Not a lot will be done to the site. The property is on a holding tank. The business plan states strictly for office space with the vehicles stored elsewhere. Approval from Township was received. No other comments were submitted.
- B. Nolan – no additional comment.
- C. Daleiden questioned what type of licensing would be held. Nolan – wholesale license. Daleiden – what are requirements for that license? A rental company would be required to have so many parking spaces or other requirements. Nolan – this is wholesale not a retail license. Strictly buy and sell vehicles from dealers with no vehicles stored on site.
- D. Felger – this does not fall under Commercial Zone as permitted use? Rhineberger – nothing falls under a permitted use in the Commercial Zone.
- E. Mahlberg moved to approve a Conditional Use Permit for a wholesale auto sales office with the condition that, due to the size of the property, vehicles, other than limited personal vehicles, cannot be stored on the site. Seconded by Greninger.

VOTE: CARREID UNANIMOUSLY

5. **KAYLA BARTHEL** – New Item

LOCATION: XXXX CR 3 & 37 NW - Approx. 1.5 acres being described as Part of SE ¼ of SW ¼ , Section 15, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-153410 Property Owners: William Lantto & Ashley Lantto

Petitions to rezone from B-1 Highway Business District to B-2 General Business District as regulated in 155.028 & 155.054 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Kayla Barthel

- A. Rhineberger displayed the location map along with the current zoning and Land Use Plan. The parcel was rezoned in 2021 to B-1 Highway Business and is designated in the Plan as Commercial. The request is to rezone the property from the B-1 to B-2 General Business, for the operation of a liquor store. This rezoning request is the first of three hearings for the applicant. Because the property is smaller in size with a County Road on two sides, the applicant will need to go through the variance process for the setback to the roads. If Board of Adjustment approves the variances, the applicant would be back before this Commission regarding the CUP. Town Board approves.
- B. Barthel had no additional comment.
- C. Felger – based on the narrative and plans has concern with the coverage of the lot. Appears the entire lot will be covered by building or paved parking. Questioned if the water runoff or non-permeable is a concern. Is there a requirement that states a portion needs to remain impermeable? Rhineberger – the Business Districts have a limitation of 50% for building coverage but the impervious is not specifically limited. The impervious coverage can be addressed through the CUP process, with a condition for drainage. Felger – the narrative states the parking lot water would drain to the southwest corner. Concern is that after a downpour the water will all drain to that one area and impact the neighbors. Rhineberger – drainage would be addressed at the time of the CUP. The property is already zoned for a business. The request is simply asking to change from one business district to another.
- D. Daleiden questioned if French Lake Township approved. Rhineberger – confirmed they did. Daleiden – the applicant will have to come back to get approved for a building. Rhineberger – a CUP is required for the use itself and is required before they can operate the business. This hearing is strictly related to the rezoning. The rezoning is heard by the County Board for final approval. The CUP request is kept separate due to timing issues. In 2021 the property was rezoned from a Residential District to the Business District, as B-1. This request is asking to change from the B-1 to the B-2 zoning because of the use. A liquor store is specially listed in the B-2 zone, not the B-1 zone.
- E. Mahlberg – what is the use of the two properties directly north of this parcel? Mol – one is a church and the other is the old Lantto’s store and is currently an apartment building. Mahlberg – south is a residence? Mol – south is a single-family residence. To the east is what was the Lantto’s store and is now Jack’s. To the west is the County Highway garage and the Township Hall is in this area.

- F. Mol – drives this area daily and knows it well. As long as they can make their building fit, feels this will help French Lake Township grow.
- G. Felger moved to approve the rezoning to the County Board of Commissioners from B-1 Highway Business to B-2 General Business because the Board feels it meets the criteria laid out in the Land Use Plan and the Township approved. Seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

6. **CRAIG BJORKLUND** – New

LOCATION: xxxx Quinlar Ave NW – Part of Government Lot 2 of Section 5, Township 120, Range 28, Wright County, Minnesota. (W. Sylvia - French Lake Twp.) Tax #209-000-051224

Petitions for a Conditional Use Permit as regulated in Section 155.029, 155.030(D), 155.048, 155.057 & 155.101 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances for a land alteration to move approximately 3600 cubic yards on a backlot to prepare and level a site for a storage shed.

Present: Craig Bjorklund, Bernie Miller with MSTS

- A. Rhineberger displayed location and aerial maps. Parcel is a 1.4 acre back lot, created by the Board of Adjustment, that is required to stay owned in common with the applicant's lakeshore lot. The request is for a land alteration to move roughly 3,700 cubic yards that will create a level spot to build a 40 x 60 storage shed. A building this size is allowed on the parcel. The applicant will go through the BOA for a variance asking to position the structure within 50 ft. of the traveled portion of the township road. This is a unique situation where the platted road R-O-W is publicly owned but the road does not follow the legal lines. From a practical standpoint the setbacks are applied from where the road is traveled. The land alteration is to prepare the building pad for the shed that the applicant hopes to get approved with the BOA. Proposed grading plan shows infiltration basins that will keep water off the road. Natural area at bottom of the slope, by Quinn Ave., will capture the majority of the water. The applicant's lake lot was granted a variance for the home and septic system. With the purchase of this back lot the applicant plans to move the septic system from the home site to this parcel. They will be able to go with a standard system versus the smaller pretreatment system, approved with the variance. Township did approve.
- B. Bjorklund – feels a lot of the drainage problems will be alleviated. There is a corner that is very hard to see around, this project will help with that sight line.
- C. Miller – reviewed the site plan for the homesite and back lot. Initial conversation was changing the location of the existing driveway, that is used by several neighbors to access their homes and move that driveway to the south side of the lot. It was determined going that route would be more land alteration than the proposed plan. With the proposed plan there has been discussion about placing the well on this backlot. Doing so will help ease setback issues that neighbors would have for their septic systems. Elevations and drainage path were reviewed. SWCD did determine the natural basin is not a wetland.
- D. Mol stated he would like to consider a site visit. Being there is so much dirt being moved and a unique situation on Lake Sylvia. Felger – agreed to a site visit.
- E. Daleiden questioned if the applicant owns the properties towards the lake. Bjorklund – confirmed he owns the lake lot. Neighbors are in favor of the project. They are excited that the draining and site view issues would be improved. Daleiden – does not see a reason for a site visit if neighbors don't have an objection. Mol – addressed the audience asking for any neighbors to step forward. No response from the audience.
- F. Bravinder asked the applicant to review the draining system. Miller – using the displayed site plan, the draining system was explained.
- G. Felger moved to continue the hearing to May 12, 2022, for a site inspection.

Mol called for a second, hearing none – MOTION FAILED

H. Greninger motioned to approve a land alteration to create a building pad on the site according to the applicant's proposed grading plan (Job No 2019-355) with the following conditions: 1) Infiltration basin must be installed as designed, 2) The proposed pressure bed location must be left undisturbed, and 3) Erosion control measures must be used where necessary. Seconded by Daleiden.

VOTE: CARRIED UNANIMOUSLY

7. **KIM MEESO (should read MEESO KIM)** – New Item

LOCATION: 7407 Quinn Ave NW – Part of Gov't Lot 2, Section 29, Township 121, Range 28, Wright County, Minnesota (W. Lake Sylvia – Southside Twp.) Tax # 217-000-294200 Property Owner: Tracy & Page Rickert

Petitions for a Conditional Use Permit as regulated in Section 155.029, 155.030(D), 155.048, 155.057 & 155.101 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances to allow a land alteration of greater than 50 yards for the installation of boulder walls, rip rap and native plants. Also, to include installation of paver patio in the existing beach area. Total cut and fill to be approximately 150 yards.

Present: Kris Murphy with Backyard Reflections

- A. Rhineberger displayed the maps showing the property location and proposed site plan. The property is 38-acres with approximately 135 feet of frontage on the west shore of Lake Sylvia. The request is for 100-150 cubic yards of material brought in for a shoreland project. Plan is to create retaining walls and a lower entertainment area that will be between rip rap and bolder walls. Township approved.
- B. Murphy – portion of the boulder wall structure is existing, with small boulders and patio area. Currently the wall is 370 sq. ft. with the plan to extend the area roughly 150 sq. ft. and will replace smaller boulders with larger ones. The proposal includes 75 sq. ft. of beach area with 55 sq. ft. of flagstone steppers. At the north end there is an existing lake shore boulder wall that will be replaced with a new wall. There is an area where buckthorn, poison ivy and scrub trees will be replaced with perennials and native grasses. Rip rap will be shored up where needed. The DNR Hydrologist visited the site and approved the shoreland proposal.
- C. Felger questioned if there is a structure near the lake. Rhineberger stated in the aerial photo there is a boat lift. Murphy confirmed there is not a structure on this site.
- D. Daleiden – does DNR provided written permission? Murphy handed the written approval to Rhineberger. Rhineberger – the DNR will visit a site to verify that no work is being done below the Ordinary High-Water Mark. This project does not meet the threshold that would require a DNR permit. Daleiden questioned if SWCD needed to provide approval. Rhineberger – they are noticed for all public hearings. No reply was received.
- E. Bravinder motioned to approve a land alteration according to the landscape plans provided by Backyard Reflections, with the following conditions: 1) Existing drainage patterns must remain the same, 2) Erosion control must be installed where necessary, 3) All requirements of the DNR for the installation of rip rap must be followed. Seconded by Daleiden.

VOTE: CARRIED UNANIMOUSLY

8. **ROBERT RACCHI**– New Item

LOCATION: 15007 County Road 27 NW – Part of N 1/2 of NW 1/4 Section 21, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-212202 Property Owner: Schany Marital Trust

Petitions for a Conditional Use Permit to allow an over-the-road trucking company as regulated in Section 155.029 & 155.053(B), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Robert Racchi and Mark Newborn

- A. Rhineberger with the aerial photo displayed the site plan was reviewed. The property is currently zoned B-1 Highway Business and is in the Plan as Commercial. The site was originally permitted for RV sales. Nothing has operated at the site since 2007, except in 2011 with temporary storage of equipment and materials for the CAPX project. Request is for an over the road trucking business. The applicant is proposing to use the existing building as an office. Operating hours will be from 7:00 am to 4:00 pm, Monday through Friday. Repairs at site will be general maintenance of the trucks and trailers, such as oil and tire changes. Parking area displayed and reviewed. Township did provide approval.
- B. Racchi – the operation is small with not a lot of traffic coming in and out. The hours will be the 7:00 am to 4:00 pm with no reason for the trucks to be at the site if the office is not open. A truck stop is across the interstate for overnight parking. Noise will be kept at a minimum. At most 3 trucks would come in during the course of a week. Roughly 3-5 trailers are stored on the property with 2 trucks. No outside equipment is serviced, and over-the-road trucks are not allowed to park on the property. The work done on equipment is extremely limited to minor repairs, such as oil changes. The major repairs are outsourced and done at locations off of the property. Waste is not out in the open. Tires get disposed of quickly with a vendor. Newborn – in the process of locking in waste and material disposal contracts. Racchi – the septic system was just inspected. The system in place is good for 15 people with the most the office will see is 2 people. The interior is 2 offices, training or briefing room and a bathroom.
- C. Johann Massmann – Silver Creek Twp. resident – no objection to the change in use. Concern is corner area of the lot and the condition of the fence, a dilapidated billboard and second operation on the site. Feels the Commission should visit the site. Good use of the business. Did notice water on the surface near the septic system but with an inspection being done that issue would have been caught. A little troubled they didn't come to the Commission for a CUP when they purchased the property.
- D. Racchi – the corner area in question is being used by Hoffman Construction as a staging area for the I-94 project. If the County wants them gone, he is willing to ask them to leave. Mol – they should be gone at that end of the construction season or when the I-94 project is done. Racchi – indicated the end of October. Daleiden questioned where the septic system is located. Racchi – reviewed arial photo. There are areas of broken up blacktop that was cleaned up by Hoffman Construction, as best they could. The fence is in rough shape. The billboard has not had anything displayed since the RV business. Mol – questioned who owns the billboard. Racchi – assume the property owner. Kryzer – a billboard is a permitted use and not something this Commission has jurisdiction over. Mol – knows the property and travels County Road 75 frequently. If the mess and storage is for a construction company working on the I-94 project, not concerned as that will be gone before the end of the year. Feels this is a good location for this type of business.

- E. Mahlberg questioned if there are issues with the transmission line. Racchi – no issues. Those lines are up about 100 ft. above them. Newborn – only obstruction are the pilings.
- F. Mol – as far as trucks running or warming up, the freeway is going to be louder or just a loud as the truck running.
- G. Bravinder moved to a conditional use permit to allow an over-the road trucking operation in accord with the narrative and site plan provided by the application. Conditions: 1) operating hours are limited to 7:00 am to 4:00 pm Monday through Friday, 2) all sign regulation must be adhered to, and 3) all waste oil and hazardous materials must be properly disposed of or recycled. Motion seconded by Greninger.

DISCUSSION: Rhineberger - there was discussion regarding storage for Hoffman Construction. Is that something that the Commission wants to address with a condition? Daleiden and Mol stated they would like to see a condition added to the motion. Mol suggested adding clean up by the end of the construction season.

Bravinder amended his motion to include the following language. Condition 4) equipment being stored on the property for the I-94 project be removed and site cleaned up by 4/21/23. Greninger amended her second.

VOTE: CARRIED UNANIMOUSLY

9. **KEVIN FOSTER**– New Item

LOCATION: 14650 – County Road 75 NW – Part of Gov't Lot 3 lying north of road; Part of NE ¼ of NE ¼ Section 21; and also, Part of the W ½ of the NW ¼ Section 22, all in Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-211100 -211400 & -222300 Property owner: Russell V. Martie Homestead Tr. & RUSH-MAR Land Corp.

Petitions for a Conditional Use Permit to amend the existing Conditional Use Permit for the hot-mix asphalt plant that was granted in 2019 and extended in 2021 for the remainder of the 2022 season to change the type of hot-mix plant from a counter-flow plant to a parallel-flow plant as specified in the applicant's narrative, as regulated in Section 155.029, 155.048(D) & 155.100 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Kevin Foster of MN Paving Materials

- A. Rhineberger displayed the aerial map of the location. The Commission will recognize this as the Johnson Pit. The property is located between I-94 and Locke Lake. This request is specifically related to Condition 15 of the 2021 Conditional Use Permit, which states the hot-mix plant located within the pit must be a counter-flow plant. The request before the Commission is to amend the CUP condition from a counter-flow plant to the parallel-flow plant. The applicant will have to explain if there is a difference between the plants. Township approved. No other comments were received.
- B. Foster – the counter-flow plant that was at the site was from a sister company in Iowa. After last season that plant needed to go back to Iowa and the available plant is a parallel-flow plant. The only difference between the plants is the way the air gets fed and the burner. Mol questioned if there is a difference in exhaust. Foster – the exhaust is the same. Both plants have a bag house. This new plant would be receiving new bags.
- C. Johann Massmann – Silver Creek Twp. resident – lived in Township for 25 years and has dealt with the mining operation for years. The Township response, with listed conditions, for the 2004 CUP was provided to the Commission. Condition 3 states no bituminous plant ever is installed. When the I-94 project came up the Township, Lake Association and residents were supportive of the hot-mix plant but only because of the very temporary aspect of the project. The intention in 2004 and today is that the hot-mix plant is not at this site. Since 2004 many of the original conditions have changed. Based on the 2004 conversation this pit should have been a 10-year pit therefore a lot of citizens feel this pit should be gone by now. Some of these conditions being changed over the years might not be directly related to Mr. Foster and his part in the operation but it is important for us as taxpayers, Township residents and the Commission that we all live up to what was agreed upon. A photo from this deck, on Lock Lake, was provided to the Commission. Sunday evening when the hot-mix plant started up the provided photo shows the glow of what appears to be a flame. Since March of this year there has been quite a bit of fill and equipment brought in with the feeling being that the new plant is going to be located in a different location. Suggests that the Commission perform a site visit. Mol – the only item addressed today is Condition 15 and amending the type of plant. The overall CUP and conditions have been approved and are not part of the discussion. If the plant wasn't changing the applicant would not be before the Commission. Massmann – provided history because the feeling is that this plant is not going to go away. Mol – discussion should only be related to the request. Massmann – would like to see a condition which states the plant cannot be closer to the lake. Mr. Foster claims the plants are the same process. In Silver Creek Township a Mining Committee has been looking at the implementation of a mining ordinance. During a meeting with Martin Marietta their representative specifically state one plant is run at a

cooler temperature and produces less emissions. Yet tonight testimony was given that there is no difference between the plants. County Staff should know which statement is the truth and if there is a difference in the plants. At a meeting the with Mining Ordinance Committee Mike Curry, with Martin Marietta, stated there is a huge difference between the two plants. Mol questioned which plant is better or worse. Massmann stated he does not remember which plant is preferred. Kryzer – the Chairman is asking if there is any specific harm that can be identified, with concrete evidence, dealing with the change in proposed plant operation. Massmann suggested viewing the YouTube testimony that was provided to the Mining Ordinance Committee during the meeting with Martin Marietta. Believes this change in plant is a benefit to the company, which is fine, but why grant it when they have everything they need to complete the project. The only reason Condition 3, from the 2004 CUP, was amended is because of the I-94 project. The company should live up to the original CUP. Why vote for a change when there isn't a known benefit?

- D. Kristen Todd – Silver Creek Twp. resident – read the Commission a statement from the EPA website regarding the difference between the two types of asphalt plants and described the emissions that come from a hot-mix plant. Concerned with what these emissions are doing to the area. Questioned why there is not an Environmental Assessment Report. Was not able to find where the County has done any due diligence with respect to the impact on the environment and the health of the people nearby, with respect to the asphalt plant. The residences nearby asked for an EAW, it was approved, and later decided against. In response to the EAW request one member from the Board stated that a lot of questions on the EAW could easily be answered. Contacted several agencies and got little answers. Would like to know how the County is monitoring whether the plant run off makes it into wells and water ways? How is the bagging mechanism properly being maintained? Other questions are related to emissions going into the air and water. Concern is Wright County is opening up itself to liability by not doing their due diligence. If an Environmental Study had been done many questions and concerns brought up could have possibly been addressed. Because a study wasn't done, she is here before the Commission to ask questions and voice concerns. Foster – the MNPCA testes the plants on a yearly basis. Part of that testing is of the stack and emissions. Mahlberg – does not believe that the County regulates the emissions. Kryzer confirmed the County does no testing or regulating of emissions.
- E. Mahlberg – has a question on the difference between the counter-flow and parallel-flow plants. What he read on the EPA website is that there is not enough data to say there was a distinct different in emissions between the two systems. Foster – could not comment as that is not his area of expertise. Mahlberg – read directly from the EPA website that between the two systems there is not enough data that the parallel-flow emissions are greater than the counter-flow plant. Todd – regarding a pervious comment that emissions are not the responsibility of anyone here. The responsibility is to look out for the environment and the people of our County. The Commission should be looking at environmental impacts. Speaking to the comment that there is no discernable difference, not sure how to reconcile with what she read. Mahlberg – from the EPA.gov site the statement is that the EPA is not able to distinguish significant emissions difference between the two process designs. Therefore, the effect cannot be verified. The EAW study is irrelevant, unless there is something that clearly shows there is a significant difference between the plants. The EPA website has experts saying they cannot discern a difference. The request is to change a single condition of the CUP. Struggling to come up with a basis to not approve. Todd – if approval is based off of a single sentence from the EPA then the basis for non-approval should be based on two paragraphs from the EPA. Mahlberg asked to see the exact statement which was read by Ms. Todd. Todd – submitted the EPA statement for the record. Mahlberg – this request is a very narrow issue with a CUP that will expire at the end of the year. If this pit seeks to renew their CUP then a much larger discussion will be had. Todd – if staying narrowly focused than the attention should

be turned to the submitted EPA document which states there is a fundamental difference. Feels because nobody here tonight knew there could be a difference in the plants more time should be taken to review the emissions and compare. The plant operator shouldn't be the only source of information regarding the plants.

- F. Daleiden – this permit only goes until the end of 2022. Rhineberger – confirmed that at the end of the year they would need to request a renewal.
- G. Felger – addressed the March 18, 2021, minutes. Discussion was being had on the estimated completion date of the I-94 project. The minutes state that Mr. Foster commented the project would be completed June 2022. Foster – believes what was said is the State of Minnesota had to give HCPCI Hoffman Construction until the end of July to complete. Felger read directly from the discussion section of the March 18, 2021, minutes. Summarized that the asphalt plant is specific to the I-94 project and would be gone when the I-94 project is done and completed. Foster – the current schedule is new concrete from Hasty to Monticello will be completed by mid-June, weather permitting. After that there will be 10 days of paving. When the I-94 project is completed the plant will be leaving. Felger – the plant should be gone by the end of this summer. Foster – agreed. Felger – from the exhibit Ms. Todd provided a few words stuck out. Specifically, the comment regarding the comparison between the two plants that one system may have greater emissions. Todd – the parallel-flow plant has greater emissions than the counter-flow plant. There is more information online regarding the difference between the two plants. Reviewing what other Counties had for research provided good information. Felger –the EPA statement stated the emissions may be greater in one system over the others. It was not stated that one definitely produced greater emissions. Mahlberg – read the statement submitted by Ms. Todd. The statement reads that emissions may be greater than in other processes. Felger questioned if emissions come out in both processes. Foster – correct. Mahlberg – in the document provided my Ms. Todd there is reference to Appendix 42, which is where the statement he found is located. Appendix 42 states there is not enough sufficient data for the EPA to say there is a significant difference between the two plants.
- H. Felger asked Mr. Massmann to explain the photo he presented. Massmann – photo is of an orange glow that was taken from his deck last year when the plant either started up or was running for a while. Felger – is that a flame? Massmann – would assume it was a flame. An operator from Martin Marita testified to the Silver Creek Township Mining Ordinance Committee the difference in plants is related to the temperature at which the plant burns. The temperature change does affect the emissions. More information should be gathered before a decision is made. Felger questioned Mr. Foster if the company is licensed for the hot-mix plant on a yearly basis for both plants. Is the parallel-flow plant coming in current for the 2022 season? Foster – plants are tested once up and running and must pass before they can go into full production.
- I. Daleiden – comment was made the plant would be operated 10 days this summer. Foster – if the weather cooperates there would 10 days of paving left. Daleiden questioned if used for the shoulders and crossovers. Foster – believes there are temporary crossovers that will come out of the St. Cloud facility. Once the concrete is done this temporary plant will be used to complete the shoulders.
- J. Motion made by Felger to approve an amendment to the 2021 Conditional Use Permit (bullet point #15) to allow a parallel-flow plant instead of a counter-flow plant. All other conditions of the previous Conditional Use Permits must be followed. Condition: Plant limited to 10-12 operating days. Daleiden seconded the motion.

DISCUSSION: Mol – concerned with limiting to 12 days and what the weather could do for operating days. If it ends up being 13 days now the operation is out of compliance for a single day. The plant is already limited to only the I-94 project. When that project is done the operation is done and the plant needs to be removed. Rhineberger – the Commission can restate the Condition that the plant is only for the I-94 project. Felger – Mr. Foster has stated the plant would be only operational for 10 days. Understands weather and the concern but wants the plant gone when the work is done. Would be willing to add an additional few days.

Bravinder stated he has been at every single meeting since the permitting process started for this plant. It has always been a concern to get the work done and the plant out of the area as soon as possible. Changing from the counter-flow to a parallel-flow plant is not changing anything with the project. Everyone agrees they want the plant gone as soon as possible. Concerned with setting specific dates on a project like this.

Mol – the Township did approve 7-0

Daleiden questioned how many days the plant operated last year. Foster – estimated 60 days. Daleiden – was the 60 days just for the area from Monticello to Clearwater? Foster- correct. Hasty to Clearwater came out of the St. Cloud facility as a special mix.

Mahlberg – the first CUP had 16 conditions and after tonight roughly 1/3 have been amended. Not a huge fan of the continued amending. The same applicants come before the Commission asking for extensions year after year. Voted against the last CUP request. If conditions are continually amended then do they really mean anything?

Felger – does not remember a single mining operation that has been denied. Extensions are always granted and maybe the Commission should start saying no. Would like to see a set number of operating days so the operation performs. Mr. Foster was asked what number of days would be realistic for the work to be completed. Foster – 15 days and if not done the rest will have to come out of the St. Cloud facility. The plant will run 1/2 days, does that count as a full or half day? There is no reason they should not be done in 10 days, but weather is not predictable. Felger – hearing there is no reason to come back asking for an extension. Foster – correct.

Greninger – if not approved tonight what would happen with the plant? Foster – 60 trucks would be on the road hauling from St. Cloud. Mahlberg questioned if that is a counter-flow plant. Foster – all plants that they have in Minnesota are parallel-flow.

Rhineberger – if limited to the number of days there needs to be a mechanism for Staff to be notified. Staff is not able to verify there is a violation if not notified when the plant is running. Foster – MN Dot has a daily log of everything occurring with the project.

Daleiden moved to amend the motion with the Condition to read “Plant limited to 15 operating days”. Felger accepted the motion.

VOTE: CARRIED; NAY: Bravinder, Greninger

1. **JACKI DOTY** – held over from the beginning of the meeting

Present: Applicant or representative not present

- A. Rhineberger – applicant not present. Confirmed the M.S. 15.99 waiver form has been signed. There has been a lot of conversation with staff and applicant but unsure if there was an actual statement reminding applicant to be at tonight's meeting.
- B. Kryzer suggested the item be continued to May 12, 2022. With the location of the hearing to be at the new location of 3650 Braddock Ave NE, Buffalo. Daleiden – questioned if new notifications would be sent. Kryzer – confirmed renotification would be necessary.
- C. On a motion by Daleiden, seconded by Felger, all voted to continue the item to May 12, 2022, because the applicant did not show.

VOTE: CARRIED UNANIMOUSLY

10. **POSTING OF PLANNING COMMISSION MEETINGS** – New Item

- A. Kryzer noted the Commission should take action to designate the new Government Center lobby display box will be the official location for public meeting notices.
- B. On a motion by Greninger, seconded by Mahlberg, all voted to designate the lobby display box located at 3650 Braddock Ave NE, Buffalo, MN to be the official location for public hearing postings.

11. **ACTION TO ACCEPT THE FINAL PLAT OF ENGLUND SHORES (Robert Englund)**

On a motion by Mahlberg, seconded by Greninger, all voted to approve the final plat of Englund Shores and authorize the Chairman's signature.

12. **ACTION TO ACCEPT THE FINAL PLAT OF FRANKLIN RIDGE (Estates Development)**

On a motion by Bravinder, seconded by Greninger, all voted to approve the final plat of Franklin Ridge and authorize the Chairman's signature.

DISCUSSION ITEM

Mike P. Paschke Outdoor Storage CUP (Tax# 215-062-003040)

Rhineberger – staff member Marquart had been working with a property owner regarding an existing CUP in the Whispering Winds Industrial Park. The Whispering Winds Plat has a specific condition that impervious coverage cannot exceed 50% of the lot area. In the I, B-1 and B-2 Districts the rule states that no more than 50% can be covered by building. In this case the entire plat was conditioned at 50% impervious or less. This property is more or less 100% covered by a gravel parking area. The approved CUP has a condition which states gravel cannot exceed 50%. The proposed building has yet to be built but there is exterior storage. The exterior storage isn't the problem, it

is the impervious coverage cannot be more than 50% that is the violation. Prior to leaving Planning & Zoning staff member Marquart had been in contact with the applicant on the issue. He stated he was going to try and obtain signatures from all of the property owners and move forward with amending the plat conditions. No movement has been made on this. In October the applicant was given until December 1st to either move forward with the amendment or come into compliance with lot coverage. The item is before the Commission to discuss the option of moving forward with revocation or determine how they would like to address the issue. In general, with the revocation process there is one more letter sent to the CUP holder with specific expectations and a completion date. This letter will explain that if the property does not come into compliance the Commission will be moving forward with a public hearing and the revocation process.

Kryzer feels these are good options for the Planning Commission to consider.

Mahlberg questioned if the applicant was notified of tonight's meeting. Rhineberger – no, that is not part of the process. This is a time to discuss what route the Commission wants to take. Mahlberg – is there a way to hear the most recent story without commencing a formal revocation process? Recognizes the applicant was given a December 1st deadline. Questioned if Rhineberger has been in contact with the applicant. It would make sense if Staff could over the next few weeks try to reach out. Rhineberger – willing to call the applicant and send a letter. Mahlberg – would like one more opportunity for the applicant to address the issue.

Kryzer suggested an appropriate route would be a motion to table until May 12, 2022, and direct Rhineberger to contact the property owner.

Mahlberg motioned to continue the hearing to May 12, 2022, to allow Administrator Rhineberger time to contact the property owner. Seconded by Greninger.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Applicants/Property Owners
Twp. Clerks