

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: June 9, 2022

MINUTES – (Informational)

The Wright County Planning Commission met June 9, 2022, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Commission members in attendance: Dan Mol, Ken Felger, Dan Bravinder, Sandy Greninger, Pat Mahlberg, Mark Daleiden, and Jan Thompson. Barry Rhineberger, Planning & Zoning Administrator; Greg Kryzer, Assistant County Attorney, legal counsel via Audio Call.

ACTION ON MAY 12, 2022, MINUTES

On a motion by Bravinder seconded by Daleiden, all voted to approve the minutes for the April 21, 2022, meeting as printed.

DISCUSSION ITEMS:

Rhineberger addressed the Commission stating there are two items he would like to petition onto the end of the agenda as discussion items. The first item is the Arrowhead Arena and the review of the Conditional Use Permit issued in 2001. The second item is the Gravel Moratorium enacted by the County Board on May 31st. Mol noted the two items will be added to the end of the meeting.

PUBLIC HEARINGS:

1. KYLE ASHWILL – Cont. from 4/21/2022 & 5/12/2022

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: Kyle Ashwill

- A. Rhineberger – Commission might recall this item had been on past agendas and it was decided to give the applicant time to talk through potential annexation with the City of Cokato and Cokato Township. The site plan was reviewed. The property is 46.5-acres on the edge of the City of Cokato, south of the railroad tracks and US Highway 12. The request is to rezone from AG General Agricultural to I-1 General Industry District. If the rezoning is approved there is a platted subdivision concept plan that would be petitioned for. The applicant has had several meetings with the City and Township regarding potential annexation. The Township and City have provided their approval of the rezoning. It was noticed in the response from the Township that one condition listed is a 150' requirement from the south track of the railroad for the entrance road. Based on the current site plan this is not accommodated for so there might need to be some slight adjustments to the concept plan related to Township comments. The City and Township came up with an agreement the property would remain in Cokato Township, with approval of the rezoning. The Township and City have some specific conditions and will require the applicant file a developer's agreement. This parcel is in the transition area of the US Highway 12 Corridor Land Use Plan and the reason behind additional conversation between Cokato Township and the City of Cokato.
- B. Ashwill – no additional comments.
- C. Mol opened the hearing to the public, no members of the public stepped forward.

- D. Bravinder – the Township had a meeting on May 23rd with the City of Cokato and Mr. Ashwill. It was a productive meeting with the City discovering the cost to extend services to this location being close to \$1.2 million, so they decided against annexation at this time. The City does not want to restrain Mr. Ashwill from developing the property, therefore will allow the development to occur as a Township parcel. In 9 years, if no annexation being sought by the City, the discussion will be revisited. The City wants a sunset of 10 years on this matter. If Mr. Ashwill is selling, there is an understanding that the lot will eventually be annexed into the City. The City indicated they want to see industrial development in this area, they just can't see it being feasible at this time. Mol questioned if the Township is on board with the direction the applicant is going. Bravinder – confirmed. The City will have nothing to do with Quimby Ave., which will be the access area for the property. This road discussion will be between the Township and Mr. Ashwill.
- E. Felger questioned who will be overseeing the situation once the 10 years is up. There will presumably be several owners at that time. Will they be forced into the City at that time? Bravinder – there is a required developer's agreement with the City of Cokato. Ashwill – statement regarding future annexation will be part of the purchase agreement. Felger – buyers will have full knowledge of what could occur in the future.
- F. Daleiden – at this time the City is stating they will not bring water and septic to the location, so each individual parcel will have its own well and septic system. When growth occurs will they have to pay for water and sewer again? Ashwill – possibly, yes.
- G. Mahlberg – the sunset agreement is not really changing what the owners or City of Cokato can do in 10 years. The goal is trying to identify a period of time where the involved parties can look at the item again. Bravinder – in 9 years, the City wants to revisit the conversation. They hope that they would be at a point of moving forward with the annexation process. Mahlberg questioned if this is a commitment to not annex before the 10 years is up? The language reads, according to this agreement this shall be a minimum of 10 years. Bravinder – if visited before that time, it can happen. The City Administrator put the language into the agreement document. A 5-10 year window was discussed but it was the City Administrator that choose the final language. With the Orderly Annexation Agreement, if an annexation request happens before the 10 years is up it would need to go through the Orderly Annexation process.
- H. Mol stated for the public that Mr. Bravinder is part of the Cokato Township Board and the reason he has the knowledge he does on the item.
- I. Thompson – with individual wells and septic system has the quality of the water been tested. Ashwill – water was tested when purchased the property and it was good water. Thompson – there is adequate space for the individual lots to have wells and septic systems? Ashwill – confirmed.
- J. Felger moved to recommend approval of the rezoning to the County Board of Commissioners from AG-General Agriculture to I-1 General Industry, because the Board feels it meets the criteria laid out in the Land Use Plan and the Township and City approved. Seconded by Mahlberg.

VOTE: CARRIED UNANIMOUSLY

2. **KYLE ASHWILL** – Cont. from 5/12/2022

LOCATION: 13124 17th St SW – SE NE & NE SE excepted that described in Book 250-262, Section 11, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) Tax #205-000-111400 Property Owner: Hicks Company LLC.

Petitions for a Conditional Use Permit to mine an estimated 250,000 yards of sand and gravel on 23 acres of the property. Operation to include crushing, screening, and washing. Applicant estimates the lifespan of the pit to be approximately 20 years, depending on market conditions. As regulated in Section 155.029, 155.48(D) & 155.100 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances.

Present: Kyle Ashwill

- A. Rhineberger displayed the site map and reviewed the property. The petition is for a Conditional Use Permit for mining and extraction. The Commission did visit the site on Monday, June 6th. With the County Board enacting the Interim Ordinance No. 22-1 on May 31st it put a halt on all pending or new applications requests for mining and extraction permits on land within Wright County. This means the application is tabled until the moratorium expires or is lifted after the passage of an amended ordinance. The Commission could motion that the request be tabled until a time the moratorium is lifted. The language in the Interim Ordinance does put a hold on the timeframe for items currently before the Planning Commission, therefore the MN Statue 15.99 form does not need to be signed by the applicant. If Mr. Ashwill wants to withdraw his request, he does have the right to do so.
- B. Ashwill stated he is wanting to let the ordinance be worked through and ride out the moratorium.
- C. Daleiden – hope is that before the end of 2022 the ordinance amendment will be completed. With his term ending at the end of the year his goal is that the ordinance be ironed out so that a new member would not need to be brought up to speed. Ashwill questioned if the ordinance could be figured out before the end of the year. Daleiden – confirmed that is a possibility.
- D. Mahlberg motioned to table the item in accord with the Interim Ordinance No. 22-1 until the moratorium expires or is repealed. Seconded by Thompson.

DISCUSSION: Daleiden thanked Mr. Ashwill for his patience. Bravinder – disappointed this application was put on hold. There are no neighbors or anyone that will be affected by this request. Mr. Ashwill is moving forward through the correct steps, and it is disappointing he is stopped in his tracks.

VOTE: CARRIED

ABSTAINED: Felger

3. **MN CSG 2019-64 LLC** – Cont. from 5/12/2022

LOCATION: XXXX US Hwy 12 SW - Roughly 25 acres of part of NE 1/4 of the NW 1/4, Section 05, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #219-000-051205
Property Owners: Munson, Philip & Munson Jodi R.

Petitions for a Conditional Use Permit to allow construction of a 1 MW solar farm as regulated in 155.029, 155.048 & 155.108 Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Evan Carlson, and Jake Hay with ISP Solar

- A. Rhineberger stated the item had been continued from the May 12th meeting with the site visited by the Commission on Monday, June 6th. Nothing else has been submitted since the last meeting. Discussion was turned over to the applicant and Commission to review any concerns or questions.
- B. Carlson – looking for feedback on site visit. Mol – member Daleiden was the only member not able to make the site visit.
- C. Felger – Victor Township appears to have some concerns with the request. Addressed the audience, asking if any representatives from the Township were present and could step forward to speak on their behalf.
- D. Troy Lang – Victor Township Supervisor stepped forward. One of the main concerns is the plan related to following through with the decommissioning or recycling of the solar farm. The Township has done some research on the cost, and they want to make sure the associated cost is tied to the project. In the future if the panels become obsolete the concern is that the cost of the decommission will not be carried by the project owner.
- E. Kryzer – the developer's agreement has the developer and property owner sign, which will run with the property. If MN CSG sells the project the agreement will run with the property. Evans – holds true if the property is sold. Kryzer – confirmed. This is why the property owner and developer sign the agreement.
- F. Felger – reading from the Township response there is a current moratorium on solar. Lang – the Township did have a moratorium, but it has expired. The present request was before the Township when the moratorium was active, therefore could not be approved. Felger – Township concern mentioned the use of tillable land. The Ordinance states that solar farms are put into agriculture land. Is that a major concern for the Township? Lang stated the Township is largely a farming Township and there is concern regarding the loss of farmland. A statement has been made that solar farms are a green form of energy, but farming is also a green form of energy.
- G. Mol - asked for further comment from the public. Hearing no one from the public the discussion was brought back to the Commission.
- H. Bravinder – major concern is the decommissioning. Hope is that the developer's agreement explanation satisfied Victor Townships concern. The farmland is a unique piece as it isn't wide open or a square. In this day and age, it will take a certain farmer willing to farm the land. The property does appear to have good drainage with a grass way on the south side. Hay – there is an agreement to maintained that grass way as regulated by the rules of the governing body that oversees grass ways. Bravinder – have seen farmland that had nice grass ways until big equipment moved in and took them out. Would like to respect

the property owner and what they desire for income on their property. Does not see a negative effect on the community and there are no direct neighbors. In favor of the request.

- I. Daleiden questioned if the current trees will be staying or cut. Hays – goal is to keep as many of the existing trees. There will be trees specifically marked by the Munson's that will be kept. Realize the importance of screening and keeping as many of the trees as possibly, there will be minimal cutting and clearing. Daleiden – the ones in the south will stay? Hays – absolutely. Greninger – the present trees create a nice barricade, and you really can't see the site from the road.
- J. Thompson questioned what will be installed for the new vegetation which is marked on the proposed plan. Hay – use of tress in the evergreen family is great for this type of environment and they tend to have a better survival rate. Thompson – would there be opposition to a condition that screening must be evergreens? Hays – no.
- K. Bravinder – how much excavation will be needed? Hay – one area, that is right on the east side, is where the majority of the drain is. For the most part, from the beginning, Mr. Munson has been concerned with preserving the topsoil. The site is pretty level so not much grading will be needed. Carlson – the only reason for grading is to make the site flat and this site is already flat. Pine trees would be planted in areas where pine trees can grow. Wet areas would be trees that would grow better with wet soils. Bravinder – have had two solar farms go up in Cokato Township. One was done very well and the second one all of a sudden had berms going up and almost a second drainage system going in that the Township was not aware of. Does not want to see that happen at this site. Evan – explained to the Commission what he knew of the history that the situation was potentially related to a hill with buried asbestos. This one before the Commission is flat so there is no reason for grading. The only reason for grading is to get a flat site for the tracker system. Bravinder – at this site wants to make sure grading is not an issue.
- L. Thompson questioned the plan for ground cover under the solar panels. Carlson – proposing indigenous pollinator seed mix. Board of Water and Soil Resources, BWSR, has guidelines they intend to follow. The new ordinance required a seeding management plan to be submitted with the application. Goal is to meet the score card that BWSR has related to what kind of mix is required in any area to be considered pollinator friendly.
- M. Mahlberg – the developer's agreement is recorded? Kryzer – correct. Mahlberg – the proposal states vegetative screening will be provided to fill in gaps as needed. How is that enforced? What is the standard as to when screeding is needed or not needed? There are pictures of various trees in the proposal, so is the vote saying that each tree depicted is the item required or is there some language related to screening as needed, that should be addressed before a vote? Kryzer – the screening as needed should be part of the discussion and can be incorporated into the developer's agreement. Mahlberg – something as simple as, trees generally shown on the plans, on file, as necessary to meet the intent of the screening language of the ordinance. Kryzer – agreed that statement should work.
- N. Thompson – most of the trees on the plan loose leaves in the winter, will there be screening in place to make sure the area is less visible from the highway? Hay – those are mature trees with a canopy limiting what will grow below. Carlson – do not want to take out mature trees. Plan is to plant conifers, where possible, and fill in with something like a dogwood shrub.

- O. Daleiden motioned to approve a Conditional Use Permit to locate a 1 MW solar farm in accord with the plans and narratives on file with the following conditions: 1) Panels to be mounted using the existing landscape conditions. Also limit the amount of service roads to what is shown on the plan. Noting all internal roads created will be created in a fashion to meet the standards of Subsection 155.108(C)(12) of the Wright County Code of Ordinances; and minimize impacts needed to return the property back to a similar condition and use at the end of project life; 2) The applicant must follow the Vegetative Management Plan, as submitted and approved by the Wright County SWCD; 3) Proper building permits (along with any required State permits) are obtained prior to work started on the site; 4) Construction hours will be limited to 7:00 am to 7:00 pm each day to limit noise; 5) Access is approved over the easement out to US Highway 12, noting this allowance does not circumvent any private agreements or recorded easements; 6) Must conform to all setbacks, noting current plans show it meets the setback requirements; 7) An agreement must be entered into with Wright County for decommissioning and financial security in accord with Subsection 155.108 (14)(C)(a), (b), (c), and (d) of the Wright County Ordinance, which must include an approved decommissioning plan in accord with 155.108 15(g) with a security amount to be approved by the Highway Engineer that is at least 150% of the estimated cost of decommissioning with a minimum amount to be no less than \$100,000.; 8) The agreement shall take into consideration any potential access road easement damages or Highway damages; 9) The Conditional Use Permit for Solar Energy Farms shall expire at the same time as the Solar Energy Farm lease, but in no case shall it exceed 30 years; At that time the land must be returned back to agricultural land; 10) The pole number and configuration on the plan must meet requirements of one pole per 1 MW and one overall general on-site utility pole, for a total of 2 poles; 11) Onsite internal power and communication lines shall be buried underground; 12) The applicant is responsible in assuring all final utility interconnection approvals from Excel Energy are obtained and followed for this project and before obtaining a building permit; 13) Annual Township review unless the schedule is changed by the Township; 14) If there are substantial changes to the plans submitted and approved, a new interim conditional use permit hearing will be required; 15) The conditional use permit shall expire and all infrastructure shall be removed within 30 years; and 16) The building permit will not be issued until the agreement is finalized with the county and the decommissioning security is on file with the Wright County Office of Finance and Tax Payer Services. Seconded by Greninger.

DISCUSSION: Bravinder – the screening condition in number 2 of the motion says that the applicant must follow the Vegetative Management Plan, as submitted, and approved by the Wright County SWCD. Questioned if there really is any more needed in the conditions with that statement already made. Rhineberger – the vegetative management plan is generally the vegetation under the panels. It does include some tree plantings but, in this case, there was a specifically request related to trees used for screening and should be added into the conditions. Feels the sentiments from member Mahlberg would be the addition of condition number 17 as, tree plantings for screening required as generally noted on the plans submitted and shall be evergreens or other trees as needed for soil and moisture conditions.

Daleiden amended his motion adding condition #17, to read “Tree plantings for screening required as generally noted on the plans submitted and shall be evergreens or other trees as needed for soil and moisture conditions”. Greninger amended her second.

DISCUSSION: Bravinder – recollecting past solar farm motions and does not remember one such as number 15. Mol – also heard that. The condition states to be removed in 30 years. What happens when the 30 years is up, can they come back for a new conditional use permit to extend the use? Feels the way the condition is stated implies at 30 years the solar farm needs to go away. What will be done for electricity in 30 years? Rhineberger – with any conditional use permit or interim use permit the

applicant has the ability request amendment to the conditions or length term. There is nothing that will prevent an applicant from asking for an amendment to the term. Does not matter how a condition is added or written, it is the right of the applicant to request a change and in turn it would be up to the Planning Commission if they would approve the request. Daleiden – understanding is the life span of panels has been around 25-30 years and this is why the statement was added into the new solar ordinance. Carlson – the interconnection period is 25 years. The panels begin to degrade after 40-45 years. Warranty states the panels will produce 90% of the power they produced at year one, after 35 years. Project owner needs a minimum of 25 years, that is the amortization period. After that the extra time is where the money is made, having more time is valuable to the project owner. Rhineberger – the conditions were taken from the first request since the new ordinance went into place and slightly altered for this request. Staff is trying to be consistent with some adjustments with conditions that are specific to sites.

Thompson – comfortable with how the motion reads. With such a long term into the future feels there is some good groundwork laid out.

Mahlberg – on the boundaries for the parcel related to the west side access strip, is there other ownership where the strip is located? Carlson – separate parcel with common ownership. Rhineberger – discussion with MN DOT and developer was had regarding access points. The arrangement of properties was created by the Board of Adjustment, at that time there wasn't any express approval given by MN DOT for separate access. At this point because under common ownership there is no need for an easement. They are allowed to exist as 2 separate sites so if ownership changes there could be a need for an easement, as MN DOT will not allow a new access site. Mahlberg stated he was satisfied with the answer.

Felger – was there discussion or direction in the ordinance that assumes a built inflation amount on an annual basis? Kryzer – there is no consumer price index inflation figure. This is addressed with the 150% multiplier placed on the decommissioning. Goal is to have the engineer predict the future cost of decommissioning and 50% is added to that figure.

VOTE: CARRIED

ABSTAINED: Mahlberg

4. **JILL A. DOBOSZENSKI** – New

LOCATION: 9353 Briarwood Ave NE – Part of Government Lot 6, of Section 17 Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax # 213-100-173102 & -173109 Property Owner: Jill A. Doboszinski & Dean A. Doboszinski

Petitions for a Conditional Use Permit to operate a dog grooming facility as a Home Occupation as regulated in Section 155.003(67), 155.029, 155.048(D)(6) Chapter 155, Title XV, Land Usage & Zoning of Wright County Code of Ordinances.

Present: Jill Doboszinski

- A. Rhineberger displayed the aerial photo and described the property. There are 2 attached parcels, totaling 13 acres. The property is currently zoned AG-General Agriculture and is designated in the Plan as RR-Rural Residential. The applicant is requesting a conditional use permit for a home occupation dog grooming business. The applicant is expecting up to 10 customers a day over 4 to 5 days per week. Operating hours would be from 8 am – 3 pm. There are 3 available parking spots with a circular driveway. On occasion there will be one part-time staff. A septic professional reviewed the current system and is recommending pumping the septic tanks every year because of the additional water usage and animal hair that will end up in the tanks. Received approval from the Township. No neighbor comments were received.
- B. Doboszinski – there will be no dog boarding. The dogs come for a hair cut and leave the same day.
- C. Mol asked for public comment, hearing none turned the discussion over to the Commission.
- D. Bravinder motioned to approve a conditional use permit for a home occupation to locate a dog grooming business in the existing home as described in the narrative and site plan submitted. Motion seconded by Daleiden.

VOTE: CARRIED UNANIMOUSLY

5. **JUSTON D. DOOLEY** - New

LOCATION: 731 County Road 30 SE – Part of E ½ of NE ¼, Section 18, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax #208-200-181101 Owner: Dooley Farm LLC

Petitions for an expansion of the current Conditional Use Permit to allow for the distilling of spirits and sale of spirits distilled on the site. Proposal includes limited tasting and off-sale of products, with no on-sale consumption as regulated in Section 155.027, 155.029(B), 155.048 & 155.109 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Juston Dooley

- A. Rhineberger reviewed the property location of the existing winery on County Road 30, previously known as Woodland Hills Winery and currently Fountain Hill Winery. The property is 20 acres, zoned AG-General Agriculture in Franklin Township. The history of the winery and the Planning Commission action was reviewed that includes a tasting room and events. The existing Conditional Use Permit was included in the Commissions packet and referred to. Site map displayed, showing the existing operation with the new proposed location of the distilling still. The applicant is looking to add the distilling of spirits to the existing operation. No additional public would be added at this time, but the tasting area would be expanded. Off sale of product would be included in the operation. Township did approve the request.
- B. Dooley – goal is to keep growing the small winery. The distilled spirits will primarily be flavored brandy, not like an 80-proof alcohol but more of a liqueur. There will not be any sort of mixed drink sold on property. Customer will be allowed to sample a 1/2 ounce of each product, so a total of 1 ½ ounces. Opportunity to then purchase a bottle and take off premises for consumption. Have been left with a lot of bad wine, hope is to salvage and distill into the brandy.
- C. After confirming no one from the public wanting to speak to the issue, Mol returned to the Commission for questions or comments.
- D. Mahlberg – referenced comment from Franklin Township the recent division of 26 acres to the east and questioned what the plan is for the future. Dooley – hope to expand the CUP over to that property with wine tours. Knows he will have to come to the Planning Commission with an expansion request. The plan is to plant vines on 75% on the south side of that property and potentially move the tasting room to that area. Rhineberger – the planting of grapes does not require the Commission approval or amendment of the current CUP, that is part of the allowed agricultural production. When the public is invited onto the property is when the scope of the current CUP needs to be amended.
- E. Felger addressed the applicant and commended him on his business and the growth the Commission has been witness to with hopes it continues to be successful. Questioned how the pizza shack is going. Dooley – making progress and coming along nicely. One little hiccup related to the mound system being able to hold the amount of water the pizza makers are using. Rhineberger – the Department of Agriculture requires a certain number of sinks are installed. So now additional wastewater needs to be addressed and in order to permit for that the entire septic system is reviewed. No fault to Mr. Dooley, but there has been some work done out at the site by previous owners that took some digging to figure out what is what. Several professionals, including Staff, are working through the issues to get the pizza production moving forward. Dooley – the biggest issue is figuring out the number of gallons going through the system. Three new water filters have been installed in the house, tasting room and winery

that have a gallon meter on them. The Environmental Health Officer, Troy Johnson, is wanting a dosing panel. Rhineberger – a time dosing panel is being required because everything coming out of the winery is feeding into the same system as the house. The idea is that the dosing panel sends a certain amount of waste on a timed schedule so that the system isn't flooded with waste. Felger questioned the success of the pizza sales. Dooley – hope is to open in a few weeks.

- F. Rhineberger stated that with the number of different items being discussed, he did not write a motion for the Commission. Standard practice has been a motion prepared by Staff. Daleiden questioned legal counsel Kryzer if there is anything specific that should be added to this requests motion. Kryzer – drafted the original CUP on this in 2010. There are already a lot of basic conditions related to the distillery, not sure what additional conditions would be needed to protect the public and community. There will be a liquor license and existing CUP that must be complied with. Mahlberg – would suggest, consistent with the applicant's discussion at the meeting with respect to the scope of the activities permitted under the amendment. Does not want to see a condition that limits to the three 1/2 ounces of brandy liqueur. If that is the statement it would be limiting and potentially require the applicant to come before the Commission for another amendment. If it would work to approve with a condition being that the permitted activities are generally within the scope of the distilling of spirits and sale of such spirits as consistent with the applicant's discussion at the June 9th, 2022, meeting. Kryzer – suggest adding the current conditions on file remain in effect. Mahlberg – agreed. Would assume the current conditions require all proper licensing and permits be obtained.
- G. Motion made by Mahlberg to approve the distilling of spirits and sale of spirits distilled on the site consistent with the applicant's discussion at the June 9, 2022, meeting with respect to activities that are generally within the scope of the distilling of spirits and sale of such spirits permitted under the amendment. With the following condition: 1) Current conditions on file remain in effect. Seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

6. **TRAVIS P. HELKAMP**

LOCATION: XXXX 57TH Street SE (Parcel “C”) – Part of the SW ¼ of the NW ¼ and part of the W ½ of the SW 1/4, Section 34, Township 119, Range 25, Wright County, MN. (Franklin Twp.)
Tax #208-300-343306 Property Owners: Martin Weber & Diane Weber

Petitions for a Conditional Use Permit as regulated in Section 155.029, 155.092 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a dwelling to be moved onto the property.

Present: Travis Helkamp & Ashford Kroll

- A. Rhineberger displayed the proposed site plan and current home photos. The site is a newly created lot at the intersection of US Highway 12 and CSAH 14 in Franklin Township. The parcel is 12 acres that was recently rezoned to AR-Agricultural Residential and is in the Land Use Plan for Rural Residential. In early 2022 the property was part of an approved subdivision, this particular parcel is considered Lot C, which is the southwestern most lot. The applicant is requesting approval to move in an existing home that is currently located in Medina. Move in structures, dwellings in particular, do require an approved conditional use permit by the Commission. This home has been inspected by the Building Inspector and found to be structurally sound. If approved, the Building Inspector will provide a list to the applicant and property owner of items that would potentially need to be addressed, which is very standard practice in cases such as this. The Township has approved, noting the structure is compatible with the area. Primary concern and role of the Planning Commission is to ensure a blighted house or one that would be out of character for the area is not permitted.
- B. After confirming the applicant had no comment and noting there was no one from the public wanting to speak to the issue, Mol returned to the Commission for questions or comments.
- C. Mahlberg motioned to approve a Conditional Use Permit to relocate a dwelling in accord with the description provided by the applicant on the record, with the following conditions: 1) Building and septic system permits are obtained; 2) That the house may not be occupied until approved by the Building Inspector and the septic system is installed and inspected; 3) Project completion date must be no later than July 1, 2023. Motion seconded by Daleiden.

VOTE: CARRIED UNANIMOUSLY

7. **ARROWHEAD ARENA** – petitioned onto agenda

- A. Rhineberger – no slides to display, Commission was provided roughly 30 documents that outline the original CUP that was issued to Arrowhead Arena. The property has since been sold twice. The current owners have started operation outside of the confines of the original CUP conditions. In general, the owners have hosted more large events than the CUP allows, with more people in the building for events than allowed. Code violations were seen in photos, such as porta-potties inside, live music and bands. Specific conditions limited hours and when PA system could be used, no actual approval of live music or bands. Feedlot Program Administrator, Tracy Janikula, sent a letter in May stating operation was outside of the confines of the CUP and such activities needed to cease. Staff did meet with the new property owner and another representative regarding an event scheduled for Memorial Day weekend. They were specifically told they could not invite the public to this planned event. There was a planned family birthday event which coincided with the big even and was allowed. Staff clearly communicated that the public was not allowed. Police reports have been received indicating the event was open to public, with a few 100 people in attendance. The owner has shown a tendency not to follow the CUP and ignore request by Staff to not operate outside of CUP. Silver Creek Township has indicated they would like to see the CUP revoked. Included in the packet provided to the Commission was additional information regarding the operation that has been received. Staff is looking for the Commissions recommendation to proceed with the revocation process. There is a specific revocation process that will need to be followed to give the owners due process. If the Commission advises staff to move forward the owner will be sent a letter notifying them that they will be on the agenda for the June 30th meeting regarding the potential revocation and they should be in attendance.
- B. Mahlberg – asked for the steps of the revocation process and procedure to be reviewed. If the letter is sent, is that a commitment to decide one way or the other? In past situations the owner has been contacted with the issues and concerns worked through and the revocation process was not needed. From the packet it appears they would need to stop with the large events they are not permitted for. Procedure wise would like to know what is next after the letter. Rhineberger – letter more or less states they were instructed to operate within the guides of the CUP and have not, so they are in direction volition. Recommend attending the public hearing as the Commission will discuss the CUP, violations, and potential revocation. Placing the item on the agenda for a public hearing is not a guaranteed revocation. The Commission would be the ones to decide if revocation is the proper route for the situation. Kryzer – discussed with Mr. Rhineberger the possibility of going down the previous route of having the owner come in and talking over the situation and at that time deciding if moving forward with full revocation process was warranted. After discussion with Staff, it was decided that because the property owner went forward with the Memorial Day event; after they were given written notice and verbally told not to invite the public, the action was egregious enough to skip the informal step with the Planning Commission and go straight to revocation process.
- C. Jeremy Wirkkula – Lieutenant Wright County Sheriff's Office– Arrowhead Arena had occasional calls that would be typical with business related to the allowed CUP. Now that ownership has changed, since early April, the property is becoming more of an event center. Seeing large events with 200-300 people, traffic issues on Clementa Ave., noise complaints from citizens around the area. Some complaints are based on conjecture with not a lot of evidence that supports the claims. Have heard from people that board horses there is concern with sending out older juveniles or young adults to see the horses unsupervised. In the past they were allowed out to visit their horses unsupervised and now parents are

supervising visits while trying to figure out what to do with horses. There has been a definite increase in calls to the property. Felger – do they provide their own security at events? Wirkkula – there is armed security walking the property. Deputies have been allowed past security and the owner will come talk with the Deputies but tends to avoid some basic questions. Charging for admission, alcohol and food has been some of the avoided questions.

- D. Thompson – very serious matter when a person is not following the conditions of the CUP. Support the Staff and the Sheriff's Department to investigate to see that the conditions are being adhered to and if not should be shut down.
- E. Mahlberg questioned if the owner received notice of tonight's hearing? Rhineberger – by procedure this is the first step, and the owner is not notified. They are notified of the next step, which is the public hearing. For the Sheriff's Deputies to address zoning violations is a pretty simple process. The ordinances are clear on what is and is not allowed. The problem with the CUP is that some type of the use is generally allowed, so what is a criminal offense and what is allowed can be difficult to decipher. Conversation was had between Staff as to what could be cited as a violation and what is allowed with the current CUP. Did not take the route of a criminal complaint because they do have a permit to operate, they are just operating outside of the conditions of the CUP. For this situation the revocation process was the preferred route.
- F. Bravinder questioned if this is similar to the situation the Commission went through with Norm's Wayside, that is located outside of Buffalo. Mahlberg – feels that was different in magnitude. The owner was not involved in a public hearing with a previous Commission member insisting on another notice to the owner. Rhineberger believes that situation was resolved with amendments to the CUP. That might be what comes out of this conversation, but the owner needs to be present to have the discussion with the Commission. Mol – similar situation with the dog kennel located in Clearwater Township. Had a hearing with the owner and approved some amendments that allowed the operation to keep operating. That discussion could have gone either way and was worked through with amendments. Have to start this process, feels there is something happening at the site that isn't within the confines of the CUP.
- G. Mol asked if the public is able to make comment. Rhineberger reminded the Commission this is not a public hearing, Lieutenant Wirkkula would be considered Staff.
- H. Motion made by Greninger to direct staff to start the revocation process. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

8. **GRAVEL MORATORIUM** – petitioned onto agenda

- A. Rhineberger stated May 31st the County Board adopted an emergency ordinance enacting a moratorium on all new and pending gravel applications within the County. The current ordinance has been in place, with relatively no change, since 1979. Agrees, there is room for improvements and updating. The moratorium did except out amendments and renewals. Current CUP holders, in good standing, are allowed to apply for amendments and renewals. Earlier in the week the Commissioners set the framework for creating a committee to review and potentially update language and possibly add the addition language for a more interim use permit. A CUP and interim permit have different legal connotations. The committee will consist of 2 Planning Commission members, 2 County Commissioners, 2 members for the industry, and 2 Township representatives. Staff will also be available at the workshops. Looking for 2 Planning Commission members to sit on the committee.
- B. Daleiden – hope to start meetings in July. Ideally done by the end of the year. Would like to be in sync with surrounding counties. Originally was going to have one member from the industry but would like to see two because of the variety of work done by the operators. Since adoption in 1979 operations and equipment have drastically changed.
- C. Felger – regarding Mr. Ashwill and his application that is in process, where is that request at in the process once the moratorium is expired or lifted? Rhineberger – once lifted or expired the application will proceed. Staff will renotify required parties that the item is back on for public hearing, at no expense to the applicant. Felger – has it been considered that applicants have a pending application working through the system that the rug has been pulled out from? These applicants have put a lot of time and money into the process. Has there been thought to give these applicants a break if they have started the process? Daleiden – asked for that consideration and was out voted. Felger – feels this is very unfair. Rhineberger – Staff can only write the language based on direction from the County Board.
- D. Daleiden – members Bravinder, Thompson and Greninger expressed interest in being on the committee. Mol – feels the three members that have shown interest will be good representatives from the Planning Commission. Daleiden – interested members need to submit a letter stating the reasons they want to be on the committee and any related expertise they might have. The County Board will make a decision on June 21st for the Planning Commission members and June 27th for the Township representative. Mol questioned how the Township representative will be decided? Daleiden – Township can nominate a board member or appoint a resident.
- I. Mol asked if the public is able to ask a question. Rhineberger – this is not a public hearing, but it is also not a property specific discussion. Daleiden stated he would like to hear from the public. Mol – there will be no statements, just questions.
- J. Chris Klein – Silver Creek Township resident – how will the County Board decided on the different applicants and ensure they are impartial and not biased? Daleiden – applicants will have to provide background and why the interest. Feel if the Township Board provides a recommendation, they have reason for that person to be a representative of the Township. Stated he will be done at the end of this term and wants to see a resolution prior to the end of the year so a new Commissioner will not have to be brought up to speed. Commissioner Vetsch will be the other County Board member on the committee.

- K. Daleiden reminded the other members if they have interest in serving on the committee, they will need to submit written reason and background for County Board review.

Meeting adjourned at 9:16 p.m.

Respectfully submitted,

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Applicants/Property Owners
Twp. Clerks