

# **WRIGHT COUNTY PLANNING COMMISSION**

**Meeting of: August 11, 2022**

## **Minutes**

The Wright County Planning Commission met August 11, 2022, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Commission members in attendance: Ken Felger, Dan Bravinder, Sandy Greninger, Pat Mahlberg, Jan Thompson, Dan Mol and Mark Daleiden. Barry Rhineberger, Planning & Zoning Administrator; Greg Kryzer, Assistant County Attorney, legal counsel.

### **ACTION ON JULY 21, 2022, MINUTES**

On a motion by Thompson seconded by Bravinder, all present voted to approve the minutes for the July 21, 2022, meeting as printed. Greninger abstained as she arrived late.

### **PUBLIC HEARINGS:**

#### **1. JUSTON D. DOOLEY** – Cont. 7/21

LOCATION: 657 & 731 County Road 30 SE – Part of the E ½ of the NE 1/4 , Section 18, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax # 208-200-181101 & 208-200-181100.

Property Owners: Dooley Farm LLC & Gerald A. & Joann M. Loecken

Petitions for an expansion of the current Conditional Use Permit to allow for the permitted winery operation to expand onto the newly acquired 27 acre that is adjacent to the current operation, 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 – item was continued from the July 21st meeting to allow time to for the Commission to conduct a site inspection as well as allow time for the applicant to potentially address discussion items brought up at the last meeting.
- B. Dooley stated he has no additional details. Per the last discussion, with the new build of the tasting room on County Road 30 there is some additional work that needs to be done on his side.
- C. No Public Comment
- D. Daleiden questioned if the driveway has been addressed. Dooley – had not reached back out to the Highway Department, his hope is to keep both accesses. The existing tasting room will not be torn down but will be used for small private events with the current parking lot not being open every weekend. Believes at the site visit the Commission was in agreement that the new proposed access, before the turn, is safer and more viable than the current access. Daleiden – the County Engineer does have specific requirements they need to follow before allowing an access.
- E. Greninger – the last meeting concern was brought up regarding a holding tank now and in the future potentially a mound system. Is that a concern to be addressed now? Mol feels the septic system should be addressed now. Mahlberg – the proposed motion presents options as to what system could be used. Essentially, it is a follow the law condition. Greninger – concern is the holding tank being able to hold all the wastewater that is produced as well as if there will be room to properly install a mound system at a later date. Dooley – cannot predict the future. Can assure the Board the system

will be built based on the occupancy of the building. As discussed, the occupancy is roughly 100-120. Depending on the cost of lumber the building could shrink in size but will not grow in size. Thompson – believes the proposed motion covers the discussion being had. Rhineberger – the proposed motion does not allow for a holding tank. The statement from Environmental Health Staff is that a holding tank is not prohibited but it is not recommended.

- F. Thompson questioned if the proposed parking lot could be moved to the other side of the wetland. Dooley – depends on how the site and structures measure out. The plan proposed was drawn by himself and is not to scale or exact with location and sizes. Does not believe there will be enough room but until a formal plan is prepared, he is not sure. Thompson – if it could be moved more to the west it would provide the neighbor more privacy. Dooley – that would cause the entrance to be moved and his goal is to keep the existing entrance as is related to the aesthetics of the property. There is a large row of trees he feels provides ample screening as will the row of Green Giant Arborvitaes that will be planted. At this time does not know the exact details of the building size, number of bathrooms or location of related parking and seating.
- G. Rhineberger – County Highway Department stated one access for the building. Measurements and a full analysis have not been completed. Comment was one access for the business, not two. Dooley – understands comment as one access per parcel.
- H. Felger – it was mentioned by Mr. Dooley that he would desire both accesses to be open. Dooley confirmed. Felger questioned if an in-depth conversation has been had as to why the Highway Department wants the existing access closed when a new one is opened. Has there been a reason provided, other than there is a change in use? Dooley – the written statement is the only information he has received; hope is to meet in person to discuss. The decision will not change the plans to build in the new location but would change what he is doing with the existing parking lot. Felger agrees a conversation should be had regarding the situation with some further explanation as to why they would allow only a single access for a parcel over 40 acres. Noted in comments from the Highway Department is that the field access could continue to be used for the planting vines but as soon as the operation starts up then one or the other access must be closed. Dooley stated that is not his current understanding and he had not heard that. The access is currently being used for agriculture purposes. Does not have any knowledge on that statement.
- I. Daleiden questioned the properties being transferred into exact fee title owner, wouldn't that then be considered a single parcel. Kryzer – does not see a condition requirement to combine. Requirement is the properties to be owned by the same entity. Rhineberger – already a condition of the property being purchased as a requirement by the Board of Adjustment. Per the order of the BOA, the applicant must combine or have an administrative order to combine under common ownership. Not required to combine under a single PID, it is desired, but not required. The Administrative Order has language that reads the separate parcels are considered a single property and cannot be sold separately. This must occur because the 27 acres does not have its own entitlement and to operate the business on the 27 acres, the parcels must be joined with a combine form or an Administrative Order. The division was allowed by the BOA with this specific condition. Kryzer – appears both parcels are in the same section and should be able to be combined into a single parcel number.
- J. Felger stated he is not keen on requiring the applicant to combine parcels into one. Would like to leave the possibility for the Dooley family to sell the 26 acres separately. Mahlberg – the BOA has already required in their order that the parcels be combined, not sure there is authority for this Commission to do anything. Kryzer – agrees, the BOA granted an order for a variance that has

conditions that must be complied with. Mol – the BOA allowed the division with that condition, otherwise the Commission would not be discussing the matter. Felger – understanding is that the 26 acres does not have its own entitlement. Rhineberger – if looking to subdivide, there is the ability to sell the house and land separately but that creates some other issues as the CUP requires an entitlement. The property can't rezone because Agricultural Tourism is only allowed in the AG zoning district. If the house was divided off the business would have to cease as it requires that entitlement. Dooley – at the BOA meeting they liked the combination of the parcels because it was moving everything back to where it was originally. The purchase agreement states the building entitlement that is with the Loecken parcel will move to the southern parcel and remain with the Loecken property. He is well aware the 26 acres will not retain an entitlement. Eventually would like to own the southern parcel and have that additional entitlement. Rhineberger – confirmed that could be the case, as long as certain fee title ownership exists.

- K. Bravinder referenced the email from Chad Hausmann with County Highway Department. The email states that he spoke with the property owner regarding the driveway access. Dooley – the way he understood phone conversation is that if he were to have the new driveway and parking area the existing access and driveway would need to be closed. Bravinder – correct, if the current field approach is used for anything other than agriculture purposes it would be a change in use. Mr. Hausmann is saying they would allow only a single access for the business. Dooley stated he has wanted both accesses since the beginning. Not having the 2<sup>nd</sup> access is not stopping him from wanting to build in the new location. Feels a conversation with the Highway Department is needed. Bravinder – does not have a problem with the two business access points due to the use and location. Rhineberger – in the end it is the Highway Engineer and Department that will determine what is allowed. Bravinder – feels that moving the new access to the other side of the wetland would be a concern with curve in the road.
- L. Mahlberg moved to approve an expansion of the current Conditional Use Permit to allow for the permitted winery operation to expand onto the newly acquired 27 acres that is adjacent to the current operation with the following conditions: 1) newly purchased property must be transferred into the exact same fee title ownership as the current winery property prior to operations commencing on the 27 acres, except for the planting of vines and other purely agricultural activities; 2) the proposed new 40 x 92 commercial building must be properly designed and permitted; 3) a full Type I, III, or IV septic treatment system must be designed by a licensed SSTS designer, properly permitted, and installed prior to the new building being used for any Commercial Agricultural Tourism activities; 4) the sale of wine produced by the farm, craft beer, 3.2 malt liquor, and distilled spirits (in accord with the June 9, 2022, approval) are allowed to be served provided all required liquor licenses are maintained; 5) food preparation on-site is limited to a pizza oven, which would be located in the new 40 x 92 building, along with local meats, fruits, cheese, and similar foods paired with wines, all other food must be catered; 6) operations are limited to Wednesday through Saturday 11 am to 9 pm and 12 pm to 7 pm on Sunday, with a maximum of 100 people for daily operations; 7) limited to 20 large events, more than 100 people with a maximum of 375 people, per year; 8) large events are allowed from 11 am to 10 pm on Fridays or Saturdays only; 9) outdoor music must be directed away from other residences as much as possible, is limited to Fridays and Saturdays, and must cease by 9 pm for all operations, including events; 10) adequate parking must be provided to accommodate the maximum number of people and must be contained on the property, parking is prohibited on the county road; 11) buffer strip of evergreens, arborvitae, or similar trees must be planted and established along the east property line for a distance of no less than 700 feet prior to activities commencing; 12) all access requirements of the Wright County Highway Department must be met prior to activities commencing; 13) all retail activities must be directly related to the winery; 14)

portable toilets must be provided for large gatherings in accord with the letter dated October 14, 2010 from the Wright County Environmental Health Officer; 15) Township review to occur every two years. Seconded by Greninger.

*DISSSION: Rhineberger – notes of clarification. The proposed buffer is larger than the required 700 ft. The 700 ft. was determined by looking at the distance to the neighboring structure. Most of the other conditions are cleaned up, listed out and restated. Felt it was a good time to clean up the numerous changes over time. Went through the past hearing motions and updated the list to be a single up-to-date list.*

*Bravinder – related to condition #12, it is up to the applicant to deal with the Highway Department. Dooley agreed. Felger – still has a problem with #12. Feels the conversation notes are very vague with the requirements not very clear. Know they want one or the other open. The applicant states he will work it out later. Feels there should be a more finite answer from the County Highway Department. Bravinder is good with the way #12 is written. It will be worked out between the Highway Department and the property owner.*

VOTE: CARRIED UNANIMOUSLY

2. **BUFFALO LAKE, LLC, represented by Michael M. Erpelding** – New

LOCATION: Part of Gov't Lots 4, 5 & 6 Section 1, Township 119, Range 26, Wright County, Minnesota.  
(Deer & Buffalo Lakes – Marysville Twp.) Tax #211-000-012400 & -013100

Petitions for a Conditional Use Permit for a platted 12-lot residential subdivision as regulated in Section 155.028, 155.029, 155.047, 155.057 & 155.059, Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Applicant is not present

- A. Rhineberger – since the application was submitted there have been some comments received from the Highway Department regarding the road access. The applicant is working through the road issues and was not able to come up with a resolution prior to tonight. The applicant has requested a continuation to the September 1<sup>st</sup> meeting; however, the Commission will have to determine whether to have that meeting or cancel it. At this time there are no new or continued requests. The next available meeting would be on September 29<sup>th</sup>. Staff recommendation is to cancel the September 1<sup>st</sup> meeting and continue this item to the September 29<sup>th</sup> meeting.
- B. Daleiden moved to continue the conditional use permit to the September 29, 2022, meeting. Bravinder seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **KNIFE RIVER CORP.** – New

LOCATION: 4301 County Road 39 NW – S ½ of NW ¼ of SE ¼ and S ½ of NE ¼ of SE ¼ and S ½ of SE ¼ and N ½ of NW ¼ of SE ¼, except tract described in Book 321 of Deeds, page 439, at the Office of the Wright County Recorder; all Section 8, Township 121, Range 26, Wright County, (Silver Creek Twp.) Tax #216-000-084300 Property owner: Fay A Naaktgeboren Rev Trust

Commission to amend the existing Conditional Use Permit boundaries according to the 2022 EAW in accord with Section 155.029 & 155.048 (D) & 155.100 of Chapter 155 Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: John Henry, Aggerate Manager with Knife River

- A. Rhineberger reviewed the existing mining operation that is known to most as the Naaktgeboren gravel pit, located at the intersection of CSAH 39 and Endicott Ave in Silver Creek Township. The request is to amend the 2017 approved CUP. The applicant is proposing to exchange a previously permitted mining area for a different location on the property. Because this swap effectively changed the permitted boundaries of the 2017 EAW, a new EAW was recently completed and received a negative declaration, meaning the County Board did not require an Environmental Impact Statement.
- B. Henry – because of the lack of gravel in the southwest area it was decided to not go that direction and instead mine the northeast area. Site map was displayed and reviewed. No request to change conditions, just the change in area allowed to mine.
- C. No Public Comment
- D. Mol questioned the reason behind wanting to move out of the southwest corner. Henry – the material is more clay, and, in some areas, the clay goes down 50 feet with very little gravel. To the east of that area some gravel was obtained but it became unprofitable to mine. There are areas of the property that are already reclaimed or currently being restored. To the north is already being farmed.
- E. Felger – appears the operation almost out of land. Henry – the northeast side turned out to be good material with the south side becoming short lived for producing material. Definitely almost done mining in this location.
- F. Mahlberg – comment was made by the Township regarding the height of a berm being a concern of a neighbor. Was that addressed or does documentation need to be made that it will be taken care of? Henry reviewed the location of the berm in questioned and concern of the neighbor. He personally visited the site and determined there was vegetation between the berm and wetland but went ahead and rounded off the berm, seeded and mowed thistles. Mahlberg asked if he spoke with the neighbor afterwards. Henry – no, did not. Thompson questioned if the area of thistles was re-seeded. Henry – did not plow under and re-seed because they thought it was best to mow the thistles and let the vegetation grow up that is currently there. Normally they mow

weeds at every one of their sites. Thompson questioned if the thistles will be continued to be mowed. Henry – correct.

- G. Daleiden moved to approve a Conditional Use Permit to modify the approved 2017 boundaries of the “Naaktgeboren” gravel pit according to the new mining plans dated February 3, 2022. The permit is subject to the following conditions: 1) the existing perched wetland, as delineated, that adjoins Endicott Avenue shall remain undisturbed; 2) any refuse, garbage, or hazardous waste incidentally uncovered during the mining of the site shall be removed and properly disposed of by the applicant; 3) all restoration and reclamation of the existing pit area and the new mining area must utilize four inches of topsoil; 4) every attempt should be made to keep noise within the boundaries of the property by strategically placing stockpiles and berms; 5) all Wright County Ordinance provisions must be followed, including but not limited to, setbacks from property lines, roads, residences and commercial structures; 6) the asphalt plant and fuel storage areas must be on a clay liner or other impervious pad to assure containment of fuel spills; 7) applicant must provide and use dust control measures; 8) a bond or letter of credit must be provided for the reclamation of the newly expanded area in the amount of \$40,000. This bond must be kept in effect until the property has been fully restored in accordance with this approval and the Wright County ordinance. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

4. **PLAZA RINA LLC** – Cont. 6/30

LOCATION: 9859 Clementa Ave NW – Part of the E 1/2 of NE 1/4 of Section 15 Township 121, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax # 216-000-151400

Commission to review the existing Conditional Use Permit for a riding academy as regulated in Section 155.027, 155.029 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances Subdivision Regulations.

- A. Rhineberger reminded the Commission the item originally started as a revocation proceeding. There have been some developments with the current owner looking to sell the property to the operator of the riding academy. An incomplete application has been submitted by the potential buyer for additional Commercial Agricultural related operations. The actual uses that spurred the revocation process have ceased, with the last event being held in May. Preference of Staff is to let the property sale process play out because the potential buyer wants to operate within the confines of the current Conditional Use Permit. Long-term, if the sale goes through or there is a complete CUP application for AG Tourism the Commission can review and at that time retract the revocation. Would not suggest retracting the revocation until ownership has changed so if concerns do come back up, they can be addressed. In this situation the Commission is able to table the item indefinitely.
- B. Daleiden motioned table the discussion regarding revocation with the following conditions: 1) no further activity other than those allowed as part of the 2001 CUP take place on the property; 2) any resumption of unpermitted activities will result in the immediate commencement of the revocation process. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY



## **DISUSSION ITEMS**

1. Motion made by Greninger to cancel the September 1, 2022, meeting. Seconded by Daleiden.

VOTE: CARRIED UNANIMOUSLY

2. Felger stated there are old action items he would like to follow up on.

A. Felger questioned the status of the Delano Gun Club.

1. Kryzer – an Environmental Assessment Worksheet (EAW) was ordered on the gravel pit operation. Believes they are still in the drafting process, and they have not heard from anyone on this item since 2019. Questioned if work was being done at the Gun Club. Felger – thought a berm was being built where the new facility was to be. Rhineberger – a CUP was granted to expand the range. They are not allowed to mine, that is tabled until the EAW process is completed. As far as he is aware that process has not started. Last conversation was the company looking to mine has walked away, so the application sits there indefinitely.

A. Felger – other item would be a property that came before the Commission roughly 3 years ago. The property is in Rockford Township, on the corner of County Road 116 and Highway 55.

1. Rhineberger stated he is aware of the property in question as 2361 Eckert Ave, which is currently in the court system. They have been written citations for operating without a CUP and actually can't get one due to zoning district. Kryzer – does not get to his desk until criminal process is exhausted. Felger – what does that mean and what steps have been taken? Rhineberger – verification through visual operation of Staff, reports from neighbors and other investigative work they have been operating three business from the site. They were given a 30 day warning to cease operation, which they did not do. A County deputy was dispatched to provide citations for all property owners and this is where the legal process takes over. Kryzer – the wheel of justice is working as it should.

Meeting adjourned at 8:28 p.m.

Respectfully submitted,

Barry Rhineberger  
Planning & Zoning Administrator

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