

WRIGHT COUNTY PLANNING COMMISSION
Meeting of: May 4, 2023
MINUTES

The Wright County Planning Commission will meet on Thursday, May 4, 2023, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with members present: Pat Mahlberg, Ken Felger, Sandy Greninger, Jeanne Holland, Jan Thompson & Dan Bravinder. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON APRIL 13, 2023 MINUTES

On a motion by Bravinder, seconded the Thompson, all voted to adopt the minutes for the April 13, 2023, meeting as printed.

ACTION ON APRIL 20, 2023 MINUTES

On a motion by Greninger, seconded the Bravinder, all voted to adopt the minutes for the April 20, 2023, meeting as printed.

PUBLIC HEARINGS:

1. **JOHNSON MATERIALS, INC.** – Cont. 3/16 & 4/13

LOCATION: 14650 – County Road 75 NW – Part of Gov't Lots 3 and 4 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 #216-100-211101 & -222300 Property owner: Russell V. Martie Homestead Tr.

Petitions for an amendment to the existing Conditional Use Permit to expand the current mining operation by 6.51 acres, for a total of 38.27 acres, to include mining, screening, crushing, washing, and recycling of concrete and asphalt materials, 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: Jeff Johnson

- A. Rhineberger – at the previous hearing, the Commission directed staff to draft a motion for approval and closed the public hearing. Staff has drafted 2 potential motions as there was not clear guidance regarding the phasing plan. One motion is to adopt with both phases incorporated into the approval with an added condition that Wright County SWCD approval is given prior to entering into phase 2. The 2nd motion is approving only phase 1 with any operation into phase 2 requiring a new hearing. With the County Board adopting the new mining ordinance the reclamation bond amount has changed and is referenced in both motions.

- B. Mol noted public hearing is closed and reminded the applicant he would not be able to address the Commission.
- C. Bravinder questioned if the Commission is bound to the \$5,000 reclamation value. Kryzer – as of today, no, tomorrow yes as the new ordinance will be published tomorrow. Mol asked the current reclamation bond value for this operation. Rhineberger – \$3,000 per acre at roughly \$90,000. Bravinder – in favor of the \$3,000 per acre, as is the rest of the site. The operation won't be changing, the request is the addition of a small area.
- D. Felger questioned if the reclamation bond would apply only to the expansion area. Rhineberger – reads as per permitted acre. The current bond could be left alone with the expansion area assigned a new value. What this motion states is permitted acre, which would be the entire pit and therefore the entire pit would be recalculated based on what the Commission decides.
- E. Greninger – feels that the expansion should not happen until the Wright County SWCD have made a decision. That would be presented motion #2.
- F. Felger – opposed to any existing reclamation bond seeing an increase. If this Commission decides to increase the reclamation dollar it should relate to only the newly permitted area.
- G. Bravinder moved to approve an amendment to the existing conditional use permit to expand the current mining operation as specified in the plans submitted March 23, 2023, including 2.4 acres in Phase 1 and 4.11 acres in Phase 2, for a total of 38.27 acres, and based on the narrative submitted, to include mining, screening, crushing, washing, and recycling of concrete and asphalt materials, with the following conditions: 1) Expansion into Phase 2 must not occur until approval from the Wright County SWCD has been submitted to the Zoning Administrator indicating that area has been approved to be altered, mined, or otherwise disturbed; 2) Days and hours of operation shall be as set by Planning and Zoning file #PR20190002715, 7 a.m.-7 p.m. Monday-Friday; and up to 10 Saturdays a year, with hours from 8 a.m.-noon on those Saturdays that do not fall on a week of a Federal holiday; 3) Conditions of the 2004 CUP remain in full force and effect; 4) A reclamation bond of \$5,000 per permitted acre, for the newly permitted acreage, to be submitted and maintained prior to the expansion area being opened with the old permitted acreage to remain at \$3,000 per acre; 5) Township to continue to review every two years; 6) All performance standards of Section 155.100 be followed, unless otherwise specified by the Planning Commission. Motion seconded by Felger.

DISCUSSION: Kryzer – as of tomorrow, Ordinance 155.100 is going to be amended and a new set of performance standards will be adopted. Holland – approval will be based on old ordinance language. Kryzer – approved as the ordinance currently reads as of today. Related to #6 it states, 'performance standards of Section 155.100 be followed', therefore staff is looking for direction as of the date of adoption or going forward as amended. Mol asked for clarification. All mines permitted as of today or prior to tomorrows ordinance going into effect

will remain under the old ordinance. Kryzer – to an extent, yes. It depends on what the performance standards are. There will be times when the new regulations will need to be followed. Mol – this request, if adopted under the current ordinance, would have the same standards as any other permitted mines. Kryzer – correct. If the motion is left as is the operation will have to follow the new regulations. Rhineberger – more about the standards, such as screening standards, that change as of midnight tonight. Holland questioned if it would be easier for staff to enforce with the new ordinance instead of this one not following the new rules because it was 4 hours before new rules went into effect. Mol – this is an existing pit with a request for an expansion and those other existing pits still get to run under the grandfathered ordinance. Rhineberger – to some extent. Mahlberg – if an application came in tomorrow for a request to mine a new area would the grandfathering of the existing pit follow the performance standards of the new area? Kryzer – no, that would be an expansion of a nonconforming use.

Bravinder moved to amend his motion related to condition #6 to state that all performance standards of Section 155.100, as it stands today [5/4/2023], be followed, unless otherwise specified by the Planning Commission. Felger agreed to the amendment.

VOTE: CARRIED UNANIMOUSLY

2. **MATT BRUMMER** – Cont. 3/16 & 4/13

LOCATION: 1605 Highway 55 NE – Part of the W 1/2 of NE 1/4 & the West 2 rods of Gov't Lot 3 north of public road, Section 32, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-321300 Property Owner: The Trust Agreement of William and Arlys LaPlant

Petitions for a Conditional Use Permit to operate a self-storage facility as regulated in Sections 155.029 & 155.055(B), Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Marcus Gahn as a representative of the company

- A. Rhineberger – the Commission continued this matter and directed staff to draft a motion with conditions consistent with approval. Per that directive staff has prepared a potential motion that is intended to be a fairly good reference guide based on discussion.
- B. Gahn – would like to get started on phase 1. The delineation has been ordered and no construction will begin in the wetland area until the delineation is complete and wetland addressed. The plan is to start with the southern buildings and accesses.
- C. No public comment.
- D. Felger questioned which direction will construction of the buildings begin. Gahn – referenced the site plan and reviewed the plan is to start in the southeast and move towards the northwest area. Felger questioned the background regarding the Township requesting an interim use permit (IUP). Kryzer – it would be up to the Planning Commission. The nature of the facility and what is being built would not be conducive to an interim use. Rhineberger – motion is written based on what was requested at the time of the application and was publicly noticed. At that time the IUP was not written into the ordinance. Up until midnight tonight the IUP is not formally published. In this case a conditional use permit (CUP) would be the suggested route.
- E. Felger moved to approve a conditional use permit to operate a self-storage facility according to the description, plans, and discussions, including outdoor self-storage of trailers, boats, fish houses, and other similar equipment, with the following conditions: 1) Buildings and construction activity in the wetland area, as shown on the plan, cannot occur without an approved wetland delineation and appropriate approval from other governmental agencies; 2) Storm Water Pollution Prevention Plan (SWPPP) shown on the plans must be installed and inspected by the Wright County SWCD prior to the use commencing; 3) The access location on Bradshaw Ave. may be used as either the primary access or secondary emergency access point, provided the physical access location is built to Township specifications and requirements, and the access drive is constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles; 4) Site to be secured with a chain link fence, as indicated on the plan, with screening as follows: a)

vegetative screening shall consist of a row of fast-growing evergreens at least 6 ft. tall, inset 15 ft. from the west property line, spaced 20 ft. on-center. Any tree which is overcome with disease or that is deceased must be replaced with a new mature tree at least 6 ft. in height and of the same type within 30 days; b) all fencing along the west property line and around all of the outdoor storage area shall also require slatting as part of the screening requirement; and 5) Signage is in accord with the Wright County Sign Regulations. Motion seconded by Holland.

DISCUSSION: Gahn addressed the fence slatting. The slatting would occur on outdoor storage area. Chain link ornamental around rest of facility. Rhineberger reviewed the condition requirement of slatting around the outdoor storage as well as west property line, that borders the City and is planned for development.

VOTE: CARRIED UNANIMOUSLY

3. **ZEKE BERG** – Cont. 4/13

LOCATION: 7385 Jason Avenue NE – Part of the NW ¼ of SW ¼, Section 28, Township 121, Range 24, Wright County, Minnesota. (Monticello Twp.) Tax # 213-000-283201 Property Owners: Zeke Berg & Dana Berg

Petitions to amend an existing Commercial Outdoor Recreation conditional use permit to Commercial Agricultural Tourism, to allow a 40' by 40' pavilion and extend operations to include the month of August, as regulated in Sections 155.003(119), 155.029, 155.048, & 155.109, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Zeke Berg

- A. Rhineberger – item was continued to allow time for a site inspection. There is a perspective motion written into the staff report with some areas that should be addressed as they were not discussed at the prior meeting.
- B. Berg and public had not comment.
- C. Bravinder – if parking at 125 cars is allowed how many people are anticipated? Berg – expecting and average of 3-4 people per car. Rhineberger – Planning & Zoning tends to use the standard average of households being 2.5 people, there are no definite figures. Bravinder questioned how long a person typically spends on the property. Berg – they do not track this figure but would guess average of 2 hours.
- D. Thompson motioned to approve to approve an amended permit to include Commercial Agricultural Tourism and allow the construction of a 40 x 40 pavilion, with the allowed use being consistent with the applicant's narrative and discussion, with the following condition: 1) Events and activities remain as approved with file #PR20170003036; 2) Months of operation; 3) Any change from the current 100 people at any given time limitation; 4) Township to review in one year, with subsequent review schedule as deemed appropriate by the Township; 5) All other conditions as outlined in previous approvals on file, except those changes noted above, remain in effect. Felger seconded the motion.

DISCUSSION: Bravinder – believes months of operation needs to be defined. Reading Township minutes, they approved adding the month of August. Rhineberger – in the narrative the applicant stated August – October, with the current Conditional Use Permit allowed September – December. In the end, if the weather is bad the operation would shut down early. What was publicly noticed was adding the month of August. It is up to the Commission to decide if they want to allow August – December, no change or even August – October. The months was not discussed at the previous meeting, so the proposed motion did not include specific details. Bravinder – the scope of the December operation is weather dependent and therefore is okay leaving August – December. Would ask for a friendly amendment to the motion. Also, condition #3 states 100 people but it was discussed with staff and the amount of cars being at the site it

was going to be closer to 300 people maximum. Suggestion would be an adjustment on the proposed motion related to number of people. Rhineberger questioned if the Commission would want to limit the number of people or the number of cars. Cars are easier to enforce with limitation based on parking spaces. Bravinder stated he was good with setting limit based on cars. Thompson – would agree with amending her motion related to the discussion of the months of operation and that limiting the number of cars versus of people is ideal. Holland questioned if a maximum limit of cars could be set. Mol suggested a limit of 125 cars, as that is what the applicant stated he had room for.

Thompson amended her motion to read; 2) Operation allowed August through December; 3) Maximum of 125 vehicles on the site at any given time. Felger seconded the amendments.

VOTE: CARRIED

Abstained: Greninger

4. **MATTIE CYMEK** – New Item

LOCATION: 8025 State Hwy 25 NE – Part of E 1/2 of SW1/4, lying west of the westerly right of way line of Highway 25 and south of..., Section 22, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax # 213-100-223402 Property Owners: Double H Properties, LLP

Petitions to rezone the area outside of the shoreland overlay on the property, as seen on the concept plan, from General Agricultural (AG) to General Industry (I-1) as regulated in Section 155.028, 155.048 & 155.055, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Bruce McAlpine speaking on behalf of the applicant.

- A. Rhineberger displayed maps of the property and reviewed the request details. Property is a 25.45-acre site that sits along State Highway 25 NE in Monticello Township. The property is currently zoned General Agriculture (AG) and designed as Agricultural in the Northeast Quadrant (NEQ) Land Use Plan. Additionally, part of the southern portion of the property is within the shoreland area of Slough Lake (within 1,000 ft. of the lake). The applicant is requesting to rezone the property from General Agriculture (AG) to General Industry (I-1) in areas of the property outside of the shoreland area. Only areas outside of the shoreland district have the potential to be rezoned to I-1. The use will also be limited to the area outside of the shoreland area. There was a Conditional Use Permit issued in 1993 for a nursery and garden sales. A gravel mining Conditional Use Permit was granted in June 2003. However, the mining operations were short-lived and minimal. In January 2009 an amended CUP was granted to expand the nursery and garden sales operation to include an online auction sales use of farm implements and other agricultural-related items, which is the current use of the property. The permit was specific to agricultural-related items. Monticello Township has requested a site inspection.
- B. McAlpine – 1,400 ft. on a highway with a lot of potential for commercial. Feels it is marginal land and why originally set up for mining of gravel. It is not in the MOAA (Monticello Orderly Annexation Area), that is across the street and is also a commercial designation.
- C. No public comment.
- D. Felger questioned the comment regarding potential commercial zoning. Is commercial an allowed use under General Industry? Rhineberger explained tomorrow after the amended ordinance is in effect the reading of the ordinance would be different. Any use permitted in the General Business (B-2) district would also be a listed IUP or CUP, as of midnight tonight, in the I-1 district. It is not just those uses listed in the I-1 district but also those uses that are listed in the B-2 district.
- E. Bravinder moved to continue the request to the June 1st meeting to allow time a site inspection. Motion seconded by Greninger. VOTE: CARRIED UNANIMOUSLY

5. **JOHN FRITZ** – New Item

LOCATION: 7607 State Hwy 25 NE - Part of Gov't Lot 3 lying north of the south 550 feet, and lying northwesterly of the northwesterly right of way line of highway and portion of the SE ¼ of the SE ¼, Section 28, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-281401, -281400 & 213-100-272300, -273200. Property owner: Goetzke

Petitions to renew the permit that was issued in 2018 to allow mining of the remainder of the aggregate at the property, and to clean up the property and process the material brought in by the previous operator. Will include the processing and crushing of recycled concrete and asphalt and hauling material for restoration. Also, to include a slight modification of the 1998 reclamation plan to farm field.

Present: John Fritz

- A. Rhineberger – the property is a 25-acre triangular-shaped pit in Monticello Township that runs along MN 25 with 4 parcel numbers all under the same ownership. Property is zoned General Agriculture (AG) and in the land use plan as General Agriculture (AG). The request is to renew a 2018 CUP to allow mining of the remainder of the aggregate, clean up the property and process material brought in by the previous operator. This will include the processing and crushing of recycled concrete and asphalt as well as hauling in material for restoration. Included in the plan is mining where material exists, crushing and selling recycled concrete/asphalt, and then restoring the pit to a farm field. There was an enacted permit that required reclamation completed by 12/31/2022, that was not completed and a citation was issued. Result was a new operator coming into the picture and applying for this request before the Commission. This application is essentially to clean up and reclaim the site. The material currently in the site will be processed and brought out as needed as well as bringing fill in to accomplish the reclamation plan. The Township did respond that they have approved the renewal of the permit issued in 2018 with a 120-day timeline. In talking with the applicant, it seems the 120-day deadline was to clean up the bulk of the material and junk left by the previous operator. It was not meant for work in the pit to be completely done within the 120-days but just cleaned up. Fritz – for the last 3-4 weeks he has been hauling out demo debris and tires. A crusher can be brought to the site in about a month to crush the remainder of the concrete.
- B. Fritz – it would be nice to extract some aggregate to help with the haul back and restoration. Mol questioned duration plan. Fritz – 10 years and would like to keep recycling at the site. He would put the recycling site a little more south so that it is not as visible and add additional screening to help block the view with finish product more to the north.
- C. No public comment.
- D. Bravinder questioned access location. Fritz – not off of MN 25 but the blacktop road bordering the north. Bravinder – comments stated there is wood on site. Fritz – previous

operator hauled in brush. Plan is to burn that in the winter. Bravinder – if mined, how deep will the pit go? Fritz – clay deposit depth varies but he is thinking 10-15 ft. deeper.

- E. Mol questioned if the Commission wanted to do a site inspection as it appears to have changed over the last few years. Fritz – photos were sent to Planning & Zoning showing some of what has been cleaned up. Most vehicles are gone with a few pieces of non-running equipment still on site that the previous operator is trying to remove. Mol asked if applicant has any affiliation with the past operator. Fritz – no, not affiliated at all. His plan is to not bring in anymore brush. Mol – strictly use for crushing concrete, potential asphalt, and mining. Fritz – plan is to also restore for Mr. Goetzke.
- F. Thompson – what end of the site will be mined? Fritz – start from north and work south.
- G. Felger – major immediate operation would be clean up and crushing what is existing. What will be used to keep dust down during crushing? Fritz – per Mine Safety & Health (MSHA) they are required to use water when crushing and is what they use for dust control.
- H. Thompson asked the depth of the pit currently. Fritz – roughly 15-20 ft. Thompson – has the ground been tested. Fritz – no.
- F. Holland motioned to continue the request to the June 1st meeting to allow time a site inspection. Motion seconded by Greninger.

DISCUSSION: Rhineberger – with activity in the pit it is a bit of an unknown as to what the plans are for additional excavation. Original plans appear to have been drafted in 1997. Would the Commission want additional information related to the mining that will take place and modifications related to the end use plan? Bravinder – there is a proposed motion in the staff report. Not sure how the rest of the Commission feels but the proposed motion stating expiration date 2026 but the application stated he thought it would take at least 10 years. Rhineberger – motion was based on conversation had with the applicant. This is something that can be altered by the Commission. Bravinder – thought Juneteenth was stricken from the Federal holiday list. The County Board did strike Juneteenth but the Planning Commission can impose Juneteenth as part of the conditions. Mol – continuing this item would be considered under the new ordinance with a maximum on an IUP of 10 years but the Commission can set that date less than the 10 years. Kryzer – feels staff should rewrite the motion but also address a date that the cleanup is required to be done. Rhineberger – get at least cleaned up. Crushed and put into organized piles is better than what is currently at the site. It might take more than 120 days to get crushed material gone but if in a stockpile and ready to go is an option. Agrees, the proposed motion needs to address the change in ordinance.

Holland amended her motion to include the applicant provide an updated mining and reclamation plan to Planning & Zoning prior to the June 1st meeting. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

6. **PAUL RUMPZA** – New Item

LOCATION: 4019 115th St SE – Part of the W 1/2 of NW 1/4 of the SW 1/4, Section 35, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax # 208-200-353200
Property Owners: PATRICIA RUMPZA REVOCABLE TR & MATR UNDER CLYDE M RUMPZA REVTR

Petitions to rezone the west 14.8-acre portion of the property, as seen on the concept plan, from General Agricultural (AG) to Agricultural/Residential (AR) as regulated in Section 155.028, 155.047 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Paul Otto with Otto Associates

- A. Rhineberger – the request is to rezone of the property from General Agriculture (AG) to Agricultural/Residential (AR). The proposed division drawing was displayed and reviewed. Request is for rezoning of Parcel A as Parcel B has already been rezoned. When Parcel B was rezoned and subdivided an added condition was that the 9.8 acres was not a buildable lot and must stay attached to the acreage to west until a time when rezoning is approved. Recently a 5 acre division of the existing farmstead, in the NW corner on 115th St and Eaken Ave, was approved by Planning & Zoning through Deed Restriction. The remaining acreage is restricted unless rezoned, which is the request before the Commission. The property is in the Land Use Plan as Rural Residential, which is suitable as Agricultural/Residential (AR). The development around the property does show some AG zoned parcels but majority of the properties have already been rezoned. Franklin Township did approve.
- B. No comment from Otto or public.
- C. Felger questioned if there is drain tile. Otto – tile runs through the property. It is on the chimney of Parcel A and goes around the woods and eventually under the road to a property to the northeast.
- D. Thompson motioned to continue the hearing to the for a site inspection.

Mol called for a second three times and hearing no response the MOTION FAILED.

- E. Bravinder moved to recommend approval to the County Board of Commissioners to rezone the property from General Agriculture to Agricultural/Residential. Motion seconded by Holland.

DISCUSSION: Thompson stated she will not vote until she has a chance to visit the site. She will visit the site on her own but does not want to make a formal decision without viewing the site. She objects to the motion.

VOTE: Bravinder, Greninger, Mol, Felger, Holland and Mahlberg. NAY: Thompson.
MOTION CARRIED

7. **MARK D. JOHNSON** – New Item

LOCATION: xxxx Pleason Ave NW – SE 1/4 of SW 1/4, Section 9, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax # 209-000-093400 Property Owners: Mark D & Jodene M Johnson

Petitions to rezone the entire 34.65 acres from General Agricultural (AG) to Agricultural/Residential (AR) as regulated in Section 155.028, 155.047 & 155.048, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Mark Johnson

- A. Rhineberger displayed various maps of the property and reviewed the request. The property is a 34.65-acre site located along Pleason Ave NW in French Lake Township. The property is zoned General Agriculture (AG) and in the Land Use Plan as Rural Residential. The property did have an entitlement and in March 1994 the lone building entitlement was transferred to create an additional building site on the quarter-quarter to the northwest. The applicant is requesting a rezone of the property from General Agriculture (AG) to Agricultural/Residential (AR). There is limited rezoning in the area, as shown on the zoning map that was displayed. A rough site plan was reviewed with the applicant's desire for at least initially a 2 lot subdivision with potential for an addition subdivision. French Lake Township has yet to respond.
- B. Johnson – goal is to build a home for his son. The property has been in his wife's family for 120 years and they are not looking to sell off the land.
- C. Mol questioned the applicant if he has been to the Township or on agenda. Johnson stated he does not know the process and misunderstood that he needed to go to the Township prior to this meeting. Mol questioned if he is now on the agenda. This Commission tends to not make a decision without township comment. The property is in the plan for A/R rezoning but with little to no rezoning around this parcel he would like to hear from the Township prior to making a decision. This item can be continued until heard by the Township. Johnson – that would be July as the May meeting has already passed. Rhineberger stated he spoke with Mr. Johnson prior to tonight's meeting and reviewed the upcoming meeting dates for this Commission as well as the Township. In this case French Lake Township meets the 1st Tuesday of the month and with the Planning Commission schedule that would put hearing Mr. Johnson on June 29th.
- D. Bravinder – agrees with member Mol, it is hard to make a decision on this request without hearing input from the Township. Mr. Johnson could ask French Lake Township for a special meeting. He would be in favor of a continuation and a site inspection could be part of that. At this time, he would not have an opinion on the request.
- E. Felger questioned what date is being considered as the continuation date, June 1st or 29th. Bravinder – it might be better to place on June 29th. Kryzer – if continued to June 29th there is

no possibility to write Findings because of the 120-day time limit and MN Statue 15.99. We would need the applicant to waive the MN Statue 15.99 time limit. Johnson – had application in prior to deadline for the last meeting but because the meeting was full, he was put on this agenda. Mol questioned the applicant if he would be willing to sign the MN Statue 15.99 waiver to remove the 120-day deadline. Johnson – agreed to sign the waiver.

- F. Kryzer – explained the MN Statue 15.99 and the deadline for this application would fall on July 20th. That does not give this Commission a lot of time. Johnson asked if he could get continued and he would see if French Lake Township could hold a special meeting. Mol – if put to June 1st he can still continue to the 29th but the waiver would need to be signed. Discussion continued on the dates and the 15.99 waiver with Johnson agreeing to sign the waiver at tonight's meeting.
- G. Bravinder moved to continue the request to the June 1st meeting to allow time for the applicant to meet with French Lake Township. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

Mol – 8:47 pm meeting was adjourned for a 5 minute recess.

8. **GREG CHARLSON** – New Item

LOCATION: 2233 105th St SW – Part of the Southeast Quarter of Section 27, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax # 220-000-274101 Property Owners: Greg R & Allison Charlson

Petitions for a Conditional Use Permit to have a non-commercial contractor's yard to store business equipment and materials for the applicant's plumbing business in an existing accessory structure on the property as regulated in Section 155.003(30), 155.029 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Greg Charlson

- A. Rhineberger – the parcel is 7 acres located long 105th St NW in Woodland Township. The property is zoned General Agriculture (AG) and is designated in the US Highway 12 Corridor (US 12) Land Use Plan as Agricultural. The lot was created through a Deed Restriction in June 2017. The request is to operate a non-commercial contractor's yard to store business equipment and materials for the applicant's plumbing business. The storage of materials and equipment is proposed to be located within an existing 40' x 64' storage building that was completed in 2022. Additionally, the applicant is requesting a new 20' x 40' outdoor storage space that would be located directly south of the storage building. Site plan was displayed and reviewed. The business plan is included in the staff report packet. Woodland Township has approved this request with the condition of a township review every two years.
- B. No comment from public or applicant.
- C. Holland – small operation with a note that the secretary does work remote and is off site. Charlson – main work is small residential service not large commercial projects. There is not a large amount of material and equipment required.
- D. Mol – all items will be stored inside other than a few vehicles or trailers parked behind the shed. Charlson – confirmed. Mol questioned the exterior lighting. Charlson – LED motion sensor lighting.
- E. Greninger asked how many employees would have access coming and going. Charlson – one employee besides self. Mol – confirmed with Charlson he lives on the property.
- F. Mahlberg questioned screening as there is mention of a privacy fence in the staff report. Would like to hear thoughts if there is a plan to install a privacy fence. Charlson – at this time no plans for fence. The building is tucked into trees so it is not out in the wide open field. Mahlberg – from the aerial appears there will be a neighbor or two that could see the outdoor storage. Concern is when junk is left outside and complaints start. Kryzer – a fence allows everyone to know where the stuff outside is supposed to be put. If outside the allowed fenced boundary is easier to address as a complaint. Felger questioned the applicant if he was

amiable to a privacy fence around the outdoor storage area. Charlson stated that a fence is doable.

- G. Felger moved to approve a Conditional Use Permit for a non-commercial contractor's yard in accordance with the discussion, plans, and description held on file, with the following conditions: 1) All work must be conducted off-site; 2) Business-related materials must be stored inside the building or within the approved 800-square-foot exterior storage space; 3) Vehicles and trailers shall be limited to two work vans, one employee passenger vehicle, and one additional trailer; 4) A privacy fence, not to exceed 7 ft. must be constructed around the 40' x 20' exterior space shown on plans submitted; 5) Township to review the request every two years, or as required by the Township; 6) Any change in use or expansion would require an amended CUP. Motion seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

9. **TRIPLETT FAMILY LP** – New Item

LOCATION: Property where “entitlement” is coming from: xxxx Mitchell Ave NW, the NE 1/4 or the SE 1/4 , Section 36, Township 121, Range 28, Wright County, Minnesota. Tax # 217-000-364100 Property where “entitlement” will be moved to: 8567 Pittman Ave NW – part of the SE 1/4 of the NW 1/4 together with portion of SW 1/4 of said NW 1/4, Section 21, Township 121, Range 28, Wright County, Minnesota. Tax # 217-000-212302 (Southside Twp.) Property Owners: Triplett Family LP

Petitions for a Conditional Use Permit to allow the transfer of a single residential building “entitlement” from the Triplett Family LP property in Section 36 to Triplett Family LP property in Section 21 Southside Township as regulated in Section 155.029 & 155.048 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Wayne Triplett

- A. Rhineberger displayed the property maps and reviewed the request. The request is to transfer an “entitlement” between noncontiguous properties. The property the entitlement is coming from is a 42.79-acre property located at the corner of Mitchell Ave NW and 62nd St. NW in Southside Township. The entitlement will be moved to a 34.7-acre property located along Pittman Ave NW in Southside Township. Entitlement will be going from Section 36 to a property in Section 21. The property where the entitlement is coming from is primarily tilled field and in the Land Use Plan as Transition Area with the City of Annandale. The parcel that will gain the entitlement is currently restricted and is designated as Aggregate Resource Area in the NWQ Land Use Plan. Southside Township approved this request. Two comments from neighbors recommending denial of the request have been received and are included in the packet.
- B. Triplett – the property near South Haven has been in the family since 2013 and the property near City of Annandale has been in the family since the 50’s. Would like to move the entitlement to liquidate the property on Pitman Ave. as it doesn’t fit their farming plan. They are in the business of crop farming and that particular property doesn’t fit in the crop farming plan.
- C. No Public Comment.
- D. Mol questioned how often a request such as this comes up. Rhineberger stated he recalls maybe 3 or 4. Most often what is seen is a transfer related to adjoining properties. In 2015 or 2018 the ordinance was amended to allow the transfer between noncontiguous properties if the parcels are owned in same fee title ownership for a minimum of 3 years.
- E. Bravinder – this request doesn’t seem out of the ordinary.
- F. Rhineberger – there is a perspective motion that includes a condition regarding clusters. In this request the entitlement will be assigned to both parcels so that if there is a division

within those parcels the request doesn't need to come back to this Commission. When a division occurs a document can be dealt with administratively that will assign the entitlement. Rhineberger went on to explain details of when and why the proposed motion includes a condition regarding the possibility of any future division requiring an "AG cluster" hearing. Mol questioned why the property is currently restricted. The parcel is in the Aggregate Area and by putting an entitlement on the parcel is the Commission also shutting down a possible mining pit. Is this Commission supposed to be protecting the aggregate areas? Rhineberger – mining operations would require an entitlement. If they want to mine the property it needs an entitlement, same as any other conditional use. With the Beacon aerial map displayed Rhineberger explained the divisions that had occurred and created the restricted parcel.

- G. Felger questioned if there has been any interest by the City of Annandale to annex. Triplett – no, not to his knowledge. They own a property just to the northeast as well that borders the City and has not had annexation interest.
- H. Bravinder asked the applicant if he was in favor of the entitlement floating among the 2 parcels. Triplett – agrees that it does make sense. Rhineberger – a single septic site was requested for this request and only completed on one of the parcels. Any division may require another septic site verified.
- I. Bravinder moved to approved a Conditional Use Permit to transfer a "1 per 40" building entitlement from a property in Section 36 to land in Section 21, both owned by Triplett Family LP, with the following conditions: 1) A Deed Restriction is filed with the Wright County Planning & Zoning Office, restricting the property in Section 36 from any further development unless annexed and assigning the residential entitlement to the two parcels in Section 21; 2) Any further divisions using the entitlement in Section 21 may require an "AG Cluster" hearing. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

10. **ORDINANCE AMENDMENT 23-2** – New

The Wright County Planning Commission will be reviewing and discussing proposed amendment to the Wright County Code of Ordinances. Proposal is to amend 155.108(C)(18), the solar farm setbacks. The current version of 23-2, subject to possible further amendment, would increase the applicable solar energy farm size from 1.49 megawatts to 5 megawatts.

- A. Kryzer – before the Commission is ordinance amendment 23-2 which would amend Ordinance 155.108(C)(18), that addresses solar energy farms and solar energy system setback distances. On April 18th the County Board of Commissioners directed staff to publish and notice this matter for a public hearing. The County Board asked that the Planning Commission review, hold public hearing and provide comment on whether the 1.49 megawatts AC should be amended to 5 megawatts. This matter was published in the Delano Herald Journal on April 21st. The County Board is asking this Commission to review a change to the current ordinance from 1.49 megawatts to 5 megawatts.
- B. Mol opened the floor to the public for comment.
- Lori Cocking – resident of Waverly. Stated she had attended all pervious solar meetings. Asked for clarification regarding mentioned setbacks. Kryzer – currently a 1.49 megawatts AC solar array must be 1 mile away from another solar array that is over 200 kilowatts. The County Board is looking for comment from the Planning Commission and recommendation to change the 1.49 megawatts AC to 5 megawatts. Cocking stated that she does not feel this amendment is necessary and has spoken with a few County Commissioners. When this was put in place several solar companies walked away. Sees no reason for that restriction other than to make solar companies walk away. She would be happy to hear the reasoning. She has spoken with the solar companies who have stated this situation is not possibly as they need the arrays closer together so they can daisy chain. It is clear there is no reason for this other than to get solar companies to walk away. She is a huge proponent of solar and seems that Wright County embraces the burning of coal, which causes health issues. Coal is not clean. The world is moving towards solar but there is resistance to it. She would like to see the setback distance go away.
 - Jonathan Heinrichs – 14695 92nd St NE, Otsego – in an interesting place with solar. We are regulating solar but this is a really a property rights issue. Do we own the light that shines upon our land? Why would you restrict someone converting that power to energy as electricity? Solar is the very best option for Wright County. Within 10 years all of the current residential solar will be paid for and the system will last for 30 years. This is a very good thing for a lot of people. Farmers can do risk mitigation by having solar. The 1 mile setback is unreasonable because huge transfer stations must be installed every mile and this rule killed solar. In Wright County if someone wanted to heat a home with wood, propane, or gas generation it would be okay. When it comes to solar the County is saying nope, you don't own the land or the light that hits your land. The question is, what are you going to do when the coal train stops. The coal train will stop and sooner or later Wright County won't get a coal delivery. Monticello nuclear plant is not going to solve the problem. Not to mention nuclear waste is stored at the site and will be radioactive for thousands of years. What is the best option for Wright County? Solar is hugely the best option. Individuals can build their own units and solar farms allow the sun to be used. Do we really want to burn coal for the rest of forever? If we continue to burn coal it will kill us and there is an endless list of illnesses caused by burning of coal. Coal is also related to climate change. Solar produces no

- risk, no noise, no light, no smoke and can do no harm to any living thing. What risk is solar to us? It is good for farmers, residential, economy and you have to consider the potential manufacturing opportunities that come with solar. Solar is our best hedge against climate change. We need the power and this is the best way to get that power. Open up the rezoning requirements to allow as much solar as can be put in Wright County as it does well for everyone.
- Troy Lange – Victor Township – agrees, there is a need for solar but we also need farms to produce so we can eat. The west part of the county is primarily agriculture. Believes in the setback in the same way we need to control urban sprawl. Covering 40 acres would be the size of a small town and these solar farms can eat up land in a hurry. The last request was regarding an entitlement for a single home and this conversation is regarding covering major acreage for a solar field. Solar has a place but not all areas can be filled with solar. We need to think about where solar is going. Believes in the setback because we need to slow down where the solar goes. Strongly believes we should not be covering all of the green fields with solar panels.
 - Lori Cocking – solar would use 1 % of the land. It is not going to take lots of farmland away. Spoke with a farmer in Cokato that is making a lot of money with solar panels on his farm. It is not that the farmer won't be reimbursed, it is a give and take. Solar companies are talking about 1% of the land in Wright County and even though she doesn't know what the figure looks like it does seem reasonable. There is probably more land in feedlots and those do have real health risks. This is good for our health and is a small percentage of land that will be used. The Commission should review and be more receptive. She personally has solar and soon will be off grid. Solar is all around a good deal if people would just educate themselves.
- C. Bravinder stated he was on both of the solar ordinance committees. There is validity to what everyone is saying. The solar committee had recommended the 1 mile setback be dropped but the County Board did what they wanted to anyway and it was added into the ordinance. Personally, he does not agree with the 1 mile setback. When he sat on the solar committees, he heard from the solar companies that there is existing criteria that dictate where these solar farms could be installed. Solar farms need to be within a specific distance of hooking up to the utility system, they cannot go just anywhere. He sat with representatives from Xcel Energy and it was a very big conversation. From what he is reading the state legislature is coming down with an omnibus bill. What the County Board is trying to do is get ahead of the 5 megawatt solar. Understanding is that once this bill passes a 5 megawatt system could go in and not be required to abide by the 1 mile setback. The County Board doesn't want the bill to pass without the 5 megawatt included in our ordinance. Kryzer – currently the statute states community solar cannot exceed 1 megawatt. Mol – with this ordinance change they could come within that 1 mile and install a 5 megawatt. Kryzer – multiple 5 megawatt systems could be right next to each other.
- D. Mol – struggles with this topic. Personally, works for a seed production company right across the river in Sherburne County and hears both sides of the conversation. Right now, this Commission is looking at an ordinance to protect green space of Wright County. Across the river, in Sherburne County, they have been working all winter taking out a tree line to install temporary homes for people working on the solar site. It is a huge project and within the next 3 years well over 6,000 acres of solar panels will be installed. It is said we need solar and we shouldn't be burning coal, using nuclear or wind. But do we want Wright County to be green or the County to be solar? It is a hard question to answer and when you start to take 6-8 thousand acres out of production how many hungry people will

there be. He is raising seed corn that produces 3.5% off all hybrid seed corn in the country and this year he has lost 300 acres that will go into solar and there are plans for another 500 acres to go into solar. Hears what was stated about in the end the County Commissioners doing what they want but this Commission also continually rezones land to allow more homes for more people. There is a need for electricity but are we going to be a community of homes or a community of solar panels. In Sherburne County there is a potato producer that produce about 1,800 – 2,400 acres of potatoes a year. They now need to find other land to replace this lost production land and it is specific sandy soil that grows potatoes. Not sure where the balance is. This Commission can understand what is happening with solar panels and the acres being taken out of production. There are 2 power plants and the grid is already in this area, so this is where companies want the solar farms. The other side of the river is filling up with solar panels and they are taking down irrigated land. In Wright County irrigated land can out produce black dirt farms. The irrigated lands are going away as well. He wants electricity but also doesn't so much acreage taken up for solar.

- E. Bravinder – on the first solar ordinance committee and feels one thing Wright County did right is they set the ordinance in place with the lower megawatt limit. The ordinance allowed 1 megawatt in successions of 5, so maximum of a 5 megawatt system. Kryzer – the way the law originally was written and Xcel allowed to happen was you could have 1 megawatt co-located up to 5 times. That allowed for a 5 megawatt solar farms divided into 1 megawatt increments co-located on the same parcels. Bravinder – currently as the ordinance reads that is pushed down to just 1 megawatt, end of story. Kryzer – yes, Xcel Energy accepted those applications for a short period of time and eventually went to 1 megawatt on a parcel. Bravinder questioned if the intent was to block what was happening in Sherburne County. Kryzer – what is happening in Sherburne County was done by the PUC (Public Utility Commission) which would supersede anything happening at the County level. The PUC has been a part of a few solar farms in Wright County. Bravinder – believes with the first ordinance the idea was to attract the smaller arrays to the County and not be attractive to the larger arrays. The larger arrays may want the more open land like they have in Sherburne County. Mahlberg – they are a lot closer to the interconnection and more favored for large scale solar.
- F. Felger questioned the emphasis behind the amendment. Mol – that would come from the state legislature or whoever wrote the bill. Felger – the Commission is being asked to abide by what might happen in the legislature or has happened. Kryzer – staff was directed by the County Board to draft ordinance amendment 23-2 and have it heard at tonight's public Planning Commission meeting. Mol – would say the County Commissioners possibly have seen something coming that they are trying to get ahead of. Felger – agrees with member Bravinder regarding the setback distance and recalls speaking against the 1 mile setback distance. Agrees, the County Board did what they wished to do and that is their prerogative. Questioned if changed to 5 megawatts does the 1 mile distance still apply? Rhineberger – confirmed. Felger – at 5 megawatts thinks what will happen is that will give fewer opportunities to individuals to even put in a solar array. He would guess that you would have less individuals installing 5 megawatt arrays. Unless the County Board knows something that is going to happen, he would be against this amendment because it is going to kill, to some degree, the building of smaller megawatt units. Both sides of the issue have very good arguments for and against solar. He is not sure what to think or do with this solar issue.
- G. Holland – this has to do with the land and not individual people's property for roof mounted solar. The amendment is saying we really do not want to have our agricultural land taken up by solar panels. Felger – not related to residential solar. If there is a farm zone General Agriculture and 40 – 80 acres the owner used to be able put in a 1.49 megawatt and now it will be raised to 5 megawatt. Could he still install a 1.49 megawatt system? Mol – yes, the solar company pays rent for 20-30 years and is the

one footing the expense. Felger asked if they want to preserve Ag land why don't they allow these solar farms only in marginal land. Why aren't they in wetlands or on marginal farmland? Agrees, does not want to disturb prime farmland. Holland – highly doubtful that the Wright Soil & Water Conservation District (SWCD) or DNR would allow in wetland. The land attractive to the solar companies is going to be the farms. Mol – you can't argue with a farmer renting their land because the money they are getting for rent is huge and they would never make that in their lifetime. Holland – similar to how St. Michael and Albertville saw houses built because farmers were getting \$40/acre and there was no way to stop the development. The farmers are going to take the money and run because it is so much money. What this ordinance does is just lets the County control solar a little bit. Felger – so concentrating opposed to having numerous 1.49 megawatt sites.

- H. Mahlberg – feels there is a lot going on at the state level in terms of who is lobbying for what. There are probably interests out there that say small community solar gardens have an administrative component and another saying there are benefits to utility scale solar. Feels that this is not a policy issue this Commission is looking at and is being done to align with what the state legislature is poised to pass.
- I. Bravinder – with this ordinance change the County Board is trying to keep the 1 mile setback up to 5 megawatts. If this ordinance isn't amended a system over 1.49 megawatts would not need to abide by the 1 mile setback and a 5 megawatt system would not need to follow the 1 mile rule. Felger – an individual can still put in a smaller array. Rhineberger – anything over 200 kilowatts but less than 5 megawatts would need to abide by the 1 mile setback from any other solar array that is over 200 kilowatts.
- J. Mahlberg – previously Land Liberty explained this is an attempt by bigger entities to prevent from having solar farms popping up next to each other. The only way to be economically reasonable for the smaller solar farms was to be close enough to connection points. If you separate them out, they no longer become viable economically for the smaller solar developers. Bravinder – smaller solar developers do not deal with the PUC, just County ordinances. Rhineberger – believes the PUC gets involved on anything over 25 megawatts. Mahlberg stated he believes it is 50 megawatts.
- K. Mol – recalls a 1.49 megawatt site to be approximately 10 acres of land. At 5 megawatts you would be looking at a 25 acre parcel. Rhineberger – factoring in fencing, topography, and boundaries he has figured out roughly 5-10 acres a megawatt. Mol – looking at 25 – 50 acre parcels. In that perspective you will be putting a fairly large solar farm with another one that could be a mile away. Are we wanting to see 100's of acres of panels on a single farm or panels peppered on 25 acres a mile apart. This amendment, as written, is allowing 5 megawatts a mile apart. This is still giving Wright County residents the ability to be in solar. Holland questioned if it were to be a 2 mile setback. Mol – ordinance states 1 mile, let's not try to change the ordinance.
- L. Mahlberg – whether we go to the 5 megawatts or keep at the 1.49 megawatt limit he is not sure he can answer a difference. The only thing he has heard is that smaller megawatt solar farms are not economical and he does know now if that is true or not. He is not in a position to give any sort of recommendation on if this is a good idea, a bad idea or otherwise to the County Board. The Commission can debate the policy whether they are good or bad for until tomorrow but in the end, he would like to give an educated position to the County Board and he is not sure if this is meaningful. He sort of feels that aligning with state statute is typically a good idea.
- M. Mol asked the Commission how they would like to proceed.

- N. Mahlberg moved that the Planning Commission take no action in favor of or against the amendment. The record is forwarded to the County Board for their careful and thoughtful consideration. Bravinder seconded.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission scheduled site inspections for Monday, May 15, 2023. Commission members to meet at the Government Center at 8:30 a.m.

Meeting adjourned at 10:08 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
County Board of Commissioners
Kryzer
Twp. Clerks
Applicant/owners