

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: December 14, 2023

Minutes (Informational)

The Wright County Planning Commission met on Thursday, December 14, 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 & Dan Bravinder. Absent: Jan Thompson. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel and arrived at 8:10 p.m.

ACTION ON November 16, 2023 MINUTES

On a motion by Greninger, seconded the Holland, all voted to adopt the minutes for the November 16, 2023, meeting as printed.

Rhineberger addressed Chairman Mol and petitioned the addition of the review, approval, and Chairman signature of Hidden Hillside Estate Plat at the end of the meeting with Chairman Mol agreeing.

PUBLIC HEARINGS:

1. **ARBOR CREEK HOLDINGS LLC** – Cont. 7/20, 8/10, 9/21, 10/12, 11/16

LOCATION: xxxx 78th St NW – Hannahs Landing Lot 6 Block 1, Section 27, Township 121, Range 28, Wright County, Minnesota. (E. Sylvia – Southside Twp.) Tax #217-084-001060 Property Owners: Hannah's Arrival LLC

Petitions for a Conditional Use Permit for a land alteration of approximately 16,798 cubic yards within the shoreland and amending an existing Conditional Use Permit for a platted subdivision to allow a home to be built lakeside of a bluff as regulated in Section 155.029, 155.051, 155.057 & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

No Representative Present

- A. Rhineberger – applicant is working through revisions with the MN DNR and Southside Township. Due to the amount of work the applicant had decided to withdraw the request and will reapply at a later date.
- B. Motion made by Bravinder to dismiss the matter without prejudice, at the applicant's request. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

2. **ESTATE DEVELOPMENT CORPORATION** c/o Tom Gonyea – Cont. 10/12, 11/16

LOCATION: 11126 Eastwood Avenue SE – The NW 1/4 as well as part of the NE 1/4 lying westerly of Rice Lake in Section 35, Township 118, Range 25, Wright County, MN. (Rice - Franklin Twp.) Tax #208-200-352102, -352100, -351201. Owner: David Lubben Trust

Petitions to rezoning from rezoning from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Agriculture/Residential (A/R) with a Residential-Recreational Shorelands District Overlay (S-2) and establishment of a Rural Planned Unit Development overlay district as regulated in Section 155.028, 155.047, 155.048, 155.057 & 155.059, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

No Representative Present

- A. Rhineberger – at the previous hearing, the Commission continued for a site inspection and motioned for findings consistent with denial, with a stipulation that if the applicant signed a waiver of the MN Statute 15.99 requirement, the matter would remain open to the public and discussion could continue at this hearing. The applicant has signed the waiver, nullifying the drafting of findings. Since that meeting the Township requested revisions to the concept plan and have asked the applicant to come back for further Township review. Therefore, the applicant has requested this matter be continued to the January meeting.
- B. Motion made by Felger to continue the matter to the January 11th, 2024, meeting, at the applicant's request. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

3. **DANIEL GAILFUS** – New

LOCATION: 15007 County Road 75 NW – Part of N 1/2 of NW 1/4 Section 21, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-212202 & -163303 Property Owner: Schany Marital Trust

Petitions for an Interim Use Permit for a semi-trailer rental operation to include office space, repairs, and storage for trucks and trailers as regulated in Sections 155.031 & 155.053(B)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

No Representative Present

- A. Rhineberger – the Township had to cancel their December meeting, so the applicant will not be heard until their January meeting. The applicant is therefore asking to continue the matter to the January 11th meeting.
- B. Motion made by Greninger to continue the matter to the January 11th, 2024, meeting, at the applicant's request. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

4. **GREG THEISEN** – GHT Equipment Inc. – New

LOCATION: 2674 & 2553 Eaken Ave SE – part of the West 1/2 of the SW 1/4 as well as Lots 1-16 & 19 & 20, except Lot 7, and part of vacated road, Section 15, Township 119, Range 25, Wright County, MN. (Mud - Rockford Twp.) Tax # 215-100-143200 & 215-100-154101. Property Owners: Dickinson Springs Prop LLC

Petitions for an Interim Use Permit to establish a contractor's yard use for the construction of a storage building as regulated in Sections 155.031, 155.055, & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

- A. Mol called for the applicant three times with no representative stepping forward. The item will be held to the end of the agenda.

5. **ANNANDALE ROCK PRODUCTS** – New

LOCATION: 13883 67TH St. NW – NE ¼ of the SW ¼ as well as S ½ of the NW ¼ except the W ½ of SW ¼ of the NW ¼ in Section 35, Township 121, Range 28, Wright County, Minnesota. (Lake John & Unnamed - Southside Twp.) Tax #217-000-352300, 217-000-352301 & 217-000-353100 Property Owner: NEWCO LAND LLC

Petitions to renew the Conditional Use Permit that was granted in 2013 and reclassify as an Interim Use Permit, for 5 more years, to continue with the removal of stockpiles and reclamation of the site as regulated in section 155.031, 155.048, & 155.100 of Title XV: Land Usage of the Wright County Code of Ordinances.

Present: Tim Ferrell with Annandale Rock Products

- A. Rhineberger – displayed Beacon aerial maps of the location along with the site plans of the mining and reclamation areas while reviewing the request. This gravel pit is known as the “Lake John” pit, or the 67th St. pit, and it is located just south of Lake John in Southside Township. Mining and crushing were originally permitted in 2006 after an Environmental Assessment Worksheet (EAW). In 2013, an extension was granted for mining another 5 years, with another 5 years beyond that for reclamation. This is a request for another 5 years to remove the stockpiles at the site and continue with reclamation; no further mining is being proposed. Half of the site has been somewhat reclaimed and half of the permitted acreage contains mining roads and stockpiles. The Township approved, and the minutes of their meeting are included in the staff report. No other comments were received.
- B. Ferrell stated they need more time to address the stockpiles. Bravinder questioned if additional material will be brought to site. Ferrell – appears that the material they have on site should be enough.
- C. Public comment opened.
 - Robert Frappier – over the years really have not had a problem with the pit. Lives directly across from the pit, on 67th Street. Now that the pit is developed it would make sense to move the operation further to the south and southeast, where no homes are located. Biggest complaint is the noise of trucks with the rocks and backup beepers.
- D. Mol questioned Ferrell on the rock situation. Ferrell – rocks are being hauled out as part of the process to close the pit. The rocks are the oversized rocks and he believes roughly 95% of the rocks have already been removed. They may need to haul in some dirt for the reclamation process but that is not anticipated.
- E. Felger – 2013 received an extension with a bond requirement. Questioned what the status of the reclamation was at that point. Ferrell – reclaim as they have progressed. With map displayed Ferrell explained the stockpile and reclamation areas and is not sure that there is a lot difference in the site from 2013 to now, because of the stockpile areas. The stockpiles need to be moved to move forward with the reclamation. Felger – appears no difference in 2013 to today. Ferrell – a few more areas reclaimed but substantially the same. Rhineberger – appears roughly 20 acres still need to be reclaimed. Ferrell – agreed. Rhineberger – ordinance requires \$5,000 per acre for reclamation bond. The current bond would cover 20 acres. If the Commission wants to see exact figures or adjust that value, this is the time to discuss or option is to stick with current bond. Felger questioned Rhineberger if he would be able to quickly calculate more exactly. Rhineberger – displayed aerial photo from spring 2023 and roughly drew out 25-28 acres. If more reclamation has been done since the 2023

aerial photo the current bond should be enough. Can't guarantee the amount will cover all reclamation but the ordinance does require \$5,000 per acre.

- F. Holland – Township approved the request.
- G. Felger moved to approve an Interim Use Permit to allow for reclamation and removal of stockpiles at the pit with the following conditions: 1) No further mining at the site is allowed; 2) A reclamation bond of \$100,000 should be kept in place until the pit is fully restored; 3) A copy of the reclamation bond must be submitted to the Planning and Zoning office; 4) Gravel pit must be fully reclaimed by December 31, 2028. Bravinder seconded.

DISCUSSION: Felger stated he would like to amend his motion to include no 'jake breaking' or backup alarms. Rhineberger – equipment is required to have backup alarms so that is not something this Commission can condition against. Felger – there was another pit that remediated backup beeping. Mol – changed entrance to backup road, built up berms and pushed the plant more into the pit. Rhineberger – clarified that the motion is to maintain the \$100,000 with Felger confirming.

VOTE: CARRIED UNANIMOUSLY

6. **JUSTON D. DOOLEY** – New

LOCATION: 731 County Road 30 SE – Part of the E 1/2 of the NE 1/4 in Section 18, Township 118, Range 25, Wright County, MN. (Franklin Twp.) Tax # 208-200-181101 & 208-200-181102. Property Owners: Dooley Farm LLC

Petitions for an Interim Use Permit for an Ice Palace as part of an existing Commercial AG Tourism use as regulated in Sections 155.031, 155.048, 155.057, & 155.109, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

No Representative Present

- A. Rhineberger – applicant has decided to withdraw the request due to the Ice Palace terminating the contract with Fountain Hill Winery. The applicant has asked to have the matter dismissed without prejudice.
- B. Motion made by Bravinder to dismiss the matter without prejudice, at the applicant's request.
Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

Chairman Mol addressed the audience regarding a short 5 minute break prior to the next item starting. Public comment will be limited to 3 minutes with a signup sheet and que line specified. Recess started at 7:48 p.m. and meeting was called back to order by Chairman Mol at 7:56 p.m.

Chairman Mol called applicant Greg Theisen to the podium. With applicant MBE Inc., being an item that will take quite some time Chairman Mol and the Commission wanted to allow Mr. Theisen to be heard prior to item #7 on the agenda.

4. **GREG THEISEN** – GHT Equipment Inc. – New

LOCATION: 2674 & 2553 Eaken Ave SE – part of the West 1/2 of the SW 1/4 as well as Lots 1-16 & 19 & 20, except Lot 7, and part of vacated road, Section 15, Township 119, Range 25, Wright County, MN. (Mud - Rockford Twp.) Tax # 215-100-143200 & 215-100-154101. Property Owners: Dickinson Springs Prop LLC

Petitions for an Interim Use Permit to establish a contractor's yard use for the construction of a storage building as regulated in Sections 155.031, 155.055, & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Greg Theisen

- A. Rhineberger displayed the proposed site plan and property details while reviewing the request. The request includes two neighboring properties that are under two differently named entities but are subsequently under same principal ownership. The property proposed to house the requested building and contractor's yard is roughly 34.34-acres located on the southeast corner of the intersection of State Highway 55 and Eaken Avenue SE in Rockford Township with access off Eaken Avenue SE. The neighboring parcel to the west is a 5.46-acre property located on the southwest corner of the intersection of State Highway 55 and Eaken Avenue SE in Rockford Township, with access along Deegan Avenue SE. Both properties are zoned General Industry-I1. In 2005, the Planning Commission approved a Conditional Use Permit to run a contractor's yard and office that operates on the roughly 5-acres. Today's request is to expand the 2005 Commission-approved contractor's yard onto the eastern 34-acre property and build a storage building. The storage building would be roughly 8,100 square feet. Rockford Township has approved the request. The Buffalo Fire Chief has provided comment that proper fire access lanes, turn-arounds, and water storage for fire protection may be needed.
- B. Theisen and public had no comment.
- C. Felger questioned if the request is for a new contractor's yard and storage building or is the Commission proposing to look at establishing a contractor's yard on the entire property. Rhineberger stated both. Original permit in 2005 only included the acreage in the northwest portion. Theisen – properties are in different names but same principals in ownership. Rhineberger – this request would be to allow the contractor's yard to also take place on the 34-acre property and build a new building.
- D. Mahlberg asked Rhineberger to show on the displayed map the location of the proposed building. Beacon aerial was used as Rhineberger explained the existing and proposed layout.
- E. Felger questioned outdoor lighting. Theisen – confirmed there will be lights, estimated 5 exterior lamps with preference to install lights around the perimeter of the property.
- F. Motion made by Bravinder to approve an Interim Use Permit to establish a contractor's yard use for the construction of an 8,100-square-foot storage building in accordance with the discussion, plans, and description held on file, with the following conditions: 1) Signage on site must be in accordance with the County sign regulations; 2) Business activities on the parcel cannot commence until the property's building permit has been issued; 3) Any change in use or expansion requires an amended Interim Use Permit hearing; 4) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations. Seconded by Holland.

DISCUSSION: Rhineberger – based on the Fire Chiefs comment staff would recommended approval from the Fire Chief regarding access lanes and turn arounds be provided at time of building permit application.

Bravinder and Holland agreed to amend the motion and include condition; 5) Approval of fire lanes, turn arounds, and water storage from the Buffalo Fire Chief be submitted at the time of building permit application.

VOTE: CARRIED UNANIMOUSLY

7. **MBE, INC.** – Cont. 2021

LOCATION: xxxx State Hwy. 25 N & 50th Street NE– Part of SW ¼ of SW ¼, Section 4, Township 120, Range 25, Wright County, MN. (Buffalo Twp.) Tax #202-000-043206 Owner: MBE Inc.

Petitions for an Interim Use Permit to mine sand and gravel for approximately 7.3 acres to include excavation, screening, washing, and crushing of materials, stockpiling, and processing of recycled materials, and filling for reclamation, as regulated in Section 155.031, 155.048, & 155.100 of the Wright County Code of Ordinances.

Present: Bob Perry with MBE, Inc.

- A. Rhineberger – item is a continuation that started in 2021 of roughly 34 acres located in Buffalo Township at intersection County Road 113 and State Highway 25. Application was put on hold when County Board approved and required an Environmental Assessment Worksheet (EAW) to be completed. The EAW was completed, submitted, and found to not require an Environmental Impact Statement (EIS). During that time the County Board established a gravel mining moratorium with review of amendments and revisions to the Ordinance, which took another years' worth of time and further stayed this application. This amended request is a result of those processes that have taken place. Proposed is 7.3 acres to be mined which includes excavation, screening, washing, crushing, recycling of asphalt and concrete, stockpiling and filling for reclamation. Per the revised Ordinance there is now a limited 10 year timeframe. The property is designated Commercial in the NE Quadrant Land Use Plan and currently zoned Agriculture. Plans with current conditions, mining operation and reclamation plan on the 7.3 acres were displayed. The Township is recommending denial of this request. The Wright County Highway Department is recommending the access onto County Road 113 be moved further west and be more in line with the church access. They are also requesting at a minimum of right turn lanes and bypass lanes to be installed at the owner's expense. There were 37 neighbor responses received that voiced concerns and recommended denial of the request. There were 3 responses received in favor of the request.
- B. Perry – feels they have complied with the new regulations and revised Ordinance and if in compliance they should be granted permit and allowed to move forward. Acknowledged the presence of a large audience that is most likely present for his item and would be willing to allow them to speak and after he can address comments and questions. Feels that at this time Rhineberger did a good job explaining the proposed request.
- C. Comment opened to public. Mol reminded the public to follow the order in which they signed in and limit comment to 3 minutes. Greg Kryzer, Assistant County Attorney, was legal counsel and arrived at 8:10 p.m.
 - Lesley Walz – 701 4th Ave NW – husband works at an orchard in close proximity. This mining company, just by virtue of how mining works, is going to be here for a certain amount of time and they are going to have dust, noise and traffic that are unavoidable as part of mining. The two orchards, a church and roughly 500 households have been here for many years and by allowing this mine to come in is intentionally allowing someone in that will not be a benefit to the neighbors. The noise and dust is a health hazard. Not sure how the county will be better off allowing this company to mine. Feels that the two orchards will have a problem with the dust affecting the productivity of the trees and it is possible these business won't even survive the 10 years the mine would be allowed to exist. Would ask for denial of

the request in consideration of those that live around the location and will continue to live here after the mining company moves out.

- Echo Barth – 5544 Canterbury Ave NE – has major health issues and lives in direct line of the mine. Can't afford to have property value go down. There are a good amount of residents and taxpayers that do not want this. Due to health won't be allowed to live in her home. She is just north of the site and with a summer wind from the south they will have daily dust. Asked the Commission to deny the request as there are already three (3) gravel pits in the area and if sand is needed it can be from one of these pits. It has been said the water table won't be affected but she believes it will be.
- Steve Garvin – Gilchrist Orchard @ 2628 50th St NE – opposed of the gravel pit for many reasons, especially the traffic as a hazard this project will create. Would like to address the incompatible land use with the two (2) well established apple orchards. An apple orchard is not compatible with the gravel pit and will be injurious to both orchards; this is backed by the Vertex Engineering reports and Exhibit D of the Dorsey letter that were both submitted for review. The Gilchrist Orchard is 45 acres of roughly 11,000 apple trees, that has been in business for 38 years. It takes 3-5 years to grow an apple tree and young trees are very susceptible to dust mites. Woods' Edge Orchard is roughly 300 ft. from the proposed site and Gilchrist Orchard is approximately 850 ft. According to engineers the dust from the proposed pit will easily travel to both orchards. Both the engineering report and windspeed reports were previously submitted. Vertex Engineering believes the dust from this operation will be harmful to the 25-30 employees that work outside from early May to early November and the safety of these employees is a primary concern. The Vertex Engineering report conclusion refutes MBE's claim of no silica and there is no substantial evidence to support their claim. Even if the project is not a silica project silica is still present as a byproduct. Studies have shown this dust will hurt bees, pollination, and photosynthesis. All supporting documents have been submitted to the Commission. This family owned orchard works with the Farm to School Program and supplies apples to 7 school districts. Feels both apple orchards are more essential than another gravel pit as gravel is not an endangered commodity. A gravel pit adjacent to the orchard will jeopardize, trees, bees, and the apples. Gravel pits and apple orchards are not compatible. If a site visit is planned, he would invite the Commission to tour both orchards.
- Joe Schroeder – 1901 50th St NE @ Woods' Edge Apples – experience with gravel mining goes back to when the pit to the north was opened. At that time, they did have a financial loss from the dust. The access road was right on County Road 113 and the gravel accumulation on the road caused dust to damage their raspberry crop and make them unsaleable. The complaints to the County resulted in the gravel company trying to do some dust control that didn't work and the problem was not mitigated. Loss from human cause conditions is not an insurable condition. Though they did not pursue legal action the access was moved to Highway 25 and the issue went away. In the proposed plan it appears the cleanup of sand and gravel tracked onto the public road is only addressed with vague language of 'as needed' and 'promptly'. The problem they ran into was the County stating they were limited in the enforcement actions available to mitigate the situation. He would ask for consideration in adding language that gives the County more ability to determine when cleaning needs to occur and if adequately completed. Would suggest considering the addition of a daily road cleaning requirement be added to the proposed language. Greninger questioned the dust and dirt related to the raspberries. She grew up on a berry farm with dirt fields and dirt roads and

- questioned what the difference was in what he experienced. Schroeder – a fine textured dust was produced and because it was so fine the berries grew around the dust and it could not be washed off. Greninger asked if sprinkling daily would keep the dust off? Schroeder – no and should he have to ensure that labor and expense. Mahlberg – stated once access was moved the problem went away. Schroeder – no more trucks meant no more dust. Mahlberg – interested in how the experience has been relative to the pit to the north. Schroeder – not sure exact distance away but he has not seen issues once the proximity to the dust went away. Mahlberg – shielded from the pit or is there a nice view of the pit and no adverse effects? Schroeder – very flat and the pit is not seen from his angle. Mahlberg questioned when the access was moved to Highway 25. Schroeder guessed at 2012. Rhineberger – approval in 2005 stated they were not allowed to use access on County Road 113, at all. Likely that access was used when it was not supposed to be used. Schroeder – not privy to process of the access changing.
- Tami Garvin – 2628 50th St NE – fighting MBE on this CUP/IUP has felt like a struggle with a big company versus the little people. This is an industrial gravel mine with the nearby church, homeowners and orchards being affected. The reciprocations list is long; increase in dangerous traffic, property values, noise, dust, health of people, animals, and crops. Will MBE be a good neighbor? Online evidence leads to the contrary and a simple search produces news article after news article complaining of gravel mines that now cause friction with neighbors. Where is the accountability for a gravel mine? It is her understanding that the County lacks funding to adequately staff and monitor this mine. What recourse do neighbors have if this IUP is approved and the land is excavated? Ten years of an IUP is a long time for the neighborhood to put up with what occurs at the gravel mine. Has MBE pursued the property to position for future road construction project bids? Could it be that MBE probably doesn't care about the neighborhoods and they just want the IUP approved? This Commission is tasked with the responsibility of making the environment better for the community and balancing the land use to create good neighborhood relationships. She pleads with the Commission to vote no on this IUP. Greninger asked for clarification on statement made about negative press and is there negative press on MBE or gravel pits in general. T. Garvin – gravel pits in general. Mahlberg – assuming related to S. Garvin and question the author of the letter from Mr. Bell that was submitted as Exhibit F and where it came from. S. Garvin – stepped back to podium and stated from the EPA (Environmental Protection Agency) website.
 - Kevin Tierney – 5023 Darrow Ave NE – in the Commissions' report, from Mr. Rhineberger, it is noted in Paragraph B that the purposed mining activities will include excavation, screening, washing, crushing, recycling of asphalt and concrete, stockpiling and filling. His understanding is with the new Ordinance parts of the proposed work to be done should be considered a separate interim use. Questioned if this application includes asphalt crushing and if we are looking at two interim uses. Rhineberger – interim use permits that include multiple permits are looked at as one permit with the Commission having the ability to approve or deny individual parts and each individual piece can be addressed by the Commission separately. Approving of the mining operation does not have to include the portion related to crushing or the Commission could set specific conditions to individual pieces of the request. Most of the intent of the Ordinance revision is related to permits existing for just mining of gravel and they want to add asphalt at a later date it would be a new application not

amendment to the existing application. Tierney – the MBE application does not include bituminous crushing and nothing is mentioned about bituminous or asphalt.

- Richard Brown – 2542 50th St – 7 years ago was before the Commission when another permit was submitted to mine gravel next to him and that permit was denied. Feels a precedence has been set to deny gravel pits and the Ordinance gives the Commission authority to deny a gravel pit. Moved to the area over 40 years ago and started to plant fruit trees. A hobby that started in 1991 turned into a small business and roughly 2.5 years ago he retired and sold orchard but kept his home. There is a lot that happens between planting of new trees and harvesting. The large and small critters of the wild take a bite or two of an apple and leave behind most of a good apple but there is no jurisdiction over Mother Nature. As farmers we learn to adjust and control what we can while hoping for the best. If that fails, we can fall back on the eternal motto of “wait until next year things will be better”. Point is these obstacles are nature made and now we are faced with a manmade obstacle. Feels that if this Commission grants the permit, it seems fair and just to place conditions on operation to indemnify the agriculture producers against possible harm by the operation of the mine. Possible conditions could be posting a bond, carrying an insurance policy or other mechanism that all parties agree upon.
- Lori Cassidy – 2573 50th St NE – has lived on County Road 113 for 30 years while raising 5 children. Since building her home in 1993 the high school was built in the new location, the road was paved, developments and pockets of homes started to appear. The mines started to open along Highway 25 and traffic continued to grow. County Road 113 has become a truck route and cut across used by commuters and the intersection of County Road 113 and Highway 25 has become dangerous. She is of the understanding access onto Highway 25 will not be allowed by MnDot and an application for access onto County Road 113 has been made. If approved hopefully there would be some contingency for right turn lanes or bypass lanes.
- Clayton Poirier – 2159 50th St NE – lives next to the church. Concern is with increase traffic and dust. Questioned if a turn lane were to be installed would he loose some of his land. Mol – at this time not known and the question can’t be answered. Dependent on if approved and what requirements are made.
- Jeremy Macheel – 3113 53rd St NE – Physician at the local hospital and would like to talk about the safety aspect that needs to be addressed. In medicine they practice evidence-based medicine (EBM) in the treatment of patients and protocols. If the evidence doesn’t make sense it isn’t followed. Looking at this existing intersection and what is proposed he doesn’t feel it makes sense. Jenna Fabish, who is the MnDot Project Manager for the Highway 25 corridor, attended the Township meeting earlier in the week to discuss plans for this intersection. It was addressed as to what can be done to make the intersection safer and addition of a commercial business, of any kind, is not going to make the intersection safer. A 2022 study was cited as saying there is not a need above what is proposed and what is proposed is left turn lanes on Highway 25. It is interesting to see that most of the data was accrued in 2021, during COVID when schools were in session halftime and many people

were working from home and possibly completed in the winter months. As in reviewing a medical study he would question the relevance of the data and in this case, he does not feel the study is a good snapshot of the reality of the road conditions. Traffic is only going to increase along Highway 25 and if multiple dump trucks are added to the intersection, it is not going to get safer, only worse. Before any commercial project is approved in this area maybe the County needs to step-up and question the data of the study. According to the US Department of Transportation (U.S. DOT) there were over roughly 39,000 road fatalities with almost 11,000 of those at intersections like this one. U.S. DOT recommends using a Safe System Approach to address road safety, which means to minimizing and modify conflict points. Conflict points will increase with the left turn lanes that MnDot is suggesting. Possible solution would be looking at a way to build something safer, like a roundabout. If the County can find funds for a roundabout on County Road 35, they should be able to find funds to put in a roundabout at a busy interstation, such as this one. Mahlberg questioned if studies mentioned were provided to the Commission. Macheel – not provided, sited emails received from Jenna Fabish. Mahlberg stated he would like to see the MnDot studies as part of the records. Macheel – believes resident in the audience could provide the study. Greninger – in speaking with Jenna Fabish did the State comment that County Road 113 is an A1 rating? Macheel stated that nothing was provided to him on the rating.

- Tom McMullen – 3048 50th St NE – appreciates the effort MBE put into with the permit process but it still doesn't make it right. Questioned how familiar the Commission is with the intersection and how often do they travel through. Mol stated occasionally and Felger stated frequently. McMullen – he has submitted the MnDot reports over the last 3 years but feels they are flawed. When MnDot did the study, it was used to evaluate how long the road will last and they didn't evaluate County Road 113. Over the next 3 years MnDot is looking to add two left turn lanes, going north and south, on Highway 25. Having personally taken traffic engineering courses he feels this will make the intersection worse, not better. With the added lanes to the intersection there is no way people will be able to get onto Highway 25 or across. He would encourage denial of the permit, not because MBE is a bad company or they didn't do as they were asked, it is just a bad location. If approved he would recommend that a requirement of a roundabout or significant traffic light system be installed prior to operation.
- Kevin Tierney – 5023 Darrow Ave NE – lived here for 31 years. This location is not out in the country or next to a few farms. This location is next to orchards and a bunch of people. Location studies have been submitted that show within 1 mile 549 people will be impacted by the mine. This intersection is dangerous and inadequate to support approximately 32 trucks a day going in and out. The application and EAW assumes trucks will go onto Highway 25 and all accesses will be onto Highway 25. One important point is the neighbors do not want gravel trucks routed down County Road 113. Mr. Perry has indicated the intention is to route trucks onto Highway 25, therefore if approved a condition should be made that no trucking, hauling, returning or use of County Road 113 be used to access the pit. All routing should be from the proposed entrance onto County Road 113 towards Highway 25. Position is that this request should not be approved because as the intersection stands it is not safe and there is no plan for turn lanes or roundabout for several years. This application is premature and the location should not be considered if the intersection is unsafe. The EAW and application

presume the turn lanes will be present. Feels that the extreme proximity to the residences requires extreme restrictions. The proposed berm is from the grade of the property owned not the grade of the road. If an onsite inspection is done, he would recommend looking at the grade and area of proposed berm. Greninger – with MBE aside is the feeling the intersection is unsafe. Tierney – it is unsafe now.

- Michael Luedemann – 1211 50th St NE – almost moved into new home – these kinds of mines are dusty, noisy, disruptive and they should not be allowed to affect anyone that is already living in the area. Asks the Commission to think about if they are living in the area and how they would vote. Understands the importance of gravel mines but there are other places they can go. This should be voted against. The intersection is a horrible situation and he can't imagine when school buses try to cross the road. It is a convenient site but there are other areas back in the country that won't affect anyone. Feels this is a bad location. Mahlberg questioned statement about almost moved in. Luedemann explained he is currently building a new home. Mahlberg questioned if he was made aware of the gravel pit during purchase with Luedemann stating he was not and heard of it during a Township meeting.
- Mark Mann – 2108 55th St. NE – lives about 2,000 ft. away from the Knife River pit and with a strong west wind gets all the dust. This summer was a drought and he could get his truck washed one day and he'd have to use his whippers to get the dust off the windshield the next day. Knife River is 2,000 ft. away with a 15 ft. berm and roughly 30 ft. into the ground. He lives on the corner of 55th St. and has seen cars waiting to access Highway 25 six deep, especially if making a left turn. Roundabouts have been mentioned along Highway 25 and the idea of a roundabout at the intersection of County Road 37 is a horrible idea because the light is the only way to get a gap in traffic to get onto Highway 25. Another concern is the ask of 7.5 acres now but he has seen other gravel pits asking for more later down the road. With the acreage they could be here for 60 years not just 10 years and 7.5 acres. Those are his concerns and now he would have 3 mines around his property. Mahlberg asked about experience with noise from the pit across the highway, relative to highway noise. Mann – jack breaking on the hill in front of his home and backup beepers can be heard with all the other stuff not being heard. He lives on the backside of his property with tons of trees and up the hill from Highway 25. A concern is if trucks are coming from County Road 113 added to the existing trucks for Knife River causing 55th Street to be impossible to get out of. Mahlberg questioned if there is a bypass lane to turn left into the Knife River pit. Mann – there is a bypass lane for the Knife River pit but not the pit north of his home. Mahlberg questioned if the pit to the north is active. Mann – it was active last year. They brought stuff in last year but doesn't know if anything came out.
- John Prigge – 5191 Christen Ave NE – whether turn lanes or roundabout there is really no good access for trucks to enter. The trucks will block the view in both directions. Hours of operation are a problem and in looking at areas in Hanover the operation hours are restricted to Monday – Thursday and done by 4:30 p.m. Would encourage, if approved, there would be consideration of restricting the hours and even considering rush-hour traffic. The extreme proximity will need extreme restrictions for the people that live in the area. That intersection is terrible and sometimes you can drive right across or make left turn and other times it can be

very difficult. The biggest issue isn't necessarily the rules not being followed but more so people making poor decisions; so more restrictions should be considered for this request.

- Rob Schultz – 2459 58th St. NE – not in agreement with the gravel pit and will address conditions to consider, if approved. Ordinance states gravel pit should not adversely affect subsurface water resources. The numerous residents of this area are on wells and he would like to know how MBE or the County will test the water, as a baseline, and what plans are in place to continue monitoring and will reports be made public. Recently moved in and was not aware of gravel pit coming in. During well testing it was determined water has high nitrates due to farming and E.coli. There is also potential for leaching with contaminants from operations of the mine. The plan from Otto Associates shows an 8 ft. berm and comment at the Township was that there will be an 8 ft. berm around the entire property. The civil plan shows 8 ft. along Highway 25 but only 4 ft. to the north and south. With a 4 ft. berm he feels that the mine activity will be seen so he wants to ensure there is a higher berm around the entire perimeter and address other avenues of screening. His suggestion would be a row of dense evergreen planted between right-of-way and berm that will grow and protect the view.
 - Emma Hoard – 5571 Canterbury Ave NE – provided parents address and location she grew up. The gravel pit issue is something her parents have dealt with since she was little and for as long as she can remember, she is now 30. Can't believe this is a same issue for these people that live in the area. There will be gravel pits on 3 sides of a community so she would ask the Commission to consider fairness for that in the county.
- D. Perry – concerns noted as: orchard, dust, noise, taxes, traffic, hours of operation, water contamination and screening. There was a meeting with MnDot, Wright County, Buffalo Township where discussion was had on the study that MnDot had done. During the meeting it was mentioned turn lanes would not be a fix for the safety of the intersection and MnDot would like a roundabout but money was a factor and Wright County was going to try and work with MnDot to come up with the funds. Mahlberg questioned details of the meeting. Perry – meeting was at Planning & Zoning with Rhineberger stating he was in attendance. In the meeting incidents and accidents were discussed and it became clear the intersection is not any worse than other intersections crossing Highway 25, all the way to Monticello. The safest intersections are the private driveways. Most of the trucks on Highway 25 are already trucks coming or going from an existing pit. When thinking of the pits along Highway 25 one has to think about the depletion of those pits and when aggregate is gone where will we go. Most likely what will happen is the gravel on the west side of the county will be hauled to the east side, because the building will occur in the east and move west. This is a commercial piece of property, in an ideal location and in the future will be used for something other than farming. Development as a Kwik Trip or apartment buildings will impact traffic at the intersection and the future is going to force change. He would love to mine in his backyard but one can only mine where the aggregate is located and there are aggregates in this location. The 67-acre parcel to the east was just sold and advertised with aggregate mining rights. The parcel in question tonight had a for sale sign for many years that advertised aggregate resources so it shouldn't have been a surprise someone would want to mine the location. A resident had mentioned not liking a traffic study that was done and he is unsure if that was the MnDot study or one that MBE had done. MBE had a traffic study completed in 2022.

- E. Vernon Swing – S² Traffic Solutions – performed the traffic study done for the EAW and they studied a few different trip generation rates for the mine. The highest generation numbers anticipated would be one trip every 90 seconds and a very difficult number to quantify and the impact on operations and safety. Mahlberg asked for clarification on the 90 seconds and if that is loaded trucks coming or going. Swing – it would be an either or situation. Can look at it as one trip every 3 minutes leaving and one trip every 3 minutes arriving, at peak time. Mahlberg – personally hits the intersection at least twice a day and trying to understand what is happening in the morning as he is heading east. What will be the experience in the as built condition versus the not build condition? Swing – traffic engineering looks at Level of Service, which is the delay that will be experienced as well as the amount of queuing that would take place as one waits to get onto or across. Their analysis showed that the operations of the intersection will be essentially the same with one trip being added every 90 seconds. The impact felt will be the amount of time spent waiting to get on the road. Currently wait is 29 seconds and when the mine complete wait will be 32 seconds. A person most likely won't encounter a truck and most trucks will be heading north with a right turn movement, which will allow a more readily turn than those that want to cross Highway 25. Mahlberg – what is the assumption regarding the turn lanes that exist in the study conditions and what does the intersection look like for the analysis? Swing – analysis showed that the interstation will need left turn lanes, in the north and south directions of Highway 25 before this request should go forward. The left turn lanes will have a two part benefit. The delay will be reduced along the mainline, because of being able to move the trucks out of the traffic flow and therefore main line traffic will continue to move. The benefit for safety will also be added, which is what the MnDot study showed. There have been a number of rear-end accidents, which has pushed the intersection above the Critical Intersection Rate. If the vehicles waiting to turn left are moved out of the way safety of the intersection will improve. In 2026, when the left lanes are set to be installed, safety and operations of the intersection will improve. Mahlberg – analysis has assumed the left turn lanes are installed. Swing – looked at the site both ways, with and without left turn lanes and without the conditions degrading from an operations standpoint the existing safety problem is exasperated. Mahlberg – in packet there was comment from Mr. Cruikshank, with MnDot, stating the position of MnDot is that 'this project should not go forward until the left turn lanes are installed and approving the project without the turn lanes will make this intersection more unsafe than they already are'. Swing – agrees with that conclusion. Mahlberg questioned if position of MnDot is if project approved should wait until left turn lanes are in. Swing – stated that would be the prudent thing to do. Mahlberg – we are here in December 2023 with the government stating left turn lanes will probably be installed in 2026. Questioned if mining would not occurring until 2026. Swing – doesn't want to speak for the owner but his suggestion would be to work with MnDot and install the turn lanes ahead of time, before 2026 and before open and mining. Mahlberg questioned if that idea is feasible. Swing – yes, involved in a number developments over the years where turn lanes are essentially a condition of approval. MnDot recognizes the need for the project and in experience would be willing to work and make this happen. Mahlberg – what is the mechanism or trigger that lets projects move forward and skip the normal bureaucracy? Swing – feels the developer should speak on this. In the past the developer funded the improvements and it was a matter of plans going to MnDot for approval. Mahlberg – assuming the left turn lanes but also the request is approved, that intersection will be safer at that point than it is today. Swing – agreed. Felger – additional gravel truck traffic combined with the idea of left turn lanes would be a safer intersection than it is today. Swing – yes, that is true. It would be safer than it is today but for how long would be

a matter of how fast area traffic grows. At a certain point the operations themselves will break down and it will be time to test warrants for singles or roundabout and a longer term solution. Mahlberg – at some point traffic will get bad enough to warrant something better than the turn lanes; MnDot anticipates this to happen by 2045. Swing agreed with Mahlberg questioning opinion on if the need could change in 10 years. Swing – utilized a 2.3% growth rate in traffic. With that in mind conditions 10 years out there was still sufficient capacity to manage traffic. The 2.3 % growth rate is an educated guess and dependent on a number of factors related to zoning and comprehensive plans as well as new vehicle designs. Bravinder – EAW study mentioned the Level of Service that goes from “A” through “F”. According to MnDot they predict Level of Service as “A”. How did they come to that decision? Swing – Level of Service is a measurement of the life and different for traffic signals than it is for roundabouts and un-signalized intersections. It has to do with the type of delay a driver is willing to accept. A score of “A” is the best and “F” would be at capacity. With traffic signals the amount of delay is based on how long the light is red and one is willing to accept more delay. When on a major road, like Highway 25, you will have more green and those on County Road 113 could have more delay and score an “C” or even a “D”. The cars on County Road 113 might have mid to lower levels of service and the ones on Highway 25 are at a “A”. MnDot will accept pretty poor operations on roads with less traffic that is entering or crossing their system. Mahlberg – level “A” in 2024, with left turn lanes and not “A” Level of Service without turn lanes. Swing – overall Level of Service without the turn lanes for side streets will be problematic. Bravinder – Level of Service “A” was based more on traffic on Highway 25. Swing – overall intersection is probably Level of Service “A” with the side streets and left turn movement onto the side streets at “D” or “E”, which would suggest from a capacity perspective that something should be done. Mahlberg questioned if Level of Service is a level of safety. Swing – no, level of operations. Mahlberg questioned if the plan to access County Road 113 was reviewed. Swing – initially looked at access on the east side of the site but he has not looked at area in front of church. The location to the east will allow for a longer turn lane going into the site but does not necessarily accommodate a right turn lane into the site. Mahlberg – there should not be a whole lot of trucks coming from the east into the mine. The AADT, which is the Average Annual Daily Traffic, on County Road 113 in the EAW report lists 1,575 vehicles in 2012. Is there more recent data? Swing – reviewed MnDot site prior to this meeting and noted figure was 590. That would be a function of the snapshot in time the count was taken, in both cases. Mahlberg – does not sound like reliable data. The last few years of data might not have been a snapshot of normal life and traffic. Swing – the MnDot count was done in 2021 and the study for the EAW was done in 2022, with figures being fairly close. When looking at the numbers from the two counts, which were peak hours, they would suggest County Road 113 is carrying 1,000 – 1,100 vehicles a day. Unless you have an entire year of monitoring it would be hard to have a justifiable average. Mahlberg questioned if the AADTs average is more justifiable in other circumstances than on this count or are all unjustifiable. Swing – AADTs done on freeways with permanent counters are fairly close. He would estimate the number is closer to 1,100 than either of the other numbers.

- F. Perry stepped forward for the Commission to address. Bravinder questioned the entrance into the pit and surface that will be used. Perry – crushed asphalt sprayed with oil. The surface would continue down into the pit to help with erosion control and allow trucks to drive up and out of the pit. Bravinder – the surface would continue all the way to tar on County Road 113. Perry – current design has wide access area near County Road 113 with the idea to get trucks off the roadway and out of the way as they wait. The staging area is proposed at 200 ft. x 200 ft. so there is room for trucks to park

and not wait on the public right-of-way. Mahlberg questioned timing of left turn lanes, as presently scheduled to not be in place for a few years. Perry – as mentioned there was the meeting with MnDot and Wright County and at that meeting the question came up as to why money is being spent on turn lanes when the real solution would be a roundabout. Rhineberger stated that the MnDot Engineers indicated that from their studies the intersection does not warrant a roundabout or signal, so that is why plan in 2026 has the left turn lanes. The County Highway Engineer offered if funds could be found for a roundabout, would MnDot allow but does not recall what the answer to that question was. At that time the County Highway Engineer offered trying to look for funds to expedite either turn lanes or a roundabout but he has not heard if funds have been found. From the MnDot perspective they have no way to move up the project. Mahlberg – it does not sound like a roundabout will be installed anytime soon. Perry – it has been asked what MBE has done to improve safety at the intersection and that is that discussions have started with MnDot and Wright County. Feels the timing is right and if anything were to be done with the property something needs to happen now. Mahlberg – would assume one would want to start mining as soon as permit is approved. Perry – can start on berms and features needed to make the site more friendly to the neighborhood as well as get driveway access set up. Eating 2 years into a 10 year permit makes a difference. Mahlberg – struggling to understand if this request isn't premature given what MnDot and Mr. Swing acknowledge about the intersection. Perry – at the meeting with MnDot and Wright County it was said the intersection is no more dangerous than any other intersection on the Highway 25 corridor. Knowing the intersection will be improved he would still like to move forward in some way. Mahlberg questioned why asking for 7 acres versus the original 38 acres and what will come after the 7 acres is mined. Standard practice is for gravel mines is to continually ask for extensions and mining continues at a site for years. Perry – believes with the new IUP they would be looking at two 5 year terms, which equals the 10 years. Depending on volumes being moved it is hard to know what the future expansion plans might be. There is a chance the property values could be high enough that the land is more suitable for building and until that time he feels that aggregates should be mined. Mahlberg questioned why this site is so good that MBE is being so persistent. Perry – MBE owns it. Mahlberg – trying to understand if these are super high quality resources or the location that makes it so different than out in a more rural area. Perry – location is on a 10 ton all weather road with Highway 25 and as the aggregates are consumed and until aggregate in area is depleted it wouldn't make sense to go farther west for the gravel when it is right here. Makes sense to use the aggregate sources that are here before houses are built. Greninger – the pit would be centrally located in the county. Perry – the property is zoned AG and an allowed use in General Agriculture (AG) zoning. With the new Ordinance the Agriculture Residential (A/R) district no longer allows mining. MBE has been in the business for many years with a good track record. Successfully worked on a project in the City of Blaine, that was directly across the street from neighborhoods and there were no complaints. The idea with this site is to mine, refill the aggregate and turn into an engineered site, which is done all the time and Maple Grove would be an example. There was quite a bit mentioned about orchards and comments about fire blight. He believes there has not been a recorded issues of fire blight in MN. Dust is a concern but also something that is dealt with at each site and he does not see controlling dust at this site would be a problem. Mahlberg questioned best way to get operators to control dust, other than relying on reputation that it is done right. Looking to hear what might be a good condition to address the control of dust. Perry – most often water is used and would need someone on site that could drive the water truck. Mahlberg questioned if that is done on a Sunday afternoon. Perry stated the hope is to have someone at the site but there is also an erosion or dust control material that can be sprayed on the

piles. Mahlberg – what is the trigger that identifies a problem? Perry – need operators that are trained and understand the importance that dust is controlled. Mahlberg questioned if there is a measurable or objective point to identify dust is beyond what it should be. Perry – believes in Arizona there is an opaque meter that is used. Paul Otto – with Otto Associates stepped forward – disturbing more than an acre there will be MPCA (Minnesota Pollution Control Agency) stormwater management permit. The MPCA will ultimately be the authority that holds the permit. If the County or others have an issue, they would contact MPCA and MPCA could inspect and provide remedies, if required. This would be no different than a commercial road project or housing project. Mahlberg question if because of MPCA there is no need for IUP conditions related to dust control, because ultimately it is an MPCA issue. Otto – no, simply stating that if needed a higher authority is involved. Mahlberg – trying to come up with an easy measurement that Planning & Zoning can use to address dust concern and what that trigger could be. Otto – generally, on construction sites dust is a visual item and when you see dust it is treated. When soils are really dry and lose all moisture, they simply float and if water is applied the dust will stay down but you could in turn have sediment tracked onto the road, which could require sweeping. The staff on site needs to understand what needs to be done and do it. Mahlberg – hearing that there might not be a quantifying factor that can be used. Perry – need staff on hand that knows importance of dust control.

- G. Otto went on to address the berms. The berm on the south will be roughly 4 ft. above County Road 113. The mine will go down roughly 32 ft. and a little different than some of the other mines in that you won't be able to look up into the site. Along Highway 25 there will be an 8 ft. berm and to the north will be smaller as it is farm field they do not want to disrupt. Perry – berms will be built as high as they can but still be able to maintain. The berms are stockpiles of material that will be used for restoration of the property. Mahlberg – higher the better to help reduce noise and visual impacts. Otto – material will be brought in for the berms, which is different than most mines. Perry – plan is to go as high as they can with the berms and still allow maintenance with Otto stating an 8 ft. berm should suffice. Holland questioned the comment from Buffalo Township expressing wanting to see 8 ft. around entire pit. Perry – the north side will continue to be rented for farming so a berm will be installed for safety but plan is not to impede farming operation. Mahlberg questioned vegetation plan. Perry – just vegetation not trees. Trees were discussed in length with the new IUP and it was determined trees do not grow well at the top of berms. Trees also would only have a short time to mature before the restoration of that area were to occur.
- H. Mahlberg questioned if there is a wind level when work stops. Perry – water evaporates that much faster with wind so someone would need to be on site controlling the water truck all the time.
- I. Bravinder – was part of the gravel workshop group and the consensus was that berms did a better job of mitigating sound and dust. Greninger – agreed that the discussion on berms was extensive and the 3:1 ratio was key. Perry – berm should be maintainable and slope manageable. Would seed the berm with something similar to prairie seed or pasture mix.
- J. Felger – proposal was scaled down dramatically from the original plans. Proposal is 7.5 acres versus the original 38 acres with intention to eventually mine out the entire 38 acres. Perry – yes, as long as allowed and economically rewarding. The question is always how fast all the aggregate can be mined. Felger – how fast is relative to many elements. Perry – looking at the footprint of the pit, once at

depth of 35 ft., it is a small area. Once that deep there needs to be room to maneuver and the 7 acres is about as small as they can go. Felger – the access from County Road 113, into the floor of the pit, will be covered with crushed asphalt. Will there be need for watering? Perry – still need to water. Felger questioned if crushed bituminous is placed on floor to keep down dust. Perry – if haul road is too long and recognize not able to keep up with dust the bituminous could be put down. Core samples were obtained prior to purchasing the property and the aggregate in this pit is very clean, not dirty silty sand, which is less dusty. During sampling no water was detected at any depth. Felger questioned crystalline silica as a health hazard. Steve Stadler, with MBE stepped forward. Stadler stated there is a letter from Haugo Environmental Services, submitted with the original application, that addressed the silica in the sand. This is a non-silica type sand with very little silt or airborne material that would come off of the sand. Felger – believes what was stated in the EAW is in agreement with that statement. Stadler confirmed and stated that the silica most people worry about is during the crushing of concrete, which can be managed with a slight amount of water. Perry – similar to crushed asphalt.

- K. Holland questioned when the property was purchased. Perry – end of 2020. Holland – knew the road at time of purchase. Stadler – looked at this as future commercial property, not in a neighborhood and on a County Highway as well as close to a State Highway. Other than the intersection being a concern feels this is an ideal location. Mahlberg – farther to the east there is another large parcel that appears to have recently sold, is that MBE? Perry – no. The property was advertised with mining rights. Can only mine sand and gravel where the sand and gravel is located.
- L. Perry – there was a question regarding east bound traffic out of the pit. The only reason to go east would be for a development to the east, most likely in Buffalo Township. Unless for a development all traffic would go west and access Highway 25. Stadler – when Dauge Ave. was recently redone County Road 113 was used by trucks to access Highway 25. Perry – question came up regarding the access road to the Knife River pit and why there was an access onto County Road 113. Personally, recalls the trucking company at the time hauled the sand to Highway 55 and the center of Buffalo. Recalls the company doing that job felt it was safer for trucks to enter at the intersection versus wait for traffic at the lower gate. When the job was done, they closed off the access.
- M. Mol – discussed traffic, dust, and berms. He would like the Commission to discuss Planning & Zoning and highlight the word Planning. The Zoning map was displayed while Mol reminded the Commission of the recent rezoning of the 3 lots to the north. Recalls the owner requesting the rezoning to A/R because there was no good gravel on the property. At the time no one was willing to purchase for the gravel so it was rezoned with strong discussions had around the aggregate. This area is a transition area and the Commission should look at what has already been rezoned to A/R, Suburban Residential (R2) or Urban/Rural Transition (R1), there are existing dense areas of homes. Historically he has not been one to vote against gravel pits as they can normally do the work that needs to be done but the struggle with this pit is the feeling of leap frogging where areas have already been rezoned to residential lots. Questions if proper zoning and planning occurring and feels this should be discussed by the Commission. Personally, does not agree with solar going over agriculture land and Mr. Perry doesn't agree with houses going over aggregate, but that is what is happening. There have been previous decisions made by other Commissions and the Township as to where they want growth. This property is also in close proximity to a transition area for the city. He is asking the Commission to consider if this is the right planning & zoning. Greninger – being in the trucking business for 25 years

knows that with the rate the county is growing there are a lot concerns with infrastructure and safety on the roads. Money is always the issue and if we need to truck material in for road projects from outside of the county the cost will just go up to fix infrastructure. Feels that it might seem like there are a lot of pits but personally being in the business knows there are not as many pits as there is a need. When looking at the planning she feels that if more houses are going in there will be a need for more roads. Mol stated he fully agrees with that comment but feels the process of developing and rezoning the area has already been started. Knows there is plenty of aggregate to the west and understands the trucking. Greninger – the 20 year plan is once reclaimed to build. Mol – correct, but people are already in the area. Similar to a person buying near an existing feedlot, that will smell, versus the Commission approving a new feedlot in an area of existing homes. Greninger – challenge she has seen recently is a 13 home development was approved and a few years later another request for 11 homes comes up but the property owners of the 13 homes don't want more homes in the area. Mol – if in the Land Use Plan this Commission tends to allow housing, growth, and farmers to do lot line adjustments. When do we stop growth because we need gravel pits and where is the balance? Greninger – when do we tell people we can't build houses because we need agriculture land? Mol – right, but it is continually allowed. Mahlberg – not sure he is under the same framework as member Mol and that this is a big planning exercise. There is current zoning and the future land use designation of Commercial. Currently allowed to make application for an IUP that has standards under Section 155.031. Hearing member Mol talk about a broader planning issue and not sure how it fits within the factors being discussed. Is it the general 155.031(B) and general health, safety, and welfare? Is it interfering with the development of properties in the immediate vicinity? He would like to see member Mol attach thoughts to something that this Commission can look at. Mol – health and safety is an item, traffic has been discussed and now more traffic would be allowed. Served on a Town Board when discussed the planned growth for the township and does not see this property set aside as an aggregate area. In western Wright County there are protected areas for aggregate and full fields are being farmed waiting for the aggregate to be needed. Not trying to create a need but this side of the county is growing and expanding. Buffalo township has a Land Use Plan where they want growth and this property is listed as Commercial. All kinds of homes are going up around the property and it won't be long before a gas station would possibly come in. It could be 60 years before the property can be realized as commercial. He is not arguing the operator can't do a good job, his argument is looking at the map and where growth has been allowed. There is already gravel pits along the Highway 25 corridor and this one would encroach closer to civilization. Understands the money but decisions are not supposed to be figured on cost. Greninger – believes that being able to make that intersection safer in a shorter amount of time isn't just about money but ability of the right person coming into the picture that can make it happen.

- N. Holland questioned member Mol if his statement is that he would rather see a convenience store in the location than the property mined. Mol – in the Land Use Plan has Buffalo Township stating they want the property to be Commercial. Holland – knowing it is a gravel pit? Mahlberg – would assume when the Township was having the planning meetings they designated into the future as Commercial for when in the future a commercial user wants to develop and they did know there was aggregate in the area. Rhineberger displayed the Northeast Quadrant (NEQ) Land Use Plan map showing the aggregate area and went on to explain that further study was recommended and at that time there was no consensus to produce ordinance language addressing the aggregate areas identified in the State resources areas map, which include this area. Rhineberger went on to address the question from

member Mol regarding the 2019 rezoning hearings and in the minutes the statement made was that a potential buyer did perform borings and because of the high level of shale they backed out of the purchase. The Land Use Plan designation is Commercial and was identified as part of the aggregate area in the NEQ. Greninger questioned when further study would occur. Rhineberger – at the time there was a gravel work group formed by the County to study the aggregate that included operators, members of public and Planning Commission members. He is not sure on the exact details and timing of the workgroup but they decided to not move forward with additional study.

- O. Felger asked for the Land Use Plan map to be displayed and stated he somewhat agrees population is being put around resources. Personally, he relies on the Land Use Plan and when the 3 lots to the north were rezoned the designation in the Land Use Plan was Rural Residential and believes the Township supported. He puts a great deal of trust in the Plan, not only to guide decisions but those that put the Plan together had their reasons. At the time the Land Use Plan was created the townships and citizens were allowed to put in a great deal of input. Mol – agrees, but in the Land Use Plan A/R and Commercial do not allow for gravel pits. Felger – the parcel being discussed is currently zoned AG and mining is an allowed use. Mol – correct, but around the parcel the Commission has been following the Plan and allowing growth where designated in the Land Use Plan. Does not see the parcel is reserved for aggregate. Is not questioning that the parcel can be successfully mined; he is wondering if proper planning is occurring.
- P. Mahlberg – typically the Commission doesn't deliberate while the applicant waits. Feels there is a lot that recently came into record so he is curious where this Commission wants to go from here. Mol questioned if Commission members have additional questions of the applicant. Felger stated Mr. Perry should be given the opportunity to finish his statement related to public comment.
- Q. Perry – properties to the north, at the time MBE purchased, mining was an allowed use in A/R zoning. Through the new IUP process the right to use the properties for mining was lost and should not be included that residential zoning occurred around the parcel in question. Mol – at the time of rezoning the statement was made that because of the amount of shale a buyer backed out and the Commission felt the land probably wouldn't be ideal for mining and the parcel was in the Plan to be rezoned to A/R. Perry – shale might not be good for all uses but there is still good sand and other aggregates that could be used. Perry went on to address concerns mentioned by the public. Noise was discussed and how well berms will cancel noise. Discussion on dust control and traffic concerns were extensive. Hours of operation was mentioned but not discussed with the Commission. Water contamination should not be an issue with what was seen with the soil borings. Screening goes back to the berm discussion. Stadler stated there is an MBE pit in Watertown and he looked up the tax records of the neighboring property; the tax value in 2019 went from \$252,000 to this year \$376,000. Concern of home values going down was mentioned but this homes value, that is right next-door to the pit, went up drastically. In Rogers, Hassan Sand & Gravel has homes that were built right at the edge of the gravel pit. Maple Grove has apartment buildings going up next to the Martin Marietta pit. Feels tax values are not being hurt by a gravel pit. Mahlberg questioned if the tax values wouldn't be even higher but for the existence of the pit. Stadler – simply stated the values increased.
- R. Bravinder moved to continue the item, for a site inspection, to the January 11, 2024, Planning Commission meeting. Seconded by Greninger.

DISCUSSION: Felger – the Commission has been to the site. Bravinder stated a real concern is traffic and he wants to see the traffic, Greninger agreed. Mahlberg questioned if the public hearing will be closed or will that be a sperate motion. Bravinder – there is a recommended motion to close public hearing and continue discussion with the applicant in the January meeting. Mahlberg – proposed motion is that questions can be asked by the Commission to the applicant and members of the public that spoke tonight. Bravinder stated he would like his motion to stand on its own.

VOTE: CARRIED UNANIMOUSLY

- S. Felger stated he has a question for the orchard owners. Steve Garvin and Joe Schroeder approached the podium. Felger questioned Mr. Garvin on how trees have been doing considering proximity to the existing gravel pits. Garvin – the north side of the orchard has roughly 500 honeycrisp trees that will need to be replaced. Whether it is feather blight, mites, or dust there is a lot of issues with those trees. Believes a lot of the issues are from the excess dust in the air from the two pits. Felger questioned how that conclusion was made. Garvin – studies of other pits, that were provided to the Commission, has shown dust prohibits photosynthesis. These trees can normally live 30-40 years will be out of existence over the next few years. Felger – is the dusty season the warm season? Garvin – no, would point out that the dusty season and when blowing the most is during times when no one is at the pit from November through April as the stockpiles are still on the site. Does believe the two existing gravel pits do affect Gilcrest Orchard. Felger questioned Schroeder if he feels the two existing gravel pits affect his orchard. Schroeder – lost raspberries from a very intense short period of hauling but right now he has no problems with his trees. There are a lot of factors that could be the difference. Felger – Vertex Engineer report noted windspeeds throughout the year but did not point out the prevailing winds in a month. Feels the prevailing winds in warm season would be from south and west. In the winter west and northwest could affect the gravel stockpiles. Garvin – would agree the wind would affect stockpiles and trees. Dust could contain aphids and mites, so cause damage even without leaves. The windspeeds are the averages but in looking at the high gust there was a high gust speed in February 2023 of over 30 mph; at a speed like that dust could travel miles. In the Vertex report it is stated silica dust is not good for the workers at the gravel pit and OSHA requires regulation in that situation, but there is nothing for the local residents. Mr. Garvin stated they are in agreement that the Land Use Plan is the overriding instrument in this decision. In the Land Use Plan, Commercial zoned property is not suitable for mining and also states it should not cost the county to reclaim land. Understanding is that if mined there would not be an ability to install a septic system and therefore cost would be put on the City or County.
- T. Mahlberg moved to close the public hearing to further oral and written comments and continue this matter for further discussion to January 11, 2024, and to authorize the Board Chair at the next hearing to accept limited discussion between Planning Commission Members and the Applicant, and to further authorize the Board Chair to accept limited Planning Commission discussion with members of the public on items previously submitted and that any document requested by the Commission tonight can be added to the record after today. Motion seconded by Holland.

DISCUSSION: Felger questioned what if all of the studies and plans cannot be submitted before the next meeting. Mahlberg – permissive and can be decided at next meeting if it is good enough or not. Wanted to ensure that there is not an issue with adding items into the record after stating record is closed. Felger – point if what if not received by January 11th. Mahlberg – the one that wanted them can make a decision one way or the other if they are satisfied. Kryzer – if someone has the ability to submit into the record,

with a limited exception, and they don't than that could be to their detriment. It is completely voluntary what is added to the record.

VOTE: CARRIED UNANIMOUSLY

8. **FINAL PLAT OF HIDDEN HILLSIDE ESTATES**

On a motion by Mahlberg, seconded by Greninger, all voted to approve the final plat of Hidden Hillside Estates (French Lake Twp.) and authorize Chairman's signature.

SITE INSPECTION

Commission scheduled a site inspection for Monday, January 8, 2024, with members to meet at the Government Center at 8:00 a.m. and the site at 8:10 a.m.

Meeting adjourned at 11:30 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks