

WRIGHT COUNTY PLANNING COMMISSION
Meeting of: January 11, 2024
MINUTES

The Wright County Planning Commission met on January 11, 2024, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Commission members present: Dan Mol, Pat Mahlberg, Ken Felger, Jeanne Holland & Dan Bravinder. Absent was Jan Thompson & Sandy Greninger. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ORGANIZATIONAL ITEMS:

1. First meeting of the year was opened by Administrator Rhineberger, acting as Chairman pro-tem at 7:30 p.m. First order of business was to call for nominations for Chairman: Bravinder nominated Dan Mol as Chair. Rhineberger called three times for any further nominations, hearing none, a unanimous ballot was cast for Dan Mol as the 2024 Chair.

Mol assumed the Chair and called for nominations for a Vice-Chairman for 2024: Mahlberg nominated Ken Felger as Vice-Chairman. Mol asked three times if there were any further nominations, hearing none a unanimous ballot was cast for Ken Felger as Vice-Chair for 2024.

2. Mol asked if the Commission received and reviewed the suggested meeting dates for 2024 and questioned if there were any changes or questions. He has heard comment regarding a change in time for winter and summer months. Change proposed is May 1 – November 1 with start time of 7:30 p.m. and 6:30 p.m. start time from November 1 – May 1. All members agreed with the time change. Holland questioned if the July meeting coincides with the Fair with Kryzer confirming meeting date is a different week. Holland moved to adopt the 2024 meeting calendar as presented with a start time for meetings of 6:30 p.m. for the winter months and 7:30 p.m. for the summer months. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. Mol explained to the Commission that the County Board set Per Diem for 2024 at \$120 for all meetings and site inspections will be \$70. No vote needed just informational.

ACTION ON DECEMBER 14, 2023, MINUTES

On a motion by Bravinder, seconded by Holland, all voted to approve the minutes of December 14, 2023, meeting as printed.

PUBLIC HEARINGS:

1. **ESTATE DEVELOPMENT CORPORATION** c/o Tom Gonyea – Cont. 10/12, 11/16, 12/14

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 – the applicant is still working through revisions of the Planned Unit Development concept plan. The Township has yet to see or rule on the plan. It is believed the applicant is on the calendar for the February Township meeting and therefore have requested to continue the matter to the February 8th meeting.
- B. Felger moved to continue the matter to February 8th at the applicant's request. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

2. **JON TERP** – New

LOCATION: 10054 Cty Rd 17 SE – part of the N 1/2 of the NW 1/4 in Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-252100 Property Owner: John Terp & Dalton K Terp

Petitions for a Conditional Use Permit for a land alteration of approximately 4,400 cubic yards for an ATV trail and a pad for a shed as regulated in Section 155.029, 155.048 & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Christine Hallet with JC Hallet Construction

- A. Rhineberger displayed property details, photos, and reviewed request details. This 39.99-acre property is located along County Road 17 SE in Franklin Township, currently zoned General Agriculture-AG and in the Land Use Plan designated as Rural Residential. Today's request is for land alterations of approximately 4,400 cubic yards to construct an ATV and motocross track. The request includes a berm along County Road 17 SE, which is approximately 1,800 cubic yards, and a shed pad at approximately 2,600 cubic yards. Construction of the shed was permitted and has already begun but the land alteration portion is an after-the-fact primarily due to the track that was constructed. A building permit assumes there will be some land alteration but, in this case, because of how the material was moved around the property the building pad was included in overall land alteration. Site plan was displayed and reviewed. Franklin Township indicated they tabled the item pending an environmental impact study if required by the County. Six neighbors have requested denial of the request due to concerns with the noise associated with the end use and environmental concerns.
- B. C. Hallet – general contractor and excavators on site. They did begin working and moving of dirt in anticipate of an ATV track and shed pad. Area where shed pad is shown was about 4 ft. low and required a significant amount of dirt. The rest of the field was the sculpting of multiple jumps and hills. There is a tree area on the plan that shows 1,800 cubic yards that was excavated for a pond and the dirt was used to build the berm as well as other hills. The other pond, near the road, is the only protected wetland, per MPCA (Minnesota Pollution Control Agency) and it was not touched. They have also sculpted the area so drainage and runoff will go to the pond. There are woodchips placed on site to help with erosion and dust and the owner is planning to install an irrigation system to control dust on the track. The berm will help with noise and trees will be planted on top to address view and prevent drainage from going onto road or path. There is some misunderstanding that there was no permit for this work but an application for the building and septic system was filed on October 3rd and approved by Planning & Zoning. On November 22nd septic and shed design changes were filed with Planning & Zoning and on December 1st they heard from Scott Deckert (Planning & Zoning). Mr. Deckert stated because of the amount of dirt moved he wanted to table approval and have a CUP (conditional use permit) applied for. Following the submission of the CUP application the septic system permit was approved and installed. They feel that for the most part everything has gone as planned and as the county would want. C. Hallet acknowledged it is on them that they did not apply for the CUP to move that much dirt but as soon as they were made aware of the issue, they did everything they could to get the situation rectified. Today they received a call from Matt King, with MPCA, and because of an anonymous tip he wanted to come visit the site. Two hours were spent at the site walking the entire jobsite and only a few items were brought up that will need to be addressed. After the walk-through Mr. King indicated he will want to see a bio-roll installed, straw blown over a few areas and they have plans in place to address on Tuesday. Mr. King did state his report would be ready in about a week and they plan to share that with the Commission once they have it in hand. Rhineberger questioned if the MPCA referenced this would part of a NPDES (National Pollutant Discharge Elimination System) permit requirement and a stormwater prevention management plan. C. Hallet stated nothing like that was mentioned. John Hallet, co-owner of JC Hallet Construction, stepped forward. J. Hallet – completed a 2 hour walk through and he (Mr. King) indicated there is no need for an environmental study on a site this size. There is no discharge into any protected wetlands, waters, or streams. They are not getting a permit from MPCA, it is technically a fine. They were not aware that if you disturb over an acre of land, anywhere in MN, you need a PCA permit, which he has never encountered in roughly 30 years of business. In working with MPCA they already have a contractor hired to do work on Tuesday and address

concerns. Rhineberger – 1-acre of disturbance is the NPDES permit and what would be required from MPCA. J. Hallet – the track is 40 ft. from north property line with a grass buffer and no discharge will leave the site. There will be less discharge than when it was a farmed field.

C. Comment opened to the public. Mol asked the public to keep comments close to 3 minutes.

- Rich Ostlund – 10305 County Rd 17 SE – property is roughly 120 yards from the location. Purchased 10 years ago knowing area is generally agriculture and rural. They did their homework before buying and learned about the zoning and special environmental treatment given along County Rd 17 corridor. As buyers they understand it is their responsibility to evaluate and understand what is permitted. It is his understanding that Mr. Terp does not live at the site and Mr. Terp stated he purchased with intention to put in a motocross track. Mr. Ostlund stated he had provided a very detailed analysis prior to this meeting that the Commission should have. There has been an artificial crisis created by the landowner without proper permitting. There was talk of a shed but that is really a multi-thousand foot facility. The contractor didn't get the required permit to dig out the pond and vastly exceeded what is allowed without a permit. Now they are claiming a hardship that they spent time and money and trying to create a vision they are the victim when the neighbors are the victims. Due to the timing of the notification, there are people that can't be here and last minute we are hearing of a hearsay conversation with the MPCA. There is no CUP that has been issued and the Township didn't go forward so no work should be done until resolved. Staff should have been out with the MPCA as well as the neighbors as this is part of a due process. The meeting notice stated this is an ATV trail and shed but everything said on Monday by Mr. Terp was this is a motocross track. Feels that this was a deficient notice that does not explain to landowners what is really going on. Because the notice was ineffective then this entire process is ineffective. There are 7 exceptions for permitted uses within the AG district and the ordinance says if it is not one of those it is not permitted. This has been turned into a motocross facility, the antithesis of agriculture and this area. In effect this is rezoning. The only person that will ever want to buy this property is a motocross enthusiast. The application does not deal with who, what, when, how fast, how noisy, hours of day, sound protection and there has been no study on decibels. Statement was made that it would only be used 16 times a year; no one spends that amount of money to use 16 times a year. If not prohibited or conditions attached forever who owns the property will do whatever they want. This is an area that deserves an analysis, not a fly by review by the MPCA. Would urge that because of the sensitivity the time should be taken to do a proper analysis, get a proper environment review and engage the community. If approved, it is going to have a very negative impact on the neighborhood and likely lead to greater discord.
- Barb Dunsmore – 10602 Fenner Ave SE – moved to area in 1993 with 40 acres and they have always followed the rules when it came to any movement of natural environment. In looking at the site plan there is a pond marked with 1,800 cubic yards of soil that was supposedly dredged. Personally, works in the landscape architectural field and never has she not pulled proper permits for work done on shoreland, farmland, commercial and residential. If this is not checked into and followed through by the proper stated and federal organizations, that monitor plant material and disturbances, a precedence will be set that something like this can be done anywhere. They have lived here long enough to have neighbors that don't understand about community, being quiet and observing the natural environment. As it was said before, this is a 40-acre site no one lives on. Is precedence being set to allow this to happen and something that can happen all over the community?
- Kyle Anderson – 10470 Fannon Ave SE – asked to read 2 statements from neighbors.
- Donna & Ronald Timonen – 5140 105th St SE – in audience with statement read by Mr. Anderson. Live close to motocross park. During construction the noise from trucks and equipment was a large bother. Concerned with noise and dust during track use, especially when crops aren't in field to dampen noise.

- Steve & Kristen Huish – 10495 Fannon Ave SE – not in audience, statement read by Mr. Anderson. Would like to express concerns about the project happening next to residence. They are building a motocross track and large outbuilding. Believes track will depreciate the value of surrounding homes and will also affect everyone that lives around them. Moved from Arizona for a home in the country, surrounded by nature and a peaceful environment. With track being built it destroys dreams of where they have set roots. They have 5 kids, one who is autistic and another with a sensory disorder. This (track) will limit kids to staying inside due to the noise. At the Franklin Township meeting the owner refused to call it a motocross track and stated only used by family for maybe 15 hours per year. The YouTube videos posted by the construction company boast of the build and how specifically it is for motocross as well as boasted about the size of track and the biggest that they have built. Video also showed motocross bikes on the track. This has gone back and forth with lies and deception while built without proper guidance and permits. The natural flow of Crow River was destroyed and more continues to be destroyed. At Township meeting the owner stated no dirt was brought in but in the YouTube video it was stated over 50 tons of dirt was brought in. Hope is that this council will stop the build.
- Kyle Anderson – 10470 Fannon Ave SE – 4,400 cubic yards of dirt is hard to envision. The construction company did post two YouTube videos where you are able to see what 4,400 tons of dirt means. The size of this track is quite amazing and that is a concern. There are some berms, especially at the front of the property near County Road 17, but the berm is much lower than the height of the biggest jumps. When vehicles go flying over the jumps the noise will project and noise is pollution. Another neighbor, that couldn't be here, provided him with a guide to noise control in MN. Essentially it is a guidance on what you can and can't do in the state of MN related to noise with the bottom line being noise is pollution if above a certain decibel. Last thought is that they altered the property in an amazing and astounding way, personally doesn't understand when permission is needed but if he had this project in mind he would have checked to see if it could be done and what laws would be in place. Hope is that the Commission will find the project should be delayed until properly reviewed. Felger questioned if the YouTube link is available with Anderson stating he would forward to Mr. Rhineberger.
- Mike Guckenberg – 10175 County Road 17 SE – live directly across from the site. Concerned about the project for every reason that has already been stated. Knows that his property value will decrease. Enjoys nice quite evenings in the area and last summery they were not so quite. He has seen 2 motorcycles on the course. Feels this (track) will degrade the quality of the neighborhood and is against. Mahlberg asked for more explanation on the amount of use track is getting. How often are people riding? Guckenberg – saw use one time and believes they were just driving around course inspecting after build. It was 2 BMX or dirt bike kind of machines. Works from home with view right at County Road 17 and for months trucks have been bringing in dirt and moving it around. Did not realize a wetland was affected and the berm is definitely not high enough. From his porch he can see the track being used. Mahlberg asked again if only the one time with 2 bikes was what he has seen for use. Guckenberg – confirmed only 2 motorcycles were seen driving around the course this summer.
- Laverne Dunsmore – 10602 Fenner Ave SE – pointed out pages 36, 38, and 34 of the 2011 Land Use Plan. These pages talk about ecological work that the DNR has done in the area and should be looked at very carefully. Franklin Township alluded to the fact that they would like an environmental impact study done due to sensitivity. When talking about woodchips, he has been in horticulture field for over 30 years and when someone says they will use woodchips for erosion control that is a laugh. Woodchips will float away. They have several acres that connect through a shared tile line running through this sensitive area. He is very concerned with flooding, even County Road 17 has been under water just north of this site. Feels the volumes of water that come through is more than what anyone is talking about. They have 20 acres of prairie with a pond and they are trying to attract sandhill cranes as well as trumpeter swans but the noise will prevent trumpeter swans from nesting. He is against the request.

- Roger Nelson – 11054 County Road 17 SE – would like Commission to think hard about their decision. There are 40-50 people being bothered and there is no doubt things will get worse.
 - Rich Ostlund – understanding is motorcycles are not allowed because of no CUP.
- D. C. Hallet – fully expect Commission to not make decision tonight and they should be expecting the MPCA report for review. They were not the ones that contacted the MPCA, it was an anonymous complaint that was made and caused the inspection. Comment made that no one lives at the property but owner Dalton Terp does live at the home fulltime. The shed was stated as being enormous. The neighboring shed is identical to the one built and not any larger than what others might have on their property. That adjacent neighbor is fully aware what has been done and has been excited about the project and has not voiced concern. It was mentioned motorcycles are not yet to be allowed to run because CUP is not approved. This is not an argument on if a track is allowed, everything could be knocked down and UTVs, ATVs or any machine could be run legally. This request is an application to move land around and she feels the Terps would have been just as happy to ride bikes or ATVs on what was out there. Regarding the YouTube video, this is what they do for a living and two employees are semi-pro riders that were on their bikes shooting promotional videos. Anyone can visit JCHallet.com and view the videos along with other work that is done. To her knowledge those were the only 2 bikes that have been on the track. Mr. Terp road his UTV one day and after rolling his machine commented the hills might need to be lowered. This is not the only land in the area with UTVs and as Mr. Terp pointed out, at the township meeting, there are snowmobiles all over and no different. This is where his family congregates when they want to get together. The track has been done since September so if they were gung-ho to make it what everyone thinks it is going to be they would have already been started. No dirt was brought in. There were 50 dump trucks of crushed rock brought in for the parking surface and shed pad. Woodchips are a method of dust control and erosion control approved by the MPCA. Feels there should be some trust in what Mr. Terp said at the Township and that his intention is not to make this a motocross park.
- E. J. Hallet – no work was done within mentioned wetland on the other side of the driveway. The pond was built with intention of capturing rainwater from the building and parking lot, MPCA was thrilled. They are not new at this and have been doing this type of work for over 30 years. Meeting with MPCA is private and the findings are private until the ruling and case is closed, then it becomes public. They are willing to share the results once they are received, which is potentially next Tuesday. Corrections are minimal and there are plans in place to have erosion control concerns addressed. They are not in major violation of anything with MPCA, because of their experience. C. Hallet – comfortable sending report when received, they are not trying to push a decision through.
- F. Holland – what is relationship with Jon Terp? C. Hallet – were hired to do work and he is a customer. Holland – explain where the home is located. J. Hallet – existing shed and home were pointed out on aerial Beacon map.
- G. J. Hallet – if concerned with noise having only 2 bikes seen all summer is a statement to how often the track will be used. There is a snowmobile trail that goes right along the Highway with no restrictions and some of those machines are really loud. Mr. Ostlund lives roughly 150 ft. from the road and snowmobiles go by all the time but he is not complaining and trying to get the trail closed.
- H. Mahlberg – stated over 30 years of experience in motocross track building. J. Hallett – confirmed. Mahlberg stated he will want to see the property. In watching the YouTube video this is a massive project to be used 16 times a year. Asked if people actually spend this amount of money and time to move this amount of dirt and then don't use it. J. Hallet – when he met Mr. Terp this summer, he (Mr. Terp) had just gotten back from a trip UTVing in northern MN where they received multiple violations. Mr. Terp was so upset with the fact that every time they go on a trip, they get hassled so he wanted to build his own place he could ride and not be bothered. When you look at the amount of dirt, with this size of equipment, it isn't that big of a project. Agrees, situation is odd but he (Mr. Terp) has a lot of money and the building is to store trailers, skid loader and personal stuff. The building is identical to the neighboring building

and there are no complaints because it is a horse-riding arena and the track is currently overgrown with weeds. Yes, it is bizarre to spend that amount of money but when you have that amount of money to spend it isn't that bizarre.

- I. Felger – stated 30 years of experience and it would be assumed to have done work in the region and within other counties. C. Hullet – most work is done in southwest suburbs. Felger – believes that in those counties there must be similar ordinances to Wright County that are related to dirt movement and required permits. Asked for explanation as to why they did not seek permit from Wright County. J. Hullet – met with Wright County and applied for the building permit. At that time, it was assumed the amount of dirt being moved was part of the building project. Never once were they told there was a required permit. Believes it is now a CUP because of the after-the-fact. They have done 10-acre sites on new home construction all the time. This is the first time they have been to a meeting like this. Felger questioned amount of work done in Wright County. C. Hullet – first time, it (permit) was not expected and never came up in the past. They work a lot with ponds, water, watershed, and lakeshore and have never had an issue.
- J. Bravinder – this request is simply for the land alteration. There is no commercial operation being requested for an ATV track or motocross track, it is personal use. Rhineberger – confirmed. Conversation was had with the contractor and owner seeking that type of verification. Ultimately, the private use of off-road vehicles, provided not inviting public or hosting public type events, is not a violation of AG standards.
- K. Bravinder moved to continue the matter to February 8th for site inspection. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

3. **DANIEL GAILFUS** – Cont. 12/14

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

Present: Daniel Gailfus

- A. Rhineberger reviewed property details and request. Item was continued from the December meeting as the applicant had yet to meet with the Township and asked for continuation to tonight's meeting. At the December meeting no comment was heard and item was not discussed. The property is a 10.09-acre parcel just east of the junction of County Roads 8 and 75 and north of Interstate 94 at the Hasty interchange. The property is currently zoned B-1 Highway Business and is in the Land Use Plan as Commercial. The site was originally permitted for RV sales in 1997 but was approved for an over-the-road trucking operation in 2022. This request is similar to the one proposed by a different applicant from October to November 2023. Today's request is for a semi-trailer rental operation to include office space, repairs, and storage for trucks and trailers. The site will be used for storage of around 70 to 100 trailers that are rentals, in need of repair, or storage space for loaded trailers for customers. In addition, the site will house a few of the company's employees. There are several trucking operations and truck stops that exist in the area. Silver Creek Township has approved of the request. The Wright County Highway Department has responded and is not requiring turn lanes currently. However, if traffic volume increases to the site, they may require turn lanes.
- B. Gailfus – used the displayed site plan and explained they are a semi-trailer rental company with storage of trailers on this site. Main operation is located in Rogers with main area lease being lost they need to diversify. The office location will be in Rogers and trucks will also operate out of that area, as Rogers is main hub for operators. Need additional parking here as well as trailer repair shop to work on own equipment. Plan is to move a portion of business to this location.
- C. No public comment.
- D. Felger asked for clarification on trailer parking but not the trucks themselves. Gailfus – there will be a few trucks to move the trailers.
- E. Mol – County Highway suggested turn lanes at cost to the applicant. How is that determined? Personally, lives in area and there are several truck stops and multiple trucking companies. He would not want to see this business stuck with cost of turn lanes because of traffic created in Clearwater and use of Hwy 75 as a cut across. Rhineberger – thought of that as well and how to address. For himself he would look at it more as the activity specific to this site and the trucks coming in and out. Does not think the Highway Dept. can reasonably justify just an increase in truck traffic on the highways as a trigger for that type of requirement. It would be more specific to truck traffic at this site and triggered when expansion of use is brought up. In the Township there is the review process and if they are seeing an increase of operation, they would likely have Planning & Zoning review. If the Highway Dept. asked for turn lanes Planning & Zoning would reach

out to the applicant and review the business and if there has been a change. Gailfus stated he spoke with a Highway Dept. employee who asked to have turn lanes looked at if it gets to be 10 or more trucks a day. The cost isn't ideal but does not seem to be stifling.

- F. Felger moved to approve an interim use permit for a semi-trailer rental operation to include office space, repairs, and storage for trucks and trailers in accord with the plans and narrative submitted and the discussion at the hearing, with the following conditions: 1) Signage on site must be in accordance with County sign regulations; 2) Exterior storage is limited to the locations noted on the site plan, with no more than 100 semi-trailers on-site at any given time; 3) All waste, oil, and hazardous materials must be properly disposed of or recycled; 4) Any future road improvements must be completed according to Wright County Highway Department guidelines; 5) Any change in use or expansion requires an amended Interim Use Permit hearing; 6) 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: Bravinder stated with condition #4 not defined it seems to be up to the Highway Department no matter what. Kryzer – If the Highway Engineer dictates a turn lane, they will make you do so. Bravinder – wonders if 10 vehicles, or other number, should be included in the motion. Kryzer – given highway safety standards his recommendation would be to leave #4 as is and not include a set number. Bravinder – okay with statement just wanted to ensure an issue is not being created. Rhineberger – issue with set number would be if Highway Dept. requirements change or they deem turn lanes are not necessary and the set number actually creates a violation of the permit.

VOTE: CARRIED UNANIMOUSLY

4. **ROBERT HUDGINS** – New

LOCATION: 13927 Dillon Ave NW – Nessie Shores Lot 2 in Section 28, Township 122, Range 26, Wright County, Minnesota. (Locke – Silver Creek Twp.) Tax #216-139-001020 Property Owner: ROBERT & JAYNE HUDGINS

Petitions for an Interim Use Permit to operate a home occupation for firearms assembly, training, and online sales company as regulated in Sections 155.003(67), 155.031, 155.050 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances

Present: Robert Hudgins

- A. Rhineberger displayed property details and reviewed request details. The property is a 2.26-acre lot in the Nessie Shores Subdivision on Locke Lake, a designated General Development Lake. The property is zoned Suburban Residential-R2 with a Residential-Recreational Shorelands District-S2 overlay. Request if for an interim use permit (IUP) for a home occupation use for firearms assembly and office space associated with sales and training operations. Any firearm training will be conducted off-site. No neighbor responses were received. Silver Creek Township has approved the request with the following conditions: no outdoor shooting or testing of firearms and no in-person training within the residence. Additionally, the Township would like to review after the first year. The Township wrote-in July 2025 as a review date.
- B. No comment from Hudgins or public.
- C. Bravinder – with online sales will buyers come to site or are items shipped out? Hudgins – items will be shipped to another Federal Firearms License (FFL) address. Firearms will be taken to a shipping location or on occasion UPS or FedEx will pick up. Kryzer – assume will be an FFL Dealer. Hudgins – this is the first step in obtaining an FFL. ATF (known as The Bureau of Alcohol, Tobacco, Firearms and Explosives) requires zoning for the property to be used and they will actually verify that he has all of his correct zoning.
- D. Mahlberg – will there need to be a condition to not violate federal law? Kryzer – would recommend a requirement of having a federal license prior to commencing of selling firearms on-site. Rhineberger – license here is similar to auto sales with the state requiring signed document from Planning & Zoning verifying zoning approval to run business. Mahlberg – it does not appear there is any reason a customer will travel to the residence, but would a condition related to no retail business on site be acceptable? Hudgins – in narrative wrote that if anyone should come to the site it would be by appointment only. He does not care to have people he does not personally know coming to his home.
- E. Motion made by Mahlberg to approve an Interim Use Permit for a home occupation for firearms assembly, training, and online sales accordance with the discussion, plans, and description held on file, with the following conditions: 1) No outdoor discharging or shooting of firearms; 2) No in-person training allowed within the residence; 3) Township to review in July 2025, with subsequent reviews at an interval established by the Township; 4) Any change in use or expansion requires an amended Interim Use Permit hearing; 5) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations; 6) Abide by applicable federal law. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

5. **JANE SHANKS** – New

LOCATION: 852 90th St NW – PRT OF SE1/4 OF SW1/4 & GOV LT4 in Section 13, Township 121, Range 26, Wright County, Minnesota. (Eagle - Silver Creek Twp.) Tax #216-000-133300 Property Owner: Jane E Shanks

Petitions to rezone from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Suburban Residential (R2a) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.048, 155.051 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances

Present: Jane Shanks

- A. Rhineberger displayed property details and proposal while reviewing the request. The property is located at the northwest corner of Armitage Avenue NW and 90th Street NW in Silver Creek Township, on Eagle lake. This is roughly a 15.80-acre property with some shoreline along Eagle Lake. The property is currently zoned General Agriculture-AG with a Residential-Recreational Shorelands District-S2 overlay and designated as “Rural Residential” in the Land Use Plan. The property is considered a “Lot of Record” and has one building entitlement, which is the existing house. Today’s request is to rezone the entire property from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Suburban Residential (R2a) with a Residential-Recreational Shoreland District Overlay (S-2). If approved, a subsequent 3-lot unplatted subdivision would follow, with only one lot having access to the shoreline. The applicant is scheduled to be heard by Silver Creek Township in February. The Wright County Planning & Zoning office has not received any other comments.
- B. Shanks – goal is to allow son to build home and be near her and in the future be there for her as she ages.
- C. No comment from public.
- D. Mol – normally this Commission will want to hear from the township and continue until comment is received. Shanks questioned if a meeting with the Township would give this Commission enough time to receive response. Mol – confirmed.
- E. Rhineberger reminded the Commission that in some cases with rezoning a site inspection is completed. Mahlberg stated he does not feel a site inspection would be needed. The property is directly across from what is known as the Viet Property, with the picnic table in the field. Bravinder – agreed no site visit is needed.
- F. Motion made by Bravinder to continue the matter to the meeting of February 8th, at the request of the applicant to allow time for Township response. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

Mol called for a commissioners break at 9 PM with meeting called back to order at 9:10 PM.

6. **PERRY SILTALA** – New

LOCATION: xxxx Oliver Ave SW – NW1/4 OF NW1/4 in Section 11, Township 119, Range 28, Wright County, Minnesota. (N. Fork Crow - Cokato Twp.) Tax #205-000-112204 Property Owner: Perry J & Lindsey A Siltala

Petitions to rezone from General Agriculture (AG) with a Residential-Recreational Shoreland District Overlay (S-2) to Agricultural/Residential (A/R) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.047, 155.048 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances

Present: Perry Siltala

- A. Rhineberger displayed maps of the proposed site and reviewed the request details. Property is roughly 26.63-acres along 10th Street SW and Oliver Avenue SW in Cokato Township. Currently zoned General Agriculture (AG) and designated General Agriculture (AG) in the Land Use Plan. Request is to rezone the property from General Agriculture (AG) to Agricultural/Residential (A/R) in order to build one home on the site. Cokato Township has recommended denial of the request because it is not in the land use plan for further development. No other comments received.
- B. Siltala – looking to build a home. Have done a lot of different crops and none grow very well. The soil borings have been completed to ensure multiple septic locations.
- C. No public comment.
- D. Mahlberg questioned if parcel is non-riparian. Rhineberger – confirmed. Property is close to the river but not any part is riparian. Mahlberg – under the standards this Commission is required to follow the rezoning can only occur in “rare and unique” circumstances. The applicant was asked to speak to what makes the property “rare and unique”. So far, he has heard the soils are fine and some crops can be grown plus a home is desired and that is probably how many people with excess land feel. Siltala – you can go to the river for great fishing and canoeing. The County Park is right there. The current home he hopes his child will purchase. There is the ability to enjoy the park. Yes, zoned as AG but not very productive agriculture land. Better use would be to build a house. Rhineberger corrected his previous comment and stated there is a small portion of the property that would qualify as Shoreland District Overlay (S-2); though not an area that would meet minimum requirements for width. The river classification is 300 ft. where a lake is 1,000 ft. Mahlberg questioned if the standard is “rare and unique” or “shorelands especially suited”. Rhineberger – would say both. Area is within shoreland but because the building site would mostly likely be outside the shoreland area the “rare and unique” could be evaluated as well. Mahlberg – he is trying to get the standard right because to him it really matters. Is this an ‘and’ scenario or an ‘or’ scenario? Kryzer – believes this would be an ‘or’ situation and one that both standards can be looked at. With the river touching a small portion of the northwest area of the property the Commission can decide if that makes the parcel a riparian lot and would therefore need to meet standards of “shorelands especially suited”. If the Commission does not feel the area meets the riparian criteria the “rare and unique” circumstances still applies to all situations.
- E. Siltala invited the Commission to do a site visit.

- F. Felger – looking at the Beacon aerial questioned the applicant if he lives in the current home with Siltala confirming. Aware the surrounding parcel is restricted with Siltala confirming. Siltala stated that in his abstract there were originally 4 building entitlements on his parcel. He is not sure where they all are located but it is clear where at least 2 went. Rhineberger stated that there were never 4 entitlements on this property and went onto explain there were 4 entitlements on the Munson Farm, which included property to the north. The house, in the NW corner, is not an entitlement from this quarter-quarter it was transferred from the property to the north of the road. The 2 used entitlements came from the Munson Farm and in that process restricted the parcel in question.
- G. Bravinder – during lengthy discussion at the Township it was brought up this area is one that will be part of the Land Use Plan (LUP) review and changed. Believes there is a LUP review coming in 2025 and this property is earmarked for A/R. Correct in saying that not much crop is able to grow on the property, just to the south is where the Cokato gravel pit used to be located. The riparian portion of this property is on the other side of a township road. His recommendation would be this Commission look at the property, as it is unique. Mahlberg asked member Bravinder to expound why ‘rare or unique’. Bravinder – uniqueness is that the property is choppy, with the existing dwelling in the middle. The properties best use is going to be recreational in nature and not agricultural. It is in the LUP as AG and there is no other A/R in the area. There is 70 acres to the east that is all trees and hunting land. The north side there is some Ag land but because of proximity to the river it is not very good agriculture land. Mahlberg – isn’t there quite a bit of similar properties in the area that will also be changed to A/R during LUP review? Bravinder confirmed. Mahlberg – sounds like property is in a class with a bunch of property that will potentially be redesignate in 2 years and in 2 years a different standard could apply. Right now, we have a standard that applies, and the Township said under the current standard this is not going to work, even though in the future they want it changed. Bravinder – Township is trying to be consistent. Mahlberg – based on historic discussion what would a site visit do? Bravinder – provide better idea of topography, seeing neighboring properties would give an idea as to what the land is primarily used for. This land is not used for agriculture, and it is unfortunate that it is in the LUP as AG classification. The Township is going to be diligent when the opportunity comes to change the LUP classification.
- H. Mol – pointed out agriculture is not just crops. Agriculture means wood lots, open land or even hunting land. Just to say it does not raise crop does not mean it is not Agriculture land. Siltala stated he has planted many trees. Mol – it appears there will be a change to the LUP and this property in the near future but right now property is not in the LUP. This property is in area of county that is still relatively rural. The portion that is riparian is very small, not buildable and on the opposite side of the road. To him riparian is not a reason to rezone.
- I. Holland – if approved to rezone to A/R the property could be sold next week, and a new owner could build a bunch of homes. Bravinder – not a bunch of homes, there isn’t a lot of buildable area. Holland – fairly restricted and was an old gravel pit. Bravinder – to the south was the old Cokato gravel pit, not this property.
- J. Bravinder moved to continue the matter to February 8th for site inspection. Motion seconded by Holland.

VOTE: Holland, Mol, Felger and Bravinder. NAY: Mahlberg

MOTION CARRIED

7. **BRUCE WOHLRABE** – New

LOCATION: 1773 Foley Ave NW – PART OF GOVERNMENT LOTS 1 AND 2 OF SECTION 30, TOWNSHIP 120, RANGE 26, WRIGHT COUNTY, MINNESOTA. (Rock - Chatham Twp.) Tax #203-000-302200 Property Owner: BRUCE WOHLRABE

Petitions for a Conditional Use Permit for a two-lot unplatted subdivision as regulated in Sections 155.029, 155.051 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Bruce Wohlrabe

- A. Rhineberger displayed proposed site plan and reviewed property details. Property is roughly 21-acres that sits between Foley Ave NW and Rock Lake, a designated Recreational Development Lake. This property is located in Chatham Township and is zoned Suburban Residential-R2a with a Residential-Recreational Shoreland District Overlay (S-2). The property is designated in the Land Use Plan as “Agricultural.” In 2001, the existing homesite was divided into a 5.8-acre parcel through an entitlement division process. In 2017, the property was part of an approved rezone request to R2a, then expanded from 5.8 acres to 20.9 acres through a three-lot subdivision request. The two other lots created through the approved rezone and three-lot subdivision request are present-day. Lastly, in July 2023, the south lot line was slightly altered to its current shape through an amended conditional use permit to the 2017 unplatted subdivision. Today’s request is for a two-lot unplatted subdivision request to split the current 21-acre property into two lots. One of the lots, “Parcel A,” would be roughly 10.7 acres and include the existing home. The second lot, “Parcel B,” would be the southern lot with roughly 10.3 acres. Both lots would remain zoned as Suburban Residential-R2a with a Residential-Recreational Shoreland District Overlay (S-2). The proposed parcels do meet the R2a zoning district’s minimum requirements. The only concerns from staff are the existing buildings and septic system that are near or across where the new line is proposed. As part of this request the owner will be abandoning the existing system and installing a new system more to the northeast of the home. Chatham Township has approved the request and no other responses received.
- B. No comment from Wohlrabe or public.
- C. Mol – concern is the existing house appears to be 30 ft. from the proposed property line. Is there enough space for decks and additions? This is a great big lot and the house will be located right up against the new property line. As a member of the Board of Adjustment he frequently sees a huge parcel with a home that is in need of a variance when an addition is wanted. Concern is setting up an issue for future owners. Wohlrabe – there is deck on backside of home and only one window on that side of the home. Mol –he sits on the Board of Adjustment and this proposal is a concern. Rhineberger – minimum setback requirement for primary structure is 30 ft., so without a variance there would not be any room for expansion on the southside of the home. Mol – understands and that is his concern. Wants to make it clear he has a concern with the distance to the new property line. Wohlrabe stated the house is not conducive to building that direction.
- D. Felger – wouldn’t a new buyer know the setbacks? Not sure he shares concern relative to the proposed property line in relationship to the home. Mol – asked for some faith in his role on the Board of Adjustment.

Rhineberger – new buyers are presumed to know the rules but that does not mean they know the rules. Mol – he is making applicant aware of the concern.

- E. Motion made by Felger to approve a conditional use permit for a two lot un-platted subdivision in accord with the survey completed by Otto Associates, Inc., dated 08/11/2023, with revisions dated 11/01/2023; File Number 23-0332 with the following conditions: 1) If required by Chatham Township, access permits must be obtained before any construction activity commences; 2) The Commission notes that it appears wetlands exist, and these wetlands must be avoided. No alteration of the wetlands may occur without prior approval by the Wright County SWCD; 3) Per Feedlot regulations, the A/R parcels will be allowed a 1/2 animal unit per acre and will not be allowed to reach 10 animal units; 4) All portions of the existing septic system over the proposed property line or not meeting property line setback requirements must be properly abandoned and a new septic system servicing the existing dwelling installed prior to the lot being created. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

8. **GREGORY KNOPH** – New

LOCATION: xxxx 30th St SE – part of the N 1/2 of the NE 1/4 in Section 20, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-201202 Property Owner: Gregory J Knoph & Allision B Knoph

Petitions for an Interim Use Permit to operate a home extended business for a CNC machining and tooling services company as regulated in Sections 155.031, 155.047 & 155.103, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Greg Knoph

- A. Rhineberger displayed site details and reviewed request. Property is a 10-acre lot along 30th Street SE in Rockford Township. The property was recently zoned to Agricultural/Residential-AR with an approved 4-lot unplatted subdivision that created this property. The applicant is seeking approval to operate a CNC machining and tooling service company as a home extended business use within a proposed 2,000 sq. ft. structure. The CNC company makes one-off specialty parts for the automation industry. Operation would occur within a 2,000 sq. ft. pole building and the business does not have employees outside of the family. Rockford Township has approved the request. Two neighbors submitted comment.
- B. Knoph – small machine shop that builds robotic arms for the automation industry, essentially fingers that can be carried in your hands. No truck traffic, not outside storage, and no employees. Clean, quiet and no noise that will penetrate the building. They do all their own delivery and pickups with no customers to visit the site.
- C. Public comment opened.
 - Eric Bitterman – 1517 30th St SE – lives next door on the lot to the south that will share a property line. His home is situated directly behind the proposed building site. Concerns about proposed business and biggest concerns with wording in the petition is the CNC machine type of business is industrial in nature and not a proper fit for residential area. Feels environmental impact is at risk. CNC machines require extraordinary amounts of water to operate, and this could impact local water supplies and deplete water resources. The lubricates or coolants required to operate CNC machines can be toxic in nature, as well as the biproducts of machining process. The waste generated from CNC machines are both industrial in volume and composition. Just one CNC machines can generate gallons of toxic waste a week and requires extreme care in handling and disposal. CNC machines require a lot of energy to operate, and the petition did not indicate how they intend to power machine. Maybe not a noise concern but the large electrical connection might not be compatible with aesthetic enjoyment of the neighboring properties. Business signage is not mentioned in the petition. Understands that in some cases the processes of CNC machines can improve overall industrial productivity and there maybe CNC machine practices that have less environmental impact. In his opinion this residential neighborhood is not an appropriate location. The request does not sufficiently alleviate concerns and he respectfully requests denial or further guidance.
 - Rebecca Heskin – 1756 30th St SE – as we think of having businesses in this area she thinks about when she moved to the area 2 years ago. They specifically picked the location because they felt they

had a good grasp of what would happen around them in the future. They refer to their home as their oasis and are highly concerned with an industrial business coming into the area. This is not someone selling veggies on the corner, it is an industrial business. Concerned with noise, hours of operation, and disposal of chemicals. Comment was made about no added traffic but currently there would be deliveries to the location. Understand there can also be a 35 sq. ft. sign that can advertise the business. Does not feel this fits in a residential community and she would like to have area preserved as residential.

- Casey Hetzel – 1498 30th St SE – on par with comments already made. He is a CNC machinist for a living and provided some information to others. His employer does nickel-plating so they do have EPA (Environmental Protection Agency) monitoring and if they have to have items monitored, he would think going into a septic might not be a great idea. Power requirements and most anything industrial will need 3-phase power not single phase, will power need to be added and entire neighborhood system altered. He moved here in 2010 and it was a gravel road, it is now paved and traffic has continued to increase. With no employees there won't be an increase in traffic but deliveries will be required. Feels this is more of an industrial aspect in a residential situation. He has two small children and would be concerned with increased traffic.
 - Danny Heskin – 1756 30th St SE – struggling to understand why a business that has been in operation since 2006 would now want to move into a residential neighborhood. Easy to say clean, quiet and no traffic but what is actuality? Concerned 1% could go down into the soils and wells that the neighborhood is 100% reliant on. Questioned if family employees are living at the home or commuting. Hours of operation stated as daily 8 am – 4 pm; does that mean Saturday and Sunday all year round every day? Concern of going from zero noise in very quiet residential neighborhood to industrial. Questioned if code requirements are completely understood. If building a F2 factory, wouldn't that have to meet IBC (International Building Code) codes? A light industrial factory will be across the street from residential and he feels that should not be allowed.
- D. Knoph – water usage will not be a problem. The machines have recycling tanks that are continually recycled. Coolant is maintained inside a closed system. The little bit of waste chips that are produced are recycled. Most of what is done is CAD (computer-aided design) and CAM (computer-aided manufacturing) with machining done at the end. He has had a conversation with Wright Hennepin Electric and there is already 3-phase running in-front of the property with his new line to be buried. The use of power is very little as this is not a big industrial operation. They do not require delivery of materials or shipping as they do all of that themselves with a pickup truck. Family employees are a freshman and junior in high school, that live at home. Plan is to build home and run business out of backyard with no intention of expanding as he is very comfortable with current situation.
- E. Mol – will there be any outdoor storage, contained area or will this be shed that one really would not know anything is occurring inside? Knoph – it will look like a garage with no business-related outdoor storage. He needs no signage and there will not be disruptive exterior lights. Mol – will spillage of chemicals be contained to concrete and no drains? Knoph – confirmed.
- F. Mahlberg – would like to understand more of what the business is and what would be inside the building. He would like to understand the scale. What is seen once inside the shed? Knoph – 2 CNC mills and a small robot that is used for proof of concept. They build fingers that are custom made to pick up a customer's part.

They do sometimes do 3D printing and there really is very little machining. Mahlberg – asked about current business space. Knoph – 3,000 sq. ft. building that they use about ½ of and the rest is used by the Delano Highschool Robotics team.

- G. Bravinder – CNC operations are a broad spectrum. Feels that this operation is very small in nature. With a 2,000 sq. ft. building this won't be any different than a garage with a motorcycle. Does not see there being a problem in the neighborhood. There is no signage or constant traffic. This operation would be a good fit.
- H. Mol questioned volume of materials will come in and out. Knoph – typical job would be a set of fingers, that could be 9 on a robot, that are the size of a human hand. Two-thirds of time is doing the design work. He could do a few jobs like this a week and could take 2-3 days to do an order. Most time is taken with the setup and very little time actually cutting. Mol – there will not be a ton of shipping and delivery traffic related to business. Knoph – confirmed. They are not trying to impact anyone and feels that no one will know anything is happening.
- I. Felger – appears this is a low impact endeavor. The water that will be used is recycled but will it need to be cleaned or replaced? Knoph – water and coolant stays in the loop. Felger questioned what happens to the bioproduct or shavings. Knoph – shavings are dumped into a garbage can that is hauled to recycling center when filled. It could be a week or a month before filled. Felger – 3-phase power is already coming to site that is or will be buried? Knoph – will be buried. Felger – there are delivery trucks all over the roads today. He does not see this operation creating a drastic change or impact to traffic or water use to the neighborhood. No employees beyond children? Knoph – correct. Felger questioned what an F2 factory is and Knoph stated he is not sure. Felger feels the operation will be low impact with Holland agreeing.
- J. Mahlberg questioned if there is a separate garbage service for the business. Knoph – no, they use their household waste. Mahlberg – if wanted to intensify the use could that be accomplished within this building? Knoph – no, would need to move into more industrial.
- K. Bravinder – hours of operation are listed as 8:00 am – 4:00 pm, 5 days a week. Would Monday – Friday with same hours work? Knoph stated that would work.
- L. Bravinder moved to approve an interim use permit for a home extended business for a CNC machining and tooling service, in accordance with the discussion, plans, and description held on file, with the following conditions: 1) hours of operations would be 8:00 am – 4:00 pm Monday through Friday; 2) No more than one employee in addition to the owner/operator and family members residing at the homestead; 3) No outdoor storage is allowed, and all business-related items must be contained within the 2,000 square foot pole building; 4) The operator must properly dispose of or recycle all waste from the business; 5) Satisfactory building final inspection is required for the pole building before business operations may commence; 6) The single-family dwelling must be completed, and the property must be homesteaded before business operations may commence; 7) Township to review in one year, with subsequent reviews at an interval established by the Township; 8) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations. Motion seconded by Holland.

DISCUSSION: Mol questioned hours of operation and how are the hours of operation decided with a shed on a man's property. Is he not allowed in his shed during hours outside of 8-4 and is it even possible for the county to police. Holland was wondering the same thing. Bravinder stated he has a store on his property, that is

permitted, and he goes out at 9 pm because he wants to use his computer, for personal use. Feels that if the operations are in the building after 4 pm he wants to clean the floor it shouldn't be a problem. Holland – this operation sounds very nonvisual from the road so how is it monitored if he is working or not. Sounds like it would be very hard to police and monitor. Rhineberger – section 155.103 (J) states 'working hours shall be set by the Planning Commission'. The applicant has stated general operating hours and it would be up to the Commission to set the hours of operation. Same thing comes up when someone is behind work and decides on a Sunday afternoon to get caught up. Not that it is not an unenforceable condition but it is a difficult condition, depending on type of operation, to verify and work around. Holland – could it be said 7 days a week from sunup to sundown? Mahlberg – that doesn't solve anything. Holland – doesn't see this condition as enforceable. Mahlberg – this Commission isn't intending to not allow someone to go out and work on the computer at midnight. More important would be imposing hours that are focused on people coming in and out of the property. The question he would have is in the rules and definitions for a home extended occupation it states, 'no more than one employee in addition to the family living at the homestead'. Can that be modified to say no employees who are not living there? Feels that as long as that is modifiable whatever hours could be used. Bravinder – hours of operation are related to the disruption of the neighborhood. This is a home extended business in a residential neighborhood and the hours of operation are important. A home extended truck repair shop operating at midnight is a problem that Planning & Zoning will hear about. In this situation when you set the business hours and in 5 years when his sons are gone from home and he hires the 1 employee the hours are already set. Not concerned with enforcement but more concerned with future of the business. The applicant agreed with the hours Monday – Friday. Mahlberg questioned if the sign portion could be eliminated or modified so a neighbor isn't looking at a commercial sign. Kryzer – would not recommend that. There is a sign ordinance in place that complies with the US Supreme Court.

VOTE: CARRIED UNANIMOUSLY

9. **KATHLEEN OSBORNE** - Representative of LRS of Minnesota, LLC – New

LOCATION: 175 County Road 37 NE – SW ¼ of SW ¼ also S 500 feet of W 300 feet of NW ¼ & SW ¼ & SW ¼ & NW ¼ S of Road and NW ¼ of SW ¼ also S ½ of NE ¼ and part of N ½ of NE ¼ of County Rd 37 & E ½ of NW ¼ of County Road 17, Section 31, Township 125, Range 25, Wright County, Minnesota.
(Monticello Twp.) Tax #213-100-313300 & 213-100-312302 Property Owner: Rolling Hills Landfill Inc.

Requests a renewal of the temporary mining and excavation permit issued as a Conditional Use Permit on November 11, 2013 (and renewed in 2017, 2019 and 2021), and to reclassify as an Interim Use Permit, to allow continued mining in the borrow pit for material used as needed for future minor repairs on the final cover at the landfill, as regulated in Section 155.029(6), 155.031, 155.48(D), & 155.100 of Chapter 155 Land Usage and Zoning, Title XV of the Wright County Code of Ordinances.

Present: Kathleen Osborn with LRS and Dale Gapinski as operator at Rolling Hills Landfill.

- A. Rhineberger displayed proposed site and reviewed the request. This is a clay borrow pit on the Rolling Hills landfill site that is now owned and operated by LRS of Minnesota, LLC. The landfill previously got their clay borrow off-site, but in 2013 requested a Conditional Use Permit (CUP) for a borrow pit on the actual landfill site. The request was granted for a period of 3 years, with additional extensions being granted in 2017, 2019 and 2022. This is another request for a time renewal and the applicant is in the process of installing the final cover. This soil would be used for expected future minor repairs on the final cover. The request does not have a specific timeline requested but with the new ordinance the time limit would be 10 years. The Township has recommended approval but for a 5-year period. One neighbor has requested denial of the request.
- B. Osborn – the landfill has been closed and final cover was completed the first week of December. This small borrow area is only needed if there are small erosion repairs. Anything larger would require a contractor to be hired to bring in soil. This would be only for if they needed small amount of material to fix area of final cover.
- C. No public comment.
- D. Kryzer – indicated final cover in early December. Now within the post closer 30-year timeframe with MPCA (Minnesota Pollution Control Agency)? Osborn – soon, just finishing construction and engineer is finishing documenting report to be submitted in January. Once accepted will post closure timeline with some financial assurance set aside for post closure care but, contingency actions set in place and the closure bond would be closed. Kryzer – there used to be a large erosion area, has that area been corrected? Gapinski – fixed as soon as LRS purchased the property, roughly 2022.
- E. Mahlberg – spoke with local residents, Jean and David Bryant, the ones that did provide a response, and he hopefully helped them understand the request. Looking at the aerial questioned if the closed area of the landfill would go into a static state for eternity. Questioned if there are other areas of the property that have an existing CUP or potential plans in place, specifically area east of County Recycling Center. Gapinski – there are water monitoring wells around the entire property. No idea what will be done with the property. Osborn – as far as she is aware there are no plans. If that area can be sold, they would need an easement for monitoring wells. Mahlberg reviewed with Gapinski location of monitoring wells on the Beacon aerial map.

Questioned if that property in question would support an independent operation or is there no future beneficial use beyond monitoring. Osborn – presented to Township the opportunity in future to use the existing buildings, pending proper required approvals, to have a machine shop or additional storage. At this point there is nothing planned. LRS obtained property as part of a large acquisition. At some point LRS would like to have at least the ability or opportunity to bring forth something, right now there is nothing in the works and if there is something it would be within LRS business. Land to the east will continue to be farmed, if that were to be sold an easement would be required to access monitoring wells.

- F. Mahlberg moved to approve an Interim Use Permit to allow continued mining in the borrow pit for material used as needed for future minor repairs on the final cover at the landfill, according to the narrative and plans submitted, with the following conditions: 1) Permit to expire December 31, 2029; 2) The finished slope of the restoration be no greater than 23%; 3) All other requirements of the original permit be met; 4) All mining and restoration must be completed by the expiration date and trees planted for a buffer be no less than 4' in height. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

10. **MBE, INC.** – Cont. 2021, 12/14

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 & Steve Stadler, with MBE Inc.

- A. Rhineberger – previous hearing had a lengthy discussion that included public comment. Since that meeting the Executive Summary of the MnDOT study was brought into the record and included in the staff report. A site inspection was completed and no other comment was allowed to be received. The item is now in the Commissions court to further discuss and decide on the next step.
- B. Mol stated the traffic was discussed in length and the road is extremely busy. Trying to understand what this Commission has done or not done related to the planning and zoning. In the area is Residential-Recreational Shorelands District (S2) and Agricultural/Residential (A/R). He is asking this Commission where the line is drawn. There is a gravel pit to the north and west that is General Agricultural (AG) land currently and in the Land Use Plan to be (A/R). Discussion tonight (on another item) was had regarding AG land and rezoning for a home that was denied. This area is an area the township has designated for A/R and growth. Personally, he is not challenged with the operation of the gravel pit but what this Commission has done in allowing homes to be built, rezoning to occur, and then being asked to allow a brand new gravel pit, not a renewal. There has been talk about building homes on top of gravel but we also build homes on top of Ag land. Gravel is important but so are soybeans, corn, and apples. He has a hard time with comments of homes are being built on top of gravel as we have gravel all over Wright County. Personally stuck on what this Commission has done as planning and zoning with allowing development in that area. This property, in 2019, was all farm and rezoned for two 10 acre lots. At that time the owner was questioned about gravel and it was stated that because of too much shale no one wants for gravel. Now we have a gravel pit request.
- C. Bravinder stated the uniqueness of this property is that it is the only piece of land that is in the Land Use Plan for Commercial and on the other side the land is zoned A/R. He as well is struggling with this part. He also struggles with some of the reports and that in Buffalo Township comments refer to the Dorsey Report but not the EAW (Environmental Assessment Worksheet) report. Recalls that the EAW was actually requested by one of the apple orchard owners and when done the major concerns were addressed and concerns will not be an issue. If any issue were present, it would not be with the gravel mining operation, as it is an IUP (Interim Use Permit) and follows the user not the land. Knows this user is very conscious of neighbors. Confident that the land will be restored and if proper guidelines are followed the dust will be controlled. The EAW stated that silica dust was found mainly in the SE part of the Minnesota, not this area. But also mentioned it (silica dust) could be a problem with the crushing of concrete. There is a volume of protest against the request and a volume of the township desire for it (gravel pit) not to occur and he therefore struggles as well. As far as the operation itself, he does not traffic will be impacted or any worse than it is now. Confident dust issue will be addressed promptly and if this Commission sets berm requirements high enough the noise will be addressed as well. EAW recommendation was 12 ft. below operation area, which included the base of the pit, and in the discussion 8 ft. berms were mentioned and the applicant was in agreement. At this point he does not think this (gravel pit) is going to be a real problem with the community. This Commission deals with a lot of gravel pits in this area and some are very active and large and this one at 7.5 acres will be done if things do not go well and next request could be denied.

- D. Holland questioned if the property is not already zoned Commercial. Mol – AG currently and in the Land Use Plan for Commercial. Because currently zoned AG it is allowed. Holland – thought is that at some point it could be a convenience store so this could possibly be a very busy location. Feels that if someone would find gold or oil in this location it would be grabbed and that was basically what was found. Feels that with lanes being addressed prior to mining will alleviate traffic.
- E. Felger – as he reviews a request, he puts together a list of pros and cons. On the positive side he sees that zoning is currently AG and gravel pits are allowed in the AG district. Feels that most concerns raised by public could be mitigated. There will always be a need for gravel and we all have gravel in our homes in some way. Hassan Sand & Gravel, just north of Hanover on County Road 19, has huge stockpiles of mineral. In Saint Micheal there are two huge, multi-story, piles of granular and he wonders how could something such as this happen with multiple homes to the north and west and industrial area to the east. Questioned the Director of Economical Authority (EAD) in Saint Micheal on how the pit was allowed. Explained the EDA did own the property and approved as 2 year site prep area in an effort to make land presentable for building sites. Testimony MBE provided at the last meeting was that they had a pit in Blaine where they mined right to the edge of the residences. Feels that MBE is a good operator and knows that they address and resolve issues. Heard testimony from the public that this community is growing and they want growth but an element of that growth is gravel. Felger went on to review the downside of why he would cast his vote against the request. The Township is closest to the residents and the residents have spoken profoundly about this request. The request came before the Commission a few years back and at that time there was an EAW request and the Township still stands as opposed. Concerned with safety and thinks any traffic added to that corner is going to increase traffic and affect safety, even with another commercial endeavor. Feels there is possible health risks. When this Commission hears about a gravel pits there is always mention of dust, noise, silica sand and perhaps there is something too it. Feels that two parties could ask for a study and those studies could contradict each other, so where is the truth. In that respect he would error on the side that there is potential a health risk. Looked at the wellbeing of the residents, he lives in the country and he hears the dirt bikes, snowmobiles and even shooting and all fine as it is in the country. But in another area of the county people have lived with a pit roughly a mile away for over 40 years and they are sick of it so he sympathizes. The wellbeing of the neighbors is a great concern. Timing may be premature with the lack of improvements at the intersection. Either way he casts his vote it will be regrettable and with great reluctance. Felger went on to specifically address the public by stating there could be a commercial enterprise at this location with a concept plan reviewed, intersection potentially addressed and the neighbors will be impacted. To prepare a commercial site a gravel pit will be required and after built is sure they will hear the same complaints about traffic. Public was reminded that this (gravel pit) is a permitted use in the AG district and there are other allowed uses with no permits required. This parcel can remain Ag land with crops making dust when tractors work the land. Potential is there to allow the spreading of manure, feedlots of hogs or cattle, public recreation that could be dirt bikes, to name a few. Under the same AG classification, a CUP would be needed for land reclamation, feedlot that is not in excess of 500 animal units, sewage treatment plant, retreat center, non-commercial contractors yard, public schools, seasonal storage, and even a treatment recovery facility. All these uses would be possibilities on this parcel as is a gravel pit.
- F. Mahlberg – most of this thoughts and focus was with comment made by Mr. Swing regarding the intersection as it stands and the absence of improvements. He does not have the ability to view this project in light of all those changes being in place when operation commences. His thoughts are that the request is premature. Feels the safety concerns are part of the first sentence of what this Commission should review under Section 155.031. If granting; the *Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of the surrounding lands*. Feels that the traffic safety concerns are not mitigated on the present record. Member Felger spoke of the need for gravel. Agree there is importance but from a county wide perspective he feels it is too broad of view from a land use decision, which is more narrowly focused to the surrounding land and the designations made to the land. He does not feel this Commission can justify gravel is

super valuable and use that as a reason to open gravel pits everywhere. Does not think this location, which is across the street from a church facility, this near to existing residential uses and is this near to property that has recently been rezoned. Does not think this move to a gravel pit, in the first phase, will be small and short. What is really being looked at, as Mr. Perry mention, is to extract gravel in phases. Opening a potential decades long gravel pit, in this neighborhood, is not consistent with good planning decisions or consistent with promoting good health, safety, morals, of the surrounding lands. One can go through the Land Use Plan and cherry pick comments to support to not support a decision and this makes decisions difficult. The Commission can't have simple landowner desires or opposition from neighbors overwhelm either. According to 155.013 (B)(2) he needs to find that *the interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted*, and in this case, he can't not agree with the statement that this will not be injurious to the use and enjoyment. Feels there is discussion of mitigation in the EAW it simply states there is a bunch of items that can be done to address environmental concerns. Having effects that will be present, even with mitigation and Mr. Perry as a great operation, will still be present of any gravel pit operating a few 100 ft. from a church, a few 100 ft. from homes in all directions. Personally, his decision will be that he cannot make the affirmative findings that are required under 155.031, even with the proposed mitigation.

- G. Mol – asked for Land Use Plan (LUP) to be displayed. In the LUP the entire area is set for A/R, not all rezoned yet and yes because AG district the gravel pit fits but in the future plan it does not fit. Not that long ago a gravel pit was allowed in A/R but recently is no longer allowed. This entire area is planned by the Township as to where they want growth and area is slated for future growth as A/R. Historically gravel pits done are phases and timeline depends on the need and operators tend to not have a known end date. The IUP is 10 years but this is only phase one with a potential for 4 phases. This site is set for Commercial but A/R surrounds and a gravel pit is not allowed in A/R. The operation and dust can be addressed and the traffic can be mitigated but what he is looking at is the planning aspect and this parcel is not in the plan for a gravel pit. Felger questioned statement made in the plan for A/R when property is in the plan for Commercial. Mol – all around is A/R and for homes. As member Mahlberg stated he as well has a hard time with the request when surrounding area is planned for A/R and even S2. Mahlberg – in looking at the planning as a hurdle, his understanding as to what is being said is the surrounding properties have been planned for A/R. Mol – confirmed. Mahlberg – so what is being said is that this gravel pit application before us is inconsistent with the planning concept because of the effects it will have on the surrounding lands, which have all been designated as A/R in the future. Mol – agreed. Mahlberg questioned member Mol if his comment could be tied Section 155.031 (B)(1), (B)(3) or both. Mol – with (B)(1) the way property is zoned today, as AG, the use is allowed. He is focusing on B(3) and *the establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area*. In the plan area is set for A/R. Mahlberg – when stated 'use is allowed' it should be potentially allowed provided standards are met.
- H. Felger moved that legal counsel proceed with preparing findings, consistent with denial, based on the discussion. Seconded by Mahlberg.

DISCUSSION: Kryzer questioned if the Planning Commission wanted to offer Mr. Perry opportunity to withdraw, in-light of discussion. Public hearing is closed but feels it would be a fair to offer. Mahlberg – there is a motion that was seconded and it maybe be clear for others where the vote will go. The motion is to drafting findings that will be reviewed, possibly revised and some version adopted at the next meeting. Questioned if there is ability to allow applicant to see the vote. Kryzer – with a CUP and IUP, when findings are directed to be voted, the applicant at that time, does not have the ability to withdraw. Change in zoning is different with the way the County Board is involved. Holland questioned benefit. Kryzer – item would be dismissed with no record. Noted that any decision this body

makes can be overruled with a new application in 6 months or with possibly change in resident voted leadership. Mahlberg – if withdrawn one can apply the next day but formal denial requires 6 months.

Mahlberg pointed out that several members are missing from the meeting. Notably, Greninger was on the Gravel Taskforce and there is some wisdom that comes from someone serving on that committee and having sat through all previous meetings. Would like some discussion if Commission should wait to hear from member Greninger. Felger – it is not unprecedented to wait on a momentous decision until all members are present. Feels that there is a quorum public has spoken and a decision should be made tonight.

Mol permitted a 5-10 minute break to allow time for Mr. Perry and MBE to discuss how they would like to move forward.

Mol called meeting back to order and questioned the applicant on how they would like to proceed. Perry stated he would like a vote.

Mol – with no additional discussion a vote was called.

VOTE: Holland, Mol, Felger and Mahlberg. NAY: Bravinder

MOTION CARRIED

Rhineberger reminded the Commission and public that the item will be continued to the February 8th meeting with findings to be reviewed and voted upon at that time.

SITE INSPECTION

Commission scheduled a site inspection date for Monday, February 5th, with the Commission to meet at 9:00 a.m. at the Government Center.

Meeting adjourned at 11:27 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks