

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: July 18, 2024

Minutes

The Wright County Planning Commission met on July 18, 2024, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Vice-Chairman, Ken Felger, called the meeting to order at 7:30 p.m. with members present: Jeanne Holland, Sandy Greninger, Dan Bravinder, and Pat Mahlberg absent were Chairman Dan Mol & Jan Thompson. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was the legal counsel present.

ACTION ON June 27, 2024, MINUTES

Bravinder moved to approve the minutes for the June 27th, 2024, meeting. Seconded by Holland.

DISCUSSION: Felger pointed out Page 7 (H) application should be replaced by applicant.

VOTE: CARRIED UNANIMOUSLY

PUBLIC HEARINGS:

1. ZEB HANEY – Cont. 6/27

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 Lake - Franklin Twp.) Tax #208-200-352102, -352100, -351201. Owner: David Lubben Trust

Petitions for a Conditional Use Permit for a platted 15-lot residential Planned Unit Development subdivision, as regulated in Sections 155.028, 155.029, 155.047, 155.057 & 155.059, Chapter 155 and Chapter 154, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Zeb Haney and Marty Campion as Project Engineer

- A. Rhineberger displayed the proposed site plan and reviewed the request. This matter was continued so the applicant could provide updated plans showing lot sizes based on the Ordinary High Water (OHW) of the lake and also work through some questions and reviews with the Township. The Township provided approval with a list of conditions but all of those conditions will be in the developer's agreement, which should be noted in this Commission's approval. With all revisions updated and addressed it is now up to the Commission to determine how they would like to proceed.
- B. Campion – confirmed comments from the Township and County were addressed.
- C. Public comment
 - Amy Warner – 4251 115th St – stated that she would like the Commission to consider removing the restricted use on the farm site and instead include a designated open space. She believes that the restriction will create confusion for future owners. The horse farm is currently on the market and there is nothing in the listing stating there will be restrictions. Section 155.059(J) states that *in general, the creation of restricted lands shall be for the purpose of preserving productive agricultural land while providing for the clustering of residential sites on non-productive land*. In her opinion, the developer is taking the only productive agricultural land and clustering 11 of the 14 new homes on that land. At the April 4th meeting Jeff Vanderlinde stated they are okay with open space or restricted land and last month it seemed like this Commission felt the decision was up to the Township but at

the last Township meeting they indicated that they believe it is a County decision. At a recent meeting, it was mentioned that the Township vetted the decision of a cul-de-sac versus a through street. The only vetting done by the Township was the developer being asked to see what could be done with a through road. The developer denied that request and stated that if required to go with a through street the development would be dead. At a recent meeting Township Supervisor Neumann stated he prefers a cul-de-sac because the development wouldn't happen if required to build a through road and he also prefers a cul-de-sac for the snow plowing. She doesn't believe that the cost, safety, logistics, future development, and traffic flow patterns have even been considered by the Township and the ease of snow plowing should not be the reason there is not a through street. The proposed cul-de-sac violates Chapter 154 which states a cul-de-sac should be no longer than 500 ft. and if longer than that distance there should be a valid deviation reason. She does not believe that a negative financial impact on the developer should be considered a valid reason for the deviation.

- Keith Butcher – 4019 115th St SE – stated that he wants to see a through street. He feels great points were made at the first meeting and the Commission agreed. At a past meeting, a statement was made that the Township is broke and wants the tax base but in talking with Stephanie (Franklin Township Clerk) she made it clear the Township is not broke and does not need the tax base. There was also a statement made that there are a lot of cul-de-sacs in Franklin Township but upon further review, a few are longer or have circumstances such as a swamp or lake that don't allow a through street. At an earlier meeting, member Mahlberg stated that the cul-de-sac ordinance needs a valid reason to deviate from the standard and member Bravinder stated that the county preferred the cul-de-sac. He has attended all of the Township meetings and that comment was made but with a disclaimer that no plans have been presented to the Township with a through street. The oxymoron is a proposed through street for the construction of the development but they don't want a permanent through street. Bravinder – he did not say that the county wants the cul-de-sac it was the Township that has been very clear that they want a cul-de-sac.

- D. Felger – called Jeff Vanderlinde (relator) to the podium as a representative along with Haney & Campion.
- E. Haney – the Township was presented with two plans: one with open space and the one before the Commission tonight with the restricted parcel. The Township approved the plan presented tonight. The temporary construction road is actually more disruptive to the site and the purpose of the road is to keep the heavy equipment off of existing roads. The Township did approve of the cul-de-sac and they did not ask for a drawing that showed a through street, so one was not presented.
- F. Vanderlinde – the sales listing states that the restricted property is part of a development and cannot be subdivided. There is a neighboring development that was created a few years ago with an outlot and that outlot is still owned by the developer because none of the residents want it. Recently that developer indicated that he is going to let the property go tax forfeiture. To avoid that situation is another reason there is no open space on this proposal.
- G. Mahlberg stated he would like to hear more about the logistics of the temporary road. Haney – the road will come off of 110th and will not be built to specs but maintained as a construction use with gravel and sand added as needed. Mahlberg – would assume not just driving through a pasture. Haney – will start with driving through the pasture and if needed add Class 5.

- H. Bravinder stated the temporary road is something the Township will be heavily involved with. Haney – the Township is clear on the plan and will provide direction on use. Bravinder questioned if the temporary road and items the Township is requesting will be addressed in the developer's agreement and are not items needing to be conditioned in the motion. Kryzer stated that road issues are put into the developer's agreement and enforced through the Township with a letter of credit or bond. If there is a violation the plat is not revoked but the Township addresses issues with that letter of credit or bond. Bravinder – there were several monetary requests in the Township minutes so he wants to ensure those will be addressed by the Township. Kryzer – confirmed that if there is no developer's agreement there will be no road or development. Rhineberger – the developer's agreement protects the Township as the final plat would not be accepted until the agreement is finalized.
- I. Bravinder moved to approve a conditional use permit for a 15 lot platted planned unit development called Eastwood Ridge, as the Commission finds the terms of Section 155.059 of the Wright County Code of Ordinances are met, that the plan preserves significant areas of agricultural land by utilizing the restricted lands in Lot 6, in accord with the record of these hearings and the plans, terms and specifications submitted by the applicant and completed by Campion Engineering Services Inc. dated 2/16/2024 Project No. 24-010, with revisions dated through 7/9/2024 and is subject to the following conditions: 1) Prior to recording the final plat the plat checklist must be completed including but not limited to the following: a) Park dedication is paid along with the other fees noted on the plat checklist; b) A title opinion is submitted and accepted by the County Attorney; c) The letter of credit is established for the Township road and the developer's agreement, in accord with the Township's specifications, is recorded noting that prior to a building permit being issued on any lot the Township will have approved the road as a public road, unless the Township provides written confirmation that road has been completed to the extent the Township will allow building permit issuance; 2) The Commission notes that there are wetland areas and stormwater ponds throughout the plat and that these areas are subject to regulations and controls and cannot be altered without the proper permits through the Wright County SWCD and the Planning and Zoning Office; 3) Lot 6 shall be restricted lands in accord with Section 155.059 (J) of the Wright County Code of Ordinances, for the purpose of preserving productive agricultural land and no further development other than the potential replacement of the existing house shall be permitted on Lot 6 unless in accord with Section 155.059(J) of the Wright County Code of Ordinances; 4) Outlot A shall remain owned in common with Lot 6, unless an administrative order is filed joining it to the property directly to the west; 5) Driveway approaches onto the Township roads must be approved by the Township prior to the issuance of a building permit; 6) Building locations shall generally comply with the plans submitted (sheet 4), minor changes may be allowed if all building and septic system requirements are met. Any building or development proposed for any lot must include plans to show the preservation of proper surface drainage and both a primary and secondary sewage treatment site. The Zoning Administrator may require any significant change of the building location or land alteration on any lot be reviewed by the Planning Commission as an amendment to this Planned Unit Development approval; 7) R-2 standards shall apply to all lots except Lot 6, where AR standards shall apply; 8) For Lots 6-10, the lake setback shall be measured from the waterside boundary of the drainage and utility easement as noted on Sheet 4; 9) Livestock shall be limited to chickens and fowl only, as regulated by Section 152.025(B) of the Wright County Code of Ordinances, except for Lot 6, which shall be limited to 9.9 animal units; 10) Except for Lot 6, due to floodplain and wetland limitation, no lot shall be allowed more than 3,200 sq. ft. of accessory structures. Seconded by Holland.

DISCUSSION: Mahlberg – going back to the roads and cul-de-sac. He is struggling to vote against the motion as he would have to have a basis to find the roads, as proposed, are inadequate and not that they just aren't the right ones or very good; his view is that he cannot find them inadequate. Though he doesn't like the plan, relative to the

alterations, he doesn't feel that with the Township's position and other evidence, he does not find the plan inadequate and therefore will not vote against the proposal.

Greninger stated she would abstain from voting as she missed a few meetings and there was quite a bit of information that she didn't get clear enough answers on.

VOTE: Bravinder, Holland, Mahlberg, Felger ABSTAIN: Greninger

MOTION CARRIED

2. **BRIAN MICKELSON** – New

LOCATION: 2195 Cameron Ave SE – Part of Gov't Lot 4 & DEAN LAKE HEIGHTS LOTS-004 & 005 of BLOCK-001 all in Section 16, Township 119, Range 25, Wright County, MN. (Dean Lake - Rockford Twp.) Tax #215-100-162200, 215-118-001040 & 215-118-001050. Property Owner: Brian Mickelson

Petitions to rezone from Agricultural/Residential (A/R) with a Residential-Recreational Shoreland District Overlay (S-2) to Suburban Residential-a (R2a) with a Residential-Recreational Shoreland District Overlay (S-2) as regulated in Sections 155.028, 155.048, 155.051 & 155.057, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Brian Mickelson

- A. Rhineberger displayed property maps and the proposed future subdivision plan. The 11.95-acre property sits west of Cameron Avenue SE and south of 20th Street SE in Rockford Township and is currently zoned Agricultural/Residential-AR with a Residential-Recreational Shoreland District Overlay-S2 since the whole property is within 1,000 feet of Dean Lake. The property is designated “Rural Residential” in the Northeast Quadrant (NEQ) Land Use Plan. In 1992, the property was part of a proposed rezoning proposal to R2a with a future 6-lot division. The R2a rezoning request was denied because the Township felt that the area was not likely to become more urban. However, during that 1992 meeting the Planning Commission recommended approval of an Agricultural/Residential-AR rezoning. At the time, subdivision requests were contingent on County Board approval, so the Planning Commission approved a 3-lot unplatted subdivision with the rezoning contingency. In May 1992, the County Board approved the rezoning to AR. In June 2024 the Board of Adjustment approved a variance for an existing building to exceed the total detached building area allowed and encroach upon the rear yard setback, if the property were to be approved for the R2a/S2 rezone and 2-lot subdivision. Today’s request is to rezone the entire property from Agricultural/Residential-AR with a Residential-Recreational Shoreland District Overlay-S2 to Suburban Residential(a)-R2a with a Residential-Recreational Shoreland District Overlay-S2. If the rezoning is approved, the applicant would apply for a 2-lot unplatted subdivision. Rockford Township approved the rezoning request in May of 2023.
- B. Mickelson stated he does not feel this request will affect his neighbors or environment and is in the Land Use Plan. The Dean Lake Association is not concerned and neighbors in the area are aware of his request. Dan Nadeau (Wright County Soil and Water Conservation District - SWCD) and Jeff Oliver (Dean Lake Association) know what is happening and are okay with the request. Mickelson stated he spoke with Nadeau in April regarding a plan that would improve the drainage ditch that runs across his property and into Dean Lake. During that conversation, Nadeau indicated that he does not believe the rezoning and division would cause a water change flow through the ditch and into Dean Lake. Mickelson believes this subdivision will abide by the Land Use Plan with the new 5-acre and 6-acre lots being larger than adjacent properties in the area.
- C. Public comment.
- Katherin Dutton – 2393 20th St SE – lives lakeside, adjacent to the drainage ditch, and is against the rezoning request as she feels additional buildings will negatively impact drainage into Dean Lake and could easily cause flooding on her property and the neighbors. Currently, the ditch needs attention and has been identified by SWCD as a primary source of lake pollution and the ditch keeps expanding because the sides are not adequately rip-rapped. She has lived here 4 years and in 2 of the 4 years, the water has come to the top of their rip-rap. Before a decision is made, she hopes a site visit is

- conducted so that the Commission could see the situation. She would like soil borings to be required to ensure there is a buildable site, would ask for a drainage plan designed by an engineer to ensure water is managed, and conditions added to where buildings could be located.
- Jeanne Foley – 2393 20th St SE – concerned because each side of the proposed division has been hay fields since she has lived in the area. Two of the 4 springs she has been in her home both of the hayfields have flooded because of the ditch overflowing. Her neighbor, Jane Kanduth, has a lakeshore property that abuts the drainage ditch and they can barely access the lake due to the ditch flooding. This spring when the ditch flooded the water was at the top of the rocks and was seeping onto their lawn. Foley feels that if someone builds houses on both sides of the ditch the situation will be worse than it is now. She looked up what suburban residential means and is still not clear why this parcel would be suburban residential rather than rural residential; especially if there will be only 2 homes built. She worries that if the property is sold as suburban residential rather than rural or agricultural residential someone will do things they are not allowed.
- D. Mickelson referenced the proposed subdivision plan and clarified that the rezoning only allows for a single home on the 6 acres. Soil borings have been completed with the house to be near the existing barn and nothing is happening near the ditch as you are not allowed to do anything within 100 ft. of the ditch. The drainage ditch project should have already been done or started but there was an unexpected delay. The plan should slow the water flow and reduce sediment reaching Deak Lake. The only item changing with this request is a property line near the shed with a home near the shed. Rhineberger – there is a lot of talk about drainage related to this subdivision, but the rezoning and subdivision are not part of the drainage improvement and the ditch improvement can be done without the rezoning or division. Mickelson agreed. He is here today to fit into the Wright County Land Use Plan and with adjacent 5-acre properties he feels a 6-acre and 5-acre property would fit into the area better than what he has now.
- E. Felger questioned how the Township meeting went. Mickelson stated they agreed this is a weird property and are onboard with creating the 2 properties as they fit into the area.
- F. Mahlberg stated this board has standards they are required to follow which speak of a need to identify unique circumstances. What he is hearing is the unique circumstance here is related to infill and matching the size of neighboring lots. Mickelson – confirmed. Mahlberg stated he is struggling to see why this property is unique compared to every other larger parcel that is adjacent to a lake. Standards from the Northeast Quadrant (NEQ) Land Use Plan state that to rezone to R2a there needs to be unique circumstances, one of which is infill, but the phrase unique circumstances means something different than everything else. What makes this land unique enough compared to others in the County? Mickelson – if the property is split it fits into the Land Use Plan. Mahlberg – there are a lot of lakes that look like this with small lots around the lake and larger 10-15 acre parcels just off the lake. How is this particular parcel unique compared to all of those other comparable situations? Mickelson stated that the shape of the property is what makes it unique and dividing the parcel will give someone a chance to enjoy country living.
- G. Bravinder stated that right away he saw there were two parcels next door already zoned R2a and he did not see anything where there would be hopscotch zoning. This property, being next to properties already zoned R2a makes the property unique, and why he supports the request.
- H. Holland stated that with the drainage concerns on this property, she would like to visit the site.
- I. Holland moved to continue the item to the August 8th meeting to allow for a site inspection. Seconded by Greninger.

DISCUSSION: Mahlberg questioned what water problems a single home will cause as he can't see a single home affecting the watershed that greatly. Holland feels that with the shed location, the property feels cumbersome and she would like to view the property for a better perspective. Mahlberg – is okay with a site visit but wants to understand what he is supposed to look for when at the site regarding the ditch and drainage. To him, the water is going to continue to go where it has always gone and a house is unlikely to create a material amounts of new water, so what does it matter? Rhineberger – in Planning & Zoning it is frequently seen that when new hard surface is added it isn't so much the volume of water changing but the rate it goes from point A to point B. The ability to infiltrate is also altered. Rhinbeger pointed out that the actual building area on this property is extremely tight and the meadow area is not buildable for several reasons. A wetland delineation report will likely be required as part of the subdivision request to ensure protected areas are identified and protected. It should be noted that hard surface does adjust the flow rate of water. Mahlberg – understands that concept but in this case, will a single home change the situation enough to matter? Rhineberger doesn't feel the volume of water will change it would be the speed at which that water gets to the ditch.

VOTE: CARRIED UNANIMOUSLY

3. **MARY MITHUN** – New

LOCATION: 4875 37th Street SE. – Part of SE 1/4 of NE 1/4 and part of the E 1/2 of SE 1/4, Section 23, Township 119, Range 25, Wright County, MN. (N. Crow - Rockford Twp.) Tax #215-100-234100 & 215-100-234400 Property owners: Apple Jack Orchards LLC

Petitions to amend the existing Interim Use Permit for a Commercial Agricultural Tourism use to include a new commercial slide, to repurpose an existing shed to include additional retail, and have alcohol sales, as regulated in Sections 155.003(25), 155.031, 155.048 & 155.109, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Mary Mithun and Maddie Mithun – Apple Jack Orchards

- A. Rhineberger displayed site maps and reviewed the request. The property is an established 90.7-acre apple orchard along County Road 32, known as Apple Jack Orchards. The property went through a hearing in 2004 for a Conditional Use Permit (CUP) to expand the orchard to include year-round activities and seasonal retail sales under Commercial Outdoor Recreation. Most recently, in 2022, they were approved an amendment to the existing Commercial Agricultural Tourism CUP and allowed the construction of a 40' x 64' permanent pavilion to cover the corn pit area. Today the applicant is proposing to amend that CUP further to include a new commercial slide, repurpose an existing shed into additional retail, and have alcohol sales on the property. It should be noted that there is a current issue with a "snack shack" where the previous owner applied for a permit, withdrew the permit, and built anyway. The applicant is aware and plans to work through the proper permit process. Rockford Township provided approval and there were no other comments. Using the site plan Rhineberger went into additional details of the buildings mentioned and slide location.
- B. Mary Mithun stated that last August there was a large hailstorm that wiped out their crop and they became aware of a need to have alternate forms of income, besides the apples. The slide, added retail sales and alcohol for events are an effort to broaden their income. Rhineberger – currently events are not permitted so alcohol sales would have to be part of the everyday activities. Mary Mithun agreed and stated at this time there are no events.
- C. No public comment.
- D. Bravinder questioned parking locations. Mary Mithun – with the site plan displayed parking areas were described and it was explained that there is an officer at the site every weekend but the preference is to not have families crossing the road. The new plan will allow retail sales to be completed on both sides of the road. Maddie Mithun stated there is an adjacent parcel they also own, to the east, and the back area has quite a large section where they eventually would like to extend parking. Felger questioned the role of the deputy. Mary Mithun explained the deputy holds up traffic to allow foot traffic to cross as well as stop foot traffic for vehicles. Rhineberger clarified that the additional eastern parcel mentioned is not part of the current IUP request so no parking is allowed there and, if wanting to be used the IUP will need to be amended.
- E. Greninger questioned which building will hold retail. Mary Mithun pointed out the yellow square on the site plan.
- F. Malberg moved to approve an expansion of the current Interim Use Permit for Commercial Agricultural Tourism for Apple Jack Orchard, to include alcohol sales, repurposing an existing shed to include additional retail, and a new commercial slide, in accord with the business plan, description held on file, and the discussion, with the following conditions: 1) Current conditions as outlined in previous approvals on file

remain in full force and effect; 2) Parking on public highways, streets, or roads is prohibited; 3) Township to review in one year, with subsequent reviews scheduled at an interval as deemed appropriate by the Township; 4) Portable toilets must be provided for the maximum number of daily guests expected, in accord with the letter dated February 2, 2023, from the Wright County Environmental Health Officer; 5) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations; 6) Events such as wedding or other such gatherings, or any other change or expansion of use shall require a new interim use permit. Motion seconded by Greninger.

DISCUSSION: Rhineberger – with construction involved he would like the Commission to consider adding an additional condition that all required building permits be applied for, issued, and inspected prior to being open to the public.

Malberg and Greninger agreed to amend the motion to include condition 7) All required building permits be applied for, issued, and inspected prior to being open to the public.

VOTE: CARRIED UNANIMOUSLY

4. **DONAVON DESMARIAS** – New

LOCATION: 1079 County Road 39 NW - Part of the SE 1/4 of the NE 1/4 of Section 11, Township 121, Range 26, Wright County, Minnesota. (Lake Ida - Silver Creek Twp) Tax # 216-000-111401 Property Owner: Duane A Geisen

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, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Donavon DesMarais

- A. Rhineberger displayed several maps of the area and the proposed concept plan as he reviewed the request. The property is 35.4 acres in Silver Creek Township. The property is zoned General Agriculture-AG, with most of the property falling within the Residential-Recreational Shoreland District Overlay-S2 since the property is within 1,000 feet of an unnamed lake and Lake Ida. The property has one building entitlement being used by the existing home. The property is in the Northwest Quadrant Land Use Plan as Rural Residential, which is consistent with the request to rezone the property Agricultural/Residential-AR. The request is to rezone the entire property from AG to A/R S2. If the rezoning is approved, the applicant would apply for a 3-lot unplatted subdivision. Silver Creek Township has approved the rezoning but is asking for an assessment on drainage, specifically for Parcel C, which would be part of the subdivision request if the rezoning were approved. Two neighbors indicated that they do not support the request. The Wright County Highway Department has commented on the project that Parcels A and B could use the existing approaches for access off County Road 39. However, Parcel A's existing field access would possibly to move slightly and be improved. Parcel C would use Baker Avenue NW.
- B. DesMarais stated they are working within the Land Use Plan and not asking for any variances. He has spoken with the Highway Department and a site visit was completed and he has been told that having access off of County Road 39 would be approved by the County. Though the parcel is fairly large over half is lowland.
- C. Public Comment
- Ryan Soderholm – 10672 Baker Ave – directly across the road from Parcel C and his main concern is with Parcel C and drainage. The east side of Baker Ave is low and there is already a good amount of runoff from what would be Parcel C that goes across the road and affects properties on the east side of Baker Ave. He wants to ensure that a drainage assessment is completed. The other concern he has is the connection between this property and the 80 acres directly to the south; that is in the process of being subdivided. The original information put out to the public was that there would be deeded access within that 80-acre division for lake access. He wants to make sure there is no connection with these properties and no attempt to provide deeded access to the lake for these parcels.
 - Duane Vanculin – 10724 Baker Ave – questioned if access will be off of County Road 39 with Rhineberger stating only Parcel C would access off of Baker Ave. Vanculin went on to question if there are plans to upgrade the road and as previously mentioned he is concerned with drainage as water is a problem in the low area, near the farmhouse on Parcel B, and along Baker.

- Chris Klein – Silver Creek Township representative – concern with drainage valid and there is some major ditch cleaning the Township needs to address. The ditch along Baker is overgrown with vegetation and there is concern that added homes will impact drainage and there are currently lakeside parcels that hold water during heavy rains. All of this combined is why the Township is asking for an engineer to assess the area drainage. The Township is also asking for the access to Parcel C to be the existing access, which would likely not impact or cause additional drainage issues. The Township does not have an issue with the concept plan and what was discussed at the meeting was compensation or consideration for road improvements with the applicant being asked to attend a Township Supervisor meeting and work out a plan for Baker Ave. improvements. Bravinder asked if Baker Ave. is flat and if there are culverts. Klein went into elevation details of the road, pointed out the location of drain tile and culverts along the road, and noted that there is a culvert near Parcel C.
- D. DesMarais stated he is open to talking with the Township and has committed to a civil engineer completing a study on the potential impacts. He fully wants to be part of the solution and not perpetuate the preexisting problem.
- E. Bravinder moved to continue the item to the August 8th meeting to allow for a site inspection. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

5. **AARON WEIS** – New

LOCATION: 10912 Oliver Ave NW - Part of the East ½ of the NE ¼, Section 9, Township 121, Range 28, Wright County, Minnesota. (Southside Twp) Tax #217-000-091100 Property Owner: AARON WEIS & TINA WEIS

Petitions for an Interim Use Permit to operate a non-commercial contractor's yard that includes a 110' by 150' outdoor storage space for equipment and materials related to the applicant's tree service business, as regulated in Sections 155.003(30), 155.031 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Aaron Weis

- A. Rhineberger displayed property maps, photos of the site and proposed site plan. The General Agriculture-AG property is roughly 12.5 acres located along County Road 3, also known as Oliver Ave., and located in Southside Township. The request is for a non-commercial contractor's yard for a tree service company and includes a 110' x 150' outdoor storage area that will be used to house machinery and equipment for the business. Southside Township has approved the request and no other comments have been received. The applicant's narrative and plans are included in the staff report.
- B. Weis stated he is a small tree service company mostly working in the Annandale area. He is the sole employee with a 1-ton pickup, dump trailer, and small skid steer. There will be no fleet or people coming in and out. So far he has not had issues with neighbors or heard comments on the activities. With photos of the site displayed Mr. Weis explained the visual from County Road 3 and location of where equipment will be parked.
- C. No public comment.
- D. Bravinder questioned a comment he read regarding an expired permit. Rhineberger explained that was a comment from the Township regarding an expired addition variance, which is not related to this request.
- E. Rhineberger – with an aerial photo displayed Rhineberger questioned a location on the property where there appears to be storage of material from sites. Weis explained area is an open field and what is seen on the photo is brush that was dumped years ago but he no longer dumps on this area of his property and there are no plans to use area for business.
- F. Mahlberg moved to approve an Interim Use Permit to operate a non-commercial contractor's yard that includes a 110' by 150' outdoor storage space for equipment and materials related to the applicant's tree service business based on the plans and narrative on file, and in accord with the discussion with the following conditions: 1) All work must be conducted off-site; 2) Business-related materials must be stored inside the building or within the areas indicated for exterior storage; 3) Applicant must live on the property and have the property homesteaded prior to operations commencing on the property; 4) All signage must be in accordance with the County sign regulations; 5) Any change in use or expansion would require a new IUP; 6) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations; 7) Township to review in one year, with subsequent reviews at an interval established by the Township. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

6. **JOSEPH HOLTHAUS** – New

LOCATION: 7979 State Hwy 25 NE – West 1/2 of the SE 1/4 and part of the East 1/2 of the SE 1/4 of Section 21, Township 121, Range 25 and the West 1/2 of the SW 1/4 of Section 22, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp) Tax #213-100-214200, 213-100-214100, 213-100-223200 Property Owner: JOSEPH F HOLTHAUS & JANICE E HOLTHAUS

Petitions for an Interim Use Permit for an expansion of an existing mining operation in accord with the Environmental Assessment Worksheet (EAW) prepared and approved in 2023, to include mining and stockpiling of aggregates, along with the stockpiling and crushing of recycled concrete and asphalt as regulated in Section 155.031, 155.048(D) & 155.100 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances. Approximately 3.7 million cubic yards of aggregates to be removed over a 30-40 year timeframe.

Present: Joseph Holthaus and John Wokasch, with Valley Paving

- A. Rhineberger displayed property maps and the proposed site plan. The parcel is 80 acres about a mile west of MN Hwy 25 and County Road 106 in Monticello Township. This will be a new application, not an expansion, as the parcel was not included in any of the previous requests. With the addition of 80 acres an Environmental Assessment Worksheet (EAW) was required and has been completed and no Environmental Impact Study (EIS) required. The Township did provide approval. Through the EAW publication, there were responses from MnDNR, MNDOT, and MN DEPT of Admin with no concerns. A letter was received from the neighbor who owns the parcel which holds the access easement. The access for this pit comes through another property and the use of the access is in question between the easement owner and the applicant. Staffs concern is if this plan is approved, as submitted, and the easement is not used the access will have to come from elsewhere and is not included in the presented plan. Staff is suggesting a continuation as that is what has been standard with new gravel pits but it would also allow time for the easement access to possibly be settled so the plans submitted and approved are the same.
- B. No comment from the applicant or representative.
- C. Public Comment
 - Bill and Cindy Holthaus – B. Holthaus stated his main concern is that in 2017 an easement was granted that was very specific and highlighted tracts of land it was good for. He does not believe the proposed tract of land is included in the easement.
- D. Felger – understanding is that Staff is suggesting the Commission wait until the issue is resolved before moving forward. Kryzer stated that the Commission can proceed as is and Staff is simply pointing out that if there is an issue with the access the applicant may need to come back for an amendment. If the applicant wants the Commission to move forward that is an option. J. Holthaus stated he would like to move forward.
- E. Mahlberg – there is a contest regarding access to the parcel that is subject to the application and he wonders if it is reasonable to allow time for staff to review if this is a creditable issue or not. Kryzer – the issue is between the two parties, not this Commission. If the applicant wants the Commission to move forward that is an option and the parties can address the issues civilly. Staff also indicated site inspections are usually done with a new gravel pit and this is a new gravel pit. If a site inspection is done the two parties could have enough time to work out their differences prior to the next meeting. Mahlberg questioned if the dispute is relevant to the factors this Commission reviews. Kryzer stated he does not feel the issue in question matters in relation to the factors the Commission has to review. The main concern from Staff is that usually a condition

is related to the access location and if that access location changes from what is approved the applicant would be required to come back to this Commission for an amendment.

- F. Holland moved to continue the meeting to August 8th to allow time for a site inspection. Seconded by Greninger.

VOTE: CARRIED UNANIMOUSLY

SITE INSPECTION

Commission scheduled a site inspection date for Monday, July 29th, with the Commission to meet at 1:00 p.m. at the Government Center.

Meeting Adjured: 9:45 pm

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks