

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: August 8, 2024

Minutes

The Wright County Planning Commission met on August 8, 2024, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with members present: Dan Mol, Pat Mahlberg, Ken Felger, Jeanne Holland, Sandy Greninger, and Dan Bravinder. Jan Thompson arrived shortly after 1st item began (7:43 pm). Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was the legal counsel present.

ACTION ON JULY 18, 2024 MINUTES

On a motion by Greninger, seconded the Bravinder, all voted to adopt the minutes for the July 18th, 2024 meeting as printed.

Rhineberger addressed the Commission with a request to add discussion regarding the December 12th meeting date to the end of the meeting, with the Commission agreeing to do so.

PUBLIC HEARINGS:

1. BRIAN MICKELSON – Cont. 7/17

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 - item was heard at the last meeting with a site inspection completed on July 29th. Looking for direction from the Commission.
- B. Mickelson wants to discuss precedence in the area, answer questions from the site visit, and continue the discussion regarding unique circumstances. There is R2a zoning right next door and precedence was set by this board in 2019 when that was approved. There are two 5-acre properties right next-door and when he divides his property both parcels will be bigger than the minimum required. Precedent is important and the land use map indicates it can be done. (*Jane Thompson arrived*) His feeling is that if this is not approved and the property is left as is a future owner could build up to 15% of the property and that works out to be 79,717 sq. ft. of outbuildings and doesn't even address the rule of 25% impervious coverage. His point is that if the property is split there will be only one home possibly built on that property that would be 100 ft. away from the drainage ditch. It is his belief that if left as is a new owner that puts up unlimited buildings and concrete will cause a disaster with water runoff and damage to neighbors' properties. To summarize, in the area there is precedence, the land use map, new lots proposed at over 5 acres and the unique circumstance where an R2a lot will have less runoff than leaving as is and allowing someone to build tons of buildings and have tons of concrete. Rhineberger clarified 2011 was the date of R2a rezoning.

C. Public comment

- Jeff Oliver – 2306 Cameron Ave SE – representing the Dean Lake Improvement Association. The people he has spoken with are not opposed to another single-family home but would like additional considerations for wetland protection. The Association and himself personally would like a wetland and flood plain delineation completed. To protect the neighboring properties, he would like to see a dedicated conservation or draining and utility easement over the highest elevation of the wetland or the 100-year high flood level. Consistent with state statutes and common practice of subdivisions he would ask the Commission to include a provision to dedicate an easement for the good of the public and known public need. Water quality best practices have been identified by Wright County Soil and Water Conservation District (SWCD) and the Crow River Watershed. The stream is the single largest source of nutrients into the lake and the lake is on the MPCA impaired waters list. The Association would like to see the easement dedication as part of the 1st step of implementing the plans to improve the water quality and getting Dean Lake off the impaired waters list. They have been working with SWCD on a plan to improve the lake and are in the early phases of forming a lake improvement district.
- D. Mickelson stated he is 100% in support of what Mr. Oliver stated and all for helping facilitate what needs to be done to improve the lake quality. He has been talking with SWCD about an improvement plan but is not sure if there is a way for the Lake Association or parks to own a portion of proposed parcel A so that they would have control over the creek. Again, he is in support of doing what he can to improve the lake.
- E. Holland – noted that at the site SWCD was present. She feels that the argument of new owners coming in and putting up unlimited buildings is a low probability. The majority of the area is wetlands and the only location to build would be close to the existing shed. Holland questioned staff if there would be a buildable area near the creek and wetland. Rhineberger stated a wetland delineation would need to be completed and is usually done at the subdivision stage. At the site and walking the edge of the area he sees a buildable area near the creek as highly unlikely with soils most likely not conducive to foundations. Rhineberger used Beacon aerial view to review possible buildable areas in relationship to required setbacks, potential wetland boundaries, and building limitations. Holland asked if SWCD responded or had a comment. Rhineberger – no, but at this stage that is normal. Mickelson explained that no one would build by the creek and went on to describe two buildable locations near the shed and proposed septic sites. Holland feels the buildable area is very small. Mickelson – the area isn't a swamp and they do bale hay on the property.
- F. Felger asked Mr. Oliver to step back to the podium. Felger feels the problem with Dean Lake starts further west and where the creek runs through this portion of property is a small segment of the problem. Felger questioned Mr. Oliver about what his proposal would be for cleaning up Dean Lake related to what is being proposed by the applicant. Oliver stated there are multiple sources of phosphorus flowing into the lake but this stream has been identified as the single largest input. SWCD and the Total Maximum Daily Load study have identified several smaller improvements that include this stream and slowing the flow of water between 20th and Cameron Ave. to allow sediments to settle. There are a series of items proposed to help with the cleanup that includes lakeshore owners stabilizing lakeshore and management of buffer strips. This is not a single specific project but a series of plans that together and over time would allow a chemical application to be used that would bind the phosphorus and last for 20 or more years with hope the lake comes off the impaired waters list. Felger – the applicants' contribution to the effort is not the total solution to the

problem. Oliver – correct, it is a piece of the pie. His suggestion would be the easement, if required, running in favor of the County so that SWCD could be the lead agency on maintenance or the Township. The Association is also willing to contribute to maintenance.

- G. Rhineberger – addressing concerns from member Holland, Rhineberger displayed a Beacon aerial photo with buffer lines included that show a buildable area with consideration of setbacks to property lines, buildings, and the septic site. The area is small and would be harder to manage due to the location of the existing building but a minimum size home would be doable.
- H. Bravinder feels the division and rezoning of the property fit well within the surrounding properties. It is tough to find a building site but it can be done. Bravinder questioned Kryzer if the wetland issue would be dealt with at the next phase, if approved. Kryzer – at this point and time the rezoning is what is being discussed. If the subdivision comes later a wetland delineation and other conditions can be discussed. Rhineberger – not sure specific dedication of an easement could be required. Kryzer stated normally no, there would have to be a reason related to the use and conditions and is not generally part of a unplatted subdivision. Mol – easement dedication would be up to the landowner to execute. Kryzer – correct but this board can provide conditions reasonable to the request. Bravinder – that discussion would be through the development phase.
- I. Mahlberg questioned if there is documentation regarding the basis of the 2011 rezoning decision. Rhineberger – the 2011 minutes state they *“consider the unique circumstances of infill in an already developed area of a similar manner, and adjacent to developed areas with smaller lots sizes; this action does not create a new rezoning district in a previously “undeveloped” area.”*
- J. Felger questioned if a variance was granted for the existing shed. Rhineberger – yes, for placement and size. If rezoning and subdivision are approved the building would be over the allowed size but with the approved variance is allowed. Greninger – that was a question she had. The shed is oversized but with the approved variance is allowed. Rhineberger explained without the variance the rezoning or subdivision application would not have been allowed.
- K. Bravinder moved to recommend approval to the County Board of Commissioners to rezone PID 215-100-162200, from AR-Agricultural/Residential and S-2 Residential Recreational Shoreland to R2a- Suburban Residential and S-2 Residential Recreational Shoreland, because it finds the property is aligned with the goals and policies of the Northeast Quadrant Land Use Plan and the Township approves. Felger seconded.

DISCUSSION: Rhineberger recommended including justification as to why the property is unique, as was articulated in the 2011 motion. Mahlberg questioned if that should be part of discussion or motion as Bravinder articulated as part of his discussion. Rhineberger feels it should be articulated in the motion as it was done that way in 2011 and will allow the County Commissioners to clearly see the reasoning.

Bravinder amended his motion to include that this property fits the adjoining properties that in 2011 were rezoned to R2a and is therefore not hopscotch zoning and is contiguous. Felger agreed to the amendment.

Mahlberg – would think it makes sense to add that the property is adjacent to smaller lots as a reason for approval in addition to infill areas. Bravinder – lot sizes on the lake? Mahlberg – the standard provides examples of infill areas and adjacent to smaller lot sizes. He would like to ensure that if this issue comes up again it is clearly articulated as to how today's decision was made.

Bravinder amended his motion to include reasoning for the recommendation is the smaller lake-size lots are also contiguous to this plan. Felger agreed to the amendment.

Mahlberg stated that he is not in favor of the language of the ordinance, which talks about unique circumstances and then provides three broadly applicable examples. A property can't be unique and common at the same time. In 2011 a prior board justified creating two 5-acre lots and he feels that the exception defeats the rule but a 2011 decision now is part of today's discussion related to infill. As bad as the standard is he feels the motion is well-reasoned and should stand as is.

VOTE: Bravinder, Mol, Felger, Mahlberg & Thompson. NAY: Holland & Greninger

MOTION CARRIED

2. **JOSEPH HOLTHAUS** – Cont. 7/17

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 are to be removed over a 30-40-year timeframe.

Present: Joe Holthaus and John Wokasch with Valley Paving Inc.

- A. Rhineberger – the item was heard at the last meeting with the site inspection completed on July 29th. It is up to the Commission to decide how to move forward with the request.
- B. Holthaus stated he had no additional details. The site inspection allowed the Commission to see the plan and he is happy to answer questions.
- C. No public comment.
- D. Thompson questioned when the mine would be restored. Wokasch – projects the first phase, which is the original 39 acres on the east side of the proposed 80-acre site, will start to be restored in the next 3-5 years. Thompson questioned when the area in the proposal is expected to be restored. Wokasch – roughly 25-30 years but typically they take on 5-7 acres at a time. Thompson – the plan is to stockpile black dirt. Will that be sold? Wokasch stated that dirt will stay on-site and be used for restoration.
- E. Mol stated that this Commission was at the site for a site inspection and many have been out there in the past as well.
- F. Greninger moved to approve an Interim Use Permit for an expansion of the existing mining operation to include the 80 acres to the west, as proposed and described in the approved EAW, and in the plans and description provided by the applicant, with the following conditions: 1) All performance standards for mining in the Wright County Code of Ordinances must be followed, especially regarding dust control, hours of operation, reclamation, annual reporting, a financial guarantee and screening; 2) Screening along the north boundary of the pit must be completed before Phase 5 begins; 3) Every effort should be made to reclaim previous phases before entering new phases, while leaving enough of the pit open for operations; 4) Any change in access or expansion of operations will require a new Interim Use Permit; 5) The applicant shall provide a performance bond, cash escrow, or irrevocable letter of credit from a reliable surety institution in the amount of \$400,000 (or other amount acceptable to the Planning Commission) to guarantee compliance with the Mining and Extraction portion of the Wright County Code of Ordinance; 6) Unless a new interim use permit is approved, this permit will expire 10 years from the date of this approval and the operation will have to be completed and reclaimed by that time. Seconded by Thompson.

DISCUSSION: Bravinder stated he would like some discussion on the surety bond and how the \$400,000 came about. Rhineberger explained the ordinance requires \$5,000 per acre and the proposal is for 80 acres. This equation came out of the gravel workgroup and was adopted when the ordinance was amended. Bravinder – because of the size of the pit is this something the Commission could look at decreasing? Rhineberger – concern is that they can open up the entire 80 acres if material goes out fast enough. Greninger – why change for them if the ordinance was just changed? Bravinder – in the Township minutes it was mentioned 30-40 years working in the area and why he brought it up for discussion.

VOTE: CARRIED UNANIMOUSLY

3. **DONAVON DESMARIAS** – Cont. 7/17

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: Paul Otto with Otto Associates

- A. Rhineberger explained the item was continued from the prior meeting so that a site inspection could be completed on July 29th. Here now to recommend or not recommend approval to the County Board.
- B. Otto feels that the Commission members understand the goal of the request and this is only the rezoning phase of the request.
- C. No public comment.
- D. Bravinder stated his concerns with approaches and driveways would be addressed in the development phase. The area is low and he wants to ensure the Township is involved in the driveway location conversation and their input is considered during the development phase.
- E. Bravinder moved to recommend approval to the County Board of Commissioners to rezone PID 216-000-111401, from AG-General Agriculture and S-2 Residential Recreational Shoreland to AR-Agricultural/Residential and S-2 Residential Recreational Shoreland, because it finds the property is aligned with the goals and policies of the Northwest Quadrant Land Use Plan and the Township has approved. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

4. **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 for a Conditional Use Permit (CUP) for a three-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.

Present: Jane Shanks

- A. Rhineberger displayed the proposed concept plan and reviewed the request. The property is located at the northwest corner of Armitage Ave. and 90th Street in Silver Creek Township. On February 20, 2024, the County Board approved rezoning the property to the current zoning district, Suburban Residential-R2a. Today's request is for a three-lot unplatted subdivision with all lots having over 5 acres and at least 300 feet of road frontage. Parcel C is proposed with less than the required 300 ft. of shoreline but in its existing state is already considered non-conforming with 203 feet of shoreline and therefore can remain as proposed. Besides proposed Parcel C's existing non-conforming shoreline, all three proposed parcels meet the R2a zoning district's minimum requirements. Silver Creek Township has recommended approval of the request and no other comments have been received regarding the request.
- B. Shanks had no additional comment.
- C. Rhineberger – if approved, this is a Torrens property and there will be a registered land survey required as part of the subdivision process and is not like a normal unplatted subdivision process. This is something a surveyor will address.
- D. No public comment.
- E. Malberg moved to approve a conditional use permit for a three-lot unplatted subdivision in accord with the survey completed by Otto Associates, dated 5/15/2024; project number 23-0475, with the following conditions: 1) If required by Silver Creek Township, access permits must be obtained prior to any construction activity commencing; 2) Per the Feedlot regulations, cattle and swine are prohibited, all livestock must be at least 300 feet from the lake, properties will be allowed 1/2 animal unit per acre and are limited to less than 10 animal units regardless of parcel size. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

5. **AARON HAHO** – New

LOCATION: 2895 Cty Road 4 SW – PRT GOV LT2 of Section 14, Township 119, Range 28, Wright County, Minnesota. (Cokato Lake - Cokato Twp.) Tax #205-000-144402. Property Owner: AARON O HAHO & NICOLE E HAHO

Petitions to rezone from Suburban Residential-a (R2a) with a Residential-Recreational Shoreland District Overlay (S-2) to Suburban Residential (R2) with a Residential-Recreational Shoreland District Overlay (S-2), as regulated in Sections 155.028, 155.050, 155.051 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Aaron Haho

- A. Rhineberger displayed the proposed site plan and reviewed the request. The 5.6-acre property is located at the southwest corner of 28th Street and County Road 4 in Cokato Township. In 2003 the property was rezoned to Suburban Residential-R2a. Today's request is to rezone the property from R2a to Suburban Residential (R2) with a Residential-Recreational Shoreland District Overlay (S-2). The property is designated as a Residential Large Lot in the Land Use Plan. If the rezoning is approved, the applicant would apply for a 2-lot platted subdivision with 2.5 acre lots. Per subdivision ordinance anything less than 5 acres does require platting. Cokato Township has recommended approval and the City of Cokato has also commented, indicating they have no issues with the request.
- B. Haho – there have been parcels to the north rezoned in a similar matter that set a precedence.
- C. No public comment.
- D. Felger questioned the meaning of a Residential Large Lot. Rhineberger – varying lot sizes within R2a and R2 zoning. In unique circumstances, a property could be rezoned to R1 but there are special provisions to go below R2. Felger questioned if the definition of Residential Large Lot includes 2.5 acre lots. Rhineberger confirmed.
- E. Mahlberg – standards state that R2 can be allowed in special cases. He would like to hear what makes this situation special beyond the fact that across the street it was done. What justifies going from R2a to R2? Haho – a ½ mile north or south is denser than what he has proposed. The campground is west and east of the property and is special. Also, the density in the area.
- F. Bravinder stated he recently had a separate conversation with Dan Nadeau (Soil and Water Conservation District) where he asked if the parcel in question has any known wetlands with Nadeau stating that he is not aware of any.
- G. Motion made by Felger to recommend approval to the County Board of Commissioners to rezone PID 205-000-144402, from R-2a Suburban Residential and S-2 Residential Recreational Shoreland to R-2 Suburban Residential and S-2 Residential Recreational Shoreland, because it finds the property is aligned with the goals and policies of the Northwest Quadrant Land Use Plan and the Township approved. Seconded by Greninger.

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

6. **HANS MELGAARD** – New

LOCATION: 12500 Grover Ave NW – PRT OF NE1/4 OF NE1/4 of Section 36, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) North 69 Acres of Tax #204-100-361200. Property Owner: HANS MELGAARD & JEANI MELGAARD

Petitions for an Interim Use Permit to operate a non-commercial contractor's yard that includes a 18,200 square foot building for plumbing, heating, and septic 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: Hans Melgaard

- A. Rhineberger displayed the site map and reviewed the request. The 69-acre parcel is located in Clearwater Township with road access off of Grover Ave NW. The property is zoned General Agriculture-AG and is designated as Rural Residential in the Northwest Quadrant (NWQ) Land Use Plan with limited frontage and two entitlements. Today's request is for an interim use permit for a non-commercial contractor's yard for a plumbing, heating, and septic service business. The business would be kept within a future 18,200-square-foot building, which would also store some of the applicant's personal items. All business operations are conducted off-site with normal business operating hours from 7 a.m. to 7 p.m. during the week and on-call emergency services available after hours and on weekends. The business does not have employees outside of the family. The Commission should note that a dwelling does not exist, and the property is not currently homesteaded, both of which are a requirement for a non-commercial contractor's yard. The applicant does have plans to build a home and homestead the property but if approved, conditions related to these items are recommended. Clearwater Township has approved the request. One neighbor has expressed concern about this being a "dump" site but otherwise does not have a concern about a contractor's yard. A late response was received from a resident in the area who indicated similar concerns, not concerned with the contractor's yard but wants to see a home on site so it doesn't become a "dump" site.
- B. Melgaard – the house and shop will happen simultaneously. Legally he could dump on the site per MPCA rules but because he is living on the property, he has no plans to dump on the site. Currently running the business out of his home and looking to move to this site so they can have a larger shop.
- C. Public comment.
- Dorene Peifer – 12465 County Road 7 – here for self and other neighbors. Dumping is the main concern. The location is just north of Sugar Lake, which is already in horrible shape. The fact that he will be living on the site is helpful to know. Do not understand the commercial classification. There was a property on County Road 7 that was required to move because they had a construction company so why is this not considered commercial if trucks will be coming and going? Unsure what an interim permit is and if it will be back up for renewal in 5 years. Also, in an AG zone now so it should be absolutely in writing that no dumping will be allowed, that is the main concern. Also worried about the noise of trucks coming and going.

- D. Rhineberger explained the property on County Road 7 is zoned Agricultural/Residential (A/R) where non-commercial contractor's yards are prohibited. In this case a non-commercial contractor's yard are commercial by nature but because it is being allowed on a non-commercial property versus a commercial zoned property it is called a non-commercial contractors yard. If on an Industrial property, this same business would be called a contractor's yard. Tax classification on this property may be split between residential, commercial, and possibly something like rural resource land but the zoning would still be considered General Agriculture.
- E. Melgaard – the employees are himself and his son. There is a lot of equipment, but they can only drive one vehicle at a time.
- F. Bravinder – dump site was brought up a few times, why is that such an issue or concern? Melgaard – it would be septic sewage. They land apply as much as possible and if land application is not available, they haul it to a sewer plant. There is a lot of acreage they lease across the county so that way they are close to where working. Rhineberger – in PZ we do hear that it is getting tougher and tougher to dispose of waste. Cities are charging more or not allowing as they get to capacity and few farmers allowing land application which is becoming a problem that the state might eventually need to address. Melgaard – the state would rather see land application. Melgaard went on to describe the land application process and explain the process they use to reduce the smell. Felger questioned if the applicant land applies to the property in question. Melgaard – legally can as it meets setbacks but very difficult with the woods and wet areas. Purchased because of the woods and they want to keep it that way. He has no plans to apply on the property.
- G. Mol – lives in the area and knows the property and the Township has approved. Questioned how much will sit outside. Melgaard – the goal with the size of the shed is to try and get everything inside. There could be a trailer now and again outside, but no one will be able to see. Mol asked about lighting with Melgaard stating he likes things dark.
- H. Public comment.
- Janet Cafferty – 12441 County Road 7 – should at some point in time there be a need to land apply is there a requirement for a pit, similar to dairy farmers? Currently, MPCA says okay but with sewage plants at capacity, then what? If that were to happen, would he come back to the board for review?
- I. Mahlberg questioned if a condition related to not being able to land apply on the property is acceptable as a condition for this non-commercial contractor's yard interim use permit. Kryzer – the Commission could include that condition to prohibit land application. Generally, land application is regulated by the MPCA but given the operation, proximity to water, location, and what is happening on the property it would be reasonable to prohibit land application related to this property and interim use permit. Mahlberg would like to hear from the applicant if he would agree if the IUP says no land application is allowed on this parcel. Melgaard stated there could be an emergency job so he would appreciate no restriction. He operates under the MPCA rules and regulations. Mahlberg questioned how the right to land apply is obtained and is a special permit required. Melgaard explained that he leases land and the MPCA has an aerial view of the property with an outline of where spreading will occur. Mahlberg – if he owns the property there won't be a lease agreement but there will be a document submitted to the MPCA showing areas where application may occur. Melgaard – correct. This property is for emergencies only where he needs to get one load out, it is

not feasible nor is there room to run all day on this land. Melgaard went on to explain the wooded land application process and, in the end, in wooded areas, it is very difficult. Mahlberg questioned if there is a middle ground to address the concerns of the neighbors. Maybe a condition that there will not be land application allowed except in the case of an emergency situation. Not sure what an emergency would be. Melgaard – gave an example that if he had a late-night job and the truck was full when another call came in at 3 am he might have 3,000 gallons of treated waste on the truck he could quickly dump on his property and rush to the emergency call instead of having to go dump on a distant leased field first. There isn't enough property to run time after time and they will also be living on the property.

- J. Felger – when applying to fields how is it applied. Melgaard stated the truck is pressurized and waste is broad-casted out. Felger asked about the reapplication practice. Melgaard – depending on the crop the load limit varies but is excessive and is not reachable. Felger stated he is troubled by the emergency situation. He would like a clearer definition of what an emergency means. Melgaard – back to the shop at 11 pm with a full load and a call comes in at 2 am with sewage backing up into a basement. He can save 30 minutes by putting what is in the truck on his own property and getting to the emergency site sooner. He does not like to go to bed with a full truck. Holland stated she has 2 sisters in the septic business, and they want their trucks empty at the end of the night. In looking at the property it will be very difficult to land apply and feels it will be an emergency situation only. Mahlberg questioned what is done now when he finds himself in an emergency situation. Melgaard – still take the call it just takes longer with needing to find a field to dump on the way. Felger questioned if he had ever had an emergency situation, as described. Melgaard stated no but you never know what could happen.

K. Public comment.

- Dorene Peifer – 12465 County Rd 7 – concerned with proximity to two lakes.

- L. Mol – Sugar Lake is right there with the main outlet of the lake just south of the property. That main outlet runs into Limestone Lake and east of the property is low cattail land. There is area on the property for land application but not a lot and with the amount of watershed around the property land application won't happen a lot. He works in Sherburne County, and he sees a lot of trucks next door to the town of Palmer land applying multiple times a day and he doesn't smell it. Land application is a great thing, but he would question this property being used for land application with a watershed running towards Limestone Lake. Holland – before anyone can land apply the MPCA requires quite a bit of paperwork, even for emergency purposes. Melgaard – legally, without any paperwork filed with MPCA he can spread on his own property. Felger questioned how it works with lands holding contracts. Melgaard explained properties he has contracts with he can access 24 hours a day.
- M. Thompson questioned how spraying from the truck works. Melgaard explained he can control the spray direction and the distance is about 40 ft.
- N. Mahlberg asked if there were any adjacent residential setbacks. Melgaard – 300 ft. from a house and 600 ft. from open water. Mahlberg stated he is not sure there is an area on the property that isn't within 600 ft. of a water body.
- O. Melgaard stated they will not be storing waste as it is not cost-effective.

- P. Mol asked the Commission if they wanted to discuss the size of the shed, vehicles on site, and what is stored outside. Are there concerns? Holland – the goal of the shed is to store equipment. Melgaard confirmed the storage of business and personal items. Holland questioned if there would be a size restriction placed by this Commission or regulated with permitting. Rhineberger – with 70 acres allowed up to 15% building coverage. Expansion of the shop or building a second shop would require a new IUP. Bravinder stated he has no problem with the building size. Holland agreed.
- Q. Thompson moved to approve an interim use permit for a non-commercial contractor's yard in accordance with the plans and narrative submitted and the discussion at the hearing, with the following conditions: 1) All work must be conducted off-site; 2) Any change in use or expansion would require an amended IUP; 3) Dwelling must be completed, and property homesteaded within one-year of this approval; 4) Outdoor screening requirements must meet the requirements of section 155.078 of the Wright County Code of Ordinances, where applicable; 5) Township to review in one year, with subsequent reviews at an interval established by the Township; 6) This permit shall immediately and automatically expire upon transfer, termination of any lease agreement, change in business operations or ownership, or change in homestead classification. Seconded by Greninger.

DISCUSSION: Rhineberger asked the application if 1 year is long enough or if December 31, 2025, would be more appropriate for house construction and homesteading. Melgaard would like the end of 2025. Rhineberger – this would give 3 more months for construction which helps with weather not cooperating.

- R. Thompson amended Condition 3) Dwelling must be completed, and property homesteaded by December 31, 2025. Greninger agreed.

VOTE: CARRIED UNANIMOUSLY

7. **PAUL SAFFERT** – New

LOCATION: 1759 County Road 7 NW – PRT OF NE1/4 OF NE1/4 of Section 26, Township 120, Range 27, Wright County, Minnesota. (Albion Twp.) Tax #201-000-261101 Property Owner: Annandale Maple Lake Wastewater Treatment

Petitions for a Conditional Use Permit to expand an existing public sewage treatment plant by constructing a new filtration building, as regulated in Sections 155.003(126), 155.029 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

No representative present

- A. Rhineberger explained that the applicant will not be able to get before Albion Township until August 20th, so they have asked to have their item continued to the August 29th meeting.
- B. Greninger moved to continue the item to the August 29th meeting at the request of the applicant and allow item to meet with the Township. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

8. **DISCUSSION**

- A. Kryzer explained to the Commission there is a scheduling conflict with the December 12th meeting date. The County Board of Commissioner's has the Truth and Taxation public meeting that evening starting at 6 pm. The options are to hold the Planning Commission meeting on the 12th but start at 7:30 pm, instead of the currently set time of 6:30 pm, or change the date of the Planning Commission to the 5th or 19th.
- B. Members of the Planning Commission discussed options and timing of holding the meeting with a consensus to keep the Planning Commission on December 12th but start at 7:30 pm.

Meeting unanimously adjourned at 9:35 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks