

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: November 7, 2024

Minutes

The Wright County Planning Commission met on October 10, 2024, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 6:30 p.m. with members present: Dan Mol, Pat Mahlberg, Ken Felger, Jan Thompson, Jeanne Holland (late), and Dan Bravinder. Sandy Greninger was absent. Greg Kryzer, Assistant County Attorney, was the legal counsel present. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office.

ACTION ON OCTOBER 10, 2024 MINUTES

On a motion by Thompson seconded by Bravinder all voted to adopt the minutes for the October 10, 2024, meeting as printed.

Holland was absent at this point in the meeting and not present to vote.

PUBLIC HEARINGS:

1. ARBOR CREEK HOLDINGS LLC % Josh & Sarah Pomerleau - Cont. Oct 10

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

Petitions for a Conditional Use Permit for land alteration of approximately 3,493 cubic yards within the shoreland overlay district and amend an existing CUP for a platted subdivision to allow a home to be built lakeside below a bluff, as regulated in Sections 155.029, 155.051, 155.057 & 155.101, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

- A. Kryzer presented the Notice and Order for Approval of Conditional Use Permit, with findings and conditions, for review by the Commission. At the October 10th meeting, the Commission directed Staff to draft findings consistent with approval, and the record was closed to further oral and written comment. It should be noted that the original document received by the Commission contained some grammatical errors, which have since been corrected. Staff believes the Order accurately reflects discussion and record on file.
- B. Bravinder asked if Exhibit 3, Item 5 had been corrected with Kryzer indicating item was already corrected.
- C. Thompson stated that she had abstained during the last vote and has since had time to reflect on the matter. At the time of the vote, she did not feel there was enough emphasis on the amount of concrete poured for the driveway and the extra water that would result. She suggested the Commission consider adding a condition that the pond be constructed as a rain garden to filter the water that flows down the cement before reaching the lake. Additionally, she noted that there is no statement regarding the maintenance of the concrete curbs. If the property is sold, would the new owners be responsible for maintaining something typically handled by the street department? She requested that the Commission consider and discuss these concerns. Rhineberger – responded that the water collection area is part of the plan. The CUP is conditioned according to the plans submitted, which were drawn by Dunnick and signed by Jason VerSteeg, and the plan is specifically referenced in the CUP. Since this is a CUP, if anything is done contrary to the plan by a future owner, it would constitute a violation, and the matter would return to the Planning Commission for review. Rhineberger further explained that the

concerns are addressed in the findings because the condition is "as per plans submitted." If anything changes or the plan is no longer followed, the owner will be required to address it, and the issue will be referred back to the approved plans. (*Holland arrived @ 6:36*) Thompson asked if the rain garden and the curbs and gutters were addressed. Rhineberger confirmed that the engineer had addressed the water collection areas, specifically after the water comes down the hill. There is an intake area for water coming down the driveway. The areas along the property lines will be swaled and planted to act as rain gardens.

- D. Bravinder moved to adopt the Notice and Order for Approval of Conditional Use Permit, with Findings and Conditions, as presented. Seconded by Mahlberg.

VOTE: CARRIED UNANIMOUSLY

Kryzer presented the Chairman signed Notice and Order document directly to Sarah Pomerleau, property owner, and manager of Arbor Creek Holdings LLC.

2. **COLE SHAKE** – Con. 9/19 & 10/10

LOCATION: 909 25th St SE - NE 1/4 of SE 1/4 , Except part of highway, Section 18, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-184100 Property Owner: BING PROPERTIES MN LLC

Petitions for an Interim Use Permit to operate a non-commercial contractor's yard for a 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: Cole Shake

- A. Rhineberger displayed the proposed site plan and reviewed the details of the request. This item was continued from prior meetings and was originally heard on September 19th. The request is for an interim use permit (IUP) for a non-commercial contractor's yard for a tree service company on approximately 40.37 acres. Currently, the property includes an existing pole building and a cell phone tower. The applicant's plan is to convert the existing pole building into a dwelling, which is required as part of the contractor's yard conditions. The definition of a contractor's yard is a business in the building trade, and the business must be operated from the homestead of the business operator. This permit can only be granted if there is a dwelling on-site. The applicant is seeking to purchase the property and be allowed to operate the business while constructing the dwelling. It will be up to the Commission to decide whether to allow the business to operate prior to the home being built and the property being homesteaded, both of which are requirements for a non-commercial contractor's yard. The Township has approved the request, and the Wright County Soil and Water Conservation District has noted that there are wetlands on the property and no fill or drainage is allowed.
- B. Shake stated that a key issue for him is being allowed to burn brush. His plan is to bring in wood to burn, and he wants to ensure this will be allowed. Mol asked for a definition of burning. Shake explained that he intends to do controlled burns, and it will be up to the Commission to decide how often this can occur. He inquired whether he would be allowed to burn small piles frequently or a large pile once a year. For him, it doesn't matter. Mol asked whether the burning would be an open brush pile or contained in a building. Shake confirmed it would be an open brush pile. He could burn a large pile once a year or small piles monthly. The material would consist of wood with a diameter of 6 inches or smaller, with the rest being processed into firewood. Mol asked to see the Land Use Plan for the area. Rhineberger displayed the Plan so that Mol could see what has been rezoned and what is planned for future development. Mol expressed concern about the density of the population and the potential effects of burning and smoke on neighboring properties. Felger asked the applicant where the stockpile material would be located. Shake indicated it would be in the northwest corner, in a low spot, away from the road. Using the Beacon aerial view, the site was reviewed. Felger asked if there is access off of 25th St SE. Shake clarified that there is not and used Beacon to describe the existing small dirt drive west of the driveway.
- C. No public comment.
- D. Mol questioned the timeline for owning, homesteading, and living on the property. Shake stated that he hopes to have a home built by the end of next year. The goal is to close on the property, sell his

existing property, and start building in early spring. Mol asked if November or December 1st would work. Shake stated that December 1st would be a safer estimate. He currently drives 2.5 hours each way to work daily, totaling 5 hours of driving, which is becoming very tiring, so he is motivated to get his home built.

- E. Bravinder – typically, if a person wants to burn a brush pile, a DNR permit is required, and the size of the pile is regulated. The DNR also determines when a pile can be burned. What is different in this situation? Kryzer – this is a business conducting the burn on their property. The use was not included in the application materials, but he believes there are some proposed conditions that would set a time limit and require the appropriate permits. If this were residential burning, the Commission would not regulate it. Bravinder expressed concern about burning when there is a strong north wind, which could blow smoke over residential areas. He emphasized that he would not want burning to occur on days when the wind is coming from the north. He also insisted that the applicant must live on the property and have homesteaded it within the allowed timeframe. Bravinder questioned whether the applicant chips the wood and, if not, why not. Shake replied that he used to chip, but the cost of chipping and disposal became too high.
- F. Mahlberg – the narrative on file indicates the living unit will be in the existing shed, but it sounds like this will no longer be the case, and the plan is to build a new structure. Shake confirmed he would like to build a completely new dwelling. Mahlberg asked if the proposed conditions are consistent with the plans and narrative on file, given that there is no formal plan or narrative for the new dwelling. Can the requirements be made more general, with a homesteaded residence required by a certain date? Rhineberger believes the proposed condition covers what is needed. The goal is to ensure that there is a dwelling present by a specific date, and the current plan can still be followed, but if the applicant decides to build a regular stick-built home, he would still be in compliance. Mahlberg referenced a recent, similar situation with a property along Highway 25. He asked for the status of that property and whether it is compliant. Rhineberger – there are two months left for the condition to be met and the applicant has not yet obtained a building permit for the home. It is unlikely that the condition will be met, and enforcement action may be needed. Mahlberg asked if there is a lesson to be learned from this experience that would make it easier to ensure compliance in this case. Rhineberger – the Commission can either approve with a timeframe and enforce revocation if it's not met or require that the business cannot operate until the home is completed. Kryzer – as an IUP, he would recommend that if a building permit is not acquired by the specified date, the IUP automatically expires. Mahlberg questioned whether it would make sense to include a filing deadline for the building permit application to address any issues before the final deadline. Kryzer asked the applicant when he plans to file for a building permit. Shake replied that he does not yet have building plans but hopes to get started when the ground thaws in early spring. Rhineberger suggested the applicant apply for the building permit in February or March, as the office gets very busy in March and April with the turnaround time of roughly one month. The only drawback to adding another deadline is that staff will have to interpret how strictly to enforce the deadline for filing the building permit application. Mahlberg stated that he would like to see a reasonable application deadline to ensure progress is being made toward meeting the ultimate requirement.
- G. Felger stated that his questions were addressed.
- H. Bravinder moved to approve an interim use permit for a non-commercial contractor's yard in accord with the plans and narrative submitted and the discussion at this hearing, with the following

condition: 1) All work must be conducted off-site; 2) Exterior storage is limited to the locations noted on the site plan; 3) Dwelling permit must be applied for no later than May 1, 2025, and the structure inspected, completed, and properly homesteaded no later than December 1, 2025. Failure to meet either deadline will result in this interim use permit being revoked; 4) Outdoor screening requirements must meet the requirements of section 155.078 of the Wright County Code of Ordinances; 5) Burning is allowed 3 times per year with the appropriate state issued burning permit. Burning is prohibited with a north or northwest wind; 6) Township to review in one year, with subsequent reviews at an interval established by the Township; 7) 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 Holland.

DISCUSSION: Bravinder asked whether condition #4 would be addressed by Planning & Zoning staff with the applicant. Rhineberger confirmed that fencing around the outdoor storage area would be required to prevent views from adjoining or residential properties. Bravinder asked whether screening along the property line would be required when adjoining a residential zone, as mentioned in section 155.078. Rhineberger clarified that in this case, screening is not required because the property does not share a common property line with a residential district.

Mahlberg proposed an amendment to condition #3, adding language to specify that the permit will be automatically revoked without further process if the deadlines are not met. He also suggested adding to condition #5 that the stockpiling and burning of wood should be limited to the northwest portion of the property, and burning would not be allowed when the wind is from the north or northwest, or when conditions are such that burning would create a nuisance for nearby residences.

Bravinder and Holland agreed to the amendments of adding to condition #3 the permit will be automatically revoked without further process if the deadlines are not met and condition #5 the stockpiling and burning of wood should be limited to the northwest portion of the property, and burning would not be allowed when the wind is from the north or northwest, or when conditions are such that burning would create a nuisance for nearby residences.

VOTE: CARRIED UNANIMOUSLY

3. **BRIAN MICKELSON** – New

LOCATION: 2195 Cameron Ave SE – Part of Gov't Lot 4 Section 16, Township 119, Range 25, Wright County, MN. (Dean Lake - Rockford Twp.) Tax #215-100-162200. Property Owner: Brian Mickelson

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

Present: Brian Mickelson

- A. Rhineberger displayed the proposed site plan and reviewed the request. The property is 11.95 acres, located on Cameron Ave, northwest of Dean Lake. This property was rezoned in August of this year to Suburban Residential (R2a), which requires a minimum lot size of 5 acres. This request is the unplatted subdivision portion. The R2a zone requires a minimum lot size of 5 acres, with a maximum of 9.99 acres. The proposed lots will comply with this requirement, with sizes of 6.21 acres and 5.74 acres, respectively. A wetland delineation was completed, and the wetland boundary is shown on the displayed survey, along with the septic locations. Rockford Township approved the entire concept at their May 2023 meeting, and the minutes from that meeting are included in the Staff report.
- B. Mickelson confirmed that the wetland delineation boundary was established, and the survey was completed for both Tracts "A" and "B."
- C. No public comment.
- D. Mol reminded the Commission that they had visited the site and asked if anyone had additional questions or comments.
- E. Felger moved to approve a conditional use permit for a two-lot unplatted subdivision, in accord with the survey completed by Northstar Surveying, revisions dated 10/9/2024; Job No. 2023086, with the following conditions: 1) Due to the size of the existing accessory structure, NO other accessory structures are allowed on what is noted as Tract A; 2) Any disturbance of the wetland area requires SWCD approval; 3) All Wright County Feedlot Ordinance requirements and standards must be followed. Motion seconded by Holland.

DISCUSSION: Mol asked if a 0.5 animal unit limit, which has been applied in the past, needed to be addressed or added to the motion. He noted that he doesn't believe this property can support more than a chicken coop. Rhineberger explained that he had discussed this with the Feedlot Administrator. The condition could be quite detailed, as there are many potential scenarios. However, since the entire property is within a Shoreland district, they decided to include a condition that all Feedlot requirements must be followed. This approach is intended to encourage further discussion with the Feedlot Administrator, as necessary. Mol stated he was comfortable with this explanation.

VOTE: CARRIED UNANIMOUSLY

4. **PETER SHELQUIST** – Cont. 10/10

LOCATION: XXXX County Road 39 NE - Part of Gov't Lot 2, Section 16, Township 121, Range 24, Wright County, Minnesota. (Mississippi River – Monticello Twp) Tax # 213-000-161203 & -161205.
Property Owner: PETER D SHELQUIST

Petitions for a Conditional Use Permit for a two-lot platted subdivision as regulated in Chapter 154 & Sections 155.029 & 155.058, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Peter Shelquist

- A. Rhineberger displayed the proposed site plan as he reviewed the request. This item was previously heard on 10/10, and an inspection has been conducted since that meeting. The updated survey shows the shared driveway easement and the proposed lot widths.
- B. Shelquist and public had no comments.
- C. Mol asked the Commission if there were any concerns or comments. The Commission had visited the site, and the proposal meets the requirements.
- D. Bravinder asked the applicant if he is aware of the park dedication fees and what is required. Shelquist confirmed that he has spoken with staff and is aware of the requirements.
- E. Bravinder moved to approve a Conditional Use Permit for a two lot platted subdivision in accord with the record of these hearings and the preliminary plat of the Shelquist Addition completed by Otto Associates dated 09-09-2024; Job No. 24-0389 with the following conditions: 1) Prior to the filing of the final plat: a) the park dedication shall be paid in cash along with the other fees as noted on the plat check list; and b) a title opinion is submitted and accepted by the County Attorney; 2) The Commission notes that the is designated Wild and Scenic River District, which is subject to State and County regulations governing bluffs, tree removal and vegetation clearing. Clear cutting is prohibited in the bluff impact zones; 3) Pedestrian access to the river must meet the requirements for stairway, lifts, and landings as described in 155.057(E)(3)(a); 4) No construction may commence until the County Board has approved the final plat; 5) A permit for the change of access location must be obtained from the Wright County Highway Department prior to the issuance of a building permit for the new lot; and 7) Livestock will not be allowed on any lot. Motion seconded by Thompson.

DISCUSSION: Bravinder asked about the County Board's role in approving the plat. Rhineberger explained that the County Board provides the final signature on all plats within the Townships.

VOTE: CARRIED UNANIMOUSLY

5. **BIG RIG COMPANIES** (COLE BRYAN) – Cont. 10/10

LOCATION: 14772 COUNTY ROAD 8 NW – S1/2OF NW1/4&TH PRT OF NW1/4OF NW1/4WH LIES SLY OF SLY R/W LN OF I-94 Section 21, Township 122, Range 26, Wright County, MN. (Lock Lake - Silver Creek Twp.) Tax #216-100-212300 Property Owner: VORANDESOTO LLC

Petitions for an Interim Use Permit for a truck sales business with diesel services and repair as regulated in Sections 155.031 & 155.054, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

No representative present

A. Rhineberger explained that when the item was continued from October to November, the calendar was not reviewed, and the Township has yet to hold its November meeting. As a result, they have not had the opportunity to meet at a formal session to amend the Township's response and recommendation. The applicant has requested a continuation until December, which would allow for two meetings with the Township between now and the next Planning Commission meeting.

B. Mahlberg moved to continue the matter to the December 12th meeting, at the applicant's request, to allow additional time to work through access and road issues. The motion was seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

6. **FREDERICH MISCHE** – New

LOCATION: 13617 Grover Ave NW – Part of SE 1/4 of NW 1/4, Section 25, Township 122, Range 27, Wright County, Minnesota. (Clearwater Twp.) Tax #204-100-252402 Property Owners: FREDERICH MISCHE & AMANDA CHOWEN

Petitions for an Interim Use Permit for a commercial agricultural tourism use for a winery operation that includes a vineyard, bottle sales, and three events hosting 50 or less people a year, as regulated in Sections 155.003(25), 155.031, 155.048 & 155.109 of Title XV, Land Usage of the Wright County Code of Ordinances.

Present: Fred Mische

- A. Rhineberger displayed the property details and site plan. The property is approximately 28.72 acres, located along Grover Avenue NW in Clearwater Township. It is zoned General Agriculture (AG) and designated in the Land Use Plan as Rural Residential. The property has one entitlement. The original 68.72-acre farmstead contained two entitlements. In 1993, the Board of Adjustment approved a 1-per-40-acre variance, splitting the farmstead into two parcels, each retaining an entitlement. In 1998, the Planning Commission approved a Conditional Use Permit (CUP) to operate a wholesale bread bakery as a home-extended business in a 20' x 20' commercial building. This request is to operate a commercial agricultural tourism winery, including a vineyard, bottle sales, and three events hosting 50 or fewer people annually. The applicant has been working with the Department of Agriculture and the State regarding proper licensing for bottle sales and activities to take place in the building. Clearwater Township has recommended approval, as has a neighboring property owner.
- B. Mische stated that his two-phase plan for the winery was a good summary of his proposal. Mol questioned the proposed motion, which states that no alcohol sales would occur on the property. However, the request also includes three events. Mol asked what would take place at the events and if there would be wine tastings or if buyers would simply have to trust the quality of the wine. Mische responded that the license he is applying for is for off-sale only, meaning people will not be allowed to drink on-site during events. Mol then asked how people would have the chance to taste the wine. Mische explained that the initial part of the plan would be to sell wine through a non-fee membership. Over time, these members will have tasted the wine and will know what they are purchasing. Any remaining wine, after the members receive their bottles, will be sold to the public. Mische compared this model to a liquor store where sampling is not allowed. The first phase of the plan will focus on bottle sales and depending on the growth and health of the vineyard, phase two may involve the opening of a tasting room and allowing consumption on-site. Kryzer clarified that if phase two is implemented, the Interim Use Permit (IUP) would need to be amended. Mische confirmed that was his understanding and that staff advised him to focus on bottle sales with this request and leave the tasting room for a future proposal.
- C. There was no public comment.
- D. Mol, familiar with the applicant and the location, stated that Grover Avenue is a quiet road with very few residents, making it a good fit for the proposed use. The proposal would be a unique addition to Clearwater Township.
- E. Holland inquired about the hours of operation noted in the proposed motion. Rhineberger explained that the business plan did not specify hours, so the proposed motion allows for discussion between the Commission and the applicant. Holland asked Mische what time frame would be appropriate for the three events. Mische replied that the initial hours for bottle sales would be from noon to 4 p.m., and they

envision similar hours for the events. He added that during certain times of the year, it gets dark early, and they don't intend to host guests when it's dark. In the summer, when it stays light longer, they still want to respect their neighbors and feel an end time of 7 p.m. would be appropriate. He emphasized that they had not yet decided on the hours, focusing instead on the number of days and hours for bottle sales. He has no strong opinion on whether events should run from noon to 4 p.m. or 7 p.m. Bravinder suggested that the events be limited to noon to half an hour before sunset. Mol proposed starting at 10 a.m., allowing more flexibility for events. Rhineberger mentioned that outdoor events may involve bonfires, which could run past dark. Thompson suggested extending the hours to 10 a.m. to 10 p.m. Mol agreed that this timeframe allows for compliance while providing flexibility. The event times will be a minimum and not necessarily fixed, allowing for a range of possibilities.

- F. Mahlberg asked if the ordinance restricts the sale of wine bottled on-site. Rhineberger confirmed that the sale of wine is governed by state licensing and statutes for farm wineries.
- G. Felger asked if there was an agreement on the hours of operation from 10 a.m. to 10 p.m., which Mol confirmed.
- H. Thompson moved to approve an interim use permit for a commercial agricultural tourism use for a winery operation that includes a vineyard and bottle sales in accord with the plans and narrative submitted and the discussion at the hearing, with the following condition: 1) Sales to be limited to two Saturdays per month for the months of September through April, with hours of operation for the sales limited to noon to 4 p.m.; 2) The use shall be allowed three events between the months of March through January, and limited to no more than 50 people per event, with hours being limited to 10 a.m. – 10 p.m.; 3) No alcohol consumption to be allowed on the property; 4) Parking for sales and events must be on the property. Parking on the township road is prohibited; 5) All proper State and County licenses be obtained prior to operations commencing; 6) Township to review in one year, with subsequent reviews at an interval established by the Township; 7) This permit shall immediately and automatically expire upon transfer, termination of any lease agreement, or change in business operations or ownership. Motion seconded by Holland.

DISCUSSION: Mol asked for clarification on condition #3, which prohibits alcohol consumption on the property. He inquired whether this should specify business hours or address private consumption versus business-related consumption. Rhineberger clarified that the prohibition applies to alcohol consumption related to bottle sales, operations, or events. Mol confirmed that this language change would allow for private consumption, and Mische confirmed he was okay with the change.

Mahlberg suggested removing the restriction on events occurring between March and January and allowing three events throughout the entire year instead of excluding February. Holland agreed with this change.

Thompson moved to amended condition #2 to read that the use shall be allowed three events per year (rather than limiting them to March through January) and amend condition #3 to read: no alcohol consumption in relation to the bottle sales, operation or events allowed on the property. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

7. **JONATHAN KAPPLER** – New

LOCATION: 10941 Grover Ave SW – TERRA TERESA OUTLOT A, Section 25, Township 118, Range 27, Wright County, Minnesota. (Victor Twp.) Tax #219-016-000670
Property Owner: WINSTED SPORTSMAN'S CLUB

Petitions for a Conditional Use Permit for a two-lot platted residential subdivision, as regulated in Sections 155.029, 155.049 & 155.057 of Title XV, Land Usage of the Wright County Code of Ordinances.

Present: Jonathan Kappler

- A. Rhineberger displayed maps of the property and the proposed site plan. The property is 8.2 acres, located in Victor Township, and is owned and operated by the Winsted Sportsman's Club. It currently contains a storage building, a small space for other Sportsman's Club events, and a public boat launch. The property is zoned Urban/Rural Transition (R1) and is part of the Terra Teresa Plat along Mary Lake. The request is for a two-lot platted subdivision, with the development adhering to R1 zoning standards. A septic evaluation has been completed, and each lot meets the appropriate septic requirements. The applicant has not yet met with the Township but plans to do so in November. Tonight's meeting is for Commission discussion, and the applicant is requesting a continuation to the December meeting for a final decision..
- B. Kappler had no additional comments.
- C. Public comment.
 - Rita Clark – a resident on Lake Mary, attended to understand what would be built on the property. She asked for clarification that the development would consist of two homes, not a campsite. Clark also questioned whether there would be access to the lake, noting that there is a significant amount of swamp and marshy area near the lake.
- D. Kryzer asked for clarification, confirming that the applicant would be meeting with the Township on Monday. Kappler confirmed this and Kryzer explained that the Township cannot legally hold a public meeting on a Federal Holiday (Veterans Day). Kappler agreed to reach out to the Township to confirm.
- E. Holland expressed interest in visiting the site, as she wanted to see the lake and the property in person.
- F. Rhineberger explained that Planning and Zoning had been working with the Sportsman's Club for 3-4 years to determine the best course of action for the property. The northern lot will continue to contain the only public access to Lake Mary. Under ordinance standards, a restricted lot cannot be created in an R1 district and therefore area for the landing cannot be divided off. Rhineberger believes the Club intends to keep the proposed northern lot and continue offering public access to the lake. To meet zoning requirements, they were required to demonstrate two Type I septic sites and a potential homesite, which they have done. In the past, prospective buyers proposed ideas that didn't meet the zoning requirements, but this proposal complies. Holland asked if the property was being sold because it wasn't being used. Rhineberger believes so and went on to clarify that if someone else were to purchase the northern parcel, there would be no obligation to maintain public access to the lake. This is a sensitive issue for the Sportsman's Club. Mol asked if there is any other public access to the lake, to which Rhineberger confirmed that there is no other access.
- G. Felger moved to continue the item to the December 12th meeting to allow time for Township review and for site inspection. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

8. **KNIFE RIVER CORP. – NORTH CENTRAL** - New

LOCATION: 5856 Highway 25 NE – Part of NW 1/4 of NW 1/4, lying east of the right of way of State Highway 25, Section 4, Township 120, Range 25, Wright County, Minnesota. (Buffalo Twp.) Tax #202-000-042206 & -042204

Petitions to renew the Conditional Use Permit that was granted in 1987 (and subsequently amended several times) and reclassify as an Interim Use Permit, for 5 more years, to continue with mining/processing aggregate and recycled products, stockpiling/storage of processed materials, and truck hauling for projects in the area, as regulated in section 155.031, 155.048, & 155.100 of Title XV, Land Usage of the Wright County Code of Ordinances.

Present: Holly Runnoe, representing Knife River

- A. Rhineberger displayed several site maps of the property, commonly known as the “Elmore Pit,” located along Highway 25. The request is for a 5-year extension to continue mining and processing aggregate, recycling products, stockpiling, and storing processed materials, and truck hauling for local projects. This request follows the expiration of the previous permit. The original permit was granted in 1987 and has been renewed several times. The Commission may have noticed that there was a long period of inactivity at the site, but recently materials have been coming out of the pit. Buffalo Township approved a renewal for 3 years, rather than the 5 years requested. No additional comments have been received.
- B. Runnoe explained that, as stated, the pit had not been active for some time, but mining operations resumed this year.
- C. Holland questioned whether the pit was involved in the Interstate 94 project. Runnoe responded that current jobs are more local, and as far as she knows, they do not have the I-94 project this year. However, she was unsure about next year’s projects. The company does a lot of work for Wright County and various parking lots. Rhineberger added that there may not be enough material in the pit for a large-scale highway project, to which Runnoe agreed.
- D. Public Comment.
 - Julie Surma – 2426 59th St NE – has lived near the pit since 2007 and reported no complaints until this summer. She noted that the noise had become louder, requiring her to shut windows. She expressed concern that work continues beyond the 5 pm limit, sometimes until dark. She also raised questions about the 3-year approval from the Township and the 5-year request before the Commission. Surma further asked about the differences between interim and conditional use permits. She inquired whom to contact if work extends beyond allowed hours. Mol clarified that the 5-year extension was the applicant’s request, while the Township approved only 3 years. Concerns should be directed to the Planning & Zoning office. Historically, Knife River has complied well with regulations and worked cooperatively with the County. Rhineberger noted that Planning & Zoning has contacts for pit operators. It becomes difficult to address after hour complaints, but they do reach out to the pit managers and discuss the concerns. Ordinance does allow pit operation from 7 am to 7 pm. The 5-year request was made by the applicant, while the Township recommended only 3

- years, and by ordinance, they are allowed up to apply for up to 10 years. The decision on the length of time will be up to the Commission. Mining is no longer allowed under a Conditional Use Permit (CUP), which is why an Interim Use Permit (IUP) is required for an extension.
- John Davis – 2426 59th St NE – questioned why Knife River requested a 5-year extension if there isn't much gravel left. He also asked whether the pit has plans for future use if it cannot support large projects. Mol explained that the 5-year request is common for gravel pits, as companies often do not know what contracts they will receive. If this was for a major project like I-94, the pit could be depleted within a year, but more local work typically takes longer to deplete. Davis asked about operations beyond 7 pm, particularly backup alarms, which can still be heard after hours. Kryzer stated that in the request the only work being done after 7 pm would be maintenance, there can be no mining, processing, or hauling. Kryzer went on to address the 3 year comment with a proposed motion reading that mining shall be completed by December 1, 2027, which is 3 years, stockpiling allowed for a year after that and lastly the time for reclamation. All of that combined would be a total of 5 years and only 3 years of actual mining. Davis stated what they most likely hear after hours is the maintenance work.
 - Anne Neumann – Buffalo Township Board Member, explained that the Township approved the 3-year extension after learning that there is only about a year or a year and a half of aggregate left. The 3-year approval was intended to motivate Knife River to complete the work. Neumann, who lived near the pit for 9 years, reported no issues during her time there but emphasized that the pit has been operating for nearly 40 years. She expressed concern about the long-term continued operation of the pit. Neumann confirmed that maintenance work after 7 pm, such as cleaning machines and using generators, had caused complaints. She also noted difficulty finding the appropriate contact number for complaints and suggested a 1-800 number for residents. She no longer lives in the neighborhood but being part of the Township, she would like to see the pit closed and not allow it to continually stay open.
 - Rob Schultz – 2459 58th St NE – asked if the current request must comply with recently revised ordinances, including requirements for plans, permits, reclamation, and screening. Kryzer confirmed that the application would not be accepted if it did not meet these requirements. Schultz expressed concerns about fencing on the east side of the property, where there are young children, and about the removal of trees and natural screening along the western side, near Highway 25. He requested assurances that Knife River will meet the updated screening and reclamation standards. Schultz also asked if reclamation would be required after the 5-year period and whether it would comply with the updated ordinances. Mol clarified that if the pit operator seeks to continue beyond the 5 years, they would need to reapply with a new permit. Schultz asked if they need to start on the reclamation plan if they apply for a new permit. Mol explained that some reclamation plans indicate they will reclaim as the pit is used. Rhineberger stated that is how he reads the reclamation plan, and he believes some of the slope has already been worked on. Schultz addressed the displayed site plan and questioned area of work being done and reclamation areas. Mahlberg asked Mr. Schultz if his question is if reclamation is required over the entirety of the property even when mining is only in a portion of the property. Schultz confirmed. Mol asked Staff what

- has been reclaimed on the outer edges? Rhineberger used the map of existing conditions to point out areas appears the east line and significant portion of the northeast corner. They are actively mining on the entire west side as well as stockpiling in the areas. Schultz stated the eastside appears to possibly be reclaimed but it is undulating and lacks the 4 inches of topsoil. His question is when will the rest be reclaimed. Rhineberger explained that the 2020 permit stated mining was to be completed by a set date but they are here now asking for the extension, so the reclamation has not been completed. Schultz – it doesn't sound like the rest of the parcel, that has not been touched for 20 years, is part of this permit. Those areas have not been reclaimed so he is wondering with the new interim use permit what is the plan to have that area aesthetically pleasing and ensure they are incentivized to get the area reclaimed. He wants to ensure they abide by the 155.100 and would like to have the public record of the information.
- Davis returned to the podium and asked the Commission to consider requiring all operations, including maintenance, to cease by 7 pm. He also asked whether a 3-year extension would delay stockpiling and reclamation. Rhineberger explained that the Commission would decide the terms of the extension, including whether stockpiling and reclamation could be delayed. He also suggested that the Commission could deny the extension altogether if desired.
- E. Runnoe explained that maintenance after 7 pm typically involves fluid and oil changes, which require the equipment to be started. She also noted when it is dark the backup alarms and strobe lights can cause noise. The trees that were removed are in the area currently being mined. Regarding reclamation, Runnoe confirmed that the northwestern corner and the area to the east of the pit have been reclaimed. The reclamation process includes moving material, building slopes, and planting or seeding the area.
- F. Felger questioned whether maintenance work is restricted to equipment currently used on the property. Runnoe confirmed that it is, and the majority of after-hours work involves the loaders. Felger asked if mining operations continue after dark. Runnoe confirmed that mining may occur into the evening, if necessary, with light units brought in for visibility.
- G. Thompson asked if maintenance is done nightly. Runnoe explained that maintenance is unpredictable, similar to car repairs, and is needed when there are breakdowns. She further explained that the pit has not been active for mining recently but may involve hauling materials from stockpiles. Thompson questioned when the mining area (marked in red on the plan) is completed will reclamation occur and in 5 years all work would be done? Runnoe stated that if all work is completed, and stockpiles are removed, then yes but she can't make a guarantee. Thompson asked if reclamation would occur at the end of 3 years with Runnoe stating that is the goal but there is always a chance that she would be back with a renew application and having another discussion.
- H. Mahlberg reviewed the Mining Conditions Map and asked whether the vegetation on the eastern half of the property, which is not part of the current processing area, is considered reclaimed. Runnoe stated that she isn't sure what the vegetation mix is and can't promise they won't go into the area and stockpile. Mahlberg - as it currently sits, if not further disturbed, is it considered reclaimed? Runnoe – the NW slope, along the northern line, is sloped and reclaimed. The other areas will still need a pasture mix added or have a farmer come in and farm the land. Mahlberg – not a lot of plans leveling the area. Proposed motion has a reclamation bond with 15 acres assigned and this property

is larger than 15 acres, there are questions about what amount of reclamation has been done to date and if there is more to do. He wants clarity on whether the rest of the property is going to be subject to additional reclamation efforts under the ordinance or the plans.

- I. Runnoe – before the bond can be released the county needs to release it. Mahlberg – the proposed motion has the value tied to 15 acres and if Knife River is claiming outside of 15 acres to be reclaimed, it doesn't seem to be aligning.
- J. Rhineberger stated that the bond figure is based on the general area of the open pit. In situations like this, with a long-standing pit, there is established vegetation and would be a good idea to rip-up that vegetation to drop down 4 inches of black dirt for farming.
- K. Mahlberg – it sounds like all pits with a series of a permits over the course of years that ends up equaling a 40–50-year pit. Has Planning & Zoning established that any areas of this property have already been reclaimed? Rhineberger – no.
- L. Mahlberg – what is the obligation and how does that work? If we are going to apply the bond to an open area under permit #1 and years later permit #2 is approved with a new open area and a bond over and over. It seems that we are never actually ensuring that the reclamation happens to those areas that are mined in any of the 1st series of permits.
- M. Rhineberger stated he understands what member Mahlberg is saying. The actual ordinance reads permitted acreage. If this were a newly opened pit and permitting for the entirety of the property it would read differently. This pit is a lot older and in review Staff doesn't believe there is even a bond on this pit. The bond condition is a suggested condition, and it is up to the Commission if they would want to increase the acreage applied to the bond.
- N. Mahlberg stated he is not worried about connecting the acreage with the bond amount. Knife River is a fairly well known and has good history as a gravel pit operator. What does the ordinance require or what needs to be done if this is the last permit to say that this portion or all of the property must be reclaimed as a condition of receiving this IUP. Does the ordinances already address what will happen, enough?
- O. Rhineberger feels the ordinances addresses the situation, enough. In this case they are not proposing to change their reclamation plan and has been fairly consistent all the way through. From what he can tell, complete reclamation would be the northwest corner has been reclaimed and basically the pit floor is left as well as along eastern boundary some cleanup. His struggle with older pits is when they have reclaimed themselves, what is done with those. Personally, he has a bias as an outdoorsman and if a pit has reclaimed itself and turned into natural habitat, he would hate to see the company rip that out and lay down 4 inches of black dirt for farming, just for the fact it was supposed to be returned to agriculture. The ordinance does allow for some leeway with what the Planning Commission finds as acceptable.
- P. Mahlberg asked if they are obligated to install 4 inches of topsoil, given that the ordinances have changed over time. And if mining occurred in areas years ago and was in compliance with the past conditions, we won't require them to rip up the entire property to meet current standards, correct? In

this case, would the expectation be that the eastern half of the property might receive some alterations, but the Planning Commission is not obligating the company to do anything further with that portion. The only obligation would be for the currently disturbed areas and current reclamation standards. Rhineberger replied that the ordinance reads, *'Unless otherwise stated by the Planning Commission, a minimum of four inches of clean, uncontaminated topsoil shall be placed on all final graded and rehabilitated areas. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding area, and which will minimize erosion due to rainfall. No finished slope shall exceed 25% in grade.'* Based on this, if the Planning Commission desires, they could consider applying this standard to the eastern half. Mahlberg concluded that there is a question about reclamation requirements, but the full set of variables is not yet available. He pointed out that if the eastern half of the property were to be disturbed and 4 inches of topsoil were applied, it might cause environmental degradation. He emphasized that further discussion is needed on what is required for reclamation in both the disturbed areas and any remaining areas.

- Q. Mol expressed interest in visiting the site to better understand the current conditions. He acknowledged that older pits sometimes involve mature trees or berms that technically need to be removed for proper reclamation, but he questioned whether this is necessary given the environmental benefits of the existing vegetation. He suggested a site visit would help the Commission determine the best approach.
- R. Mahlberg asked when the current CUP expires. Rhineberger clarified that the mining permit expired last Friday, with stockpiling allowed for one more year and full reclamation required by July 1, 2026. Mol asked if the applicant is currently mining, and Runnoe confirmed that mining is not taking place, though hauling may be occurring from stockpiles. Mahlberg emphasized the need to inspect the site to better assess the current state of the property. Mol agreed.
- S. Malberg moved to continue the item to the December 12th meeting to allow time for a site inspection. Seconded by Bravinder.

VOTE: CARRIED UNANIMOUSLY

9. **ORDINANCE 24-7** – New

The Wright County Planning Commission will be reviewing and discussing proposed amendments to the Wright County Code of Ordinances. Proposed is to amend Section 155 to include Cannabis zoning regulations.

- A. Rhineberger – this ordinance amendment is the result of recent legislation concerning cannabis and cannabis-related businesses. The proposed ordinance pertains to zoning and therefore addresses the time, place, and manner of activities. The draft before the Commission was based on a model ordinance provided by the Minnesota Office of Cannabis Management, along with input from the Association of Minnesota Counties, particularly the Minnesota Association of County Planning and Zoning Administrators, and ordinances adopted by other municipalities. Staff is recommending two adjustments to the proposed language in Sections D(1)(b) and D(1)(e). These adjustments are due to the removal of setbacks that are not part of the statute and therefore cannot be applied. Additionally, Section D(1) includes grammar corrections noted on the proposed document before the Commission.
- B. Kryzer – this is specifically related to the zoning ordinance. There is a more comprehensive registration and licensing ordinance that will go through Public Health. That ordinance will be finalized next week and includes stricter performance standards and regulations related to hours, time, place, and security requirements. The ordinance before the Commission only addresses zoning and where such businesses are allowed. The intent is not to duplicate what will be addressed by Public Health, but to define the areas where this business can occur, along with the required setbacks. Rhineberger – The only districts allowed for cannabis businesses are Business and Industrial, which includes cultivation. However, cultivation in this context is not the same as traditional agricultural production; it will occur indoors and will be subject to regulations.
- C. Mahlberg – from a zoning perspective, the way the ordinance is set up means that if a use is not identified as a permitted use in other districts, we won't see a flood of requests for production businesses coming to this Commission. Kryzer – every residential parcel in the county is permitted to grow up to 8 cannabis plants. Mahlberg – this won't fall under commercial agricultural tourism, and nothing needs to be done to exclude cannabis. Kryzer – correct, the statute defines 10–13 licenses permitted by the State and specifies in which zoning districts these uses are allowed. Mahlberg – cannabis businesses are permitted as Interim Use Permits (IUP) in those identified districts, and there is no way to obtain a Conditional Use Permit (CUP) or IUP in other districts.
- D. Felger – the statutory authorization and purpose states that the Commission has the authority to establish the time, place, and manner of cannabis-related activities. Can the Commission prohibit cannabis businesses within 2,000 feet of a school? Kryzer – no, the statute specifically states that cannabis businesses cannot be located within 1,000 feet of a school. Felger – doesn't the Commission has the authority to establish the "place"? Kryzer – In this case the word place is related to the zoning district and the ordinance specifies the zoning districts in which cannabis businesses may operate, namely Business and Industrial. Felger – the statute must be followed exactly, especially with regard to distance requirements. Kryzer – correct, the County is not allowed to exceed the setbacks noted in the proposed ordinance, as they represent the maximum allowed by State Statute. Felger finds it hypocritical that the ordinance states, "Wright County recognizes the risks that unintended access to cannabis products may present to the health, welfare, and safety of

the public, especially youth." Aren't there existing ordinances in Wright County aimed at protecting the health, welfare, and safety of the public? Kryzer – yes, but in this case, there are over 100 pages of codification that limit the County's authority to regulate or license cannabis unless it has consent from the townships. All we can address at this stage is zoning, and we have to go through the process of establishing joint powers agreements with all local governments within Wright County, including townships and cities. Felger – under the definition of "cannabis retailer," it states, "any person, partnership, firm, corporation, or association, foreign or domestic..." Could an entity from another country that opposes the U.S. sell cannabis to our youth? His understanding is that a foreign corporation could also be a corporation located in Wisconsin. Felger went on to question why Sunday sales are included in the ordinance. Holland stated that this section mirrors the rules for alcohol sales. Felger recommend that retail activities exclude Sunday sales. He feels something should be sacred, and the Commission should consider removing Sunday sales. Holland agreed, but the idea was that they want to see the rules as seamless as possible for law enforcement. If cannabis and alcohol sales are treated the same, it would be easier for law enforcement to track and enforce the rules. Kryzer – the statute limits what can be allowed under Minnesota Statute 342.7(7) and there may need to be adjustments to the proposed ordinance to allow later-end times on Sundays. Local control is very limited by the legislature. Felger stated that he does not like that the Commission has no authority to make changes.

- E. Bravinder – his opinion is removing Sunday sales won't significantly impact the overall outcome. Felger – understands but would like to speak up. He does not care to give the State full control over this issue and even though it may be more challenging for law enforcement, he still thinks Sunday sales should be removed.
- F. Thompson stated she grew up in a dry county, and everyone would drive across the county line to buy liquor. Felger – understands that, and we may see that happen here, too. If people want to drive across the county line, let them. Thompson – agrees with not allowing sales on Sunday.
- G. Felger reiterated he would like to remove Sunday sales from the proposed ordinance.
- H. Mol – this Commission can recommend removing Sunday sales, and the County Board can choose to add it back. Felger – understands that, and if the County Board wants to include Sunday sales, that's their prerogative. But as a Commission, he'd like to recommend that Sunday sales be excluded.
- I. Holland moved to close the public hearing to all oral and written comment, and recommend approval of Ordinance 24-7, with the noted revisions to Section D(1)(b) and D(1)(e) to the Wright County Board of Commissioners. Seconded by Bravinder.

DISCUSSION:

- J. Felger moved to amend the proposed motion to exclude any Sunday sales. Thompson seconded.

DISCUSSION: Rhineberger noted this change would affect Section D(4)(a)(1), striking anything after Saturday in the first sentence.

Mahlberg - does not believe the Commission has the authority to prohibit Sunday sale. For that reason, he will vote against the amendment.

Thompson stated she will vote for the amendment because she believes it's important to express her opinion, even if she knows the County Board will likely take a different position. Felger stated he will support the amendment so that his voice is heard, even knowing the County Board will likely go another way.

Mol – torn on this decision because of what has already been allowed and what the State Legislature has already passed. Alcohol has similar effects, yet it is often treated less seriously, unless driving under the influence. Cannabis, on the other hand, is still new, and we're still figuring it out. Felger – he is not in favor of Sunday alcohol sales either. Alcohol sales didn't come before this Commission, but this is an opportunity to speak up about cannabis sales. Holland appreciates the concerns raised. There is quite a bit in the ordinance that she wouldn't have wanted, but so much of it is beyond anyone's control. The Public Health staff and legal counsel have worked very hard to craft an ordinance that complies with state law and honors the goals of the county. There's little room for change or alteration. She does think it's important to make things easier for law enforcement by aligning cannabis and alcohol sale hours countywide.

Thompson feels that if everyone went along with what the state says, we would be in a sorry state. She feels the voices of the little people, starting at the Township, even if voted down are still heard. She will vote based on how she feels. Felger stated he is adamant Sunday sales should be removed and believes the Commission should take a stand on this. The County Board might end up making a similar decision.

Mahlberg – if we want to make a stand, why don't we just say Wright County will not pass the ordinance? Why focus on Sunday sales alone? Mol agreed with comments from member Felger, but the problem is the boat was already missed. Cannabis went through the legislature years ago and that is when the lobbying should have occurred. Felger asked counsel for their opinion on the topic. Kryzer stated that the statute prohibits the Commission from prohibiting the sales on all of the criteria within the Townships. Felger – is the Commission prohibited from telling the County Board this Commission is not taking this under consideration? Kryzer stated that the statute prohibits the Commission from prohibiting sales based on the criteria set by the legislature. The County Board must pass an ordinance by January 1st. Felger – can this Commission propose that the County Board not consider this issue? Kryzer – the Planning Commission can recommend denial of the entire 24-7 ordinance and what will likely happen is in that situation is the County Board will review the recommendation, but counsel will recommend adoption.

Mahlberg - would a path forward be for a vote stating that the Planning Commission makes no recommendation either way to the County Board, but recommends that the County Board act in compliance with its legal obligations? Kryzer – yes, that can be done. Mahlberg – believes that is where this commission should end up. He feels this Commission can't provide any expertise on the topic they are being asked to address. This Commission has been told by counsel that so far nothing presented can be changed, so this Commission should allow the elected officials to make the decision and, if they so choose, to take a stand. Felger – knows the County Board will allow for sales on Sundays. Mahlberg – yes, as it should. The County Board is beneath the legislature in the hierarchy, and at this point, this Commission is not going to make changes to what has come down from the Legislature.

K. Mol asked for the vote on the amendment to the motion which excludes any Sunday sales.

VOTE IN FAVOR: Felger & Thompson

NAY: Bravinder, Mahlberg, Holland, Mol

MOTION FAILED

L. Mol asked for the vote on closing the public hearing to all oral and written comment, and recommend approval of Ordinance 24-7, with the noted revisions to Section D(1)(b) and D(1)(e) to the Wright County Board of Commissioners.

VOTE IN FAVOR: Bravinder, Holland

NAY: Felger, Mol, Thompson & Mahlberg

MOTION FAILED

M. Mahlberg moved that the Planning Commission take no stance on the approval or denial of the matter, but instead refer it to the County Board so that the Board can act on the ordinance as they see fit, based on the advice of counsel. Seconded by Felger.

VOTE IN FAVOR: Mol, Holland, Felger, Mahlberg

NAY: Bravinder & Thompson

MOTION PASSED

SITE INSPECTION

Commission scheduled a site inspection date for Monday, December 2nd, with the Commission to meet at 8:30 a.m. at the Government Center.

Meeting adjourned at 9:27 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barry J. Rhineberger".

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks